

## Managing paper trails after Windrush: Migration, documents and bureaucracy

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Stories of those who were victims of the Windrush scandal are characterised by tales of long-lost documents and urgent quests to procure paperwork – maternity certificates, payslips, dental records, school reports – that would attest to a lifetime spent in the United Kingdom. The so-called Windrush generation came to need this paperwork because, although unbeknown to most, the 1971 Immigration Act demanded that from 1973, all migrants must document their ‘legal’ presence in the UK. It was, however, only from 2014 – because of changes in legislation – that now retirement-age Commonwealth citizens, most of whom had migrated to the United Kingdom as children, found themselves facing deportation back to countries that many had not visited for decades (for a historical account of the legislation and politics that led to the Windrush scandal, see Olusoga 2019). The 2014 Immigration Act deleted a key clause of the 1999 legislation that had provided long-standing Commonwealth residents with protection from enforced removal (Taylor 2018). Some of those affected by this updated legislation report that they believed themselves to be legitimate citizens of the British state and therefore did not need to prove their right to be resident through such documentation (for case studies, see Gentleman 2019). In this case, as well as in common-sense thought more generally, documents and paperwork are understood to hold the ‘truth’. Uncover it and their holder’s rightful status will be triumphantly revealed. As such, documents are imagined to act as unambiguous mechanisms of inclusion, their absence therefore denoting the exact opposite.

The Windrush case highlights the complex legal and social processes by which people are determined as ‘citizens’ and ‘migrants’, ‘insiders’ and ‘outsiders’ or ‘legal’ and ‘illegal’. While immigration regimes imply these are strict binary categories, in practice these statuses are blurred and exist on a continuum. Immigration related paperwork holds an ambiguous and contradictory role. On the one hand, it appears to confirm the rigidity of legal categories. On the other, as anthropological work has highlighted, documents are imbued with uncertainties, indeterminacies and affect that challenge these classifications (Kelly 2006; Navaro-Yashin 2007). Documents

are simultaneously stable and unstable artefacts because, while they are assumed to represent and reflect reality, in fact they also 'produce' it.

In my book, *Rules, Paper, Status* (Tuckett 2018), I show that in the Italian immigration regime documents and paperwork are not assumed to reflect reality. While the immigration office is strict with regard to paperwork and migrants' demonstration of correct requisites, the real circumstances of applicants' lives are not scrutinised. This 'gap' between paper and practice enables migrants to take advantage of the law's loopholes in order to become and stay legal and be reunited with family members. These strategies of navigation, I argue, fit into broader rule-bending practices that are prevalent in Italy, which are rooted in the dominant discursive construction of the Italian state and bureaucracy as inefficient and corrupt, and the accompanying expectation that its rules should be bent. In recent years, anthropologists have observed that bureaucracy and documents are central to forms of statecraft and the reproduction of the state (Gordillo 2006; Hull 2012; Scott 1998). In particular, it is through bureaucratic practices that the 'state comes to be imagined, encountered and re-imagined by the population' (Gupta and Sharma 2006: 12). Drawing on this, I argue it is through their encounters with the Italian bureaucracy that migrants come to participate in the production and reproduction of this collectively shared imagined state and become 'cultural citizens' (Ong et al. 1996).

In the Italian bureaucratic context, however, prevalent rule-breaking is accompanied by strict compliance with proceduralism in relation to paperwork. Paper trails must be authentic even if false (Hull 2008), and successfully navigating the immigration bureaucracy requires expertise in the management of documents. Given the documented nature of migrants' lives, however, rule-bending in one application could create problems in others; even skilful rule-bending can be highly risky for migrants. Rashid, a man from Pakistan, regularly visited the immigration advice centre where I conducted fieldwork. He had submitted his application several years ago but had still not received a response. On inquiring about the case, Alberto, one of the advisers at the centre, had discovered Rashid's application was on hold pending investigation. Background checks are carried out on citizenship applicants to ensure the applicant does not have a record of criminal offences and has paid taxes, fines and so on.

While conducting this research on Rashid's background, the immigration office discovered his children had not been going to school. Rashid's children were born in Italy, but when they were still very young, they went with their mother to live in Pakistan. When I asked Alberto whether it would be helpful for Rashid to send the school certificates from Pakistan, he shook his head and explained that migrants who are legally resident in Italy are not allowed to live permanently in another country.

More seriously, because on paper his wife and children were living in Italy, Rashid had been receiving family benefits. Thus, if Rashid were to argue his children were in Italy, he would be committing an offence by not sending them to school. If he proved they had been living in Pakistan, he risked being accused of benefit fraud. Alberto advised Rashid to renounce his application and hope that nobody followed up on either issue: in this instance, there was no way around the bureaucracy. Rashid had taken advantage of the relative leniency in the Italian system by managing to ensure his daughters and wife, although now living in Pakistan, had the flexibility to return to Italy. Since on paper they lived in Italy, he was entitled to receive the family benefit allowance. However, Rashid's citizenship application had created a contradiction between paper truths and real-life circumstances. Although he may have had insider knowledge, legally he was not an insider, and his actions led to his losing the possibility of citizenship in the country where he had lived for over twenty years. As this case highlights, developing cultural citizenship can, paradoxically, also result in migrants' risking the attainment of actual juridical citizenship or other forms of secure legal status.

Considering the role of paperwork and the production of forms of citizenship, the British and Italian cases present interesting parallels. In Italy, encounters with bureaucracy transform migrants into cultural insiders. However, it is precisely this insider behaviour that in other moments may prevent them from obtaining more secure legal status. In the British case, by contrast, the Windrush generation were 'illegalised' through their lack of knowledge about British immigration law after believing they were always considered legitimate insiders. Both cases highlight the uncertainties inherent in categories such 'citizen' and 'migrant', 'legal' and 'illegal', 'insider' and 'outsider', which documents and paperwork are designed to

unambiguously define. Documents, however, do not hold the truth that will indicate someone's rightful membership or not. Rather, they highlight the arbitrariness and ambiguities within the laws that produce these simultaneous processes of inclusion and exclusion. In immigration regimes, records rather than actual circumstances (on records of land ownership in Pakistan, see also Hull 2008) determine access to rights. In both Italy and the United Kingdom, migrants must effectively manage their paper trails in order to legally remain.

## References

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