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### The deportation conundrum

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**Publication date**  
2014

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#### **Citation for published version (APA):**

Kalir, B. (Author). (2014). The deportation conundrum. Web publication or website, Allegra lab: anthropology, law, art & world. <http://allegralaboratory.net/the-deportation-conundrum-by-barak-kalir/>

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April 15, 2014

## THE DEPORTATION CONUNDRUM – BY BARAK KALIR #BORDERS



his text is part of a series of posts addressing the issue of ‘borders’ and globalisation. A while back, we interviewed

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**T** Heath Cabot on her upcoming book ‘On the Doorsteps of Europe’ which documents the Greek asylum crisis from the entry point of bureaucracy and paperwork. This was followed by a short text written by Ghassan Hage on the dynamics of class involved in border-crossing. Today, Barak Kalir discusses the specific issue of ‘deportation’ and demonstrates how such policies are often implemented with the implicit support of actors who are traditionally perceived as ‘the good guys’, namely NGOs and human rights activists.

## THE DEPORTATION CONUNDRUM

Barak Kalir\*

From “sans papiers” in France to “boatpeople” in Australia, and from “illegal Latinos” in the US to Sudanese “infiltrators” in Israel, the detention and deportation of irregular migrants are increasingly topping political and public debates in countries worldwide, leading some scholars to talk of a “deportation turn” in the management of migration. At a time when processes of globalisation are placing the territorial sovereignty of states under pressure, the integrity of state borders serves an increasingly important symbolic function: being in control of undesired migration becomes essential for states’ conceptions of national sovereignty.

With the global number of irregular migrants steadily on the rise, public and state enthusiasm for deportation seems to reach new highs. The political rhetoric that frames the alleged necessity to implement deportation policies has been heightened in recent years. The criminalisation of irregular migration and the generation of a moral panic and national anxiety have often been used to legitimise the drafting of new legal instruments and rushed bureaucratic procedures for managing deportation policies. In many countries, detention centres have been built to confine increasing numbers of to-be-deported subjects, and they usually go hand-in-hand with the fortification of physical and legal borders.

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Nevertheless, when it comes to their implementation, deportation policies are notorious for not achieving their declared goals.

### Implementation Deficit or Surplus?

Like many other state projects, deportation policies can suffer from an implementation deficit or surplus. Deportation policies are carried out by street-level state agents and civil servants who act as “petty sovereigns”, to use Judith Butler’s term. These “petty sovereigns” exercise considerable discretion in interpreting and applying the law according to their attitudes and worldviews, as well as potential concerns for their career chances, personal security, and so forth. When it comes to deportation policies, politicians may deliberately delegate a great deal of power and discretion to the executive branch in order to pursue levels of implementation that are impossible to draft as formal regulations because they are either politically controversial or in violation of international conventions and human rights.

An implementation deficit can occur for reasons that range from an absence of infrastructure (detention centres) to insufficient personnel for locating and arresting irregular migrants, bringing them before a judge, and taking care of all the practical arrangements concerning their forced return (identity documents, bilateral agreements, etc.).

At the same time, an implementation surplus is not uncommon among state agents who often possess a strong “enforcement ethos” (Weissinger 1996) and a “desire to do the job” (Wilson 1989). Numerous academic studies and diverse reports by governmental and non-governmental organisations have consistently documented, in countries worldwide, the tendency among street-level agents who deal with irregular migrants to exercise unwarranted violence, to disregard legal procedures and to conceal their practices from public scrutiny.

The move towards an implementation surplus is, however, not an even one; some law enforcement authorities are more ardent than others. Moreover, ethnic profiling is formally and/or subconsciously shaping the image of “threatening migrants” among state agents, and can lead to an “implementation surplus” in the case of certain categories of

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physically distinctive migrants, and an “implementation deficit” in the case of others.

### **‘Bad guys’ vs. ‘Good guys’?**

The implementation of deportation policies is often seen as a battle that is waged between state agents and concerned civil-society actors. The socio-legal marginalisation of irregular migrants has mobilised different categories of the latter – such as national and international NGOs, religious- and community-based organisations, etc. – to fight for the protection of the rights of irregular migrants and to assist them in all sorts of practical ways, from providing shelter and food to representing them in court. Civil-society actors often rely on “rights-based liberalism”, and on the accountability of states to a global discourse of human rights. By appealing against state regulations and state agents’ actions, they seek to obstruct the ability of the state’s executive branch to implement deportation policies.

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**Yet, in reality, this opposition between ‘bad guys’ and ‘good guys’ is not as rigid and binary as it is often considered to be. On the one hand, some state agents are highly frustrated with the regulations they need to implement in dealing with irregular migrants. Agents sometimes openly voice their criticism of what they consider to be inefficient regulations, and on the ground they apply a “blind-eye” policy in order to avoid implementing the dry law. On the other hand, stereotypical views of civil-society actors often portray them as “leftist” and “humanitarian”. These views, however,**

are hardly based in a systematic examination of their backgrounds and worldviews. Many of these organisations, like religious-based ones, often hold conservative ideas on the politics of belonging and draw a normative distinction between “deserving” and “non-deserving” migrants, rather than challenging the idea of deportation as such. Their “progressive” image and adherence to universal human rights seem to exempt civil-society actors from the kind of scrutiny that applies to street-level state agents. For example, we tend to ignore the fact that ethnic profiling often plays a role in shaping the target groups to which NGOs extend their assistance.

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### A Deportation Regime or Continuum?

The notion of a deportation *regime* is often evoked when discussing the forced removal of irregular migrants by states. Yet this can be misleading, in at least two important ways. First, a reference to a regime directs our attention primarily to the role of the authorities in charge of the process, whereas in practice the role of civil-society actors is often at least as important to the actual shape that deportation policies acquire on the ground. Second, alluding to the notion of a regimen gives the impression of a field that is well under control and that functions according to neatly implemented regulations and orders. In reality, however, things could hardly be more different, as the field of deportation is notorious precisely for its implementation

deficits/surplus, high level of discretionary power among street-level bureaucrats, ad-hoc resolutions, and changing interpretations of formal policies according to pressures exerted by different interest groups.

It is arguably more accurate to depict the social field in which deportation is being negotiated as *continuums* that stretch, on different levels, between seeing deportation as a correct and efficient measure, to considering it immoral and inefficient; wanting to change the existing policies and striving to make the best within current ones; referring to deportable people as subjects or objects; holding conservative or progressive political views about notions such as national belonging and universal citizenship; championing the notion of human rights or prioritizing national interests.

Different actors are positioned differently along the deportation continuum in ways that do not always conform to our conventional ideas. Depicting and analysing the crosscutting positionalities of actors is not only crucial for an understanding of the actual working of deportation policies and practices, but also for understanding the intricate ways in which state power works in shaping the subjectivities of those who operate within and without its formal apparatus.

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Photo Credit: Scene of 2666. Novel written by Roberto Bolano and adapted for the theater by Alex Rigola. Schaubühne Theater. Berlin.

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### **Barak Kalir**

Barak Kalir is Associate Professor in the Department of Anthropology at the University of Amsterdam. He is currently leading the ERC-funded project ‘The Social Life of State Deportation Regimes: A Comparative Study of the Implementation Interface’ that seeks to compare the implementation process of deportation regimes in Israel, Greece, Spain, Belgium, Indonesia, and Ecuador.

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