



**LUND UNIVERSITY**  
Center for Middle Eastern Studies

NEGOTIATING THE TERMS OF THE MIGRATION TRAJECTORY UNDER MIGRANT  
'ILLEGALITY'

A case study of three unaccompanied Afghan minors' journey from Afghanistan to Sweden.

Thesis submitted in partial fulfilment  
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## Abstract

This study seeks to answer the question of *how some young male Afghan refugees, in their own views, negotiated their migration trajectories on their way to the country of asylum, despite the constraints of migrant "illegality"?* To answer this question a qualitative mix-method approach was adopted, comprised of Participatory Action Research and Life History, collecting data through semi-structured in-depth interviews. The interviews were held with three young Afghan males, who at the time of their trajectories were unaccompanied minors. In light of the analytical framework of *migrant 'illegality', the migration trajectory* and the *migration industry* as conceptualized by Nicholas De Genova, Felicitas Hillmann and Rúbén Hernández-León, respectively, the findings were assessed.

It was found that the terms of the migration trajectories were negotiated both by the individual migrant, the migrant group as well as by 'official' and 'unofficial' actors of the migration industry. Furthermore, the terms of the migration trajectory is largely affected by migrant 'illegality' as strategies need to be adopted to circumvent and transcend its restrictive nature. However, this does not mean that the production of migrant 'illegality' effectively curtailed their trajectories. Moreover the findings indicate that there seemingly is a connection between the situations of 'home' on the one hand and the route, length and conditions of the trajectory on the other. The research is subsequently concluded by pointing to deeply problematic embedded practices residing within the politico-legal system of contemporary Europe.

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# 1 Introduction

## 1.1 *The Demographic Movement of ‘Some’*

“The history of the world is unavoidably a history of mobility”<sup>1</sup> the Oxford scholar Bridget Anderson writes in the opening lines of her book *Us and Them – The Dangerous Politics of Immigration Control*. Regions deemed as unsafe, or unprosperous has, throughout human history, forced people to seek out more desirable living conditions. Whereas before those moving to new places seeking sanctuary would primarily affect and rely upon the local communities and have little political visibility. They have, over the course of the 20<sup>th</sup> and 21<sup>st</sup> century, increasingly become a politically visible entity.<sup>2</sup> Scholars such as Stephen Castles and Mark Miller, Fassin Didier and Richard Rechman argue that the increased political visibility is due to the way in which the movement of people seemingly shake the foundation of the Westphalian state, wherein the idea of the sovereign borders – controlling what and who comes in and out – is at the very core. The crossing of geopolitical borders by people not authorized to do so therefore apparently jeopardize the very idea of nation state sovereignty.<sup>3</sup> Other scholars such as Bridget Anderson and David Harvey argue that it is only the demographic movement of *some*, namely the global poor that are an increasingly visible political entity – classified, controlled, curtailed and argued to challenge the very notion of nation state sovereignty. They mean that historically there has always been a desire among the global rich to regulate the mobility of the global poor.<sup>4</sup> Because, not everyone who crosses an international border is classified, controlled or curtailed although foreign to the state they enter. Anderson remarks, “to put it very crudely, a migrant is imagined as a poor person”<sup>5</sup> and here we can add – of colour.<sup>6</sup>

In light of the surrounding events of 9/11 and 7/7 the movement of *some* turned even more politically visible. Although the schemes that restricted and directed migration far preceded the events, the increased control and curtailment of migration now became justifiable through the

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<sup>1</sup> Anderson, *Us & Them*, 12.

<sup>2</sup> Castles and Miller, *Age of Migration*, 3 and 299.

<sup>3</sup> Didier and Rechman, *Empire of Trauma*, 253. Castles and Miller, *Age of Migration*, 3.

<sup>4</sup> Harvey, *Brief History*. Bridget Anderson, *Us and Them*, 13.

<sup>5</sup> TEDx, *Bridget Anderson*, 4:33.

<sup>6</sup> Kundnani, *End Of Tolerance*, 19-23.

political discourses of national security.<sup>7</sup> However, research by scholars like Nicholas De Genova and Cecilia Menjivar has shown that migration management, although veiled in various discourses; always go hand in hand with the financial needs of a given country.<sup>8</sup> The upsurges of political discourses focusing on ‘the security state’ thus became linked with strong Islamophobic connotations, under which the general public has been inclined to comply.<sup>9</sup> And suddenly the increased expenditures made on the militarization of the southern borders of the US and the eastern and southern borders of Europe have become politically viable because of the threatening, poor, coloured and now Muslim/terrorist migrant.<sup>10</sup> As a consequence political policies and laws have also followed suit that are increasingly restrictive and at the core of the production of ‘illegal’ migration – a sequence of events referred to by Kundnani as “the war on asylum”.<sup>11</sup> However, it should be noted that none of these restrictive measures effectively block migration. Instead, research has shown that more restrictive measures leads to an increase of hazardous migration routes, pseudo-markets and the emergence of an ever growing migration industry.<sup>12</sup> Furthermore, restrictive measures negatively affect all form of migration, and thus effectively curtail the passage of those who are in need of protection, namely the forced migrants such as asylum seekers and refugees.<sup>13</sup>

The aim of this research is to look at how forced migrants are affected by these restrictive measures, throughout their trajectories. Using a qualitative approach, the study will undertake the task of unveiling the interconnected dynamics of migrant ‘illegality’, migration trajectory and the migration industry. This will be done through qualitative interviews in the form of life histories with three young male Afghans, whom at the time of the interviews have all been granted asylum in Sweden. The migration trajectory is thus approached through their accounts, retrospectively. Not denying the macro-level dynamics of the politico-legal framework of migrant ‘illegality’ under which they are placed, the research will undertake an actor guided approach. Hence,

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<sup>7</sup> Castles and Miller, *Age of Migration*, 214, 183. Kundnani, *End of Tolerance*, 122-3.

<sup>8</sup> Menjivar, *Liminal Legality*, 1002.

<sup>9</sup> Castell and Miller, *Age of Migration*, 38. Kundnani, *End of Tolerance*, 8.

<sup>10</sup> Fekete, *Suitable Enemy*, 9. Kundnani, *End of Tolerance*, 5 & 121-40. Castell and Miller, *Age of Migration*, 38.

<sup>11</sup> Kundnani, *End of Tolerance*, 8.

<sup>12</sup> Gammeltoft-Hansen and Nyberg Sørensen, *The Migration Industry*, 4-6. Castell and Miller, *Age of Migration*, 305.

<sup>13</sup> Castell and Miller, *Age of Migration*, 192.



looking at how, on a micro-level, the migrants are able or unable to negotiate with the migration industry and subsequently direct the course of their own trajectories. The three analytical components of *migrant 'illegality'*, *migrant trajectory* and the *migration industry* are to be applied as conceptualized by Nicholas De Genova, Felicitas Hillman and Rubén Hernández-León respectively (see chapter 3 Theoretical Framework). This theoretical framework will guide the research to suggest an answer to the overarching question of *how some young male Afghan refugees, in their own views, negotiated their migration trajectories on their way to the country of asylum, despite the constraints of migrant "illegality"*. Hence, it is not the genealogy of the politico-legal concept of migrant 'illegality' that will be explored but rather the contemporary psycho-social realities that occur as a result. In order to accurately explore these dynamics the following questions have been posed:

- How is migrant 'illegality', as conceptualized by De Genova, practically manifested in the trajectories?
- What strategies are used by the migrants and the migration industry to circumvent, transcend or reinforce the restrictive effects of migrant 'illegality'?

### ***1.2 Refugee Rights in Europe Today***

The participants of this study were unaccompanied minors through the years of 2008-2011, the time of their trajectories. The international legal framework by which they were supposedly cover during that time were primarily the 1951 Refugee Convention and the 1967 Protocol, the Convention on the Rights of the Child as well as the European-wide legal framework of the European Convention on Human Rights (ECHR) and Dublin II Regulations of which relevant parts for this research, will subsequently be accounted for.

The 1951 Refugee Convention does, together with the 1967 Protocol, constitute the centrepiece of the international framework for refugee status determination and protection today. It is both a status-based as well as a rights-based instrument and do therefore both define who falls under its scope as well as what rights they are entitled to. The Convention establishes that:

A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country [...] <sup>14</sup>

Furthermore, established by the Convention on the Rights of the Child article 22 (1), ratified by all European member states, it reads:

States parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with the applicable international or domestic law and procedures shall, whether unaccompanied or accompanied [...] receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the States are Parties. <sup>15</sup>

And finally the ECHR <sup>16</sup> is legally binding the Universal Declaration on Human Rights (UDHR) into European legal practices. UDHR establishes in article 14 (1) that “Everyone has the right to seek and to enjoy in other countries asylum from persecution.” <sup>17</sup>

However, prior to applying the legal rights outlined above, a migrant without a visa entering the European Union is primarily managed according to the Dublin III Regulations. The aim of the Regulations is as stated “to avoid asylum seekers from being sent from one country to another, and also to prevent abuse of the system by the submission of several applications for asylum by one person.” <sup>18</sup> It is thus a European-wide framework that attempts to establish common practice of migration management among the member states. The Dublin Convention as it first was called

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<sup>14</sup> UN General Assembly, *The Convention Relating to the Status of Refugee*, 1951. UN General Assembly, *Protocol Relating to the Status of Refugees*, 1967.

<sup>15</sup> UN General Assembly, *The Convention on the Rights of the Child*, 1989.

<sup>16</sup> Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*, 1950.

<sup>17</sup> UN General Assembly, *The Universal Declaration of Human Rights*, 1948.

<sup>18</sup> European Council on Refugees and Exiles, *Dublin II Regulation*, 2012.

has been revised on several occasions leading up to the Dublin II Regulations in 2003, hence active during the trajectories of the participants in this research. A third edition was drafted in 2008 and supposedly endorsed by all member states in January 2014. The main principle of the Regulations, for which it also has been heavily criticized, is the principle of the first country arrival. This means, the country in which the asylum seeker should apply for asylum is the first signatory country s/he enters. This naturally causes an uneven distribution of the amounts of asylum seekers on the various European countries, as the vast majority of the asylum seekers enter from the southern borders.<sup>19</sup> As of 6<sup>th</sup> of June, 2013, however, a revision was made after the European Court of Justice ruled that “unaccompanied children who have already claimed asylum in another European state should not be returned to that country for their case to be resolved, as it is not in their best interests” leading to the suspension of transferals of minors from one European member state to another, allowing them to apply in the country they currently are residing, notwithstanding what was established in the Dublin III Regulations.

Finally, it should be noted that up until today it is virtually impossible to enter Europe ‘legally’ if the stated aim is to seek asylum. At the same time will no state assess asylum claims until the claimants are themselves upon its soil. This leaves no other option for those in need of protection than to enter clandestinely or with forged documents. Kundnani therefore concludes that ‘illegal’ immigration “is a crime like no other”<sup>20</sup> since it simultaneously is a legal right and an illegal act.

### ***1.3 Why This Research?***

Forced Afghan migration is not a new phenomenon as such, the majority of whom are found in the neighbouring countries Iran and Pakistan, where as many as 5 million are estimated to reside, of which 2.5 million are registered with UNHCR.<sup>21</sup> Afghan migrants have over the last decade in increasing numbers also come to settle as permanent residents and citizens in Europe.<sup>22</sup> For this reason it is crucial to include and highlight the lived experiences of those who are to form the members of our shared societies. These individuals’ past now constitute part of the equation to which the European citizenry are the summa summarum. Thus, this topic is of specific interest to research projects such as the Middle East in the Contemporary World (MECW) 3, as it address

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<sup>19</sup> Schuster, *Turning Refugees*, 1394.

<sup>20</sup> Kundnani, *The End of Tolerance*, 68.

<sup>21</sup> Tyler, *Reframing Solutions*, 18-21.

<sup>22</sup> Castles and Miller, *The Age of Migration*, 9.

the topic of Middle Eastern migration in Europe. But also to MECW 4 which addresses the topic of the Middle East in Sweden.

Moreover and as the reader might note from the data in this research, is that these individuals have valid reasons for mistrusting the international and European established legal frameworks. Their stories are important as they indicate the failure in the granting of human, refugees' and children's rights. Furthermore the stories also indicate that European states have failed each other as they have not fulfilled their duties in accordance with the Dublin Regulations. Hence, it can be argued that the relevance of looking into these trajectories does not only fill an academic gap but is also highlighting important politico-legal shortcomings of contemporary Europe.

#### ***1.4 Notes from the Author***

Before going into the actual thesis, three clarifications will be made. Firstly, it should be highlighted that although this is a research looking at migration trajectories from the political Global South into the political Global North most migration take place within the context of the former.<sup>23</sup> The large majority of the world's migrants forced or otherwise resides in the political Global South however the general perception in the political Global North is that 'we' are receiving the vast majority of the world's migrants – a picture that could not be further from the truth.

Secondly, the usage of the terms *the political Global North* and *the political Global South* ought not to be reduced to, or understood as, purely the semantics of its geographical coordinates. Rather the political Global North and the political Global South are referring to the politico-economic entities, the former being wherein and whereto the bulk of the world's material wealth and political power is concentrated and directed on the expense of the latter.

Thirdly, De Genova's view upon migrant 'illegality' as constructed by politico-legal realities rather than naturally residing within the migrants themselves, is at the core of his argumentation (which will be explored in depth under chapter 3 Theoretical Framework). Hence, in order to stress the arbitrariness, non-static and changeable nature of the concepts, he has chosen to deploy

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<sup>23</sup> Castel and Miller, *Age of Migration*, 50.

quotation marks around the terms ‘legal’ and ‘illegal’ throughout his work<sup>24</sup> – a practice, that for the same reasons will be adopted in this study.

### ***1.5 Disposition***

The disposition of the various parts of the thesis will be presented in the following order. The next chapter, chapter 2 *Method & Material*, will account for the practical parts of the research by presenting the design of the study, participant recruitment schemes, the establishment of rapport and trust, issues of reliability and validity as well as ethical considerations. Following chapter, chapter 3 *Theoretic Framework* will put forth the analytical glasses that the reader will be suggested to put on for the remainder of the trajectory. The ensuing chapter, 4 *Previous Studies*, will first provide the reader with an introduction to the academic field of migration, followed by field specific research. The subsequent chapter 5 *Findings* will present the data that was collected according to the process established in chapter 2. The findings will be presented individually as well as chronologically. This will be pursued by chapter 6 *Analysis*, which will apply the analytical concepts from chapter 3 to the findings in chapter 5. Lastly, the thesis will be wrapped up by chapter 7 *Conclusion* whereby the research will be discussed on a broader note, as well as how it relates to previous and potential future studies.

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<sup>24</sup> De Genova, *Migrant “Illegality”*, 421.

# 2 Method & Material

## 2.1 Introduction

Qualitative research is generally undertaken to understand and explain construction of social realities, meanings and labels, whereas quantitative research aspires to expose the prevalence of a specific occurrence. Methods adopted for data collection, recruitment schemes and the amount of participant, thus vary quite a lot. For qualitative research the participants are fewer and are commonly found by purposive recruitment as it aspires to find individuals within certain communities or settings thought of as ‘information-rich’. The opposite is however true for quantitative research that in general spends significantly shorter time with each participant.<sup>25</sup> This research will undertake a qualitative mixed-method approach using Participatory Action Research (PAR) and Life History (LH). Mixed-method approaches are commonly enhancing, not only the quality, but also the reliability and validity of the study. (84) Another advantage has been that the study has remained both in harmony with the methodological standpoint of the research(er) and simultaneously within the boundaries of the limited scope of a Master’s Thesis. The relation between methodology and method, although interrelated and interdependent should not be understood as interchangeable.<sup>26</sup> It is only when the purpose and the methodological framework is set, which can be understood as the philosophical position of the specific research(er), that the appropriate method(s) can be identified. (20) For this reason, the method(s) selected must be congruent with the stated purpose and methodology of the study. Methods, Kathryn E. King writes, are therefore “not necessarily attached to one’s philosophical position” (20) but should rather be seen as a “technique for (or way of proceeding in) gathering evidence.” (19) In order to make this distinction clearer, the methodology of the research will be elaborated primarily, followed by a section on LH as a research method before turning to the actual design of the study. Subsequently the more practical implications of the research will pursue, outlining the structure used for conversations and interviews. Furthermore aspects of participant recruitment, ethical considerations, establishment of trust and rapport, as well as the processes of transcribing, coding and analysis, will also be elaborated upon.

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<sup>25</sup> Hennink, Hutter and Bailey, *Qualitative Research*, 85.

<sup>26</sup> King, *Method and Methodology*, 19.

## ***2.2 Participatory Action Research as Research Methodology***

Alongside several methodological approaches within qualitative research PAR methodology allows, as well as strives for the elimination of more traditional hierarchical structures residing within the relation between the researcher and the researched. It attempts to turn a more traditional subject-object relation into a subject-subject relation. PAR additionally strives for the voice of the participants to be heard from the standpoint of the context they are situated.<sup>27</sup> Without going into a discussion of Spivak's concept of whether the subaltern can speak,<sup>28</sup> a discussion that reaches far beyond the scope of this thesis, the reader can stay assured that this complexity has been noted by the author. However the strategies within PAR methodology to achieve the stated aim is commonly through placing the 'power' of designing the research project in the hands of the participants or the community targeted. This additionally is anticipated to lead to a reduction of the social gaps often found between the people with the actual lived experiences and those with the power of interpreting it. In Foucauldian terms it means that those living the experience and those interpreting it, and thus producing the knowledge, ideally becomes the same group of people. In extension it will allow for alternative discourses to be fashioned and thereby challenge normative discourses and the power that produces them.<sup>29</sup> PAR methodology thus values the knowledge of both the researcher and researched equally and the power of interpretation is not to be restricted to one party over the other. The approach recognizes the varied sets of knowledges held by the different parties that are acknowledged as different but complementary. The 'researching participant' enters the project with the knowledge of the text while the 'informing participants' enters it with the knowledge of the context. Contrary to more traditional research that believes the former to be neutral and that good results can only be reached through 'objectivity', PAR methodology recognizes the fact that all humans equally carries subjective biases and it is only through acknowledging them and placing them in relation to each other that valuable conclusions can be reached.<sup>30</sup>

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<sup>27</sup> McIntyre, *Participatory Action*, 33-47.

<sup>28</sup> Spivak, *Can the Subaltern Speak?*.

<sup>29</sup> Escobar, *Discourse and Power*, 391-92.

<sup>30</sup> McIntyre, *Participatory Action*, 1-32.

### **2.3 Life History as Research Method**

The method of LH is specifically adept to capture the experiences of forced migration as there are few other ways that these experiences can practically be accessed by researchers.<sup>31</sup> The aspiration of LH, John Caughey writes, is “to see things from the point (or points) of view of the person we are interviewing.”<sup>32</sup> Marita Eastmond further remarks that the approach provides us an insight into “how people themselves [...] make sense of violence and turbulent change.”<sup>33</sup> As well as through the individual stories we might escape the generalizing and faux concept of a common “refugee experience”. (249) However, she also points out that the approach of LH needs to be undertaken with full awareness of dynamics affecting the narrative of the migrant and researcher. She means that there is a difference between “life as lived”, “life as experienced”, “life as told”, and “life as text”. The first three are all in the hands of the narrator, whereas the fourth is in the hands of the researcher. Eastmond means that there is a gap between the current of events as they unfold and the ways in which they are interpreted; due to the person's own cultural and social background. Furthermore the way in which an event is told which changes with the context and the audience of the narrator. Finally the researcher needs to take into consideration the way in which s/he interprets and records in writing the stories s/he has taken part of. (Ibid.) The following subsections in this chapter will, as they account for the research process, critically reflect and comment upon the issues raised here.

### **2.4 The Design of the Study**

The article *More Like Jazz Than Classical: Reciprocal Interactions Among Educational Researchers and Respondents*<sup>34</sup> by Lory Dance, Rochelle Gutirérrez, and Mary Hermes introduces the reader to a set of complementary questions in addition to a more traditional academic how-to-do list. Instead of thinking at research as *what should I reach out to?* They suggest the researcher to ask her- or himself *what has reached out to me?* And so, it was easy to choose the topic for this research project as I, at the time, had been placed in a setting and come into contact with a group of unaccompanied minors from across different parts of the MENA-region. Theirs were the settings and life stories that I felt should be voiced beyond the frame of our personal relationship. The reason being that their perspective, voices and stories were absent

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<sup>31</sup> Eastmond, *Stories as Lived*, 249.

<sup>32</sup> Caughey, *Negotiating Cultures*, 23.

<sup>33</sup> Eastmond, *Stories as Lived*, 249

<sup>34</sup> Dance, Gutirérrez and Hermes, *More Like Jazz*, 327-351.



from the public debate. What was to be communicated and how it was to be done was at that point still unclear. Dance et al. suggest that instead of thinking on how to deal with gatekeepers the researchers should ask themselves if the gatekeepers have valid consideration that should be taken into account before pursuing the research. In this specific case the gatekeepers were not the members of the community but rather officials such as Socialstyrelsen (the Swedish Social Services) and the Municipality. Due to the participants' ages and their unaccompanied status the procedure had to be accepted by their legal representatives and legally binding secrecy frameworks had to be taken into consideration. (346)

### ***2.5 Trust, Rapport and Hierarchies***

On the fourth point of the list, presented by Dance et al. is the concept of rapport and trust.<sup>35</sup> Under this point I will also discuss how the issue of hierarchy was approached. Rapport should be understood as a base of mutual trust between researcher and participant and the establishment of which can be a long and complex process. Because, although there might be guiding principles on how to do it, the process varies according to the specific community and setting the researcher turns to. Rapport and trust are nevertheless essential to qualitative research since participants are asked to share personal experiences and life stories, or even invite the researcher into their personal life – something that is rendered impossible was there to be a lack of trust and rapport.<sup>36</sup> As the relationship was established prior to the research on grounds separated from the interest of research, rapport and trust did not become a challenging issue.

When it comes to hierarchies it would be unreasonable to deny their presence anywhere in life, however one can always strive to decrease their influence. Commonly hierarchies are based upon a variety of social aspects such as gender, age, ethnicity, and so on. Between researcher and researched there is commonly a perceived hierarchy where the former is placed in a higher power position than the latter. However as the PAR and LH methodological suggest the researcher should strive to decrease hierarchical perceptions, the reason being to enhance the quality of the data and to allow for a meaningful and constructive interview to be held. There are several ways of achieving this; one such way is to make the research as collaborative as

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<sup>35</sup> Dance, Gutirérrez and Hermes, *More Like Jazz*, 346.

<sup>36</sup> Sluka, *Part III: Fieldwork*, 121-125.

possible.<sup>37</sup> This was done from the earliest stages of the research design until the very end of the project.

### ***2.6 Participant Recruitment & Informal Conversations***

Continuing along the Dance et al.'s suggested research how-to-do-list follows point five, six and seven. They concern the sampling methods, negotiating roles and taking field notes. At this stage a more active incorporation of PAR method was used in order to understand how to move forward with the project. The group was made up of 15 potential participants and the project was bounced between the potential informing participants and myself, the questions were *who would participate, what would we like to initiate and how should we do it?* This phase was carried out in a 'hang-out kind of way', by the pool table, in front of the TV or in the kitchen while cooking together. This enabled a relaxed atmosphere to be adopted towards the whole research project from the beginning. It was in this phase that the participant number for several different reasons, stabilized together with the research topic and format. It was also at this point of the project that LH entered as a method that would be used for guiding in-depth interviews requested by the informing participants. During this phase the ideas and questions expressed by the youth were written down, not during the conversations but on a later occasion, for example during a break or at home. The conversations took place in what at the time was their home, a centre for unaccompanied minors run by the municipality. Commonly they were held during other activities for example while playing pool, eating or cooking dinner or after finishing instructing someone how to pay a bill over the internet. Since the conversations were informal and jumping from one subject to another and following the flow of the group it is impossible to give an exact account of time spent in informal conversations. What can be said is that they were carried out over the span of three weeks and varied in length, from ten minutes to an hour or more. They were held on a one on one basis or in groups. The main topics were circulating around what lives, thoughts and ideas they had before coming to Sweden and how this had changed once in Sweden. The journey between the two was usually understood as central to this change. Long conversations were held about the conditions of the trajectory from the point of departure, leaving their families behind, until the time of arriving in Sweden. After the initial phase, and after having looked through the material collected so far it became clear that the *trajectory* was

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<sup>37</sup> Caughey, *Negotiating Cultures*, 33.

central in many ways to their lives and identities today. Subsequently the topic of the project together with an estimation of the amount of time that would be needed, and the type of information they would be asked to share, was communicated to the group. At this stage several of the potential participants chose to leave the project, some found it positive to talk about the topic as had been done during conversations however did not want to take part of a study. Others dropped off because of language barriers, they felt that they would not be able to adequately express the thoughts and ideas they wished to. The participant number was subsequently down to eight, most of whom were Afghan nationals, which ultimately became a criterion for taking part in the study. Using nationality as a limiting factor when researching the trajectory of asylum seekers is essential as nationality many times can be the determining factor, as will be noticed in the findings, on whether a person is able to carry on their journey or not and if they will be detained, deported or assisted. Furthermore, the theoretical framework of this specific research aims to deconstruct the idea of a common ‘migrant experience’ – which according to De Genova does not exist.<sup>38</sup> After these criteria were established five participants remained, upon their request it was decided that in-depth interviews would be carried out as a means to collect data about the trajectories. Finally among the five participants two were still under the age of eighteen, this posed legal as well as ethical considerations that led to the fact that they could not be included in the research. Finally the amount of participant was down to four of which three were informing participants – Basir, Kamran and Sohrab and one researching participant – me. Below follows a self-reflexive account of my role in the research. This approach to the design of the study, choice of method and theory is in line with the concept of PAR method, which as mentioned previously, is to be placed in the hands of the participants.

### ***2.7 Positioning Myself in the Research***

There are innumerable factors that have negatively and positively affected the results of the research. I will in this subsection try to identify the most important factors that have impeded as well as facilitated the data collection process, by positioning myself in the research. Beside my ideological conviction to the abandonment of borders which most certainly have guided my use of scholarly literature I will here mainly touch upon the relationship between the participants and myself, age, gender as well as background.

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<sup>38</sup> De Genova, *Migrant "Illegality"*, 424.

Basir, Kamran, Sohrab and I, got to know each other when I was at the age of 25 and they were 17. I was on a short term summer employment at the centre they were residing in. Since I was significantly younger than the rest of the staff at the centre, and because of language skills (however limited) in Persian and Arabic, it became easy to connect to the teenagers living at there. It was not long until many of them addressed me as an 'older sister' and turned to me for advice relating to everything from fashion to girls. I left the centre and continued my studies in another city, however staying in contact over social media, with many of them. Although getting to know them, while at the same time receiving money for it is of course a relationship established upon conditions. However, since the relation was maintained beyond that period, as well as that it contained elements of warmth and respect indicated by the wording of 'older sister', allowed for the research to be permeated by trust. The reason this is important is because I was, in their eyes perceived as separated from the staff group, which was an advantage in the process of data collection. It has not only enabled their eager cooperation, but has also allowed them to trust that the information they share will not pass as 'gossip' into the rest of the staff group, nor beyond our agreements. When it comes to the issue of gender, it has affected the research findings in two seemingly contradicting ways, namely the information that I was provided and not provided simultaneously. I, as a woman, was for example provided with a lot of information on their emotional experiences, something they, according to themselves, did not share with their male friends. And finally, a few but important shared experiences of their background and my own have been crucial to the outcome and connection felt between the four of us. Specifically important traits are those of class, separation and 'uprootedness'. I grew up in Sweden, a materially highly privileged society, however I grew up under what would be considered materially underprivileged conditions and can relate to the notion of relative poorness, however, never having to suffer the lack of basic needs. The second crucial aspect is what it means to be separated from family, as I, as well as they have since very young age lived on a 2000+ kilometres distance from the direct, and extended family. Through having, not solely, an intellectual understanding of these concepts we found ways to communicate that would have been hard, had I not been familiar with this on an emotional level. On a final note I will however stress the awareness of my own privileges, it is important to note that I am aware that our life trajectories, although sharing a few common traits, are far from identical.

### ***2.8 Semi-Structured In-Depth Interviews***

To approach the subsequent step in Dance et al.'s suggested research process, point nine – to get 'thick descriptions', a set of three interviews per participant were initially planned. Instead of having a specific time frame each occasion had a specific theme. The first theme was *the place of origin* where the participant was asked to describe life as it had been before they had venture out on the journey. In accordance with LH method it is important to allow the participant to frame the context from which they come before entering the subject of research. The second theme was *the trajectory*, which in the case of Basir had to be split into two occasions due to his detailed account and long journey. The third and last theme was *arriving to, and living in, Sweden*. After having transcribed all the material another three interviews were held over Skype, one with each participant, to complement any uncertainties that had appeared during the transcription process. Most questions at the complementary interviews circulated around the trajectory. At each stage the participants were given access to the transcribed notes, analysis and translations in order to correct any misinterpretations of what was said. This has been done to ensure the proximity of their experiences and own words.

### ***2.9 Transcribing, Coding and Analysing Interviews***

The tenth and final point in Dance et al.'s list is the coding of data and writing of findings. All interviews were held in Swedish and recorded through notes. Upon the participants requests I have corrected in the writing grammatically incorrect phrasings, however in doing so I also tried to stay as close to their words and phrasings as possible. Of course there is always a risk to deviate from the original story when one person's Swedish is translated into another person's Swedish and subsequently to English. After the interview, the notes were written down in a word document, and sent to the participants. They then read through the text, and corrected any perceived mistakes. The corrections that were made were details such as the exact number of brothers rather than of the large parts of the content itself. After this process had been repeated for all the interviews I started picking out codes from the text placing them under one of the three theoretical concepts of migrant 'illegality', migrant trajectory and migration industry. The events that I was going to use in the thesis finally was translated into English and again sent to the participants. This time, they were asked to contact me if they needed help to understand or correct what was written.

### **2.10 Reliability and Validity**

“In traditional social research-speak, validity” Paula Saukko writes, “refers to various measures that aim to guarantee the “truthfulness” of research or that attempt to ensure that research accurately and objectively describes reality.”<sup>39</sup> The objectivity claim has in the last decades been problematized and redefined although the term as such remains. The way that validity and reliability has been approached in order to obtain objectivity is according to Paula Saukko’s concept of *dialogical validity*. Saukko means that there are three fields by which the validity of a study can be assessed – the contextual, the dialogical and the self-reflexive validity. Dialogical validity, adopted in this research, refers to how well the study can be considered to have captured the reality as seen from the perspective of the researched. Although traditionally it has been contemplated that validity in this form of research was obtained through the absence of the researcher, it is today thought of as depending upon the way the researcher is able to position her- or himself within the research, in relation to the group s/he is observing. To assess if the research is valid and reliable, Saukko suggests, we need to pose the following questions: “How well have the participants’ stories and viewpoints been communicated and ensured? How well has the author been able to locate the participants in relation to each other and themselves within the social space that they inhabit?” And finally, “are the right participants being selected to give answers to the questions?” (348-350) The participants have been involved throughout the research process, both before and after the interviews. Transcriptions, translations and retranslations have been passed back and forth between the informing and the researching participant. By the self-reflexive part of this chapter I have placed myself in relation to the participants. The participants have furthermore, by the first theme of the interviews been asked to describe the context in which they grew up and thus positioning themselves and define their own context. Finally, as the participants were recruited prior to the framing of the research project, and the project was designed in cooperation with the participants, they themselves have framed the questions, in accordance to what they were familiar with.

### **2.11 Limitations of the Sources**

Factors that have been significant to the limitation of this specific research will be discussed under this section. First and foremost it needs to be mentioned that the three trajectories pursued

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<sup>39</sup> Saukko, *Methodologies for Cultural*, 344.

in this research are all carried out by male teenagers. Consequently the findings and conclusions will give only a limited picture of what obstacles and vulnerabilities are met en route, as well as what strategies are used to counteract the effects of migrant ‘illegality’. Considering the expression that current patriarchal structures take throughout the world it is credible to believe that sexual violence and risk of being trafficked,<sup>40</sup> is more common, although not limited, to the experiences of the forced migration of girls and women. As essential as these factors are they have not been dealt with in this research.

Furthermore, the stories that the participants shared during interviews are events that have taken place as much as five years back in time. Many life changing event have taken part in their lives since then and the human memory is at times unreliable. It would therefore be unrealistic to deny the fact that details may have been changed, forgotten or even purposefully omitted, due to the relation and dynamics residing between the informing and the researching participants, as stressed by Eastmond. What information to focus on and what to probe, due to my own biases, needs to be taken into consideration. However, through making the process as interactive as possible, there has been a deliberate attempt to lessen the effect of such biases. Further, there can be a consideration as to whether the amount of participant has been enough to even draw any conclusions. To that, the response would be that the research does not aim at reproducing a general picture of asylum seekers’ trajectories but rather a particular one. However the stories, as subjective as they may be make part of the full picture in the same way that the entirety of the ocean is constituted by the entity of each drop of water.

### ***2.12 Ethical Considerations***

As outlined in Swedish law, SFS 1949:381 chapter 9, 1§ - a person under the age of eighteen is a minor and thus legally considered a child. It therefore became legal as well as a moral and ethical dilemma to argue for individuals under the age of eighteen to expose themselves for the pursuit of a Master’s thesis. Since I was working in their home serious dilemmas on secrecy and trust were posed. Such as, how information that was provided during interviews and work was going to be handled. The legal framework for secrecy in social work, as well as the protection of sources and secrecy of academic work clashed. And rendered it virtually impossible to balance

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<sup>40</sup> Miller, et al., *Migration*, 486-497.

the double role as a social worker and a researcher with the same teenagers, thus the participants that finally ended up taking part in the study were therefore minors at the time of their trajectories but not at the time of the interviews. Moreover and in accordance with *Appendix 2: Ethical Guidelines and Student Safety*<sup>41</sup> provided by the Center for Middle Eastern Studies (CMES) at Lund University, all points were followed as stated in the guidelines. Supplementary considerations were also taken to safeguard the participants' privacy and security through using notes rather than tape recorder, as was also requested from them. Furthermore all information on exact crossings and smaller cities, as well as references to specific ethnicities that, in any way, could be used to identify exact travelling routes or as propaganda against those same groups have been purposefully omitted.

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<sup>41</sup> Center for Middle Eastern Studies, *Appendix 2*, 14.



# 3 Theoretical framework

## 3.1 Introduction

It takes a fine act of balance to identify the aspects that come into play when trying to understand what lies behind and defines an individual's life as it unfolds. How to understand the dynamics of social, political and legal frameworks under which a person is placed on the one hand and their individual agency on the other, without taking away from the importance of either. This is at the core of the question on how to understand the shaping of the individual migration trajectory under the imposed framework of migrant 'illegality'. The intent is conversely neither to go into an inexhaustible philosophical debate involving Hegel and Marx nor a theological debate about the concept on free will. Instead, accepting a notion of individual agency under imposed structures, the research will look at how migrants in the interaction with the migration industry and the interplay between the two are affected by the politico-legal framework of 'illegality'. This section will therefore outline the way in which *migrant 'illegality'*, *migration trajectories*, and *the migration industry* are to be conceptually understood.

## 3.2 Migration 'Illegality'

Nicholas De Genova wrote in 2002 the article *Migrant 'Illegality' and Deportability in Everyday Life* in which he outlined what he conceptualized as *the production of migrant 'illegality'*. Building upon the Foucauldian idea that "the existence of a legal prohibition creates around it a field of illegal practices"<sup>42</sup> De Genova stresses the importance of understanding migrant 'illegality' as a primary political concept naturalized by the law. And thus the 'legal' and the 'illegal' should be understood as two interconnected and interdependent concepts. When translating this into the global system of nation states, citizenship and the context of transnational demographic movement one ought to understand that the production of the 'legal' subject – the citizen, inherently produces the 'illegal' subject – the non-citizen. The liaison between the construction of citizenship and migrant 'illegality' is therefore intimately connected. De Genova writes that "'illegality' (much like citizenship) is a juridical status that entails a social relation to

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<sup>42</sup> Foucault, *Discipline and Punish*, 280.

the state; as such, migrant ‘illegality’ is a preeminently political identity.”<sup>43</sup> The political identity, ‘illegality’, of which he speaks is imposed upon people placed within geopolitical imagined and legally constructed rooms, the walls of which are often conditioned by social, biological, political and financial aspects put in relation to the time-space continuum within which they exist.<sup>44</sup> However, the divide of ‘legal’ and ‘illegal subjects would be empty without the tools and institutions produced to materialize, control and enforce its existence. The way to prove ones ‘legality’ is thus through the possession of a, by the state established, valid document indicating the right to reside within a particular area, such as a passport or a residence permit.<sup>45</sup> Consequently the valid documentation becomes the materialized tools used to distinguish the ‘legal’ from the ‘illegal’. But a tool in and of itself is useless, however when used by state institutions as a means to control and enforce the established order through border control, detention and ultimately deportation it becomes a means of discipline. It is, nevertheless, not so much these consequences, as the threat of the consequences that frames the quotidian lives of ‘illegal’ migrants. While ‘illegality’ can lead to deportation for certain migrants all migrants framed as ‘illegal’ lives under the “palpable sense of deportability”<sup>46</sup>. The difference between deportability and deportation is thus that while the former affects the existence of everyone defined as ‘illegal’ the latter only involves a few. In fact, and as incongruously as it may sound – not to deport everyone is a precondition for the production of deportability.<sup>47</sup> Deportability renders migrants exploitable, restrains their freedom of movement and defines their quotidian lives through their inability to obtain their universal human, civil and political rights.(Ibid.) The consequence of a person’s deportable existence is the following paradoxical equation – the ‘illegal’ subject becomes particularly vulnerable to financial, physical and mental exploitation by the ‘legal’ subject e.g. employers and common citizens. They also run the risk of arbitrary and exploitative treatment by state authorities – according to whom they ironically enough do not ‘legally’ exist. The ‘illegal’ alien, becomes, through these processes profiled as racially different, and racialized parts of the population becomes surveilled and suspected only on the bases of their physical appearance, until the point that people are “stopped for ‘driving while brown’”.<sup>48</sup>

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<sup>43</sup> De Genova, *Migrant "Illegality"*, 422.

<sup>44</sup> De Genova, *Legal Production*, 161.

<sup>45</sup> De Genova, *Migrant "Illegality"*, 422.

<sup>46</sup> De Genova, *Legal Production*, 178.

<sup>47</sup> De Genova, *Migrant "Illegality"*, 439.

<sup>48</sup> Kundnani, *End of Tolerance*, 169.

Through the racialization of ‘illegality’ follows a perpetuated and escalating racial segregation of the demographic geography of our communities, transportation routes and in extension a continued process of the racialization of classes.<sup>49</sup>

### **3.3 Migration Trajectories**

Only recently has research increasingly commenced to conceptualize the migration trajectories.<sup>50</sup> Commonly it has been taken for granted that migration is an act taking place from point A to point B. However Brian Du Toit notes that “migration is not an act but a process”<sup>51</sup>. This process, Felicitas Hillman writes, is “defined simultaneously through the spatial defining power and states and of migrants, sometimes through their sheer presence on the territory without political rights – as the results of interplay of regulation, opportunities and variety of stimuli over time.”<sup>52</sup> This conversely means that personal events and interactions interrelated with the dynamics of changing power discourse and policies in a specific country at a given time are all factors which will converge and shape the migrant experience and the migration process. This research will thus approach the trajectories in line with the conceptualization of migration trajectories as ongoing processes, constantly retraced and shaped by social, political and individual realities, as well as through the interaction with other actors, such as the migration industry.

### **3.4 The Migration Industry**

The migration industry will here be adopted as defined by Rubén Hernández-León as “the ensemble of entrepreneurs, firms and services which, chiefly motivated by financial gain, facilitate international mobility, settlement and adaptation, as well as communication and resource transfers of migrants and their families across borders”<sup>53</sup> He divides the migration industry into four sub-industries that he names *the facilitation*, *the control*, and *the rescue industry*, as well as *the bastard industry of control*. Placed under the facilitation industry are a wide range of actors, comprising not only smugglers, but all those who take part in the continuation of the geographic movement of migrants. The control industry, as the name indicates, includes actors such as border guards and police, but can also include a range of other

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<sup>49</sup> Castel and Miller, *Age of Migration*, 14. De Genova, *Legal Production*, 178.

<sup>50</sup> Hillmann and Spaan, *Migration Trajectories*, 66.

<sup>51</sup> Du Toit, *People on the Move*, 308.

<sup>52</sup> Hillman *New Geographies*, 1-13.

<sup>53</sup> Hernández-León, *Conceptualizing*, 24.

actors within the public and private sector, such as airline check-in personnel and surveillance companies. The rescue industry covers the actors that commonly are involved in the short-term enhancement of the migrants' lives, such as NGOs, human shelters and religious organisations. They take on activities such as providing food and shelter as well as civil and human rights advocacy. Finally the bastard industry of control is comprised up of the actors that exploit the vulnerable position caused by migrant 'illegality'. They use extortion like measures to obtain financial profit.(39) Hernández-León further draws attention to the complex relation between the 'legal'/official and 'illegal'/unofficial acts and actors. The line between the two, he argues, tends to be blurry as all actors under each of the categories might take on the role of the other, or pass between different categories at different times or with different migrants simultaneously. This can manifest in a singular event involving the conscience or profit driven interest of an individual or be part of a more systematic organization. Typical examples of the actors switching place are the acceptance of bribes by control actors that subsequently become facilitator, or the monopolizing and control of smuggling networks over specific areas, thus turning into control industry actors. (33-9)

### **3.5 Concluding Notes**

Migrant 'illegality' is not simply to be seen as something that falls outside the framework of what is 'legal' but rather something which is constituted by a legal prohibition – for political and financial motives.<sup>54</sup> This means that migrant 'illegality' is not produced through the political and social exclusion of certain groups instead it is produced 'to socially include [migrants] under imposed conditions of enforced and protracted vulnerability'.(429) Hence, migrant 'illegality', deportability and the racialization of 'illegality' is produced by the politico-legal framework in a given nation-state and not by the mere existence of migrants.(424) The imposing of 'illegality' affects the everyday life of migrants and so also their trajectories. The trajectories that long has been overlooked in academic literature as it has been understood as a move from A to B rather than an ongoing process constantly redefined by social, political, financial and personal circumstances. The migration industry is comprised up of actors involved in human mobility, divided into four sub-industries however the line between the four is blurred as actors might take

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<sup>54</sup> De Genova, *Migrant "Illegality"*, 424.

on different roles in different contexts, thus putting into question the 'legal'/formal-'illegal'/informal divide.

# 4 Previous Research

## 4.1 Introduction

Within the field of migration there is a major conceptual divide academically and otherwise between labour migration and forced migration. However, there are some who argue that the conceptual divide rather reflects political interests than social realities, and that the former should be conceptualized as the latter.<sup>55</sup> Many scholars in the field outline the Western historical development approach to migration in general and asylum seeker and ‘the refugee’ in particular – from angles such as social, economic, political, to anthropological and psychological. As it is not the aim of this research these writings will not be discussed in depth, rather a handful of them will be presented through a brief overview. The focus of this chapter will instead be upon research touching the concepts of migrant ‘illegality’ in the light of migrant trajectories and the migration industry.

## 4.2 Forced Migration to the West – A Brief Summary

Arun Kundnani approaches the historical development of migration, such as refugee regimes and discourses on asylum seekers in the light of its connections to racism, citizenship, and global capitalism in his book *The End of Tolerance: Racism in the 21<sup>st</sup> Century Britain* from 2007. Concluding that, “the political struggle of the 21<sup>st</sup> century”<sup>56</sup> will be defined by “the choice between global citizenship and global racism.”(Ibid.) Similarly, Liz Fekete, also drawing gender and patriarchy into the equation in her book, *A Suitable Enemy: Racism, Migration and Islamophobia in Europe* from 2009, contemplates how especially the Muslim population in Western Societies are by extreme-Right populists today accused of “the same ‘alien’ lifestyle that once characterised the Jew – unassimilable on account of a foreign religion, inimical to monocultural, multifaith Europe on account of an obvious cultural difference.”<sup>57</sup> Sarah Spencer on the other hand outlines the historicity of the political approaches to migration in her book *The Politics of Migration Managing Opportunity, Conflict and Change* from 2003. She points at the

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<sup>55</sup> Delgado Wise, *Forced migration*, 768.

<sup>56</sup> Kundnani, *End of Tolerance*, 4.

<sup>57</sup> Fekete, *Suitable Enemy*, 9.

way in which economy has played a decisive role in the welcoming or deprecatory reception of migrants throughout the 21<sup>st</sup> century Europe. Fassin Didier and Richard Rechman delineate, in a Foucauldian manner, the historical discourse of psychological trauma in connection to the granting of asylum and refugee status in their book *The Empire of Trauma: An Inquiry into the Condition of Victimhood*, from 2009. Furthermore, approaching the topic as a social anthropologist, Liisa Malkki explores the historicity of ‘the refugee’ as an epistemic object in the light of nationalism, or as she prefers to call it “the national order of things”, in her article *Refugees and Exile: From "Refugee Studies" to the National Order of Things* published in 1995. Moreover, the scholar Bridget Anderson and her book *Us and Them: The Dangerous Politics of Immigration Control* from 2013, approaches the topic, as the name implies, of border regimes and immigration control in connection to political discourses and their implications on migrants and migration. Putting into question the various practices and names assigned globally poor migrants such as clandestine, irregular, ‘illegal’ or ‘undocumented’. Anderson means that all these names are problematic as they in one way or another create an illusion of a deviant and different person from ‘average Joe’ and from whom the general public is compelled or even urged to keep on a distance. ‘Illegal’ carries a connotation of criminal although their sole crime has been to seek protection, having to cross a national border in doing so. She goes on to argue that ‘undocumented’, is also a misleading term, for two reasons. The first reason is that the movement is largely documented and registered in a range of academic texts as well as in writings in legal and political policies. Secondly “many ‘undocumented’ migrants are in fact holding large numbers of documents, the problem being that none of them are considered to be the right ones.”<sup>58</sup> All the terms mentioned above applies to all forms of migrants, and as a result the conceptual divide of labour and forced has little actual effect on the migrants lived experiences, particularly throughout their trajectories. They commonly travel along similar routes, are dependent upon the same ‘official’ and ‘unofficial’ channels and are thus as vulnerable and exploitable as the other. Instead, for them, it is ‘illegality’ that remains a main ingredient.

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<sup>58</sup> Anderson, *Us & Them*, 117.

#### 4.2 ‘Legality’, ‘Illegality’ & Legal Grey Areas

The pioneer in exploring migration ‘illegality’ and framing it as products of a political-legal system was Kitty Calavita. In 1998 writing within a Spanish context she provided empirical data on how policies on a provincial and national level allowed for an *irregularisation of migrants*. Calavita found that the policies that were claimed to achieve migrant integration and inclusion according to the state’s on discourse was in fact on the contrary leading to political and social exclusion of migrants.<sup>59</sup> Castel and Miller also point in this direction when concluding that “often there is a significant contradiction between government policy statements and actual implementation on the ground.”<sup>60</sup> Drawing from Calavita’s work and expanding it substantially De Genova demonstrate how US policies over time have been implicit in the shaping of Mexican ‘illegality’. In the article *The Legal Production of Mexican/Migrant “Illegality”* (2004) De Genova outlines the historicity of policy shifts and legal restrictions towards Mexican migration in the US over the course of the 20<sup>th</sup> century. These policy shifts have intimately followed the development of the fiscal fluctuations in the US economy, which effectively have been decisive in the access to legal membership. Consequently De Genova concludes that “the legal production of ‘illegality’ provides an apparatus for sustaining Mexican migrants’ vulnerability and tractability – as workers – whose labor-power, inasmuch as it is deportable, becomes an eminently disposable commodity.”<sup>61</sup> Castel and Miller also remark that “the migration is not always as ‘unwanted’ as is made out: employers often benefit from cheap workers who lack rights, and some governments (especially those of the USA and Southern European countries) tacitly permit such movements.”<sup>62</sup> Anderson has in her book *Doing the Dirty Work?: The Global Politics of Domestic Labour* (2000), made parallel remarks on how ‘illegality’ of migrant domestic workers renders them exploitable, vulnerable and disposable. They suffer from the lack of access to rights and legal protection as a direct consequence of the legal production of ‘illegality’ and their lived experience of deportability. Similarly to the Mexicans in De Genova’s research the migrant domestic workers are most vulnerable due to their deportability and the fact that their employers are as aware of this fact as they are, makes them easy targets for

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<sup>59</sup> Calavita, *Immigration*, 529–66.

<sup>60</sup> Castles and Miller, *Age of Migration*, 306.

<sup>61</sup> De Genova, *Legal Production*, 161.

<sup>62</sup> Castles and Miller, *Age of Migration*, 306.



exploitation.<sup>63</sup> Consequently, the legal subject, here the citizen, holds power over the ‘illegal’ subject, here the migrant worker, and uses it to threaten and control. An important aspect to the legal-illegal divide is highlighted both by Anderson as well as Susan Coutin in her article *Denationalization, Inclusion, and Exclusion: Negotiating the Boundaries of Belonging* from 2000, namely the grey areas of ‘legality’. Research on legal grey areas has tended to analyse these spaces in different ways, and therefore limiting the conceptualization to the specific context that was studied. Thus, none of the concepts do perfectly correspond to understand or explain the context of the other. Even if the legal frameworks that place migrants in spaces of legal grey areas might vary, the experience of vulnerability and exploitability that follows as a consequence is widely shared. In the case of migrant domestic workers Anderson’s research indicate that these spaces are created through the dependency on a specific sponsor, (34) pending visa applications that were never being processed, the lack of access to their own identity documents as they were kept by, for example, a loan sharks, an employer or a job agent. (28-48) Coutin who has ethnographically explored Salvadorians ‘illegality’ in the US, conceptualizes their legal grey areas as *Legal Non-Existence*. Legal non-existence, she describes as a status where a person is legally recognized but lack access to virtually all basic rights. The Salvadorians in Coutin’s research find themselves being placed under ‘legality’ in certain contexts but ‘illegality’ in other. She demonstrates that movement between different legal spaces is possible however only if the specific legal framework of a given country allows for such a movement to take place. Consequently, the issue of migrant ‘illegality’ on a structural level and the possibility of migrants ridding themselves of labels imposed from above can never be framed as an individual problem or responsibility.<sup>64</sup> Cecilia Menjívar is yet another scholar exploring legal grey areas through what she conceptualizes as *Liminal Legality*. In the article *Liminal Legality: Salvadorian and Guatemalan Immigrants’ Lives in the United States* from 2006, the Guatemalans and Salvadorians living under ‘liminal legality’ are left in a legal limbo through obtaining, what is called, Temporary Protective Status (TPS). TPS means that they are recognized and documented in state records however they do not access most of their rights besides that of being permitted to take on official jobs.

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<sup>63</sup> Anderson, *Doing the Dirty*, 179.

<sup>64</sup> Coutin, *Denationalization*, 586.

Another scholar, and study, that is especially relevant to this research is Liza Schuster writing on Afghan migrants 'illegality' in the article *Turning Refugees into 'Illegal Migrants': Afghan Asylum Seekers in Europe* from 2011. The article seemingly draws upon De Genova's conceptualization of the legal production of migrant 'illegality'. Schuster looks at the cases of France and Greece where she explores the conditions for two groups of Afghan asylum seekers stuck in legal limbo. The first group comprises Afghans with rejected asylum claims, who are thus turned into 'failed asylum seekers'. However, since France at the time did not carry out deportations to Afghanistan the individuals find themselves stuck in a situation of a politico-legal no-man's-land where they neither obtain a 'legal' status nor an 'illegal' one. The second group comprise those who are living under protracted 'illegality' as they face being return to Greece if they make themselves known to the French authorities. If transferred back to Greece, with a zero-rate granted asylum claims at the time (2008)<sup>65</sup> they feared being returned to Turkey and subsequently deported to Afghanistan. If they on the other hand carried on and crossed nation-state borders they would face the same destiny. And so, they stayed in France, in legal limbo, obliged to a life dependent upon human shelters and charity organizations. Furthermore and although Schuster is not directly conceptualizing the trajectories, nor the role of the migration industry, her findings in those two areas appear in her writing as 'byproducts', which will be discussed in the following subsection.

### ***4.3 Migrant Trajectories***

According to Hillmann and Spaan there is no extensive body of literature that take the journey into account. They write, "the bulk of migration literature still refers to the country of arrival; little literature concentrates on the context of departure and only a small amount of research is done on the journey itself."<sup>66</sup> However, in this subsection a few works that do in one way or another interact and provide findings about the trajectory will be discussed. Schuster study, as mentioned above, does reveal some important information on the Afghan migrants' trajectories through Europe. Her research findings go hand in hand with the conceptualization of migration trajectories as a process, as outlined by Du Toit and Hillmann. Schuster has found that once in Europe many of the Afghans alter their plans as they speak with other migrants. They end up moving from one country to another through smuggling channels or along 'official' routes,

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<sup>65</sup> Schuster, *Turning Refugees*, 1396.

<sup>66</sup> Hillmann and Spaan, *Migration Trajectories*, 66.

sometimes passing from one country while the police virtually assist them through to the next. (1399)

Castel and Miller, a hub in the field of contemporary migration studies, with their book *The Age of Migration: International Populations Movements in the Modern World* from 2009 do not specifically contemplate the migration trajectory either, although writing about the countries of origin, transit and destination they are treated as separated points in demographic movement, rather than a continuum. They nevertheless reveal some important information on the initial steps of the migration trajectory. Noting that the importance of the family and community is crucial to an individual's migration pattern and write that "migration decisions are made by elders (especially men), and younger people and women are expected to obey patriarchal authority."<sup>67</sup> However these decisions are often based upon imperfect (299) or as Hillmann and Spaan write "(partial) information of political, social and economic conditions of destination."<sup>68</sup> Through the migration process, family members are often the guarantors providing the monetary and social capital that enables migration. They are further providing shelter, assistance and support for those who follow suit. (Ibid.)

Research that do take the trajectory into account, however, often do so by adding a symbolic value to the passage, rather than looking at the specific factors of the practical trajectory. In the article *Betwixt and Between: Trajectories and Projects of Transmigration* from 2007, Ralph Grillo assesses trajectories through the lens of transmigration where he concludes that the migration process is a continuum with a wide range of prospective trajectories. Melissa Kelly looks at the phenomenon of onward migration in her dissertation, *Onward Migration the transnational trajectories of Iranians Leaving Sweden*, from 2013. She writes that Iranian refugees arrive and obtain refugee status in Sweden and subsequently proceed to London to pursue higher education. However, not specifically contemplating the trajectories per se Kelly concludes that the migration process should not be understood to have stopped at the country to which a person first migrate and obtain permanent residency – as different life stages might be suited for different places. Thus, the end of a migration process should not be reduced to the

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<sup>67</sup> Castel and Miller, *Age of Migration*, 29.

<sup>68</sup> Hillmann and Spaan, *Migration Trajectories*, 64.

point of obtaining a certain membership status, since the process might continue well beyond that point.

One significant work by Shahram Khosravi's take migrant 'illegality' and the journey into consideration when focusing his research on the event of the actual border crossing in his auto-ethnographic study *'Illegal' Traveller: An Auto-Ethnography of Borders*, from 2010. His study concludes, by connecting to the writings of Hannah Arendt's book *The Origins of Totalitarianism* from 1951, that although internationally established, rights such as the human rights in accordance with the UDHR framework can "be materialized only in a political community. Loss of citizenship also means loss of human rights. The territorialisation of human rights in the form of a system of nation-states reduces *human* rights to *citizen* rights."<sup>69</sup>

#### **4.4 The Migration Industry**

In order to understand the shaping of the migration trajectories it is essential to also take into consideration and conceptualize the actors constituting the migration industry. Since the interplay between the migrant, the migrant group, and the actors of the migration industry directly affects the outcome of the trajectory.<sup>70</sup> In the chapter, *Migration Trajectories and the Migration Industry: Theoretical Reflections and Empirical Examples from Asia*, from 2013, Hillmann and Spaan apply an analytical framework by connecting the migrant trajectory with the migration industry. In the light of an Indonesian worker in Malaysia and Filipino Nurses in the United States and Europe they subsequently conclude that not only should the trajectories be understood as processes, but so should also the migration industry. (81) Since different actors take on several roles throughout the process of facilitating human mobility. Sometimes, migrants themselves take on roles as facilitators simultaneously as they carry out their own trajectories. Other times, coincidental-like circumstances or the informal help of acquaintances and family members, subsequently stiffens into a more systematic facilitation business. Ulla D. Berg and Carla Tamagno, looking into the facilitation industry, conclude in their chapter *Migration Brokers and Document Fixers: The Making of Migrant Subjects in Urban Peru* from 2013 that; "migration industries exist and thrive where there is a need for humans to cross international borders."<sup>71</sup>

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<sup>69</sup> Khosravi, *'Illegal Traveller*, 122.

<sup>70</sup> Hillmann and Spaan, *Migration Trajectories*, 68.

<sup>71</sup> Berg and Tamagno, *Making of Migrant*, 208.

And that they develop and expand with the increase of border enforcement.(Ibid.) At the same time it is the politico-legal production of migrant ‘illegality’ that creates the need for increased border enforcement,<sup>72</sup> creating a vicious circle in which the migrant is the losing party. Bryan Turner refers to, what Hernandez-Leon conceptualizes as the control industry, as the ‘immobility regime’.<sup>73</sup> The immobility regime, he writes, is “exercising surveillance and control over migrants, refugees and other aliens” (Ibid.) which he understands as a paradox when placed in contrast with the “increasing global flow of goods and services”. (Ibid.) The profit of the control industry goes to the state and private surveillance companies, a fact that ought to be put in contrast with the political discourse depicting ‘illegal’ migrants as a financial burden to the state. Research on the rescue industry has among others been explored by the scholar Laura M. Agustín. In her book – *Sex at the Margins: Migration, Labour Markets and the Rescue Industry* from 2007, she argues that the rescue industry, with its beginning two centuries back, should be understood as primarily a field by and for middle class women, who seek to “rescue and control working-class women.”<sup>74</sup> The rescue industry, even when dressed in feminist discourse, she argues, does to a large extent deny the agency of working-class migrants by using a victimizing approach and discourse, which often have negative and contradictory effects on those they argue to help. (Ibid.) Finally, Nina Nyberg Sørensen has written extensively on migration in Latin America, in a chapter called *Migration Between Social and Criminal Networks: Jumping the Remains of the Honduras Migration Train* from 2013, she looks at, what Hernandez-Leon conceptualized as – the bastard industry of control. In her findings it becomes clear that Honduras’s corrupt government officials constitute a large part of the industry, she points out that those constituting this section of the migration industry, are cartels, however a large part of which is made up of corrupt border guards, police and government officials.<sup>75</sup> All of whom, make money on the ordinary migrant – for who the migration trajectory is a life threatening event. (250) Furthermore, she writes that there are an estimation of 6000 unaccompanied minors travelling each year from Honduras, a majority of which fall victim for human trafficking. (Ibid.) Human trafficking, due to globalization, Louise Shelley argues is one of our times fastest

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<sup>72</sup> De Genova, *Legal Production*, 177.

<sup>73</sup> Turner, *Enclave Society*, 289.

<sup>74</sup> Agustín, *Sex at the Margin*, 8.

<sup>75</sup> Nyberg Sørensen, *Migration Between*, 225.

growing transnational crimes.<sup>76</sup> Betts calls this the “market for migration” – a process that he connects to the current era of perpetuated globalization and neoliberalism, which is essential to the increasing processes of commodification of human mobility and unsafe migration routes.<sup>77</sup>

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<sup>76</sup> Shelley, *Human Trafficking*, 2.

<sup>77</sup> Betts, *Migration Industry*, 45.

# 5 Findings

## *5.1 Introduction*

This section will comprise the research findings presented through the life stories of Basir, Kamran and Sohrab. The stories will be individually presented and will start by a brief outline of the persons' background before subsequently provide a chronological account of their trajectories from Afghanistan to Sweden.

## *5.2. Basir*

Basir is a young Hazara man who is the youngest among three brothers. He was born in Afghanistan but grew up in Iran, in a home that was shared with his uncle's family. Throughout his upbringing the family was very poor, mainly due to his father's gambling and drug addiction as well as criminal life style, which consequently led him to pass in and out of prison. They were often lacking basic items and the mother was supported by various charity organizations for food, clothing and other basic needs. Basir started working alongside his brother in a factory at the age of eight. After having spent most of his childhood undocumented in Iran, at the age of 11, Basir's father decided that they should move back to Afghanistan. Basir, who described Iran as a free and safe society in comparison with Afghanistan never felt comfortable living in Afghanistan and was therefore constantly asking his family to return to Iran.

### *5.2.1 Afghanistan to Iran*

At the age of thirteen, Basir's father decided that Basir should go to Iran to live with his grandmother and work with his uncles. He was happy about this decision as he believed it would lead the family to eventually join him there. Hence, in 1387 according to the Solar Hijri calendar – 2008 according to the Gregorian calendar, Basir crossed the border between Iran and Afghanistan for the third time in his life. He passed by foot in the middle of the night, walking four hours over a mountainous area. The smuggler had taken around 500 € from Basir's father for the service of smuggling his son into Iran. Once in Iran, Basir travelled by public transportation to Qom where his grandmother lived. Through the contacts of his uncle Basir took up a job liming walls, the money that he made was used to contribute to the household. He did

not have an ID that would allow him to stay in Iran and was constantly aware of the fact that he needed to watch out for police. After about 8 months, again by his father, Basir was told that he should continue his journey into Europe. The main reasons being his unsecure state in Iran as 'illegal', as well as the fact that his two uncles were using, selling and buying drugs to make money, a business his father did not want Basir to get involved with.

### 5.2.2 Iran to Greece

Subsequently, at the age of 14, the year 1388/2009, Basir ventured out of Iran towards Europe. At that time a journey into Europe would cost around 800 €. However, Basir's father knew some of the people involved in the smuggling and therefore only paid 300 € in exchange for Basir's services. About the journey Basir said:

*We thought that Europe is Europe and once there everything will be fine, we didn't think there were any differences between the countries. I wanted to be a football star in Spain.*

He went about his business as usual, liming walls until:

*One day they called me and gave me an address in Teheran that I should be at the next day. I went there and a Peugeot with five other people came to pick me up. It was the driver, another boy my age, a woman with her husband and their small child. After around nine hours the Peugeot arrived as close to the border to Turkey as possible, there were another 150 men and 50 women waiting to cross over as well.*

The men were told to cross by foot and they walked for about 5 hours over the mountainous border in the middle of the night. Subsequently, they were all taken by minivans and cars to a nearby town in eastern Turkey. Basir spent about one month in that town, running errands for the smugglers, staying in an Afghan family house. The Afghan family was not directly part of the actual smuggling network but were instead paid for each person they hosted. Each week there were about four groups coming to stay at the house for a night or two before continuing on their journey into Europe. After having spent around one month in eastern Turkey, Basir was taken to Istanbul.



*They had given me a fake document and said it was ok that I leave the hotel but I stayed inside the whole time because I was scared to go out if the police would take me.*

Subsequently Basir continued towards Greece. In order to pass over the border they had to blow up inflatable boats that carried them over a river and then they would continue by foot.

*After walking for maybe six hours through farmers' land we came to a small city, we didn't know what to do but then the police came and took us. Me and seven others were taken to a prison<sup>78</sup> with maybe 300 other people. Those of us who were Afghans and Pakistanis were asked to come out, they gave us a paper, like they give to tourists, that we can stay for three months, then we were placed in busses, we did not know where we were going but someone said that they would release us because we were refugees...*

And so, Basir found himself on an evening of June in 1388/2009 in the streets of Athens with nothing more than the clothes on his body and the little money he had with him. His mobile phone had been kept by the police in the detention centre. They were warned by other Afghans were they should not sleep because of the 'Albans'.

*We thought they were exaggerating, I was more scared of the dogs without owners, so we went to a park and after a while people with knives were coming towards us and I knew I had to run.*

Every day for the next 8 months Basir spent in the street. The typical day he described as follows:

6.00-9.00	Wake up
11.00-14.00	First church served food and washing facilities
14.00-15.00	Walk to the next church
15.00-17.00	Second church served food

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<sup>78</sup> It is likely to think that they were taken to a detention center for migrants rather than a prison, however prison was the word used by Basir to describe the place.

17.00-18.00 Walk back to sleeping place  
 18.00-00.00 Talk and play cards  
 00.00-06.00 Sleep

*There were usually long lines to the food and maybe 200 people would line up, so it was common that they would start fights. In the evening we would sit and talk about our lives, it was like the psychologist, we shared everything because we didn't know each other's families.*

About the contact with his family Basir said:

*I never told them I was living on the street but once I was crying and begging my father to let me come back, he just cursed and shouted bad words on the phone, saying that I will never come back.*

As a result of the fathers gambling problem and criminal activities Basir never knew when he would get money the next time and was living on the street most of his stay in Greece. When asked what he thought of the police he replied:

*At first I was worried when I saw the police, but they were never the problem, they could stop you on the street and then they would just look at the paper and let you go. After my paper expired they took me to prison two nights and then they let me go and told me I needed to leave Greece. I also wanted to leave. The problem on the street was the Alban gangs, they created problems. The Afghan groups also create problems. But Im not Afghan, I don't have a country, others think I'm weird when I say that...*

Basir had heard from other expats that life was radically better in northern Europe and so he asked his father to send him enough money to continue the journey.

*When you meet other Afghans you talk and they tell you where it is better to live. They said I should go to Northern Europe, so I decided to go to France.*

### 5.2.3 Greece to Italy to Greece to Italy

Another two months passed before Basir's father had sent enough money to continue the journey. Basir subsequently paid a smuggler 2500 € to take him over to Italy. For the two consecutive months he stayed in a coastal city of Greece waiting to be taken into Italy.

*They tell you to get ready at any moment, if not; you might have to wait until the next month. Right before the ships are loaded the smugglers find the trucks that are going on the ship, then they call you and tell you were to go and show you the truck you should climb into. They were professionals, I saw it on the way that they packed us into the trucks.*

Basir was told to sit between tomato boxes situated under an air conditioner that continuously, throughout the 24 hours of the journey, blew cold air on him. When the doors were finally opened the Italian police stood waiting for them outside.

*I have no idea how they knew that we were in there but we had no chance of getting away. We stayed in prison two days before they told us what was going to happen. Then we got to talk to an interpreter who was from Iran. They told us that we were going back to Greece. A good looking young female lawyer was there, crying, telling them that they couldn't do that and that they were breaking the law, but the policemen didn't listen to her. The interpreter told us on the side that it was better for us to go back to Greece, and from there try to go further into Europe because there is no life for us in Italy, and so we voluntarily went with the police.*

The payment to the smugglers was done through what Basir referred to as 'the third hand' which he described as a structured well-organized unofficial system of money transfers. The money is paid to a local store that gives a code to the migrant who is going to be smuggled and the smuggler is notified that the money has been paid. Subsequently, the smuggler asks the migrant to provide the code to the third hand upon arrival of the agreed upon destination. The store manager will then transfer the money to a local store in another country in which the smuggler

can pick it up. Since Basir had not been ‘successfully’ smuggled and thus not provided the code he was given a new opportunity without being required to pay more money.

*The second time, when the truck stopped, we were ready by the doors, when the driver opened the doors he immediately tried to close it again when he saw us, but we were too many so we kicked the door open and pushed it so that we could get out and run. The driver shouted bad words after us. Anyone could see that we were immigrants because we were so dirty, so we decided to split up. I went back with two others the same way that we had walked and found a train station, and an Afghan who lived in Italy bought tickets for us to Rome.*

Basir was once again living on the streets, however, about Rome he said:

*Rome was much better, the weather was warm. There were tent camps to stay in together with so many others. Sometimes the police came to raid the tent camp but every time volunteers got there before, stopping the police from going inside by holding each other’s arms. I have no idea how the volunteers knew when the police were coming, but every time they knew before.*

#### 5.2.4 Italy to Copenhagen

In Rome Basir contacted a man who arranged ‘taxi rides’ between Rome and Copenhagen for 1500 €. Day after day passed without any notice from the smuggler and after having contacted him again and again they were finally given a specific location to meet. After several hours of waiting a shabby minivan, without seats finally arrived, and they were told they would get transported to another location ten minutes away. However the journey lasted six hours, without a break. Basir was taken to a locked room in which he had to sit for three days, food was delivered to him twice a day but he was not allowed to leave. At the third day, Basir said:

*I didn’t know why they kept me in there so I started shouting that they should let me out, someone told me to be quiet but I kept shouting, to calm me down they promised I would be leaving the next day.*

The following day another shabby minivan arrived to pick him and a few others up:

*This van was not going to pass even through Italy without getting stopped by police so I refused to get inside it. But after a long discussion I went inside anyway because the others did. The driver took us out into the forest, it was in the middle of the night and he told us to get out. Then he left. We were worried they would call the police so we split up and started walking back into the city in small groups. Me and a friend found a station after having walked all night, we bought tickets back to Rome. The smuggler met us at the train station trying to ask us to come to his house, I refused I would never in my life set my foot in his house, some others went with him. One of my friends went with him...the smuggler ripped them off their money by telling them they were in Copenhagen when they were in Germany and then the German police came and arrested them.*

#### 5.2.5 Italy to France

Subsequently, Basir and another person tried to cross the border into France by buss, through the help of a Persian organization that was travelling for a yearly event in Paris. However at the border into France they were caught by French police and escorted back to Milan. From there he and his friend bought train tickets to Nice and once in Nice they bought tickets for Paris for 150 €. Basir left Italy in June 1389/2010 at the age of 15.

*You have to know how to do it, (Basir gives me a wink with the eye) you should not go on the long journeys from Milan to Paris but you should zigzag across the country.*

Once in Paris they knew where they were supposed to go for food and shelter, many of the people they had met along the way had given them the directions and advice. However there were shelters to sleep in, Basir mostly spent his nights sleeping at a construction site. The days in Paris were spent as the once in Greece, passing from one soup kitchen to another.

*Sometimes Muslim charity organizations came and handed us small bags of food, I still remember, it was one fruit, one juice, chocolate and a sandwich, I always took the chocolate first. Police came and woke us up every morning at six, asking us to leave*

*before the construction workers and the office people came. They were always nice and sometimes they asked if we wanted to take a shower, they would take us in their cars to a place and then drive us back afterwards.*

Sometimes Basir also slept in shelters:

*In Paris they had places where immigrants could sleep, they gave us food, towels, sleeping bags and what you needed. They would take in around 200 people each night and locked the doors at 7 in the evening, after that no one was allowed in or out. There were fights in there with so many people from everywhere and everyone wants to have what is good for their families. I went to sleep at the shelters some nights but I didn't like to be locked in so I mostly slept outside.*

In the café that Basir ate breakfast, there was a French man:

*He spoke perfect Dari, he said he had learnt from hanging out at the café with Afghans but maybe he was a police. I don't know how he knew but he gave me a detailed map of how to go to Germany without getting caught by the German Police. He knew exactly where they would be at what time, I don't know how he knew.*

#### 5.2.6 France to Germany

After 45 days on the streets of Paris, Basir left for Hamburg.

*I had heard that the German police was so good so I was really scared when I arrived at the station, I walked quickly, looking down and aiming for the exit sign. I found a man who spoke Dari; he told me I should go to Sweden.*

Trying to figure out what his next move was going to be, Basir asked for help, first at an internet café, where he was told to go to a restaurant to get some food. At the restaurant they told him to go to a shelter outside town.

*I didn't feel good there, I thought they were going to rob me, there were only Roma people so I went out and went back into the city. I found two people who bought me and another person train tickets to Copenhagen.*

Once on the train, the police entered with police dogs asking everyone for their passports. Since Basir did not have one he was arrested.

*They searched all my things and my body. It was the first time the police found my money because of the place I kept it. They asked me to take everything off.*

After the strip-search Basir was taken to a place for German youth with problematic home conditions.

*The boss asked me what I wanted to do, if I wanted to go to Canada or stay in Hamburg, or go somewhere else. I told him I wanted to go to Sweden and that I didn't know what to do, because now they had my fingerprints. The boss told me that paper is not a machine; it is easy to tear apart. He told me that he was going to be gone for a few days and that I should think of what I wanted to do until then.*

#### 5.2.7 Germany to Sweden

The following day, Basir went back, bought a ticket and waited until the police went out of the train, then he went inside.

*When the boat left I went up outside and looked out over the water. I listened to music and cried. Later on the train, I was still crying, sitting in the hallway when the conductor came to me, and asked me to come with her. I didn't know what she wanted but I had no options. She took me to the first class wagon with free food and drinks. At that moment I thought it was an angel sent from God.*

Once in Copenhagen Basir found two Afghans who bought a ticket for him to Malmö. He arrived at Malmö Central station a Friday evening in August 1390/2011.

### 5.3 Kamran

Kamran is a young Hazara man, born in Afghanistan but raised in Iran in an ‘Afghan suburb’ 45 minutes outside of Teheran. He grew up with his mother, uncle and an older brother who left for Europe when he was still a child, and they lost contact. After his father died they moved to Iran since that was where the uncle, who became the breadwinner after the father had passed away, lived. The uncle worked as a tailor and Kamran started working in a factory when he was 11 years old, gaining 50 Iranian Real – less than 0,50 € per month. The day started at seven in the morning finishing between six and eight at night. By the time Ahmadinejad became Iran’s president in 1384/2005 Kamran said:

*Life as an Afghan in Iran got worse and worse as Ahmadinejad became president, so more and more Afghans living in Iran started to leave. Many of my friends were leaving Iran for Europe and I decided I also wanted to leave.*

#### 5.3.1 Iran to Greece

After talking with his uncle and mother it was decided that Kamran should go too. The uncle paid around 3 500 000 Iranian Real for the journey which was about a 100 €.

*Before the journey you think about death, you know, you might get killed, kidnapped or drown. You talk about everything.*

He started the journey together with a friend and two others. One of them was an older man and the second one was a young boy at the age of 12 or 13. They went by car for a whole day. From Teheran to a city close to the border of Turkey.

*Each smuggler had his own people that he was responsible for. It was organized, like you know the mafia. Since it was raining the first night the one responsible for us told us to stay in the house that night.*

The second night they left Iran walking over the mountainous area between Iran and Turkey for about 2 hours. They were a group of 25 people, with families and teenagers as himself. Once in



Turkey, they were divided into two minivans that took them to a Turkish village where they yet again were divided into separate cars, and subsequently taken to another city. The following day, the journey continued to Istanbul where they stayed in a hotel over the night. Kamran did not leave it in fear of being detected and the next evening they were taken to the border of Greece.

*It was in the middle of the night and we walked around an hour before reaching a small river where we had to blow up little boats and row over. I was scared because I don't know how to swim. When we got to the other side we continued walking until early morning through fields. As soon as we reached a small town the police took us. There must be people coming every day because as soon as we got to the station they came and picked us up in a minivan as if they knew we were coming. They took us to the prison but it was full or something, so they gave us a paper for tourists that said we could stay for three months, then they told us to go. I didn't know what to do or where to go but me and a friend slept under a train cart that night. It was cold and rainy.*

The next day they met three other Afghans:

*They told us to go with them to an apartment and that if we paid them 200 € they would help us go to Athens, so my friend contacted his family, I knew my uncle had no money to send, so my friend's family paid for both of us. One had to leave first and the other stay, until they were sure they would get the money, so I stayed. Maybe the tickets would have cost 75 € if we had known how to do it ourselves.*

Once in Athens, Kamran contacted a friend that he had grown up with and who had come to Greece 3 months earlier. For three months Kamran stayed in the apartment with his friend and as he said:

*...just living life, we went to churches to get food and went out to clubs in the evening. We went to gay clubs and tried cocaine. I wasn't thinking about the next day or what I should do later.*

About the Greek Police Kamran said:

*At first I was afraid of them and every time we saw them we started running, but then they would run after us. They stopped us and hit us before they asked for our papers. Then they asked us why we were running if we had nothing to hide. So, I stopped being afraid and running from them.*

Another time Kamran said:

*A Greek man had been killed when he was going with his wife to the emergency. She was pregnant. They said on the news that immigrants had killed him when they tried to rob him. But I know it was not Afghans, or Hazaras, who had done it. But you know, when you are hungry, you can do anything to get some food. The police took everyone that looked like an immigrant. Me and two friends were taken to the police station. They were younger than me, maybe like Rohollah<sup>79</sup>. They placed us next to each other so the shoulders touched each other and a police man as big as Björn<sup>80</sup> raised his hand, and slapped the three of us over the face in one move. And then he told us to leave the station. I was in the middle, so it didn't hurt as much as the guy who stood first; he got a real hard blow to his face.*

Kamran slowly started to realize that he should not stay in Greece.

*I was talking with other Afghans many wanted to leave but they couldn't, they had tried many times but sometimes they were tricked by smugglers, or robbed – so they had no money left, or sometimes they were stopped at the border and put back out on the streets in Athens.*

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<sup>79</sup> Kamran referred to a person we both knew that at the time was 14 years old and quite small. Rohollah is a pseudonym.

<sup>80</sup> Kamran referred to a person we both knew who is two meters long and quite strongly built. Björn is a pseudonym.

On the question of how Kamran knew who to contact and not to contact, he said:

*The word goes around, if they are good or bad smugglers. If someone will try to trick you, or don't stick to their promises, everyone will know about it.*

### 5.3.2 Greece to Sweden

Kamran heard about a smuggler who took 3000 € for smuggling people to Sweden by airplane. Subsequently, he called his uncle for the money that was going to provide him with a fake passport, a ticket and a styling to look as a South Korean youth.

*Maybe it is only 50% that make it through on their first try, so I just thought I could try. I wasn't nervous or anything when I should show my passport I thought; if it works it works, because I knew if they take me they will only put me back on the streets, where my friends were. The woman at the check-in counter only looked at me, took my passport, and waved me through.*

When Kamran arrived to Arlanda Airport in Stockholm, he threw away the passport and went straight to the police, as he was told to do.

### 5.4 Sohrab

Sohrab is a young Tadjik man who grew up in Afghanistan in a city north of Kabul. He grew up with his mother, an older sister and two younger brothers and an uncle providing for them financially.

*I had a good life. We had one room where we were eating and sleeping, a kitchen, running water and a guestroom. I often skipped school because I was lazy and instead I went to a pool with my friends.*

In 1389/2010 the family started getting problems with the local Taliban group in the city. His uncle was as a janitor in the US military bases, and the Taliban did not like anyone in the city to

cooperate with the foreign intruders. They started pressuring the family, accusing the uncle of being a traitor, and threatening to hurt or kill Sohrab. One night:

*My uncle woke me up in the middle of the night. He told me I was leaving or else I would die. I didn't have time to think, I just packed a few things...but I thought if we should die we should die together. I left the same night. No one leaves their country because they want to, but because they have to. No one leaves their family, relatives and everything they know just for some money.*

#### 5.4.1 Afghanistan to Italy

Subsequently, in 1390/2011, at the age of 16 Sohrab left Afghanistan. His uncle had already prepared everything. He had paid smugglers who would take Sohrab to Italy. In a street in Kabul a car was waiting that was going to take him all the way from Afghanistan to Iran, and subsequently to Turkey. About the journey Sohrab said:

*I don't know how much my uncle paid, we never spoke about it.*

In Turkey, Sohrab was placed with around 25 other people in the bottom storage room of a small boat.

*We came from everywhere, some spoke Arabic others spoke Urdu, or Dari like me. We were only given cookies to eat and a little water. It was not enough food. We were not allowed up outside, only in the middle of the night, so we peed in bottles. Sometimes it was windy and big waves. I was so scared and thought that I was going to die.*

On the fifth day they reached a small Italian island from which they were taken to the mainland and a month later they continued to Rome. In Rome, Sohrab shared a room of around 10m<sup>2</sup> together with 15 other people.

*They gave us food and we only stayed in the room for sleeping. During the day we walked around in the city.*

When asked about the police and how they got passed border guards Sohrab answered:

*I don't know, the driver was talking with them and giving them some money. I was just the passenger and I never saw them. I didn't know then that what I was doing was wrong. But I know now. (Sohrab was referring to crossing the border without a passport)*

#### 5.4.2 Italy to Sweden

*We hung out with other Afghans and they told me to go to 'Gothenburg – Sweden'. I didn't know what 'Gothenburg-Sweden' was, but I told my uncle over the phone that I wanted to go there. And so he arranged for the journey with the smugglers that would take me in a 'taxi', they said...But that was not a fucking taxi, it was a small buss without seats and we were 11 people and all had to sit halfway down, because there was not enough space to sit. In three or four days we travelled like that. We could only go out quickly to pee and then they would tell us to go back inside.*

Once in Copenhagen Sohrab approached a man that he thought looked Tadjik:

*I told him I wanted to go to Gothenburg, so he helped me to buy a ticket to Gothenburg. But when I got there I didn't dare to speak to anyone. I was afraid the police would take me, so I slept in a park. The next day I walked up to two people with dark hair, trying to speak Dari, but they didn't understand me because they only spoke Swedish.*

Finally, he found someone who told him where to go. They bought a bus ticket together and the bus driver personally told him where to get off, pointing him in the direction of the migration board office. Before finishing the conversation Sohrab added:

*You know, my journey was not like the other guys', it was so quick and only took maybe 4 months. I know some have much worse journeys.*

# 6 Analysis

## 6.1 Introduction

In this section the theoretical framework will be applied to the data presented in the previous chapter. However, rather than the chronological and individual focus that was adopted above, this chapter will take on a thematic approach in accordance with the theoretical concepts provided in chapter 3.

## 6.2 Migrant 'Illegality'

### 6.2.1 Deportability

According to De Genova and his conceptualization of the production of migrant 'illegality' migrant 'illegality' is lived through the palpable sense of deportability. In the life stories of Basir, Kamran and Sohrab although true that deportability is one factor it seems as though this aspect is not continuously affecting them throughout the trajectory. Instead, deportability becomes evident at certain instances, which diminishes, and even disappears when the threat of being removed from the area by state authorities is eliminated. As both Basir and Kamran explained:

*At first I was worried when I saw the police, but they were never the problem, they could stop you on the street and then they would just look at the paper and let you go. After my paper expired they took me to prison two nights and then they let me go and told me I needed to leave Greece (...)*

What is seen here is that Basir, although taken to the police and having to spend time in detention, he is never removed from the territory nor threatened to be so. Kamran had a similar experience:

*In the beginning I was afraid of them and every time we saw them we started running, but then they ran after us. They stopped us and hit us before they asked for our papers. Then they asked us why we were running if we had nothing to hide. So I stopped being afraid of them.*

It is thus only at the time of the actual border crossings and in connection to those, that deportability as such becomes tangible. To avoid deportation we can see that several strategies are adopted, both by the migration industry actors, as well as by the individual migrant. The most common strategy is simply to decreasing visibility, which can be observed through the accounts of nightly border crossings, far away from the official border. Sohrab for example, stayed invisible throughout the boat ride by only entering deck in the middle of the night. He and the other migrants were also defecating in bottles, and were crammed into the loading space of a small boat so that they remained undetected by border police. The same strategy is also used when he is placed in the back of a minivan travelling through Europe. Basir also give an account of another strategy that diminishes visibility, namely ‘splitting up’. He explains:

*We walked for several hours along a highway, but anyone could see that we were immigrants because we were so dirty, so we decided to split up.*

The same scenario is played yet again when he is forced to walk back into the city after having been driven out into the forest. Another strategy being to divide up the route, through ‘zigzagging’ into a country as well as other ways such as the usage of bribes and forged documents.

The mental implication of deportability, such as fear of being detected does seemingly have a limiting effect no matter if the threat of deportation is real or imagined. This can be observed through examples such as Basir and Kamran avoiding to leave the hotel room in Istanbul, although the smugglers have expressed that they had nothing to worry about. Sohrab also avoided police the first night in Sweden, in fear of not knowing what they would do to him. The restricting mental effect of deportability, also diminished as the consequences becomes known to the person. As Kamran commented when passing the passport control at the airport:

*There is maybe only 50% that make it through on their first try so I just thought I could try. Like my friend who had been stopped many times. I wasn't nervous or anything when*

*I should show my passport, I thought if it works it works because I knew if they take me they will only put me back on the streets where my friends were(...)*

De Genova outlines in his analytical frame that deportability comes before vulnerability however as Basir's, Kamran's and Sohrab's account testifies, they are vulnerable also when the sense of deportability is eliminated. Basir's 'illegality' is exploited by a con-smuggler in Italy as a consequence of his 'illegality' rather than his deportability. Moreover he was also forced to live on the street without any legal protection, he had to know where and how to behave to avoid gang fights without the possibility of accessing legal reinforcement if needed. At two occasions Kamran is beaten by police without specific suspicion against him more than that he 'looked as an immigrant'. Their vulnerability could therefore rather be understood as a direct consequence of migrant 'illegality' without the sense of deportability preceding it. And thus, their vulnerability, and status of inhabiting a legal grey area, rather than 'illegality' conform more to the understanding of Anderson, Coutin and Menjívar writing on 'illegality' and the spaces inbetween 'legal' and 'illegal'.

### **6.2.2 Racialization of Migrant 'Illegality'**

De Genova's conceptualisation of the racialization of 'illegality' as a result of migrant 'illegality' is felt in the accounts of Basir and Kamran who both are stopped by police solely on the bases of their foreign looks. Negative racial stereotypes are also felt from within the migrant groups as they seek comfort, advice and help within their own national and even ethnic fractions and avoid others simply upon their ethnical or national origins. Basir's and Kamran's account of the fights and violence in Greece clearly highlight 'the problematic Albans', and Basir leaving a shelter because it was 'too many Roma persons' there, as he was scared to get robbed. However 'positive racial stereotypes' also become evident as Kamran testified that he is convinced that a person from his own ethnic group would never have committed the killing of the Greek man. Sohrab ask a Tadjik man for help in Copenhagen, and Basir asks other Afghans for help at several occasions, and are being assisted and even paid for, by other expats, based on their national belonging. Further the ethical and national affiliations work as networks that carry information about where to, whom with, and how to continue the trajectory.



### ***6.3 Migrant Trajectory***

If the three stories were to be understood according to more traditional research the migration routes of Basir, Kamran and Sohrab would be strikingly similar. They are around the same age at the time of departure, have the same nationality, started their trajectory from the same city and eventually they are ending up in the same city, travelling through Iran and Turkey into Europe. However if we take the process-guided approach, other information also come to the front. Both Basir's and Kamran's trajectories started long before they knew it themselves. It started by the passage into Iran, a move that was expected to be final, not as part of a longer process, which ties into the research by Kelly Miller questioning when a migration process starts and ends. As Hillmann and Spaan as well as Castel and Miller also note, is that the migrants leave with very little knowledge of where they are going and the conditions of the place prior to arriving. Neither Sohrab nor Kamran or Basir knew much about the conditions more than that they were going to 'Europe', as Basir said

*We thought that Europe is Europe and once there everything would be fine. I wanted to be a football player in Spain.*

At an initial phase of the migrant trajectory Basir, Kamran and Sohrab travel more or less over the same passages. Besides the various ways by which Basir and Sohrab crossed the actual border into Iran, the former clandestinely – by foot, and the latter through bribes – by car, the trajectories through Iran and over the border into Turkey are similar. All three enter Turkey clandestinely walking over the border, once there their trajectories start to differ significantly. Basir stayed on a few months at the eastern border to pay off some of the trajectory through working for the smuggler. Kamran and Sohrab on the other hand continued immediately towards Europe. Sohrab continued by boat while Kamran did so by foot.

Once in Europe all three eventually understand that there are significant differences between the various countries. For Basir the time from the realization that he should not linger in Greece until the time that he actually is provided with the chance to leave was almost a year due to a lack of finances. During that time he continues to stay alive for the sake of continuing, had he been able to he would have returned back to Afghanistan or Iran. Basir's then planned to go to France.

Kamran on the other hand was not caring about where he was going next or even planning to continue the trajectory at an initial phase. It was not until having spent several months in Greece that Kamran started thinking about leaving as a result of talking to other Afghans. In Italy Basir and Sohrab lived different lives however neither of them describe the time spent in Rome as particularly unpleasant. Although Basir's situation of 'illegality' is being exploited by a smuggler at that time he did however not stay passive but instead he is persistently taking control over the situation by not agreeing to the terms. He did not accept the silence from the smuggler and insisted that he follow through with the deal. And although he was tricked into the minivan with false promises and locked into a room he refused to obey until he was let out. At this stage he felt that he could no longer rely upon this person and refused to continue the trajectory with the smuggler, who as a result of the 'third hand-system' never received any payment. Instead, he arranged for a journey into France by coincidentally getting into contact with people who was not into smuggling but agreed to take Basir and his friend along their journey to Paris. However at the border Basir was taken and returned to Italy by French border police. The final try to continue north was along with a friend, they bought official tickets to France travelling by train, passing first by Nice and then continuing to Paris. From there Basir also travelled along official routes into Germany and consequently to Sweden.

Sohrab's goal to reach Sweden was set as soon as he entered Europe i.e. Italy. After talking to other Afghans he contacted his uncle who arranged the journey to 'Gothenburg – Sweden'. Again not being fully aware of where he was actually going, all he knew was that other Afghans recommended the destination. Sohrab said:

*(...)We hung out with other Afghans and they told me to go to 'Gothenburg – Sweden' I didn't know what 'Gothenburg-Sweden' was but I told my uncle over the phone that I wanted to go there (...)*

Kamran and Sohrab managed to continue the trajectory by their first attempt, while Basir had to pass into Italy and France two times respectively, which could indicate a connection between the length and hardship of the trajectory on the one hand and the material home conditions on the other.

## ***6.4 Migration Industry***

### *6.4.1 The Facilitation Industry*

#### *Family*

As Castel and Miller write, the family or certain family members play a crucial role at the initial phase of the journey. This is also true for Basir, Kamran and Sohrab as they account that their uncle or father take the final decision of migrating as well as provide the financial support to enable the movement. In Basir's case it is his father who decided that he should leave, primarily only to Iran and thereafter to Europe. He initially arranges everything but only provides financial support the rest of the way. For Kamran who talked to people that were going to Europe and wanted to go himself had to consult his uncle before doing so. The uncle further arranged for the journey and deposited the money to the third hand and Kamran also relied upon his uncle to provide financially for the continuation of the trajectory. Sohrab on the other hand knew nothing of the trajectory and was not involved in the decision process but was instead surprised one night by his uncle telling him he had to leave for Europe. And although none of them were directly nor primarily driven by profit they were to a large extent enablers or facilitators of the journey and crucial to the initial steps of the trajectories.

#### *Smuggling networks*

Smuggling networks although important in these stories are far from the only actors in the facilitation of undocumented demographic movement. In Sohrab's trajectory they monopolize a majority of the trajectory, both while moving and staying at a specific place. When it comes to Kamran the smuggling networks are important and occupy a majority of the actual movement however are completely absent at the moments that he is staying for a longer period in Greece. Smuggling network only played a role at the first half of Basir's trajectory as he continues along official roads the second part. And so for the first part of the trajectory and especially by the border between Turkey and Iran all three bare account of an efficient large scale organization of people crossing the borders managed by a network of organizers. Some people were loosely connected to the network by being paid by the smuggling network, such as the Afghan family that Basir stayed with, although not directly part of the facilitation movement over the border. Basir also became part of the network although not taking part of the financial gains as he was working for them to pay off his own trajectory. Passing over from Iran to Turkey would have been virtually impossible without the knowledge of the network that Kamran compares to the

mafia. This means that the smuggling network over that particular area could be said to monopolize the movement over the border, which in extension means that the facilitating network at occasions also becomes a controlling network for the cause of financial profit. Sohrab's account of being placed in a boat with people from different nationalities indicates a form of large-scale organization as people from different destinations were involved. Kamran's account of being provided a 'real' fake passport with a correct visa for a South Korean as well as being styled in a fashion that would be convincing, witness of a network of 'well-organized professionals' within the facilitation business. Similarly Basir described how he was travelling from Greece to Italy he describes the smugglers as 'professionals' as they knew exactly how to pack him into the truck and cover up the traces afterwards.

#### *Momentary smugglers*

When Kamran and his friend were stuck at the border of Greece not knowing how to continue into Athens they met a group of three other Afghans who helped them buy official train tickets in exchange for more than double the price of the actual tickets. Kamran did not describe those as organized or as typical smugglers instead they had profited of the moment through their advantage of being familiar with the Greek infrastructural system when Kamran and his friend was not.

#### *The Third Hand*

The system of transferring money to both the migrants and the smugglers is what Basir referred to as 'the third hand'. The third hand comprises a largest scale of loose organization and is crucial for the 'illegal' migrant trajectories. A large amount of small shops allow for a person to deposits an amount of money in Kabul whereby the money is held and a code is provided to the same person. Consequently a small local shop in the destination country is provided with the same code and once the migrant (as s/he arrives to the agreed upon destination) provides this code to the shop, the smugglers receive their money. This arrangements of financial transactions work as an insurance for both the smugglers and the migrants as the former will make sure that the money already exist before providing their services and the migrant will not provide the code if the smuggler has not fulfilled the agreement. Furthermore the risk of being robbed or extorted along the way as a result of carrying large amounts of money is virtually eliminated. Although

the stories do not witness of such abuse the possibility of being kidnapped or extorted is still a pertinent risk.

### *Benevolent Persons*

Sohrab was never forced to negotiate with the migration industry himself, but in Copenhagen he took charge of his trajectory by talking to a man who he identified as Tadjik. This man helped him through purchasing a ticket to Gothenburg, without asking for, nor expecting material or financial gain in return. Basir's journey was also facilitated by people whom, from a material and financial point of view gained nothing. There was the Persian company that agreed Basir and his friend to travel with them to France in exchange only for the travel cost. Furthermore there was the man in France at the café who provided him with essential information and possibility of continuing into Germany. Basir was also given food at a restaurant and access to internet in Germany, none of these actions were expected to generate any form of material compensation.

Within this category of actors of the migration industry we could also include those who step outside their professional role and act according to their personal values and believes, and thereby facilitate or give advice on the trajectory. The first one that Basir witness of is the translator, who tells them on the side, at custody in Italy, that they better go back to Greece and try to get further north. Moreover there is also the manager at the youth centre in Germany, who leave Basir to choose and even offers assistance to go to another country, if he wished to, also being ready to delete Basir out of their records. Lastly is the train conductor who knowing that Basir does not have a first class ticket, take him into the first class wagon, where he can access food and drinks for free. All of these actors are crucial to the continuation of the trajectory however none of them are expecting compensation for their assistance.

### *Co-migrant networks*

The final migration industry actors constituting the facility industry that will be recognized in this thesis are the migrants themselves. They form informal networks that share information on where to go and who to contact. Further they also absorb the newcomers and show them how to get around in the specific country or city. Both Basir, Kamran as well as Sohrab talked about how other Afghans provided them with information on where to go, and how to get there as well

as which smuggler to trust. Basir also benefits from co-migrant groups as they function as a support group to whom he could talk to about everything, as a form of therapy. This allowed him to mentally survive the harsh conditions under which he had to endure.

#### *6.4.2 The Control Industry*

##### *Border guards & Passport control*

Border guards have throughout the trajectories functioned both as facilitators and blockers along the route. Sohrab could pass over several borders by the usage of bribes, and subsequently the controllers became the facilitators. Hernández-León highlights this in his conceptual framework when questioning official/licit and unofficial/illicit actors and acts. For Kamran when taken by border police in Greece he was quickly released and provided with a tourist visa, which allowed him to continue into northern Europe. The same happened for Basir as he was released with a tourist visa in his hand, although the Greek police admittedly knew he would, if applied, most likely be eligible for refugee status or the least asylum. It was not until Basir was confronted with German border police that he was taken into custody and care at a youth centre. Kamran that met with passport control at the airport in Athens was let through, and so, although unconsciously, the women at the passport counter became a facilitator. Thus, as we can see, these actors of the migration industry can at times consciously and at other times unconsciously become facilitators however officially hired for the curtailment of ‘illegal’ migration.

##### *Police*

The police forces in Greece, Italy and France take in these stories on very ambiguous roles. Officially proclaimed to be upholders of the law, they are at several instances of the trajectories rather ignoring or even breaking it. For example, through unprovoked assault, failing to acknowledge Basir, Kamran and Sohrab rights through being aware of their presence, but lacking to provide the assistance they according to the international legal frameworks are obliged to. To argue that this behaviour is not a problem of the state but rather the outcome of specific individuals could in some cases be legitimate. However at several occasions of the stories the encounters with police have been of a rather structural level as it has involved a large number of police officers during repeated incidences carrying out similar actions. This way of dealing with primarily Basir and Kamran had a blocking effect of the possibility for them to obtaining their

legal rights, directly caused by the police. Hence, the result of their inability to uphold legal frameworks and grant individuals their rights makes the very same state function the upholders and the perpetrators of the law. And as a result placing the migrants in a precarious situation of legal grey areas where their presence is noticed but officially ignored, blocking them from attaining the protection that they are entitled to.

#### *6.4.3 The Rescue Industry*

##### *Civil Society*

The actors under this category mainly constitute the part of the migration industry that Hernández-León conceptualizes as the rescue industry. That is to say the various religious organizations providing food and washing facilities in Greece, Italy and France, the activists that blocked the police from entering the tent camps in Italy, as well as the shelters and internet café in France that were available for Basir and other migrants. As Basir and Kamran had the possibility to eat from churches and soup kitchens, they were not forced into the unofficial job sector nor taking part in ‘illegal’ acts as a source of revenue. In France the shelters, soup kitchens and Muslim organizations provided food, shelter and washing facilitations. However they from the migrants point of view and as a short-term solution are enhancing the lived situations. The locking up and removal of ‘illegal’ subject when the ‘legal’ subject come is however problematic as this does not enables the migrants to access their rights, since the general public becomes blind to the fact that there is a large amount of children and adults living on the streets. Although their services help lessening the effect of migrant ‘illegality’, the rescue industry actors also make it unnecessary for the state action in a situation that is ‘taken care of’ by non-governmental actors.

#### *6.4.4 The Bastard Industry of Control*

##### *Con-smugglers*

Both Basir, Kamran as well as Sohrab described how they relied upon information they were provided by other Afghans along the road. They gained information of who was a ‘good’ and ‘bad’ smuggler. Basir nevertheless ended up turning to a smuggler in Italy who tried to take advantage of his vulnerable state, caused by migrant ‘illegality’ This smuggler, because of his inability to fulfil the agreement, affects Basir to choose another path. Thus, the smuggler through his dishonesty therefore actively changes the course of Basir’s trajectory.

### 6.5 Concluding Notes

To sum up and to revisit the research questions posed at the beginning of this thesis it can be said that:

- Migrant ‘illegality’ is manifested in the trajectories through, although not solely, a sense of deportability. Even when the sense of deportability is seemingly insignificant, vulnerability to exploitation and arbitrary treatment is still tangible as a result of migrant ‘illegality’. Hence, migrant ‘illegality’ can be understood as an uninterrupted continuum throughout the trajectory, however deportability cannot. Vulnerability as a consequence of migrant ‘illegality’ leads to fear of the subjugation of violence on the streets without legal protection, arbitrary police assault, homelessness, exploitation and extortion by con-smugglers and death as a consequence of having to travelling along unsafe migratory routes. While the effect of a few of them can be largely prevented by informal networks created by the migrants themselves, not all can, as they are a direct consequence of politico-legal realities.
- To counteract deportability and vulnerable conditions caused by migrant ‘illegality’ several strategies are adopted through the trajectories. At the borders deportability was often avoided through decreasing visibility by for example splitting up a large group into smaller ones, crossing borders during night far away from official crossings. Others strategies included bribing or the usage of forged documents. Vulnerability was counteracted by the migrants through the creation of informal networks commonly built along ethnical and national lines, the migrants shared information on living conditions, the migration industry and the visa requirements of specific countries. Furthermore, *the third hand* was yet another system that practically operated as an informal insurance to guarantee the migrants and smugglers to obtain what was agreed upon. However what needs to be noted is that ‘illegal’ migrants seemingly have significantly fewer possibilities to protect themselves against ‘legal’ actors than the ‘illegal’ ones. Against the unlawful treatment, violence and return carried out by police in the various countries they stood virtually defenceless. There was nothing that neither they, nor the migrant group could do to protect themselves.



But when faced with other actors operating ‘under the surface’ it was much easier to adopt strategies within the migrant group that would protect them against exploitation. And so an ‘illegal’ subject or one living ‘legally inbetween’ is seemingly more vulnerable faced with a ‘legal’ subject as the latter is recognized by the law while the former is not.

Subsequently, the terms of the migration trajectories were negotiated both by the individual migrant, the migrant group as well as by ‘official’ and ‘unofficial’ actors of the migration industry. This becomes obvious through a variety of deliberate strategies and coincidental-like aspects. The terms of the migration trajectories according to the life stories of Basir, Kamran and Sohrab was found to be largely affected by migrant ‘illegality’, as strategies needed to be adopted to circumvent and transcend its restrictive nature. However, this does not mean that the production of migrant ‘illegality’ effectively curtailed their movement.

# 7 Conclusion

This research has through the tracing of three unaccompanied Afghan minors' trajectories looked at how migrant 'illegality' affects the conditions of the trajectory, as well as how these conditions are negotiated. Through doing so, a series of important findings appeared. In this section the research will be concluded both in light of this specific study as well as in comparison to other studies, presented under chapter 1 *Introduction* and chapter 4 *Previous Research*. In addition to this, suggestions will be provided for further research.

In the previous chapter it was concluded that migrant 'illegality' was practically manifested in the trajectories through deportability and vulnerability. However, these two aspects should be understood as separated from each other, as opposed to De Genova's conceptualization. On this note, it could further be pondered upon whether the concept of vulnerability could be understood as both preceding the 'beginning', as well as extending beyond the 'end' of the trajectory. Furthermore, the question can be asked, if vulnerability in fact is one of the root causes for migrating, in the first place. The reason for writing 'beginning' and 'end' within quotation marks is related to the question of when a trajectory begins and ends. This ultimately boils down to the interpretation of trajectory, as highlighted in Miller's dissertation about onwards migration of Iranians in Sweden. In this research the trajectory was geographically limited; retracing the route from the moment of leaving Afghanistan until the point of entering Sweden. However, there is no evidence pointing to the fact that Basir, Kamran and Sohrab will not continue the trajectory as they grow older and enter new life stages.

Returning to the idea of vulnerability, it is also interesting to note the varying degrees of vulnerability that the migrants experience, depending on which actor within the migration industry they are faced with. What comes to the front is how 'illegal' migrants as well as those placed in a space of legal grey-areas are essentially more vulnerable in front of 'legal' actors, dressed in law enforcement garment, such as border guards and police, than in front of 'illegal' actors such as smugglers. Migrants often had protective strategies and practices to counteract

‘illegal’ actors to exploit their situation. However, when faced with the ‘legal’ as well as the ‘illegal’ practices of the police, the migrants were left with few options beside compliance. These findings correspond to that of Nyberg Sørensen’s pointing to the official authorities being part of the exploitation of migrants in Honduras.

Some of Schuster findings, as well as the conceptualization of the migration trajectory as a process, by Du Toit and Hillmann, have also proven to carry strong relevance to the findings of this study. Through avoiding conceptualizing the trajectory, many factors would have remained obscured, such as the significance that the ‘home’ situation seemingly has on the shaping of the trajectory. Sohrab on the one hand was little involved in the initiating stages and was leaving quite involuntarily caused by the direct threat to his life by the local Taliban movement. He travelled along official roads into Iran passing over the border through bribes and subsequently passed clandestinely into and through Europe. His trajectory only took four months and he seldom took an active role in his own trajectory. Kamran on the other hand left on his own initiative however relying on his uncle for the commencement of and the financial support throughout the trajectory. He passed clandestinely from Iran to Greece but continuing from Greece to Sweden with forged documents travelling along official routes, taking an active role both initiating as well as steering the course of his trajectory that lasted 8 months. Finally, Basir who was neither excluded from the decision of leaving nor benevolently taking it on, was mainly depending on his father for the initiation and financial sustainment of the trajectory, a financial support that was largely unreliable. Basir had to engage substantially in the continuation of the trajectory and had to ‘work-for-passage’ in Turkey as well as negotiate the terms completely on his own. His direction changed several times along the road and his conditions were generally ‘harder’ than was the case for Kamran and Sohrab. He mainly depended on his intuition and had to adopt various strategies in order to continue his trajectory that lasted nearly four years. By concluding the course of their trajectories and the connection between the ‘home’ and the trajectory, we find that the financial status of the family, the time spent travelling as well as the conditions of living throughout the trajectory is seemingly linked. However further research needs to be conducted in order to assess whether, and how these factors relate to one another, given that such conclusions cannot be made within the scope of this study.

The findings further reveal that not only is it relevant to understand the trajectory as a process but also the migration industry, much in line with Hillmann and Spaans case study of an Indonesian worker in Malaysia and Filipino nurses in USA and Europe. The actors of the migration industry ought not to be viewed as replacing each other along the migrant trajectory. Instead, the different and various layers of actors should be understood in the way that they simultaneously interact with, and shape the trajectory. A conceptual framework applied on the migration industry therefore needs to take into account the multi-layered web of processes and actors weaving into each other, simultaneously pulling in various directions. Much in line with Agustín's research the rescue industry was often directly counteracting their discourse. Because, although their actions improved the lived situations for the migrants in the short-term, in the long-term they rather sustained the very conditions they were committed to fight. As in the example of the shelters in France for 'illegal' migrants that locked the doors at 7pm by providing a short term solution to the problem of the homeless migrants. However, by doing so they were simultaneously turning the migrants invisible to the general 'legal' public, in the long-term. The police's 'kind' act of waking Basir and his friends each morning was yet another action that allowed for, and tolerated their presence without providing a sustainable solution to their situation.

In fact, this research revealed that there were few actors within the migration industry who solely were committed to reinforce 'legal' boundaries of 'illegal' movement. Instead, they adopted a form of 'pseudo-legal' enforcement, through simultaneously enforcing some aspects of the law, however not taking on the correct procedure to do so. At other times the police completely ignored their 'legal' obligations, or went directly against them. This is problematic as they through ignoring the existence of Basir, Kamran and Sohrab placed them in a precarious situation, in which the possibility of obtaining their legal rights as unaccompanied children was completely obliterated. Their presence in the area was noticed by state authorities, however not disrupted nor changed and therefore they became, in the same time present, and invisible to the law. Through this practice they were rendered virtually legalless, or to use Hannah Arendt concept – rightless. It is interesting to note here the resemblance of these findings with those of Khosravi, who found that the Universal Human rights become mere citizen rights and therefore unobtainable for the 'stateless', and here I would add, the non-citizen.

What is, to say the least, remarkable, is the fact that Basir, Kamran and Sohrab were not only migrants and refugees, but also unaccompanied children, yet at no point, from Greece to Italy to France was age relevant to the state authorities. This is a serious offence of the very legal frameworks the countries are signatories to, as well as the Human Rights they proclaim to uphold. The authorities, through their inaction, did not only avoid providing the rights Basir, Kamran and Sohrab were entitled to, but they also virtually blocked the possibility of obtaining them. As clearly illustrated in the findings, the three aforementioned European states consistently failed and directly ignored to ensure the responsibility, they, through the ratification of the Universal Declaration of Human Rights, the Convention on the Rights of the Child and the Geneva Convention on Refugees have bound themselves to. In addition to this the states also failed to fulfil the legal framework of the Dublin Regulations and thereby also failing their obligations towards each other as states.

Further research would be beneficial in order to, in-depth explore the rooms of legal-less and legal grey areas for those migrants. As this research indicate that there are reasons to believe that large numbers of people beside Basir, Kamran and Sohrab live under these forms of pseudo-membership within Europe. Although this has been the case for certain groups coming from and living within Europe for centuries, there are now increasing groups migrating into Europe from other contexts, obtaining similar statuses. What form of challenges and dynamic this leads to is important to understand to allow for it to be properly addressed.

Finally, the author associates with the notion that there are problematic processes involved with demographic movement and the system of nation states. However, contrary to the argument that the former undermines the latter, the author suggests the process, rather than being blamed upon the demographic movement of the global poor, is to be attributed to the hypocritical manner in which the European states treat them. The three trajectories of Basir, Kamran and Sohrab indicate time and again how the states fail to enforce the international legal frameworks they are signatories to, which remain beautiful on paper but seemingly ineffective in reality.

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