

Maja Hertoghs

# Intensities of the State

An ethnography of intimacy and suspicion  
in Dutch asylum procedures



# **Intensities of the State**

## **An ethnography of intimacy and suspicion in Dutch asylum procedures**

**Intensiteiten van de staat**

Een etnografie van intimiteit en wantrouwen in Nederlandse asielprocedures

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## List of Abbreviations

<b>AC</b>	Aanmeld Centrum <i>Application Centre</i>
<b>ACS</b>	Aanmeld Centrum Schiphol <i>Application Centre Schiphol</i>
<b>ACTA</b>	Aanmeld Centrum Ter Apel <i>Application Centre Ter Apel</i>
<b>ACVZ</b>	Adviescommissie Vreemdelingenzaken <i>Advisory Committee on Migration Affairs</i>
<b>COA</b>	Centraal Orgaan opvang Asielzoekers <i>Central Agency for the Reception of Asylum Seekers</i>
<b>C&amp;A</b>	Correcties en Aanvullingen <i>Corrections and Additions</i>
<b>DJI</b>	Dienst Justitiële Inrichtingen <i>Custodial Institutions Agency</i>
<b>DT&amp;V</b>	Dienst Terugkeer en Vertrek <i>The Repatriation and Departure Service</i>
<b>FFMU</b>	Forensisch Medische Maatschappij Utrecht <i>Forensic Medical Society Utrecht</i>
<b>IND</b>	Immigratie en Naturalisatie Dienst <i>Immigration and Naturalisation Service</i>
<b>NDIAC</b>	IND Informatie- en Analysecentrum <i>IND Information and Analysis Centre</i>
<b>JCS</b>	Justitieel Complex Schiphol <i>Judicial complex Schiphol</i>
<b>KMAR</b>	Koninklijke Marechaussee <i>Royal Netherlands Marechaussee</i>
<b>RvR</b>	Raad voor Rechtsbijstand <i>Legal Aid Board</i>
<b>VVN</b>	Vereniging Vluchtelingenwerk Nederland <i>The Dutch Council for Refugees</i>

# Introduction

We are sitting in front of each other, as two people talking, and you may wonder, why would I make up my suffering? Why would I put in the effort, I am tired as it is already... But we are sitting in front of each other in a building, in a procedure, in all this bureaucracy that is based on the thousands and thousands and thousands of people who have asked for asylum from the '80s until this very moment. You have become a suspect, before anything else. Let us do all that we can, do more than our best to *make your case strong* and convince them of the opposite. (A lawyer to an asylum applicant, 2012)

From my own experiences, you know, I think I have learned to judge whether a person who is crying is genuine or not. Look, for example, I sometimes see boys, I have seen the exact same thing several times... they tell me that their whole families were murdered and when they reach this point in the story they stop speaking and start to heavily rub their eyes while sighing loudly. After a little while they begin staring at me with big sad and very red eyes (she chuckles). (Interview with an officer of the Immigration and Naturalisation Service [the IND], July 2015)

The IND officer tells me how she felt about a young girl with a baby: “she went through so much and she shared it all, she spoke of horrible rapes and violence and she told us that she had such a hard time caring for her baby”. She adds that both the interpreter and herself had to hold back tears while this young girl was talking about the events as if they were normal. The IND officer explains that she feels a lot of empathy for applicants when their stories are credible. (From a conversation with an IND officer, spring 2015<sup>1</sup>)

As Catherine Besteman puts it, ‘Containing and constraining the mobility of refugees, who as border crossers are dangerous and mistrusted by the states that take them in as well as by the states that try to keep them out, is a major global enterprise (...)’ (2016: 29). This dissertation discusses how one specific West-European state – the Netherlands – responds to the arrival of certain (often illegalized) travellers when they, in spite of the enormous efforts to keep them away, manage to reach its borders and get caught up in the bureaucratic practices of the asylum procedure.

The three different fieldwork excerpts above illustrate the tenseness, the intimacy and, as this dissertation will specifically argue, the different affective configurations of suspicion that characterize the Dutch asylum process. The excerpts demonstrate that while asylum applicants need to be especially open and share intimate and sad details about their uncertain lives, the people positioned to gather and translate such details in order to enable a decision need to also be (in a limited way) open to, and moved by, applicants.

In other words, although only one person is fully subjected to the decision over in- and exclusion, the asylum procedure draws on the trained knowledges, visions and sensitivities of the different people (and positions) involved in subjecting asylum applicants to that decision. Interestingly, while the second quoted IND officer emphasizes how she, in this case, had to hold back tears due to both the sadness and the ‘credibility’ of the young girl’s story, the first IND officer I quoted chuckles when explaining the ‘disingenuous’ emotive performances of some applicants who also give sad but less ‘credible’ accounts.

Accordingly, I argue that it is the suspicion-induced focus on ‘credibility’ and ‘non-credibility’ that affects an IND officer’s way of listening, interpreting and affectively responding to the asylum applicant’s account of refuge. Suspicion also shapes the relation between the above quoted lawyer and his way of getting closer to the applicant, seeking an energetic sense of alliance that, as he insists, would increase an applicant’s chances at convincing the IND *together*. Indeed, suspicion moves in multiple affective configurations and shapes the relations that

—1. Most of the conversations I had, observations I made and case-files and policy documents I studied for this research are translated from English to Dutch by myself unless noted otherwise.

evolve within the tenseness of a procedure concerned with separating people in terms of ‘credibility’ and ‘deservingness’.

Hence, the asylum procedure brings people together, makes them engage with one another, and thus exposes their unevenly positioned bodies to each other’s presence and to the urgency of decision. This dissertation delves into these peculiarly intimate and asymmetrical encounters as well as concentrate on the final decision-making process, where the applicant is excluded from the deliberation and made to await a decision while their<sup>2</sup> documentary body-double – their case file – plays an active role in grounding a decision. Precisely because this study goes deeply into the practices of life-altering decision-making, it is well suited to engage with the question of state power. Accordingly, this dissertation explores the state in the tensions and affectations that so immanently belong to a routinised process of intimately and suspiciously getting to know a person and deciding over the course of their life. Hence, instead of tracing delegations of power and focusing on the administrative violence performed or embodied by ‘petty sovereigns’ (cf. Butler 2004), I find state power in what I call the different modes of state intensity concentrated within the sites and practices that mobilize such differently positioned people to closely engage with one another and with the power of decision.

The main question the dissertation explores is rather clear-cut: how does the Dutch state govern in- and exclusion through its asylum procedures? As such, this dissertation takes the Dutch asylum procedure as an insightful and complex case study of the way in which Western European states govern movement and migration through intensive and peculiarly intimate practices of decision-making.

## Compassion as suspicion

If there was a way to always be sure of asylum seekers telling me the truth, if they would never lie, then my job would be full of genuine compassion. There would be real contact. But most of the asylum seekers lie. (Interview with an officer of the Dutch Immigration and Naturalisation Service, the IND, 2013)

—2. Throughout this dissertation I use gender neutral pronouns – ‘they’, ‘their’ and ‘them’ – when referring to an unspecified person (the applicant, the IND officer or the lawyer in general) or when the gender of the cited person is insignificant in terms of the argument I am making. Hence, I will keep gender intact in certain ethnographic examples, especially those revolving around interactions and encounters in order to share as much detail as possible. However, I also neutralize gender in other ethnographic examples also to both avoid potential gendered stereotypical images around emotions and power positions and to also, in some cases, safeguard anonymity.

I remember vividly the time when applicants from Rwanda came to the Netherlands. They brought along horrible stories about the rebels and how they cut pregnant women open to grab babies from their wombs. I remember that sometimes applicants had to tell the IND officer about the smallest details of what they had witnessed because the IND could not believe this was really happening. (Interview with a lawyer, 2014)

If, quite simply put, compassion can be defined as asymmetrical care for a specific kind of vulnerable and suffering other (cf. Berlant 2004, Nussbaum 2003, Sontag 2003, Levinas 1978), then a procedure that is grounded in protecting vulnerable people is, in at least some aspects, built on compassion. But compassion does not colour the atmosphere in which people are received. Rather, applicants are received into an intricate and shape-shifting suspicion that is very much grounded in what the first quote above illustrates, the belief that most asylum applicants lie. Hence, while the procedure enacts a conditional compassion, its practices are especially characterized by a suspicion that, as argued above, underlies different affectations and relations - empathy, irritation, distance, closeness, alliance - connected to the procedure's aim of separating 'true' from 'fake' claimants. I therefore argue that compassion transforms into suspicion, which shapes the ways in which applicants are asked to make their 'deservingness' convincing.

I choose the word 'suspicion' because it so strongly forms the affective basis of all the practices I observed in the procedure. Suspicion is not only a hermeneutics (cf. Ricoeur 1981) - a way of seeing and interpreting - it is also very much part of the way in which people feel for and experience one another. Suspicion appears like a matrix, a context in which various fragile and flexible relationships are shaped and changed, a situation that moves and affects each person involved but in tellingly different ways. As the first quote above shows, suspicion underlies the IND officer's way of affectively distancing themselves from an applicant who they are trained to believe will most probably lie. Their compassion and empathy would be wasted, they seem to say. They would be foolish or naive to feel for a person who 'abuses' their - and the state's - genuine care. Their move to distance themselves from applicants, while still facing them daily, is an affective move born from suspicion. However, importantly (and as the first quote with which I started this chapter also shows), such suspicious dispositions also allow IND officers to feel empathy for, and closeness to, applicants who they see as rather exceptionally 'true' and 'genuine'. Hence, suspicion again affects the different ways in which professionals relate to, and feel for, various applicants who, in turn, are also moved and affected by these professionals and their own expectations of the procedure.

Suspicion, as the first quote of this section implies, relates to the uncertainty of truth. While the procedure is searching for truth, its practitioners know quite well that the truth can never be reached. One of my informants told me that they disagree with my choice to call what they are looking for 'truth'. Indeed, the IND officer said, we are *not* looking for truth as we know very well that truth is not what we will ever know, we are looking for 'credibility' instead. However, while the IND officer believes that the truth cannot be found, they still feel it is out there. Their job is one of inherent uncertainty, of trying to get as close as possible to what they know to be impossible. In this sense, truth is the driving factor of a suspicion that sharply looks, senses and finds (il)logics, (non-)credibility, (in)coherency and the details (like names and dates) that figure as facts in a procedure that revolves around fear and suffering. IND officers - and thus lawyers too - must listen and read sharply: they know the truth will never be theirs but they also firmly believe that most applicants will deceive them if they can. Suspicion - in various forms - arises in the tension that belongs to the impossibility of truth. My IND informant's reluctance to call it 'truth' is testament to both the way in which applicants are never fully believed and to the importance of looking, feeling, perceiving, listening and reading with a strong and sharp suspicion that would reveal lies if there were any. Hence, it is truth that the IND desires but can never reach.

Suspicion, as I see it, is a craft and a method that allows IND officers to do their job of sifting people in terms of compassion's conditions and dealing with the tenseness of sad stories and life-altering decision-making. One of the aims of this dissertation is to show that suspicion, although seen as the more 'objective' position, is part of a multiplicity of affective movements, atmospheres, interactions, professional self-definitions and ways of looking. The following quote by Talal Asad helps me to further make this final argument:

Suspicion (like doubt) occupies the space between the law and its application. In that sense, all judicial and policing systems of the modern state presuppose organized suspicion, incorporate margins of uncertainty. Suspicion is like an animal, "aroused" in the subject, it covers an object (a representation or person) that comes "under" it. Suspicion seeks to penetrate a mask to the unpleasant reality behind it: the unauthorized creation of an authorizing document, a hidden motive to commit a crime, a latent disease, a terrorist in disguise. (Asad 2004: 285)

Suspicion also becomes a filtered lens through which IND officers perceive and through which they allow themselves to be affected by a subject under suspicion (as the first quote of this section illustrates). While indeed suspicion is something

of and within the body of those trained to feel it - like an animal aroused indeed - it also forms and shapes multiple affects, affective movements and relations that belong to the general suspicion with which applicants are received. Moreover, suspicion, in the procedure, is not only a way of discovering the 'abuser', it also becomes a way of recognizing those considered to 'deserve' a status. Hence, suspicion is a way of caring for a procedure that is seen to really help those that 'deserve' it while simultaneously safeguarding the Dutch state from applicants perceived to 'abuse' its generosity.

## A procedural itinerary and its personae

Compassion, I argue, transforms into a procedure in which intimate and vulnerable stories of suffering are received, questioned and decided over through a shape-shifting suspicion. But what do these procedures look like? Who is involved in the gathering of intimate information from people seen both as potentially vulnerable and as potential deceivers? While an analysis of such a procedure may (and has) go(ne) in many directions, this ethnographic study highlights the way in which the unknown applicant is made specifically knowable along what I call the *procedural itinerary* in order to turn attention to the affective, contingent and intuitive aspects in an otherwise sharply routinised and fragmented process of refugee-recognition. The itinerary stages crucial encounters in which differently positioned professionals gather and transform intimate information from applicants into official (Dutch) documents that circulate further along the itinerary and toward an IND decision-maker who reads the (entexualized) applicant in Dutch. The concept of the procedural itinerary seeks to capture that process of routinised and contingent transformation and circulation.

I analyse the trained ways of receiving applicants through the notion of the *procedural personae*. Through these personae - the faces and interfaces of the procedure - contact is made between the applicant and the procedure in different ways and at the various 'nodes' along the itinerary. There are both hearing- and decision-making IND personae. This means that there are IND officers who first meet the applicant in order to gather and transform their accounts of refuge into the official Dutch texts that then circulate to other IND officers. These IND decision-makers consequently analyse the crafted texts that silently represent the applicant (whom they have not met in person) and allow for a distanced and 'objective' decision. While the IND personae are there to critically put the applicant's account of refuge to the test, legal allies (asylum lawyers and the refugee council) must assist applicants and work together with them to convince the IND

of the applicant's 'deservingness'. I argue that these contrasted positions are productive in relation to the decision as they allow for different access points into the applicant's past, self and motives for applying, which is what the procedure, at large, seeks to unveil.

Importantly, precisely because the procedure needs actual persons and their sensitivities to sharply gather (and eliminate) information, the routinised itinerary moves with and through the many local contingencies that belong to such close encounters. In other words, to enact a procedural persona is to be able to look, feel and engage in a very specific way. It means to be open and exposed to others in a trained manner, which also means that one constantly makes on-the-spot decisions that affect the way in which information is gathered and circulated toward and into a final decision. Because one's body needs to be included and affectively mobilized, one inevitably also draws on their own sensitivities, personal histories and personalities. To put it differently, trained vision and intuition merge with personal sensitivities, feelings, knowledges, privileges, senses of self, likes and dislikes. Think, for example, of a homosexual IND officer who quite recently had a baby with his partner and their co-parent. He conducts a hearing with an applicant who claims asylum on the basis of homophobic violence. While the IND officer asks all the questions he needs to ask according to the work manuals, he might be extra sharp on certain topics and ask further. He could be more sympathetic to the claim in general, but also specifically critical of applicants he (has been trained to) suspects 'abuse' such stories in order to hide their 'true' intentions. He might be charmed, especially touched by a story of homophobic violence, irritated or tired because the baby woke up every single hour during the night.

This is certainly not to suggest that, in such cases, a childless heterosexual IND officer would be more 'neutral' or would better fit gathering these accounts. Rather, I mention it here to emphasize that a procedure that draws on the affective encounters between differently positioned people also invites aspects that ostensibly have little to do with the procedure into the process. This is crucial to both understanding the way in which the itinerary is staged to gather and circulate information, and to analyse the kind of bureaucracy that the procedure performs. Different from the Weberian ideal-typical bureaucracy associated with depersonalization, mechanism and a rationality seen as adverse to personal freedom (cf. Weber 1946), the procedure precisely draws on intuition, initiative and the necessary freedom to be creative on the spot (cf. Caton and Zacka 2010). Indeed, each application, or better yet, each crucial moment in an application process is both routinised and unique: a gathering between an IND officer and an applicant, for example, is a routinised and trained moment of encounter, but

it is also a unique gathering of people who have never met before and who will never meet again in this precise constellation and at this specific time in the process. Hence, while the itinerary is staged to routinize and regulate the process of decision-making, the decision itself is also contingent on the unique affective encounters that are so essential to cautiously gathering and analysing personal and vulnerable information from applicants.

## Ways of thinking the state

How naturally we entify and give life to such. Take the case of God, the economy, and the state, abstract entities we credit with Being, species of things awesome with life-force of their own, transcendent over mere mortals. Clearly they are fetishes, invented wholes of materialized artifice into whose woeful insufficiency of being we have placed soulstuff. Hence the big S of the State. (Taussig 1997: 3)

This dissertation is intimately concerned with practices that actualize a state's power over in- and exclusion. But, to stay with the quote above, how to think about that overly mythologised and fetishized invented wholeness called the 'State'? A number of well-known perspectives exist, and I briefly analyse some of them here in order to further foreground what this dissertation seeks to contribute to these discussions.

Bourdieu wrestled with the state and finds precisely what Taussig, in the quote above, rejects. Bourdieu conceptualizes the state as an elusive and yet god-like omnipresence that is both powerful and invisible (cf. Bourdieu 2014, Schinkel 2015). Bourdieu says: 'the state is the name that we give to the hidden, invisible principles - indicating a kind of *deus absconditus* - of the social order, and at the same time of both physical and symbolic domination, likewise of physical and symbolic violence (Bourdieu 2014: 7). Foucault (1991, 2002) takes a different, well-known approach that moves away from the state as a powerful and god-like black box, instead seeing governmental power as diffuse and operative in multiple state and non-state institutions and discourses focused on managing the population.

While state power in the form of the sole sovereignty of a king faded, a more diffuse form of state power gained strength in what Foucault calls governmentality. In Butler's words, 'governmentality is broadly understood as a mode of power concerned with the maintenance and control of bodies and persons, the production and regulation of persons and populations, and the circulation of goods insofar as they maintain and restrict the life of the population' (Butler 2004: 51-52).

I quote Butler because she draws on Foucault's governmentality. Adding that it is precisely within governmentality that state sovereignty has reinserted itself in the sites and practices situated within what Caton and Zacka (2010) call the 'security apparatus'. According to Caton and Zacka the 'nodes' along the security apparatus thrive on discretionary decisions and contingencies, which is also where Butler observes what she calls 'petty sovereigns' at work to make life altering decisions without appeal but also without overview. She notes that 'their acts are clearly conditioned, but their acts are judgments that are nevertheless unconditional in the sense that they are final, not subject to review, and not subject to appeal' (Butler 2004: 65). Caton and Zacka, in relation, argue that the image of a perfect bureaucracy is held together through a thread of discretionary powers:

The security apparatus constantly deals with risk and uncertainty, and within that context, power takes on what we call an "improvisatory" and even arbitrary quality. It must be open to contingency, possibility, and chance if it is to "know" the reality it is to combat or contain or govern—in that sense, the security apparatus is, again, the antithesis of the disciplinary one, which always aims to close things up, remove them from contingency, and make them predictable. It follows from this that agents of a security apparatus have to perform their power differently from those who perform disciplinary power. (2010: 207)

Caton and Zacka's understanding of 'improvisatory' power relates to Hansen and Stepputat's (2001) explanation of sovereignty as the power to perform violence on human bodies. They argue that the state can be found especially in places where sovereign power is practised. In their words, commenting on Jean Bodin's account of sovereignty: 'what is implicit but never spelled out in Bodin's text is that sovereignty is an *effect* of these actions, and that sovereignty needs to be performed and reiterated on a daily basis in order to be effective, and to form the basic referent of the state' (2001: 7). They explain that 'although the meanings and forms of such performances of sovereignty always are historically specific, they are, however, always constructing their public authority through a capacity for visiting violence on human bodies'. The argument of violence comes close to Giorgio Agamben's argument on law and the body:

If it is true that law needs a body in order to be in force, and if one can speak, in this sense, of "law's desire to have a body," democracy responds to this desire by compelling law to assume the care of this body. (Agamben 1998: 73)

Agamben coins the term 'bare life' to emphasize the strong power and violence that the sovereign state *potentially* visits upon the bodies of each person that remains within or enters into its power. Sovereign power is concerned with the

care as well as the (potential) exclusion of different (and differentiated) bodies within the spaces, sites and practices of its regime. The condition of bare life thus expresses the ultimate violence of included exclusion, when a person remains within the power of a sovereign but is stripped of its protection. Indeed, it is 'the sovereign' who decides who lives a protected full or an unprotected bare life (Ibid.: 44). In that way, 'the sovereign' decides how a person gets to belong to a nationalized 'community': through included exclusion or through protected inclusion. In Agamben's work, then, state power interferes with life and with the body and its movement through differentiation.

Agamben's rather absolute or pure conceptual framework (cf. Schinkel and van den Berg 2011) warrants further ethnographic exploration of the ways in which sovereignty in relation to the body is actually practised. How does the law care for and/or take possession over the body? Who is mobilized to enact this power and what does such mobilization mean to the persons who are assigned and delegated this powerful position? In order to study state power, I follow the arguments made by Ferguson and Gupta (2002), Das and Poole (2004) and Hansen and Stepputat (2001) who claim that anthropologists interested in studying the state should look at specific localities and everyday practices in which instances of the state appear (Das and Poole 2004: 5). I too pursue practices and performances of a decision-making process that concerns itself with the body and its movement. With Butler, Caton and Zacka I understand sovereignty to be situated at very specific sites, especially those sites that are part of a security apparatus. Like Hansen and Stepputat I will look for the ways in which such power is inherently tied to the tense and affective practices that render the unknown other knowable and thus classifiable.

As a researcher, I remember vividly the experience of entering and leaving the detention setting in which applicants are kept. The intensity of life-altering decision-making in combination with a multitude of heavy stories was inescapable, which illustrates how the procedure rather immediately draws passionate attention toward what it does to the different people involved in making a decision. In my experience, there is no escaping the fact that lives are being processed there. It is this observation, along with my own sensitivity to power structures, that drives me to think about state power. In relation to my own experiences and nearness to the practices of the procedure, I argue that state power cannot be either reduced to the people who make decisions or abstracted into an invisible, ungraspable but powerful whole. Rather, I explore 'the state' in the different modes of state intensity immanent to the lines that entangle within the practices of decision-making and within what I call the concentrated sites of the procedure. State power, in this conceptualization, is found in its strong ways of

touching and moving applicants by also (but in a different way) touching and moving others to engage with applicants and to consequently make decisions over life and inclusion.

## Ethnography and the Dutch asylum procedure

The way in which this dissertation grapples with that unthinkable thing called 'the state' relates to the ethnographic nature of the research. Ethnography is a way of getting close to the smaller moments, feelings and gestures that belong to, in this case, a complex legal procedure that seeks to control movement and inclusion. Precisely by getting so close, ethnography allows for an understanding of how different scales are folded together in those small but crucial moments. To illustrate this I want to pause at an excerpt from my fieldwork, a rather general observation of a moment in an asylum hearing:

Three people are seated around a large table. The IND officer is ready to type, looking up while her fingers hover above the keys. The person in front of her, the applicant, starts to talk to the person at the head of the table, a translator, and starts to cry. Immediately the IND officer pushes a little box with tissues toward the applicant who takes a tissue and wipes his face while speaking on. The translator lifts her hand briefly and the applicant immediately stops talking. Now the translator looks at the IND officer and speaks in Dutch. She says 'I saw how they killed my mother...' At once the IND officer starts to type and the familiar bureaucratic sound of concentrated typing fills the hearing room.

The procedure revolves around testing accounts of sadness and deciding whether or not the applicant 'deserves' inclusion. Consequently, the procedure seeks a one-sided intimacy where only one person is asked to share fears and experiences with (the threat of) violence while others must carefully assess whether those accounts are both 'credible' and severe enough. To an ethnographic researcher the small gestures, tensions, silences and moments of understanding (or the opposite) in the fragment above are particularly fascinating and telling.

Indeed, such gestures and tensions demonstrate what ethnography has to offer. An ethnographic researcher learns to sensitively recognise the smallest details of encounter that inherently belong to, in this case, the intensive practices of in- and exclusion. The fragment illustrates the readiness of an IND officer to type the words spoken by the translator into a standard file on her computer screen, and to thus do her job well and produce a firm and full report of the asylum hearing. While the IND officer may or may not add the tears as an observation to

the report, she certainly has an object - a box of tissues - that helps her respond to the tears. Tears incite different movements than words, but they very much belong together in the procedure's understanding of truth. Tissues and the sound of typing are telling of a procedure in which texts are produced and emotions dealt with. The box of tissues and the IND officer's readiness to type each word down tell a larger story of the procedure.

While the procedure might explain this moment - an asylum hearing is being conducted - each of these moments also explain aspects of the procedure. The procedure is not only a clearly demarcated, neatly distributed legal practice, but it also builds on the get-togethers of very different people who need to feel, sense and respond to one another. An ethnographic approach seeks to understand both the way in which the procedure explains these get-togethers and the way these get-togethers explain the contingencies of the procedure: its uniqueness as well as its standards. To stick with the procedure inevitably means to be blinded to some of the complexities that are also unfolding in the room. Sticking with the procedure would also mean that the procedure is reduced to itself. This might be useful to the professionals who enact it, but an anthropological approach needs to open the procedure up to a critical perspective in order to understand the smaller affective movements through which suspicion, compassion and state power are actualized. Opening up also means escaping the procedure's own boundaries. Different worlds leak into that closed-off hearing room, and this dissertation aims to show and analyse the productivity of that complexity.

In this section I turn to some general aspects of the procedure. I rather briefly attend to its context and, in particular, to the figure of the refugee as it is this figure that, in my view, bounds compassion and allows suspicion to flourish. The refugee is the main figure of separation, protection and truth-testing. Next to elaborating on the refugee-figure and its place in the Dutch asylum procedure, I also further introduce the legal context in which refugee-recognition is performed as well as the general 'steps' each first-time applicant needs to go through: steps that I observed and followed throughout my fieldwork. I end this section by making some notes on why an ethnographic study of a complex and intimate legal procedure needs to care for anonymizing vulnerable information.

### **The figure of refugee**

In the years after the second world war, migration was seen as an opportunity to fill in labour shortages, which also meant that the granting of refugee status was generally perceived as a positive thing in Europe (Jubany 2017: 47). However, this changed after the 1980s when processes of criminalization 'began to aggressively converge with the process of securing Europe's borders, as messages about those

trying to reach Europe became fused with labels about criminals, asylum shoppers and bogus refugees' (Ibid.: 47). From the 1990s onwards migrant populations have been increasingly seen as an existential threat and 'the image of waves of migrants clambering to reach Europe served as the excuse to label migrants as 'foreigners' and 'strangers', regardless of their legal status or otherwise' (Jubany 2017: 49).

Asylum procedures emerge and persist within the racialised context of restricted movement (Van Houtem 2010, M'charek et al. 2014), surveillance and securitisation (Bigo 2002, 2014, Bigo and Guild 2005, Amoore 2006, 2013). While this is the context within which my study also took place, concentrating on the tense everyday practices of (first-time) application processes - a crucial sort of 'hub' within what is called the 'asylum chain' - reveals a different focus. When following applications and speaking to those assigned to assess or assist applicants I did not notice a strong focus on risk or securitisation, even though most of the applications and asylum hearings I followed took place within a detention context. Moreover, legal allies and several IND officers told me they disagreed with the detention situation and, at times, had to put energy in educating the guards about asylum seekers and that they should not be treated as criminals. Rather, the professionals of the procedure concentrate on engaging with very sad and at times gruesome stories that are never simply found to be true.

Unsurprisingly, then, most professionals I met who worked with the procedure - be it an ally or an IND officer - spoke of sad stories that made them feel their work mattered and that they were part of something that actually helps people who really 'deserve' it. A few told me that this (helping refugees) drove them to work for the IND in the first place. At the same time, the very same IND officers also thrive on discovering what they deem to be lies, inconsistencies or other details that reveal the applicant as bogus. In a similar vein, legal allies seem to work harder for applicants who convince them of their 'deservingness' than for those who appear less 'deserving'. In relation, I argue that such images of deservingness are essential to the procedure's way of mobilizing and motivating different people to engage with generally 'unwanted' applicants whose arrival and inclusion must first be questioned, suspected and, ultimately, limited before leading to inclusion. Indeed, the notion that the procedure actually helps (even only a few) 'deserving' people (which I argue further in the conclusion to this dissertation) is very productive in mobilizing others to intimately seek access into the lives, travels, pasts and potential futures of its generally 'unwanted' strangers who, in case of a rejection, can be further detained and deported.

So, while images of refugeeeness persist in various places and within images of self or other (cf. Malkki 1992, 1995a, 1995b), my primary concern is with how

the refugee category is enacted through the dense legal procedure aimed at separating applicants in terms of 'un/deservingness'. In this process norms of both truth and refugeeness assist IND officers in making fast and clear-cut decisions on whether or not the applicant should be accepted or rejected for refugee status. The following quote by an IND officer helps me to illustrate this:

You ask what I think of the decision [a rejection]. That is not an easy question. It is not so often that a case is so borderline. Art touches the issue of freedom of speech, and thus falls under one of the grounds of the refugee treaty. We do not ask of a homosexual to hide his sexual orientation behind an illusion of heterosexuality, we do not ask of a Christian to hide his faith, and a citizen should be able to give his opinion. Still, it only becomes very severe when the dangers in such a country are substantial. When Christians are persecuted, homosexuals threatened and imprisoned a claim is accepted. In the case of the Iranian actor the question is, is his persecution bad enough? In this case the person was never tortured, he was never detained, and there was no threat that this was ever going to happen. (IND officer, 2012, translation by the author)

In the procedure, the suffering of the Iranian actor must be dismissed as not 'severe' enough, as insufficient in relation to the refugee category, a category grounded in notions of a particular violence: one that, importantly, must be actively pieced together, and recognized, in the account that represents the applicant. In the quote, to be a 'refugee' includes suffering threats, torture and detention, and the IND officer had not found such suffering in the account of the actor. The line had to be drawn there as the procedure is staged to only and exclusively protect applicants who match the refugee category according to the IND decision-makers.

The following excerpts from the refugee convention reveal the official definition of 'the refugee' and thus prescribes in which cases refugee status should be granted:

Article 1 (A) of the Convention defines a refugee as 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 to or, owing to such fear, is unwilling to avail himself of the protection of that country." (Oudejans 2011: 16)

Article 3, European Convention on Human Rights: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment." Article 15 of the EU Qualification Directive (2004/83/EC) postulates that a person qualifies

## Introduction

for subsidiary protection if he faces serious harm in his or her country of origin. Serious harm, according to Article 15, (a) consists of "death penalty or execution, or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin." (Ibid: 18)

The procedure seeks out persecuted people (or those who legitimately fear persecution) and those recognized as abusing stories of (a fear for) persecution. An asylum applicant, when successful, may be given an A- or a B-status. An applicant is given an A-status when they are the target of persecution on one of the grounds of the Refugee Convention (for example, a political activist sought by a regime that will detain and torture them) and a B status when a person faces torture and "inhuman or degrading treatment or punishment" upon return according to the European Convention on Human Rights (including a category of people generally targeted such as homosexual men in Jamaica, or people coming from a war area such as people of Syrian nationality). Importantly, each applicant must respond to the standards set by the refugee convention; however, while the refugee figure is defined by the convention much still needs to be interpreted. Anthony Good found the following in the UK asylum system, something I recognize in the Dutch context: '(...) Home Office interpretations in the *Asylum Policy Instrument* are consistently narrower than those of the UNHCR's *Handbook*' (Good 2007: 97).

Bohmer and Shuman show that 'many of the interpretations of the law are patterned after current social trends' (2004: 398). They explain that, for example, gender-based discrimination is currently recognized as a form of persecution, but this was not the case when the convention was drafted. Hence conditions are added and the way in which these conditions are practiced differs across nationalized contexts. In the Netherlands, gender and sexuality have gained enormous attention in recent years and different work manuals are produced that constantly refine the ways in which IND officers should address problems of gender and sexuality at asylum hearings. This, in general, relates to what gets to be recognized as persecution and what might otherwise be recognized as belonging to an applicant's cultural background. Spijkerboer says: 'the institutionalized discrimination of women (which may take the form of forced marriage, denial of education, cliterodectomy, forced abortion, sterilization) is often seen as a matter of the general situation in the country and thus of indigenous culture' (Spijkerboer in Bohmer and Shuman 2004: 132). Bohmer and Shuman further note that in order for an act to be considered persecution, the violence addressed must be deemed public rather than private. Again, they quote Spijkerboer (on the Dutch situation) to make the point: 'in Sri Lanka . . . it is unfortunately not unusual for women to be the victim of sexual violence.... The applicant is therefore not in an exceptional position' (Ibid.: 125). While in some cases this has changed - when, for example,

homophobic violence is considered to be the general situation<sup>3</sup> - the most important point to be made about procedures is, again, that the notion of persecution itself is constantly being refined, changed and subject to various interpretations, which also relates to the procedure's own cultural and national situatedness.

In this dissertation, instead of dwelling on the legal categories of the refugee my point of departure is to look at the process of separation that is always legitimized by a legal category that mobilizes different feelings, interpretations and suspicions. By delving into precisely these practices, this dissertation shows the process of testing asylum claims and their veracity and facticity to be intimate, partial, contingent and as involving assembling and transformation. Indeed, very specific (searched) bits and pieces of information, self-presentation and interpretation are built and gathered up into a case file that establishes the person as literally readable. The person with a voice, a scent, a gaze, a skin, eyes, beauty (and much more) is made into words, a file and printed texts that may fit or fail the image of the refugee. In relation, a study like this draws on the understanding that the refugee category is performative. It is the necessity to perform and recognize the refugee - in a very precise way - that establishes its performativity: in the act of showing oneself as a 'real' or 'fake' refugee legal norms of deservingness are reiterated into a (physical) reality. The asylum applicant, consequently, performs to embody institutional and legal norms of suffering and truth. This dissertation seeks to reveal that very precise legal and intimate work of transformation and classification.

### Situating the Dutch procedure

There are four main application centres in the Netherlands and in 2016 specific locations have been built for first registrations. This means that applicants still have to travel to one of the four main application centres when their procedures start (and when their procedures start they will also be housed near the application centre). My fieldwork took place between 2012 and 2016 and at the two most important application centres (ACs) in the Netherlands. I studied the procedure at the vast Application Centre Ter Apel, situated in the north of the Netherlands, which is where most applicants must go through their procedures. I also, and especially, studied the application process at its most peculiar site where only a relatively small number of applications are processed: in a vast detention centre near Schiphol Airport and the Dutch capital of Amsterdam (I elaborate on these

—3. During my research there was discussion on whether or not the state should argue that applicants from what was then (and still) is seen as a homophobic country (like Uganda or Jamaica) should be expected to hide their sexuality as that is what would be a usual way of dealing with it. In the end, this was rejected and it was decided that so-called 'LGBT refugees' should be able to express their sexuality openly.

sites in the next chapter). When I started my fieldwork there was rather little public attention on asylum procedures and their subjects, but this changed drastically in 2015 when the so-called refugee crisis (or European crisis of reception) was named. The 'crisis' intensified in Greece, a country that had been struggling with large numbers of reception for years (cf. Cabot 2014) as well as with other crises (cf. Green, 2017). In the first nine months of 2015 more than 487.000 people arrived at the so-called margins of Europe (Holmes and Castaneda 2016: 12). The UNHCR reports that in 2015 there were 65.3 million people on the move seeking refuge, and 86 percent ended their journeys in places that surround the countries they fled. Five million Syrians sought refuge. That year (2015) 43,093 people applied for asylum in the Netherlands of which 18,677 Syrians<sup>4</sup>.

The recent influx of Syrian applicants has had a marked influence on the procedure. First, one of the main characteristics of the procedure is that applicants bring stories of violence, persecution and sadness and that professionals of the procedure become rather swiftly familiar with certain similarities in those stories. In relation, Syrian stories of the war and the revolution became increasingly well-known, as were the people who brought these stories to the procedure. If one would ask an IND officer or an asylum lawyer to describe a typical Syrian story they would probably be able to give a thorough description of such an account, as well as provide an image of the way in which many Syrian applicants express emotions. While one may agree or disagree with these tacit knowledges, such knowledges and expectations are undeniably part of the procedure. A second way in which the influx of Syrian and Eritrean applications especially affected the practices I observed was that many temporary workers were hired at the open application centre (AC Ter Apel). These temporary workers were less well-versed and trained in putting categorical suspicion to work, with the result that they were (and are) assigned 'simple' or 'practice' cases. At the time of my study, practice cases meant Eritrean or Syrian cases in which ID documents had been deemed authentic and whose stories had become rather well-known to (even these newly hired) IND officers. The outcome of their application process would inevitably be positive due to their authenticated nationalities. In these cases the procedure became more of a bureaucratic necessity than a way to dissect credibility and eligibility. Such 'practice cases', as well as the simultaneous influx of temporary workers, is an example of how the increase in numbers of refugees affected the practices I studied.

—4. Numbers (sadly) decreased in 2016 when only 18.677 people applied (2.158 Syrians). This decrease has little to do with improvement in Syria and everything with the ever more restrictive policies across the EU, which have seen an increase in the deportation of Syrian refugees (back) to Turkey.

However, as noted above, at the time of my research the procedure's crucial task of separating applicants on the basis of (albeit slightly changing) norms of entrance remained fairly similar in terms of its standard routines. Moreover, the procedure is built to deal with fluctuating numbers and time pressures. As a result, although I observed (and address) some aspects related to varying numbers of applications, my focus is not on those numbers but more on the general and contingent ways in which decisions are made (possible) along a tense procedural itinerary.

### A brief overview of the general 'steps' in each first-time application

The overview I give here concerns the routine itinerary of the General Asylum procedure (*Algemene Asielprocedure, AA*). While the itinerary changes when a person manages to apply for a second time or when their application process is extended, these other itineraries are extractions from the general asylum application process.

Upon arrival, an applicant is given six days of 'rest and preparation', which is also the official name of this six-day period. In these six days, a few important meetings must take place. First, the applicant meets an employee of the refugee council (VVN). This employee explains the steps of the procedure, talks about the lawyer and the IND, and informs the applicant as to what the procedure expects of them in terms of giving an account of self and past and, importantly, that the applicant must speak the truth (the refugee council, lawyers and the IND alike keep repeating that applicants should reveal the 'truth' about themselves). The day after an applicant has met the employee and learned about the refugee council, they meet the lawyer assigned to their case. The lawyer will go through the procedural steps too but with a full focus on the reasons an applicant gives for applying. Accordingly, a lawyer gets to help an applicant highlight or remember certain aspects further. Note that part of the work of asylum lawyers is gaining an applicant's trust, which entails different techniques that may or may not work with different applicants.

Another important meeting within the *rest and preparation period* is with a nurse from an organization that used to be called Medifirst but is now in the hands of the FFMU (*Forensisch Medische Maatschappij Utrecht/Utrecht Forensic Medical Service*). At that voluntary meeting an applicant is given a medical examination that they are told will possibly work in favour of their application process. According to the official form explaining the General Asylum procedure (*Algemene Asielprocedure*), the medical examination has the aim 'to ascertain whether you have any mental or physical problems that could have an influence on your interviews with the IND'. An important consequence of the examination is that the IND and the decision should focus less on details like names and dates because

the applicant, according to the examination, has severe problems remembering certain details due to restlessness, trauma and/or physical pain. Notice again that asylum procedures (in general) are made increasingly ready to sufficiently deal with trauma and suffering.

After the 'rest and preparation period' the procedure officially starts with a first hearing conducted by an IND officer (**day 1**).<sup>5</sup> According to the form for applicants the first hearing concerns the following:

During this interview, you will not be asked any questions about the reasons why you are applying for asylum. They will be asked in the next interview with the IND officer (see Day 3). The IND officer will ask you many detailed questions about your identity, nationality and your journey so that these are clear but also to check whether you are speaking the truth.

The IND officer records the hearing in the form of typing the questions and answers down into an official report of the hearing. The day after the first hearing (**day 2**) the lawyer visits the applicant in detention (or at another AC) to read the report of the first hearing together. The lawyer checks the report and, at times, notices that certain dates and details are missing. They ask an applicant to fill in possible gaps and add the information to the so-called Corrections and Additions (C&A) letter. Lawyers, as this shows and as I show throughout the dissertation, need to rather obviously perform a way of looking that is similar to the one the IND teaches its employees, but with a different aim. In a way, this aim incorporates a suspicion for the IND as well: lawyers expect IND officers to read a report against an applicant and, at times, remain strongly focused on filling in each and every potential gap in an asylum report. A decision maker needs to take the lawyer's C&A letter into account but will, similarly, be suspicious of lawyers as the IND knows well that lawyers only add information if this information is in favour of a positive decision.

On **day 3** the second hearing takes place. According to the form:

During this interview, you can tell this person the reasons why you are applying for asylum. The IND officer will again be putting questions to you during this interview. It is important that you tell them everything that shows that you need protection. Be clear, honest and exhaustive in telling what has happened to you and the reasons why you can't expect any protection in your country of origin. If you can't remember a particular event too well, tell the IND officer this. The IND officer is aware of the general situation in your country, but it is

—5. 'Day 1' is, again, the official name of this crucial node along the procedural itinerary.

important that you explain your own situation: the reasons why you, personally, need protection. Give as many relevant details as possible.

Second hearings are long and often exhaustive for all involved (in very different ways!). However, sometimes the weight of an application lies in the first hearing as, in some cases (Syrian cases for example) the only concern of the procedure is to check a person's nationality: if a person proves to be from Syria they are given a B status, not because of individual fear and persecution but because of the *refoulement* measure, which prohibits states to deport people to places where they will face persecution. After the second hearing the IND has no need to see the applicant anymore: they will be making a decision especially on the basis of an applicant's (possible) documents and, most importantly, on the basis of the reports made by the hearing officers. On **day 4** the lawyer discusses the report of the second hearing with the applicant. Again, if they find mistakes or feel there is information lacking they draft a document to add to the report.

**Day 5** is defined by an IND employee who will make the first decision. There are three decision possibilities (and in chapter 4 I fully focus on this process). *Option 1*: a person is considered an A or B status refugee and granted inclusion. *Option 2*: The decision maker feels the information provided is insufficient and that more research must be done: the applicant is then assigned to the extended procedure and will undergo at least one additional hearing before a new decision is made (often, but not always, this means that the person is released from the detention centre and housed in an open asylum seekers centre). *Option 3*: the IND decision maker decides that a person has not proven to either be an (A or B status) refugee or to have given a truthful account of such refugeeness. They make up a document called 'intention' (*voornemen*): this is an intention to reject the application, but the applicant's lawyer has one day to appeal against the decision (on **day 6**). Lawyers always appeal against an 'intention to reject'. Sometimes the lawyer visits the applicant in detention to discuss the rejection but often the lawyer works on their response against the negative decision without first discussing it with the applicant. Their response is tellingly called a 'viewpoint' or 'way of looking' (*zienswijze*) and the final decision maker of the IND must review the reports of the hearings, the first decision (the intention to reject) and the response of the lawyer (viewpoint). This final decision will be made on **day 7** and **8**.

After the final decision has been made, the applicant has the right to file an appeal. A judge performs a marginal scrutiny, meaning that they focus on whether or not the IND followed the rules. The judge will thus not evaluate an applicant's account or their credibility as a refugee but whether or not the IND applied the law in a correct manner. When the judge agrees with the appeal, the IND has to re-evaluate the case. Often, however, the IND appeals against the appeal. As

this specific legal situation is beyond the scope of this research I will not further delve into it (cf. Spijkerboer 2014). It is important to note that although negative decisions are appealed against, it is always the IND who evaluates credibility and eligibility, and it is thus the IND who decides which applicants are 'true' refugees deserving of inclusion.

### Anonymity to fiction

In the process of following applicants in their applications I met many different people. Sometimes professionals and applicants alike worried about anonymity. I never wrote down names or dates, and I neutralized or mixed genders as well as places of origin in my notes. In what follows I want to further emphasize why I, as an ethnographic researcher, value anonymity and extend it beyond changing names. I start by quoting Nancy Scheper-Hughes:

Anonymity makes us unmindful that we owe our anthropological subjects the same degree of courtesy. Empathy and friendship in writing as we generally extend to them face to face in the field where they are not our 'subjects' but our boon companions without whom we quite literally could not survive. Sacrificing anonymity means we may have to write less poignant, more circumspect ethnographies, a high price for any writer to pay. But our version of the Hippocratic oath - to do no harm, in so far as possible, to our informants - would seem to demand this (Scheper-Hughes 2000: 128).

I agree with Nancy Scheper-Hughes that anonymity might enable a researcher to get away with the kind of critical analysis one was afraid to reflect on 'in the field'. However, I do not think that sacrificing anonymity means we have to write less poignant ethnographies, at least in the case of my study of a tense, asymmetrical and life-altering procedure. I would say that an anthropological work on such a procedure should not shy away from a critical analysis that, hopefully, invites (the quite powerful and certainly privileged) practitioners of the procedure to think along and to disagree or maybe to agree partially with the analysis.

Critical social studies of state practices should not 'hold back'. However, they should be sensitive to the different and, at times, competing struggles and vulnerabilities the people more embedded in the 'field' of study experience, and to make sure to let these struggles and frictions speak. Otherwise an ethnography would be redundant, as it is precisely the complexity of messy and heavy political situations, values and positions that ethnographic research should be able to attend to. Moreover, there is not *one* voice of the procedure, the procedure is not *one* field to attend to; rather, it is built on a great variety of competing visions and it brings together different people with different positions and coming from

different social, legal and political contexts. To analyse the procedure means to engage with and be positioned within a heavy political situation that quite passionately revolves around doing good through repression.

So, how to 'do no harm' through anonymity? One way is indeed to anonymize in a more radical way than changing names of people or villages. Anonymity here consists of leaving out information, which is also part of adhering to legal rules of secrecy. Anonymity, in my view, also consists of thoroughly modifying and leaving out identifying contents (names and dates as well as gender, nationality, religion). While sometimes a story of a past of suffering deeply illustrates the work of the procedure, the content itself is too revealing and too personal to share. As a solution I fictionalize: I modify or mix details of stories that should maintain the 'atmosphere' of the story but not the person involved. Importantly, this is a study focused on the practices of people encountering applicants in specific ways, and evaluating them and their stories in ways that are mediated by their professional positions within the procedure. I make sure the fictionalized parts will not touch the 'essence' of the ethnographic example, but only the surface that makes the example utterly personal and traceable.

## Outline of the dissertation

In order to make sense of the procedure from within, I bring sociology and anthropology together with work done in the field of Science and Technology Studies (STS). STS helps me to analyse knowledge-making practices and professional vision (cf. Haraway 1998, Goodwin 1994) and to further explore the movement, circulation and multiple temporalities embodied in the crucial objects of decision-making (cf. Latour 1987, Law and Singleton 2005, M'charek 2014). STS also allows me to analyse 'objectivity' (cf. Daston and Galison 2007) in relation to intimacy and proximity. In this sense the dissertation brings STS together with an analysis of affect and state power. Hence, a combination of STS, affect studies and the anthropology of the state lies at the core of my analysis of the Dutch asylum procedures.

The two broadly formulated aims of this dissertation - to pose and explore the question of the state, affect and the decision and to describe the Dutch procedure in detail - run through each chapter of this dissertation. While the question of the state crystallizes in the conclusion, chapters 1, 2, 3 and 4 analyse the most important moments of what I call the procedural itinerary and its tense work of transforming and moulding the unknown person into a set of legal texts that allow for 'objective' decision-making. Hence, the structure of the dissertation

seeks to first take the reader along into the procedure in order to argue for an understanding of state power as manifest in the affectations undergone by the different people engaged with the procedure and the decision.

Chapter 1 (**The concentrated sites and times of the asylum procedure**) emphasizes the importance of ethnography when seeking to understand the ways in which a legal procedure is staged to mobilize various people and affective encounters in order to gain access into the lives and bodies of those fully subjected to the power of one specific western European state. Furthermore, this chapter introduces what I call the procedure's concentrated sites, produced to enact the same kind of politicized difference on which the procedure at large is built. While some people get to move smoothly, others are constantly questioned, monitored, scrutinized and put on hold. As such, this chapter and the notion of a 'concentrated site' is already a first step toward arguing for an understanding of state power through its different modalities of intensity.

Chapter 2 (**Interfacing the procedure: The itinerary and the procedural personae**) delves into the above introduced concepts of the procedural itinerary and the procedural personae. This chapter argues that these different personae and their enactors - various IND officers and legal allies - engage in what I call an antagonistic cooperation, which productively allows the procedure to gain intimate access into the applicant's (inherently suspected) life, past and potential future. By introducing both personae and exploring how they work out in practice, I further show the important and shapeshifting role suspicion plays in the procedure's aim of compassionate separation.

Chapter 3 (**Noisy hearings and silent reports**) shows how the asylum hearing in all its affective and intimate messiness is silenced in the work of inscribing the applicant into the report. As such, the chapter demonstrates the ways in which an applicant is given a crafted visibility and legibility that gets to further circulate in the form of a report that, as a documentary body double, mobilizes yet more different visions and interpretations. This chapter shows that the 'objective' decision (as fully analysed in chapter 4) relies on intimate and affective face-to-face encounters. This is important, first, in analysing how the procedure seeks to legitimize its contingent decisions and, second, in demonstrating the crucial process of transformation through which applicants are folded into intelligible and evaluable texts along a procedural itinerary and via the different personae of the procedure.

Chapter 4 (**Objective subjectivities**) further investigates how the procedure's desire for (an unattainable) truth and its aim toward objectivity shapes the tense practice of decision-making. This chapter argues that although the itinerary works toward suppressing subjectivity in terms of shaping distance and affective

detachment between an IND decision-maker and the applicant in person, the decision itself is made on the basis of the trained subjectivity and the authority of a decision-maker's final say. This chapter consequently shows that the procedure works with different conceptualizations of objectivity. Objectivity appears in the multiplication of subjectivity, it is found in practices and objects of distance-making, and objectivity is, finally, enacted in the form of an expertise grounded in experience and suspicion. In relation to the latter, this chapter argues that suspicion crystallizes at the end of the itinerary when a decision-maker engages with the kind of official texts that they are more comfortable with than with an actual person whose life is at stake.

The conclusion (**State intensities, being in touch with the state**) argues for an understanding of state power as an intensive force that is immanent to the lines that entangle through the practices of decision-making and within the concentrated sites of the procedure. In the conclusion I analyse how state power becomes actual in the way in which very different people are mobilized, moved and affected by the power of decision. Not one person involved escapes the tenseness and affectations of the (pending) decision as all are multiply and unevenly affected by its nearness.

## Chapter 1

# The concentrated sites and times of the asylum procedure

One of the first times I saw the procedure, a moment when I paused to 'look at it' - and I mean a very conscious 'looking' (I had seen the work of the procedure before) - was when I saw the old detention centre for asylum applicants, located near the main airport of the Netherlands (Schiphol). While the procedure moved to an impressive and massive detention complex in 2013, back then the procedure-in-detention was still housed in a small, unflashy, and greyish building. It was a building that stood silently among the large and proudly visible buildings of airline companies and pilot schools. The silence that engulfs it contradicts the intensity of the practices it captures. Approaching that building often made me look for my passport nervously. I could *only* enter the building with one while applicants often precisely entered this place without a (legitimized) passport. This dissertation started somewhere at that first conscious witnessing, and it developed by going through the practices and multi-sites of the procedure.

Ethnographic fieldwork in a heavy political setting is a period of intimate witnessing, seeing and sensing. It also knows times of being kept out, when one is not allowed to see. Fieldwork is a continuous track of seeking access and of being welcomed, selected, rejected, allowed and stopped. This chapter focuses both on doing ethnography on a tense legal procedure and on what I see as the concentrated sites produced for the performance of that specific and life-altering

procedure. By introducing my ethnographic research I also set the stage for the main arguments of this dissertation. I start by arguing that a multi-sited and multi-scalar ethnographic approach is best suited to investigate the (affective) details of a tense legal procedure from an anthropological perspective, and I indicate what such a perspective adds to the existing literature. From there I move to how I gained access, which is also a way to introduce the main ‘gatekeepers’ of the procedure and both their position of power and precarity in the face of life-altering decision-making. And finally, I spend quite some space on introducing what I argue to be the concentrated sites of the procedure, places organized to perform a specifically tense and dense form of state power.

I end this chapter by arguing that it is indeed ethnography that forces a researcher to engage with gatekeepers, tense sites, and places and moments of encounter, and that precisely such a personal and close engagement allowed me to analyse state power in the way it is situated and staged to affect those involved.

## Multi-sited ethnography: Space, scale and time

There is a vast literature written, as Anthony Good puts it, ‘by lawyers for lawyers, dealing with legislation (...) or case law (...), but this corpus is based upon legislation and written judgments rather than field observation’ (Good 2007: 39). Additionally, the bulk of scholarship concerned with the issues of asylum and the border is still concerned with policies and laws (e.g. Goodwin-Gill 1996, Shah 2000, Guild 2003, Castles 2004), the histories of changing policies in relation to varying numbers of applicants (e.g. Joppke 1999, Van Selm 2002, Walaardt 2012) and the particular paradoxical legal work of recognizing fear and persecution through suspicion (e.g. Bohmer and Shuman 2004, 2008, Fassin 2005, Good 2007, 2008). Other work focuses on asylum applicants and their attractions or aspirations (e.g. Van Wijk 2007, Van Meeteren 2010). There is also a growing body of work on the ways in which EU policies are developed and enacted, especially at Europe’s ‘margins’ (e.g. Shuster 2003, Gibney 2004, Rozakou 2012, Feldman 2012, Cabot 2014).

Hence, to date there has been little *ethnographic* research from within the procedure and with a focus on the role of state agents and other ‘professional’ positions. Certainly it has been quite recently that thorough ethnographies on asylum worlds have been published (Cabot 2014, Murray 2015, Kalir and Wissink 2016, Jubany 2017) and they are of value to my own ethnographic project. My research contributes to this still thin but growing body of ethnographic work on asylum procedures. While Heath Cabot (2014), for example, beautifully analyses

asylum advocacy in Greece and Olga Jubany (2017) describes the work of immigration officers in the UK, my own ethnography delves into the positions of both immigration officers and asylum advocates in the Netherlands. Moreover, this dissertation demonstrates the way in which such productively antagonistic positions are enacted within the process of rendering unknown applicants into decisions over in- and exclusion.

Hence, while there is much important and crucial work on asylum procedures, borders, securitization and surveillance (Bigo 2002, Lyon 2003, 2004, Amoore 2013, Pallister-Wilkins 2015, Van Reekum 2015, Tazzioli and Walters 2016), deportation regimes (cf. Peutz and De Genova 2010, Kalir 2017) and the state (cf. Ong 2000, Ferguson and Gupta 2002, Das and Poole 2004, Hansen and Stepputat 2009, Jaffe 2013), there has not been an ethnographic study that follows asylum applicants in their full first-time application processes, which is precisely what I have done. I followed the routinised and contingent ways in which an applicant’s account of their past is given to different people – legal allies as well as state officials – and how that account is revised, gathered through the lens of suspicion and decided over from a specifically crafted distance called ‘objectivity’. Such a multi-sited ethnography (cf. Marcus 1995) reveals the complexity and situated-ness of these peculiar and often covert state practices of life-altering decision-making.

As well as *following* cases and analysing the multiple sites and moments of the procedure, I argue that these sites are multiple themselves. Following the procedure allows me to understand how specific moments embody the multiple sites, scales, and times of the procedure more broadly. Precisely the notion of a ‘concentrated site’ seeks to show how certain places are produced to gather different people and forms of expertise together in order to perform life-altering decisions and move a person to the next ‘node’ in the so-called migration chain. These ‘Application Centres’ consist of a great number of rooms, organizations, offices and ‘living’ (or waiting) areas that are experienced in multiple ways. While the point of ‘multiple experience’ might seem commonsensical, it is important to dwell on it as it cuts through the core of what the procedure seeks to do: to separate, classify, include and exclude different people, to mobilize some to decide while subjecting others to such decisions. Indeed, the ways in which different persons get to move through the heavily monitored multi-sites of the procedure depend on their ways of being subjected to state power: some bodies, including my own, are allowed to move while others are made to stay put. Multi-sited-ness thus relates to what I see as the procedure’s concentrated sites where multiple lines are gathered together in order to productively and swiftly subject specific people to decisions over in- and exclusion.

In relation, this research is not only multi-sited but also multi-scalar (cf. Xiang 2013), which is another way of attending to the crucial point about movement and stasis. A multi-scalar approach looks at how different scales are folded within the smallest moments of encounter and movement. State power seeks to (invisibly) allow some to move while others are not allowed to move very far, which means that people have to look for other ways. A multi-scalar ethnographic approach seeks to understand how a person's access to a certain hallway in a detention centre relates to one's way of being incorporated within a state regime and their ways of il/legitimized travel.

Citizenship, borders and state power assemble in the way in which an IND officer decides when the applicant gets to have a break from sharing intimate aspects of one's violent past. In other words, the smallness of one moment in a procedural encounter relates to the historically contingent politics (cf. Haraway 1998) that make such a moment possible. An ethnographic zooming in also means an analytical zooming out: to understand and be able to observe (some of) the affectations in a meeting between a lawyer and an applicant is to also conceptualise what the state does to those that are moved by its power. Hence, precisely because multiple scales are at work within the single moments of the procedure, ethnographic scrutiny is important. Ethnography allows for an understanding and an analysis of how something so strongly theorized as the state works in and through the messiness and complexity of the everyday (cf. Das and Poole 2004).

And lastly, while the procedure - and my study of it - is multi-sited and multi-scalar, it is also multi-temporal. The procedure, in different ways, gathers several temporalities and experiences of time together within its practices. While there is the here-and-now of the detention setting, a concentrated site of procedurally induced time-pressures, it is also a place of an almost endless sense of waiting. However, procedural time has little to do with waiting when taking the perspective of lawyers: for them time is pressured into the quick-paced 'steps' of the procedural itinerary. Hence, while professionals work hard (and on many cases at once) trying to keep up with the tight timeframe within which a decision must be made, applicants are physically put on hold to work and wait for one specific decision. The experience of procedural time produces affect, hope or anger, anxiety, boredom, or closeness to those who seem friendly or helpful. A multi-sited ethnography must indeed be sensitive to time, space and scale within the smallest details of an encounter because such details reveal a larger story of a procedure that seeks to intimately gain access into the lives and bodies of its suspected and blocked strangers.

## A covert procedure and folded access

Surely participant observation, if nothing else, is just such a practice. It is one that calls upon the novice anthropologist to *attend*: to attend to what *others* are doing or saying and to what is going on around and about; to *follow* along where *others* go and to do their bidding, whatever this might entail and wherever it might take you. This can be unnerving, and entail considerable existential risk. (Ingold 2014: 389, italics by author)

How should a researcher attend to such a covert and controversial procedure? Who and what are 'the others' to follow along when studying a procedure designed to be internally complex and to include very differently positioned roles, viewpoints, subject positions and sites? The procedure is built up, enacted and experienced by many 'others' - from asylum applicants to IND officers to lawyers to guards - and, inevitably, to follow one 'other' is not to follow another 'other'.

Anthropological attending is not just about being new to a situation and following others along. 'Attending' rather relates to being familiar in one way and strange in other ways. The procedure governs and bounds the powerful fiction of national belonging and inclusion, which is a privilege I share with the professionals who carry out the procedure. While I was certainly strange to the expertise, visions and practices of differently positioned professionals, I shared the privilege of inclusion, that which is precisely at stake for those others the procedure is built to border, separate and classify. This tangible and political difference of in- and exclusion, which is both at stake in the application process itself as well as characteristic of its encounters, fed my understanding of the workings of power within the smallest moments of encounter, in which only one person is asked to 'open up' and share sad aspects of self while others - who are relatively invisible to one another - listen through their trained sensitivities for truth.

While asylum applicants have a ruthlessly hard time getting out of the procedure, I had a hard time getting in, or even knowing where to find the Dutch asylum procedures. My access-to-the-field started outside the concentrated asylum sites that I ended up focussing on. In fact, gaining access to the procedure was a procedure in itself. In what follows I draw on the fragmented ways of gaining access to a field that indeed extends beyond its concentrated sites and practices, a field that knows formal and informal boundaries guarded by different people, perspectives and concerns. By focussing on my own struggle and success with gaining access I also want to show the procedure as a large field of harder, formal boundaries and of softer ones, and how those boundaries change in relation to who encounters and enacts them.

An IND officer once told me that they prefer to keep quiet about their position at the IND because telling people they work there would get them into the kind of long and hard conversations they had grown tired of. In my view this relates somewhat to the hardness of gaining access to the work of the IND as the work is tainted with a bad reputation and protected from too much publication and interference from outsiders. Different IND officers told me that while asylum lawyers sometimes talk to the media to complain about the IND, they cannot defend their position because they are restrained by the idea that what goes on within the procedure is classified information.

Unsurprisingly it took me considerable time and effort to gain access to those covert practices. I spent this time productively as I both followed asylum lawyers in their work of representing applicants throughout their procedures and I started working for the refugee council (VVN). Importantly, working at the refugee council meant engaging with the work of the IND as it is the refugee council's task to monitor the IND and see to a just application of the refugee convention. As a result, I too learned how to work with and sometimes against the IND's vision. I learned how to inform applicants about the decision-making process and prepare them for it. My time at the refugee council was crucial in getting to know the procedure. It was this 'getting to know' that, at a later stage, turned out to be very important in gaining official access to study the work of the IND.

I applied for official access at the IND's research institute, called *Hoofd Informatie- en Analysecentrum (INDIAC)*. I managed to gain access, a process that took over eight months, several proposals and an extensive meeting with a few different IND officials. Ironically, as a research applicant I wanted (and had a hard time) to get accepted *into* the procedure and study the ways in which asylum applicants *get out of* the procedure. Research applicants as well as asylum applicants are scrutinized by the IND, albeit, of course, in very different ways. A research applicant has to tell a story of research convincingly in order to deserve a form of entrance, and they have to wait, with some tension, for the IND to make a final decision: a process fragmented via a black-boxed procedural itinerary involving various (and variously ranked) IND officers evaluating whether or not the proposed research might be of interest to the IND. Obviously, the format, aim and reasons for evaluating and deciding over research applicants differs crucially from the ways in which asylum applicants are received, scrutinized and suspected.

But these albeit different ways of granting various kinds of applicants access into or out of the procedure are telling of the procedure, its gatekeepers and the power asymmetries that shape the landscape of the asylum

procedure. Indeed, while the IND protects and enacts nationalized borders, the IND also protects and blackboxes their own specific practices of in- and exclusion to different publics. This ethnography is one way of temporarily opening those up.

Importantly, gaining *official* access did not end the process of seeking access, rather it transformed and multiplied as I now needed to gain access from within. First, I had to convince the local managers of the Application Centre Schiphol and Application Centre Ter Apel of my research intentions and, especially, the practical consequences for their employees (how much time I would need after hearings, how many cases would I be following). Next to the managers' approvals, my aim to follow asylum cases in depth meant that asylum applicants, their lawyers, the refugee council and the several IND officers assigned to a case needed to say yes too. IND officers gave permission to my brief being part of their daily work because the local managers often simply told them to. However, while some IND officers were especially welcoming and seemed to like a researcher in the room, I was also rejected by IND officers who told me they felt uncomfortable with a researcher present or said they thought the younger applicants especially would get even more nervous.

While it was hard to gain access to the IND, it was not so hard to convince my former colleagues at the refugee council to allow me to also observe their work, which I myself had often done. As I wanted to follow the application process from the first meetings an applicant has with the refugee council to a final decision made by the IND, I asked the people of the refugee council to inform me when an application would start. I would then come to the detention centre and wait for the refugee council volunteer to ask for permission. To my surprise applicants quite easily agreed to my presence. Moreover, several applicants told me after two or three meetings with different strangers (a refugee council volunteer, a lawyer, an IND officer) that they liked to have a familiar face, which is telling: a sense of familiarity would not have been developed so quickly if the procedure had not been so demanding, requiring a person to share intimate details to several strangers who ask critical questions.

Due to the fact that there was no one gatekeeper, gaining access to the procedure itself was never finished. I gained access, officially, and with each new person I met I explained and re-explained my research, hoping they would say yes. Formal access becomes folded access as it allowed for the unfolding of many moments of informal accessing. The process of gaining access shows the procedure as a large field of harder, formal boundaries and of softer ones. While it takes a lot of energy and time to get access to the procedure, the concentrated sites of asylum are the only official and legal points of access attainable to people

whose arrival is explicitly illegalized before a decision is made. The procedure, indeed, becomes the sole legal access point that certain people have in relation to the Netherlands, and in relation to the Netherlands the asylum procedure *is* a boundary in and of itself.

## Two concentrated sites of the asylum procedure

When thinking about the places occupied by the practices of the procedure one immediately should think about movement and in- and exclusion. For some, the sites staged for the procedure are temporal spaces of a forced ‘home’, a literal space that belongs to one’s liminal legality (cf. Coutin 2000, Menjivar 2006, Cabot 2014). Others, however, take the procedure home or on the train, when a lawyer, for example, critically reads an official decision and thinks of arguments to appeal against it. This is important because the procedure indeed is grounded and housed in what I call the concentrated sites that allow for a relatively smooth and swift decision-making process. However, the procedure cannot be reduced to place as it is ingrained in a politics of belonging that extends far beyond those sites. Indeed, one person’s smooth movement in and out of those specifically designed Application Centres inherently relates to another person’s confinement and their being fully subjected to the decision that those other people hold in their hands. What I want to emphasize is that the procedure, and its sites, are built on these power differentials. Indeed, these sites embody difference, they are made to enact it.

In what follows I attend to the two main *concentrated sites* of my research, sites that gather different dispersed elements together into a tangibly dense and time-pressured procedure. I first elaborate on the detention centre near Schiphol in which I spent most of my research time. From there I introduce the largest application setting of the Netherlands: Application Centre Ter Apel.

### A detention centre: Application Centre Schiphol

The view from the bus stop at the detention centre is bewildering. While knowing the huge detention complex is situated behind me, in front I see a large number of aeroplanes. The air smells strongly, something chemical, I imagine it is the smell of kerosene. I have a hard time wrapping my mind around the situation. While I am free to leave and enter the detention centre, there are people stuck there, made to stay. So many people in those aeroplanes never experience ‘the border’ in such a way, to them the border might be just an exhausting moment of getting out of an airport full of shops and overpriced restaurants, it

might be a fun place or a boring or anxious one, but most of those tourists, like myself many times, do not have to fear or even think about detention when arriving at such a welcoming border-site. (Field notes, September 2014)

The detention of migrants both inside and outside the asylum application process has been possible for over 35 years in the Netherlands, however while detention was an exceptional measure until the 1980s, it has become quite common today (cf. Van Kalmthout 2007). It has been defined as ‘administrative detention’, which is a form of detention imposed in the interest of ‘public order and national safety’; it is also defined ‘as a non-punitive, bureaucratic measure that is meant to enable the enactment of border control’ (Leerkes and Broeders 2010: 830-831).

In January 2013, the asylum procedure at Application Centre Schiphol moved to a particular wing of a new detention complex called the JCS, the Judicial complex Schiphol (*Justitieel Complex Schiphol*). The procedure moved out of the old inconspicuous building described at the beginning of this chapter and into a new huge, shiny and fortress-like building. Different from the old ACS, which that solely detained people still in the procedure, the JCS also houses people detained for other reasons. While different organizations are situated within the JCS, asylum applicants are made to temporarily live and eat in the specific cell areas located above the IND and refugee council offices.

For asylum applicants, the detention centre is called ‘border detention’ (‘grensbewaring’). People are *temporarily* kept within a border and applicants temporarily keep a border within themselves as well - until they are either released into, or taken away from, the Netherlands. That is precisely what guards at the JCS call detainees: ‘the inhabitants’ (*bewoners*). Asylum applicants are made to *inhabit* a site they failed to, or could never, avoid when seeking entrance into the Netherlands. Caton and Zacka (2010) beautifully paraphrase Alessandro Petti, a quote that relates to the detention centre as a site that emerges in relation to the arrival of generally unwanted strangers:

A border is not a line, but a space with depth. And this space changes, morphologically, on the basis of the identity of the one who enters it. It can expand, reveal inner corridors, rooms filled with agents (...). (Caton and Zacka 2010: 209)

While the detention centre may be the background scenery to one person’s everyday job, it is an extended ‘border line’ to those that are still in-between arrival and in- or exclusion. Indeed it becomes a bundle of rooms filled with agents, lawyers and guards. One may only leave that place after revealing a past of terrible suffering, but when an applicant fails to convince those IND agents, they can rather simply be moved to another wing in that same building to await deportation.

Indeed, the JCS may be the only Dutch place applicants get to experience and see. This specific concentrated site is used to both deal with asylum applicants' arrival and their forced departure. Next to the deportation service, the COA, the organization that is responsible to house applicants when they have been granted refugee status, is also housed within the detention setting. As such, both in case of failure or success, an applicant's next movements are decided and organized within the same concentrated site.

Besides the fact that the JCS is a huge fortress-like walled detention complex, an impressive building that is hard not to notice, another important change is that the old ACS was IND property. Today, the new detention centre is owned and organized by the DJI, the Custodial Institutions Agency (*Dienst Justitiele Inrichtingen*) resulting in a different detention regime. The DJI organises detention in the whole of the Netherlands and is specialized in detaining people classified as criminals instead of asylum applicants. Especially in the beginning the DJI guards had little knowledge of the particular people detained in that wing of the JCS. Several VVN volunteers told me they suspected DJI guards looked at applicants as people who deserved detention, while they themselves (the volunteers) disagree heavily with detention to begin with. A VVN volunteer told me they often had to explain to the guards that the applicants have done nothing wrong and that they should not be treated as criminals. One guard said something the VVN volunteer thought to be exemplary, telling them, 'Yeah, the applicant hasn't done anything *yet*,' implying that they suspect applicants to be prone to misbehaviour. The IND, VVN, and legal aid organised several meetings *together* to inform the guards about the refugee convention, border detention, asylum applicants, refugees and their personal roles in the procedure.

In the old detention centre applicants had little else to do but wait in large designated areas during the procedure. Tense waiting is a specific kind of temporality that inherently belongs to the procedure, as the pending decision produces a tense but quite lengthy experience of waiting. There is little else to do than to wait for a decision that has the potential to change one's life. Although the new detention centre certainly enacts the tenseness of waiting, it also provides applicants with more privacy as well as a list of activities that allow people to do activities like go outside and play sports. However, as noted above, applicants were increasingly treated like prisoners in the new JCS. The walls, cell area and heavy detention regime seem to also have a performative capacity in rendering applicants subject to being viewed as dangerous, wrongful or abject beings. Importantly, within the new detention centre and its new host (the DJI), applicants as well as professionals are subjected to a stronger and more routinised detention regime. To add to this, I heard many stories of IND officers quitting

their job after the move because they felt too uncomfortable within the undeniable and fixed character of this larger detention regime. For some it seemed to be a confrontation with the violence underlying a job they had felt was a way of rather helping people who 'deserve' protection. While much of this is hearsay, it marks the impact of such a different setting on both applicants and professionals.

To give an image of the detention setting from within I describe, on the basis of a few different field notes and memories, how one enters the building:

When entering the JCS, I, and any other guest, some [temporary] IND officers and all lawyers, walk to the counter in front of me. At the counter a guard takes my passport and types certain information into the computer. The guard also checks if the person on the passport is registered as an employee or as a guest at one of the organizations housed at the JCS. People on the lists get a coloured ID cord on a lanyard that they must hang around their neck in order to carry it recognizably. The colour designates the organization one belongs to (at least for that day). The coloured ID lanyard is an object that marks the difference between those who belong in the Netherlands and those who belong to the detention centre as its temporal inhabitants. The lanyard reduces its bearer to a solid visibility carried by a key cord. That plain visibility colourfully designates specific forms of institutional belonging. The lanyard opens a subject position that accorded me a freedom without agency. I had the 'freedom' to follow a very determined and supervised path contingent on the object around my neck.

After registration one has to wait at an entrance door, a heavy door that can be opened from afar, by the guards at the counter. They open it when the new arrival will not exceed the maximum number of four people in the small room to which the door leads. It is a room of scanning machines: persons and bags are scanned there. After the check, there are many doors and hallways leading to all kinds of wings in the building. I only know one way: the one to the refugee council and legal aid and to the hallways of the IND, both of which are situated in Wing B.

When observing an asylum hearing I, together with the interpreter for the day, would accompany an IND officer upstairs where asylum applicants are made to stay. In that specific area, the IND officer needs to first go to an information-desk-like office to ask for the applicant. The guard will then check a so-called 'inhabitant-list' (*bewonerslijst*) and speak through a transceiver to another guard who is seated within the actual cell area. The cell area is a vast space with quite a large number of guards, applicants, many closed doors leading to the private cell spaces and, at the end, large windows showing the empty and vast area surrounding Schiphol Airport. The guard in the cell area

will then walk to either one of the closed cell-doors to knock on it or find the applicant sitting somewhere in the common area. Before an applicant can meet the people waiting they must go to yet another guard who checks them with an electronic scanning device. Applicants are not scanned on their return, which I interpret as a trust imbalance: the people with the coloured ID lanyards are protected against the potential dangers of the ever suspected asylum applicant, while they themselves are *trusted* to return the applicant without dangerous objects in need of detection. Scanning, in my experience, painfully emphasizes a distrust and an institutionalized fear that fits the image of the asylum applicant as dangerous other, but it might also just be a DJI routine with its potential performative effects of increasingly treating applicants as dangerous.

The specific tension I always sense while walking (back) to the IND domain is characteristic of the tense situation in which a decision over one person's in- and exclusion is tangibly pending and depending on that one specific moment of the asylum hearing: when an applicant is made to 'open up' about their past and reasons for seeking refuge. Different combinations of strangers in specific roles - the interpreter, the IND officer, the VVN volunteer, the applicant and a researcher - are unfamiliar with one another in various (affective) ways but more or less familiar with our procedural roles. At such moments we form a temporary group, as we, together, go through an important moment, one in which an asylum application will unfold. It is now and in this setting that the asylum applicant must *speak* their story of past suffering. The roles are set and we are walking toward a key moment in a person's asylum application with life altering possibilities: it might get heavy, explicit and emotional as many second hearings do. It is a familiar, and, in my experience, awkward, calm before the storm.

My access to the detention centre allowed me to visibly be part of (or participate with) those that belong to the procedure, which is important in learning and sensing the tensions that so inherently and characteristically belong to the procedure. It is precisely my participation in such a tense situation that has led me to argue for the importance of affect when seeking to understand state power.

Another important point to be made is that my own specific bodily visibility as a white and Dutch researcher helped me to be effectively reduced to the colour of the lanyard in the sense that the lanyard became the only noticeable thing about my presence. While the lanyard afforded me trust to legitimately move around the JCS, I heard stories of several people who were suspected of being applicants and accordingly treated differently. In one case a translator was escorted to the cell area until his presence was clarified. Although I do not know for sure if every IND officer or translator of colour has experienced suspicion and

maltreatment due to their non-whiteness, this situation tells an important story about the procedure's politics of race nonetheless. While whiteness, in general, fits the image of the professional and the decision-maker, black- and brown-ness rather fit into what M'charek, Schramm and Skinner (2014) call the image of the 'phenotypic other' 'who is clustered on the basis of physical as well as cultural markers' (M'charek et al. 2014: 478). M'charek et al. emphasize that 'images of the phenotypic other are constituted in conjunction with concerns about security and crime' (Ibid.: 478). It is not surprising, then, that images of phenotypic self and other are manifest within a detention centre that detains asylum applicants who are indeed both seen as potential victims and security risks. The examples of translators and IND officers who pass as asylum applicants and thus face acts of suspicion as well as my own smooth movements across the procedure's sites, reveal how politics of race and phenotypical differentiation pervades and characterizes the sites of the asylum procedure as well (cf. Ahmed 2000).

Before moving on to describing the other important site of my research, AC Ter Apel, I want to briefly pause at the point of racialized (and also gendered) difference and explain why further analysis of such differences remains absent in this dissertation. As noted in the introduction, the procedure is part of a larger racialized regime of movement and migration (cf. Van Houtem 2010, M'charek et al. 2014) seeking to especially restrict brown and black people from traveling to, and entering into, Europe and the Netherlands. However, I have not investigated how such power structures play a role in the face-to-face encounters and evaluations of the procedure. Rather, the research was staged to explore the procedure's swift and time-pressured process of gathering, circulation and deciding over sad accounts of suffering. It is precisely this set-up, of following applications and interviewing many different participants under time-pressure, that would, in my view, make it quite hard to also thoroughly explore the (micro-) politics of race and gender as part of the different practitioners' (personalized) images of 'un/deservingness' or as active within the smaller moment of encounter.

I, for example, cannot know, and hesitate to speculate, how the young brown female IND officer felt in terms of race and gender when interviewing an older Egyptian man, if race and gender were conscious considerations to begin with. Although I know that there can be tensions between applicants and interpreters, I did not have (or seek) access to know the way in which a Ugandan male interpreter listened to a Ugandan woman who applies for asylum because she felt unsafe as a lesbian, or how their interaction, at that specific moment, may or may not be affected by shared expectations of gender and sexuality. I also do not know if and in what way race or gender played a role in the older white male IND officer's compassion for a Russian lesbian couple and their stories of persecution,

which he so vividly remembered. Maybe he has struggled with sexuality himself, maybe the women were white and maybe their whiteness appealed to his image of innocence and deservingness, or maybe he has a daughter who is gay. I do not know but I know that he wanted to tell me about them to show that he actually does feel empathy for some applicants, as he was rather harsh to the applicant whose case I was following.

Hence, while it would be fascinating and productive to fully focus on, and analyse, the dynamics of race, gender and ethnicity in the everyday practices of the procedure, I have not (yet) done so and am thus not in a position to make generalizing statements or to add arguments to debates on such power structures in relation to the ‘immigration apparatus’ (cf. Feldman 2012). However, a sensitivity for such differences is included in my general focus on the contingent nature of a legal application process that draws on the intimate and intuitive face-to-face encounters between such a diverse range of professionals and applicants.

### An ‘open’ centre: Application Centre Ter Apel

Traditionally, you’ve got very different cultures at the different Application Centres. I think you should really take a look at [AC] Ter Apel because, still, that is the biggest asylum location. Much comes together there and AC Ter Apel has a very different history. On the IND side they hired people from that region [the North of the Netherlands] and I always notice it, there is a difference. (G, a former lawyer)

As noted above, each IND officer, lawyer or any other person involved in the procedure brings their own personality, history, taste and sensitivities to their job. Although the application process is designed to eradicate as much ‘subjectivity’ as possible in its aim for ‘objective’ decision-making, it certainly draws on IND officers’ intuitions, small moments of decision-making and sensitivities towards truth. In this way the application process is both routinised and contingent: each application process draws on unique sets of people who are quite intimately involved with one another in the potentially life-altering ‘steps’ of a routinised application process. The ‘rural’ or ‘slow-going’ mentality that some IND officers at AC Schiphol joke about, or the ‘difference’ between the fast-paced ‘urban’ type of IND folk and those from the North of the Netherlands recognized by G (quoted above) shows that the procedure is indeed performed by very different people coming from different areas, something that certainly affects the atmosphere in which an applicant is made to share intimate aspects of self and past.

I spent most of my time at AC Schiphol as I lived quite near the detention centre, which is convenient as the practices and people I attended to start early.

Moreover, it is crucial to become closely familiar with a specific site, its practices and the people that use it when doing in-depth ethnography. Becoming familiar allowed me to observe and interview several IND officers, lawyers and refugee council volunteers at different times. This led me to ever more fully understand how each application process relies on sharp routines as well as on the many contingencies that belong to the personal and intimate face-to-face contact the procedure requires. However, as I got familiar with the most exceptional place of the procedure (where people are detained, I also wanted to explore one of the several (and much vaster) so-called open Application Centres (in the sense that applicants can go outside as long as they register each day) to further investigate both the specificities of the procedure for people in detention and the potential *local* differences in the enactment of general asylum laws.

The organization of the Ter Apel site reveals that applicants stay at a walking distance from the buildings in which their applications are processed. However, these two separated sites of living and of applying are situated in a remote location that makes it difficult to leave and return without a car. This is a telling detail as most asylum applicants, although living in a so-called ‘open’ camp, cannot easily go beyond its fields and forests. Consequently, the first time I visited the refugee council at Ter Apel, my life-partner, Cat, drove me to the premises. A longer excerpt from my field notes about that first visit (in spring 2015) illustrates the frictions that are characteristic of a procedure staged to invisibly perform in- and exclusion on the grounds of compassion, suspicion, protection and securitization.

We arrive at a big industrial-like place surrounded by fields and forests. The scene has a greyness to it, while the sky is full blue. We park in the large and quite empty parking space and notice a piece of paper next to a small container-like office building saying “register at reception”. We walk up to the building and enter it. I tell a young guard behind the counter that I am here to visit VVN, the refugee council. She looks at me a bit confused and asks if I’ll be working there today. I tell her that I am there as a researcher. Without further questions, she gives me and my life-partner both a pass and asks if we know where the VVN offices are located. I tell her I saw a sign saying VVN and that I can probably find my way. She now hesitates and decides to ask another guard how to deal with our presence. This guard is firm in his statements, he says, “of course, you are *not* allowed to walk around here by yourself”. He then tells the other guard to call VVN and tell them to pick us up. I hear her talk to the VVN person on the phone saying that they cannot let me walk around there because “if something happens to them, we are responsible”. We wonder what they imagine could happen to us. The VVN people seem annoyed, I cannot hear or

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see them myself but the guard's facial expression shows struggle and some irritation. VVN refuses to pick us up because they think it is not necessary and because they are much too busy. After the phone call the guards tell us to wait outside. We wait ten minutes before another man in uniform walks in and out of the building and asks us to follow him. While walking through the camp we see many people outside, living there but also living temporarily, unsettled and waiting for a next destination [this place oozes in-between-ness too]. There are many young children playing, and I notice groups of people walking and sitting together. The deeper we enter the location the more it feels like we are trespassing people's living spaces.

The VVN building, or container, is made of the same synthetic material as the small houses in which people applying for asylum live. While entering the VVN premises we walk through a large and growing group of people waiting in and outside of a very small middle room that functions as an entrance to the VVN offices. I notice a silence that feels sad or dense, certainly tense. The largest office, a sort of common-room with a large number of tables and computers, is full, and a chaotic sphere fills the place. Everyone is in a rush and everybody is working on something. L (a manager) looks at us, analysing who we might be. I tell her that I emailed and talked with another local VVN manager over the phone. She tells me "ah, yes" and shakes my hand, she seems stressed. She tells us that Mondays are very busy "with lots of noise" and points me to the person whose work I will be following that day.

The noise and business at the VVN offices resonate with the tangible irritation between VVN and the guards. Indeed they were unwilling to pick us up due to business but also because VVN works hard to undo asylum applicants from a damaging imaginary that they are or might be dangerous people willing to harm others. So, while some guards take their job of securitisation very seriously, VVN precisely works against the very idea of focusing on security where the application of the Refugee Convention is concerned. The fieldwork excerpt illustrates how a space staged for the performance of the asylum procedure - with applicants staying very near the application centre - is enacted in such different ways, so much so that it leads to irritation and frictions between the different people and organizations that occupy those premises.

As noted above, there are two different areas set up to house applicants and engage with their presence. The next excerpt illustrates the second Ter Apel terrain, a place characterised by an intent to allow for a swift and well-organized asylum procedure in a time of a great many (prospective) applicants:

## The concentrated sites and times of the asylum procedure

Quite a number of guards are at work during those early hours to make sure groups of applicants are accompanied to one of the many different waiting rooms. In those rooms, applicants will be waiting for their meetings, sometimes applicants are made to wait for almost a full day before getting to see their lawyer or an IND officer. While applicants form a long line in front of the first checkpoint (cars often pass through without much trouble), non-applicants are often allowed to pass the line due to the fact that they must prepare and work on cases, rather than wait as applicants are expected to do. I see many people wearing flip flops and carrying plastic bags along, some look a bit lost, unsure of the situation and how to move or what to expect, other people seem more at ease, chatting and laughing with other people. Every person is highly attentive.

A guard calls names loudly and with a Dutch accent. The routine goes like this: the guard shouts a name and (often) a person jumps up and rushes forward, people smile kindly at the formal-looking guard. The guard gives the identificatory paper that applicants handed in at registration back, and routinely utters the word (and the question mark) "alone?" The people I witness nod and say 'yes'. But the guard tells his colleague, in Dutch (with a soft voice) to double check because '*het schijnt allemaal familie te zijn*' ('supposedly they're all relatives'). After people are classified on the basis of the dates on their papers, security people accompany applicants to the various waiting areas, classified on the basis of "procedural steps" (there is a waiting room for a first registration, asylum hearings and other kinds of meetings applicants generally go to).

As is now quite clear, everything is a bit more crowded and rushed at AC Ter Apel than at AC Schiphol. This was especially true in 2015, a time referred to as the 'refugee crisis' (the EU crisis of reception), when the people who travelled by boat and managed to reach the Netherlands had to apply at Ter Apel. The many small bottles of disinfectant placed at each desk at AC Ter Apel painfully illustrate how applicants embody images of multiple threats, how they need to be confined and thoroughly tested both emotionally and physically. The field excerpt demonstrates the strong power differences that shape those spaces occupied by the procedure: while applicants are attentive and quite nervous (and willing to wait for eight hours in dense and warm waiting rooms for a meeting of ten minutes), various guards seem rather belittling to applicants. Again, as with other Application Centres, these sites are marked by power differences embodied in a larger politics of belonging and in- and exclusion, which is no surprise as that is precisely what the procedure seeks to perform.

As noted above, AC Ter Apel is a vast concentrated site of the procedure, with most asylum applications processed there. AC Schiphol is, in terms of the number of applications, many times smaller: no statistics are needed as it

is immediately observable. Interestingly, these different sites experience very specific forms of time-pressure. The procedure at AC Schiphol takes place in detention, which means that the IND is restrained in terms of time. They are not allowed to detain applicants-still-in-the-procedure longer than 15 days (before a first final decision). There are, of course, many exceptions that do enable the IND to exceed the term of detention. Importantly, however, the 15 days of procedural time forms a specific kind of dominant time pressure. At AC Schiphol, for example, weekends or holidays do not count, which means that second IND hearings often fall on a Sunday or on Christmas eve, which has its own effects on people's heavily debated days off or for people who work on the weekend. As such, while at Ter Apel time pressure is high as the facility deals with a great number of applications, time pressure at Schiphol is different as procedures must remain within a specifically set time frame.

Another crucial difference between AC Schiphol and AC Ter Apel relates to the nationalities of applicants. While at both sites Syrian applicants go through the procedure, in general there is a difference that relates to the ways in which people travel to, and arrive in, the Netherlands. Applicants from Jamaica, Sri Lanka, Myanmar, China, India, the US (at one time), Cuba, Vietnam, Nigeria or the Dominican Republic often arrive at the airport and are stopped at Schiphol and brought to the detention centre. People who made it to the Netherlands 'through land' (which often also means by sea) go to Ter Apel. As such, these ACs are, in some ways, divided by the kind of people who arrive, and the stories, languages and cultural contexts they bring along. It affects what professionals working at those Application Centres need to know about 'the world' in order to do the procedure properly. I often observed how lawyers, VVN volunteers and IND officers develop knowledge of, for example, Jamaican applicants while an IND officer at Ter Apel was surprised that people from Jamaica even applied for asylum.

The procedure is shaped by various kinds of time pressure, a tension shouldered by different sites developed for a swift and well-organized procedure where various people, organizations and practices do their part in the so-called migration chain. I call these spaces 'concentrated sites' precisely because they are designed to bring people and practices together. Importantly, although these sites gather different elements and people relating to the procedure together, the procedure can be taken elsewhere, into the private spaces of its main experts and practitioners. While a lawyer or an IND officer can make, or appeal against, decisions outside of those concentrated sites, applicants have to often remain within or near to those sites. As such, these spaces are produced precisely to perform the inherent differences of belonging in the very details of who gets to move where and how.

## Concluding thoughts: Ethnography and affect

We begin, not with participant-observation or with cultural texts (suitable for interpretation), but with writing, the making of texts. No longer a marginal, or occulted, dimension, writing has emerged as central to what anthropologists do both in the field and thereafter. (Clifford and Marcus 1986: 2)

Writing, when doing ethnographic research, is a form of participation as well. While observing hearings or lawyer and VVN meetings I would sit in the corner, making notes. After each day of observing I typed my field notes into field files, adding thoughts to the day. These thoughts also reflect a struggle to understand the complexity of the asylum procedure. They are part of attending meetings, getting to know the procedure and thinking about its time-pressured routines, which were indeed painful as well as fascinating to witness. As a student of anthropology one rather quickly learns about the exclusionary politics of citizenship, but getting near the heart of the procedure allows for a deeper understanding of how indeed citizenship (including my own) inherently relates to a 'legitimized' exclusion of other people. The lines of the procedure extend and blur into the lines of different, and more or less strong, modes of national belonging and forms of im/mobility.

Indeed, being included within such a tense and highly politicised procedure means to be positioned relative to the procedure and to feel with and against it and its practitioners. However, it also enables me to intimately share the smaller details and moments that belong to such a covert, closed-off situation, which is an important value within this dissertation. In order to draw on my own struggles a bit longer, I want to quote an IND officer who explained how he understood my view and position vis-à-vis the procedure after having read one of my chapters (an early version of the next one):

I remember that, at one point, you were following an application process in which I had to make the decision. I noticed that there was something you were unhappy about although you didn't express it explicitly. I did not know what it was then, but when I read your chapter I understood. You felt sorry for the man, and you wanted to see those feelings expressed in the procedure: that there would be room for human warmth. This is your view. It is your view that this is relevant and it is your view that it is missing in the procedure.

I must admit that I always wanted the people whose applications I followed to obtain refugee status, even though I understood the negative decisions that were made in some of those cases. I think that it is easier for me to want applicants to

obtain refugee status as I have always been a stranger to the procedure: a person who is not trained or burdened to think like a decision-maker (or a lawyer) but who quickly feels for people in an unequal and precarious situation. Hence, the IND officer sensed well that I struggled to accept the power imbalance so characteristic of the procedure. Inequality and violence inherently belong to a procedure that demands specific (often detained<sup>6</sup>) people to share - or make up - such extensive, intimate and sad stories of self only to stand a small chance of entering into the Netherlands, a place that is much more accessible for the richer and whiter kind of migrants. However, I am well aware that my feelings relate to the privileged position of a researcher who does not have to take responsibility for either the situation applicants are in or for the decisions that are made.

The IND officer is right, I am still intrigued and startled by the 'coldness' of a procedure that claims to predominantly help reduce the suffering of others. Indeed, this ongoing fascination has led me to argue that compassion is both conditioned and enacted through a sharp and shape-shifting suspicion. Compassion thus leads to rejection, exclusion and, at times, to anger and irritation in IND officers who feel that an applicant is 'abusing' a space reserved for the 'deserving'. Although my view is driven by my own privileges, feelings and experiences with the procedure, that same closeness to its everyday tensions and encounters also made me understand the vulnerability that even the people in the most powerful positions can experience. Most of them know that lives are at stake, each of them face the heaviest stories of violence inherent to stories of persecution and of illegalised travel<sup>7</sup> while also being pressured to firmly put strict and changing laws and policies into practice. Hence, as noted above, being so close to the procedure for such an extensive time means to be moved and affected by it too. While this may be seen as a restriction and a weakness by some, I would say that this is the strength of ethnography. Through my own intimate and close encounters with the procedure, I am able to take the reader into its smaller details, tensions and the many relations and affectations that belong to such a heavily debated and closed-off site of sovereign and life-altering decision-making.

As this chapter has argued, the procedure concentrates within certain sites, places that are hard to gain access to for a researcher and much harder to get through for an asylum applicant. While the issue of asylum concentrates within the sites built to deal with inherently suspected applicants who have been given

—6. 'Often' only in the sense that I especially studied the procedure in detention.

—7. One IND officer skipped asking Eritrean women about their experiences travelling through Libya if the decision would not depend on such information. They told me that they did not want an applicant to relive those experiences with rape and slavery but they also emphasized that they themselves feared and dreaded hearing those stories.

a chance for inclusion, it disperses as well. It is taken out on the train but it also merges with those movements and movers who are legitimized, citizens who are often unaware of the actual practices of in- and exclusion upon which their 'freedom' is built. The quite extensive descriptions of the procedure's concentrated sites are meant to show indeed how something that seems so 'elusive' like state power (Mitchell 1991, Bourdieu 2014) touches ground in specifically designed places kept away from a general public. In relation, the notion of concentrated site links to what I further explore in the conclusion of this dissertation. There, I argue for an understanding of state power through its different and diverging *intensities*. Hence, I explore 'the state' not as a black-boxed Leviathan entity of absolute power (cf. Hobbes 1968) but as a power at work through the different intensities immanent to the lines that entangle in the practices of decision-making and, indeed, within the concentrated sites built to perform that intimate power of life-altering decision-making.

These sites are enacted and experienced in productively different ways as they are the scene of a quite peculiar everyday job, as well as the scene of hope, despair, sadness and a tense form of awaiting a decision that cuts into one person's life. Unsurprisingly and tellingly, it was not easy to gain access to these covert sites and practices but, increasingly, a world opened to me, one that also knew internal borders and moments. As a researcher I had to explain myself, to gain access all over again. While the notion of folded access tells a story of research marked by encountering more or less formal boundaries, it is especially telling of a heavily safeguarded set of practices firmly kept away from those outsiders or publics that are part of what the procedure protects: citizenship, the Dutch 'society' and a certain territory.

To do ethnography is to be sensitive to what is said as well as to what remains unsaid, to emotional tensions as well as to the rules that produce the settings and context in which such emotional tensions emerge. I observed strategic affectations (like an IND officer's performed empathy to make an applicant feel less nervous) and I learned to recognize affects that seemed inevitable in a tense setting like the procedure. Affect leaves visible and less visible traces in the crucial objects of the procedure. The asylum report, for example, is a select representation of an asylum hearing made via the choices of IND officers. An IND officer may choose to type down that a person cried at a certain point, they might also leave it out of the report. A person's emotional state, whether described or not, might have affected the text they spoke, a text written down and silently circulated as a Dutch report, yet another IND officer will read and evaluate the meaning of the words. Following asylum applications step by step enabled me to trace the work, as well as the (non-) circulations, of affect as well as words and

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silences, which shows how what I call the procedural itinerary - the application process - is staged to rather quickly reduce applicants to texts and allow for distanced, 'objective' decisions on their next movements. The more I learned about the procedure, the more I understood how certain affects and tensions belong to it, which is an understanding that has moved to the core of how I analyse state power: in its crucial force to mobilize and effect different bodies in different ways (see the conclusion).

In this political setting, participation, observation and attending to one's informants, to come back to Tim Ingold's words, can never be focused on one 'field' or the people one wants to follow. 'The people' are politically separated and 'the field' extends into my own history and citizenship: it is not one field, although it knows its concentrated sites and practices. To be drawn to one position and one side is to be distanced from another. This certainly was a struggle that, in spite of moments of sadness and uncertainty, improves an anthropological understanding of what is at stake in a state's project of governing movement and performing separation.

## Chapter 2

# Interfacing the procedure: The itinerary and the procedural personae

When I started my fieldwork at the old detention centre I used to have lunch with lawyers and refugee council colleagues at the restaurant on the fifth floor. There were no asylum applicants at the cafeteria as they were not allowed out of their guarded confinement. What fascinated me immediately was the organization of tables and who would sit and eat at certain ones and explicitly not at others. IND officers never joined the tables at which lawyers and refugee council employees would generally eat together and vice versa. There was a tangible tension between IND officers and those whom I call legal allies. It was a crucial and a productive tension on which I further elaborate throughout this chapter.

In this chapter I delve into the different and often opposed positions in the procedure as well as the routinised itinerary that each asylum applicant has to go through before receiving a decision over their in- or exclusion. The application process - the itinerary - is staged in such a way that the applicant faces people who are there to assist them (allies) and those who are there to critically gather their stories and decide their cases (the IND). I analyse these different moments of contact and encounter via the concept of the *procedural persona*, a concept that highlights how different people are trained to enact and embody a specific procedural 'face' through which contact is made between the procedure and the inherently suspected asylum applicant.

In that way, the faces - the personae - of the procedure become the procedure's interfaces. They are staged along a routinised itinerary along which the unknown person is transformed into an intelligible text to decide over. Indeed, the state needs bodies to get close to applicants, to sharply ask certain questions, to question their answers and to affectively sense what lies in-between the sentences or behind an applicant's tears. In that way, the procedure draws on what is often considered to be ultimately human: it draws on the intuitions, affects and sensitivities of those trained to engage with applicants. Through the concept of the procedural personae I seek to precisely analyse both the trained ways of seeing, listening and sensing applicants, and the more personal approaches that also inevitably belong to such an embodied form expertise. By thoroughly exploring the different personae I demonstrate that legal allies and IND officers engage in what I call 'antagonistic cooperation'. Both antagonism and cooperation are needed to enable what the procedure is set up to do: separate 'deserving' from 'undeserving' applicants. In this chapter I argue that both the persona of the legal ally and those of the IND officer are crucial to establish the unknown applicant as intelligible and evaluable in terms of those norms of inclusion.

Hence, this dissertation is not focused on typifying the kind of organizations involved or on scrutinizing the legal ways in which precise laws and migration policies are put into practice (cf. Doornbos and Groenendijk 2001, Gibney and Hansen 2003, Van der Leun 2003, Mascini and Doornbos 2004). Rather, I analyse the ways in which the ever suspected and unknown applicant is transformed into an intelligible set of documents to decide over. By concentrating on the personae, or the interfaces, of the procedure as well as their work along the itinerary I thus analyse how the unknown other is transformed into known and evaluable, a process David Murray (2016) refers to as a 'space/moment' of incommensurability to a 'mandated commensuration' (Murray: 57). I show how different personae enactors carefully gather, eliminate, circulate and evaluate information from an applicant at fixed points along the itinerary. Accordingly, I show that while the itinerary is standardized and fixed, its inevitable outcome - a decision - is inherently contingent on the various ways in which applicants and personae enactors effect and move one another. By analysing how both IND officers and legal allies gather and circulate vulnerable information from applicants I argue that their antagonistic relationship is productive in subjecting applicants to a decision over in- and exclusion.

In the first section, titled 'The procedural personae: Antagonistic cooperation', I further investigate what I conceptualize as the two main procedural personae, the IND and the legal ally. While this section foregrounds the differences and also the frictions between these personae, it also illustrates how much legal

allies and IND officers need to think alike. By paying attention to the intricate work of suspicion that belongs to their antagonistic cooperation I show that the legal ally in particular becomes a recalcitrant *supplement* (Derrida 1974) or a productive element of auto-immunity (Schinkel 2007) as they work against the IND but with and within the same aim of subjecting applicants to decisions over in- and exclusion on the basis of images of deservingness.

The second section, called 'Contingent encounters along a routinised itinerary', demonstrates how these personae work out in practice. By choosing a case that was *not* received well on any side I complicate the antagonistic nature of the two personae. Precisely because personae enactors need to get close to applicants in specific ways, their own likes, dislikes, sensitivities and insensitivities enter into the process too. This case, rather strikingly, shows how an applicant needs to depend on what personae enactors feel for, and see in, their case. A personae enactor's own face thus breaks through the interface they perform. Consequently, this specific application process reveals that although IND officers and legal allies are vigorously opposed in some cases, they are rather close in others. Olga Jubany (2017) observes that immigration officials in the UK are detached from the actual life-altering implications of their decisions. In contrast, I argue that IND officers and legal allies alike are rather aware of the urgency of their work and the implications of the decisions they are enabling and making. This sense of urgency strongly resonates with the procedure's *aim* of, and practices toward, objectively and equally separating 'true' from 'fake' refugees, which is an aim IND officers take to heart and practice with a careful precision. Additionally, this case shows that the 'objective' decision, which is always the endpoint of the itinerary, also relies on intuition, affect and moments of improvisation by those trained to engage with the ever-suspected potential refugee.

## The procedural personae: Antagonistic cooperation

Rumford states that 'borders are places where the people interface with the state' (Rumford 2008: 5). This is an interesting statement as it directs attention to those spaces and practices staged to perform contact between state power and the subjected body. How indeed does the body interface with this seemingly elusive thing called the state (cf. Mitchell 1991)? This chapter explores how applicants meet what I see as the inter/faces - the personae - of the *procedure* and its power of decision. However, in my understanding of state power, the people who enact a procedural persona also interface with the power of the state when encountering applicants as they too are moved by their presence and the pending decision,

albeit in highly different ways. I argue that state power, while asymmetrically acting upon the bodies exposed to it, moves both applicants and those trained to engage with their cases. This section demonstrates how IND officers and legal allies are trained to be affected by the power of decision through their encounters with applicants.

In what follows, I first attend to the IND personae and thus to how different IND officers are trained to understand applicants as well as their own positions in the procedure and the decision. I attend to the different ways in which IND officers enact the IND persona in their many encounters with an applicant in person (at the hearing) or in text (when making a decision). From there I turn to the legal ally and how they see their position in the procedure as opposed to that of the IND, something that is made productively explicit in their encounters, or interfacings, with applicants. After that, I analyse how a strong sense of procedural self emerges in relation to images of the procedural other by looking into the ways in which IND officers and legal allies perceive one another. I end this section by specifically highlighting how suspicion runs through the different and at times vigorously opposed ways in which IND officers and legal allies perform their tasks in the procedure. I argue that both legal allies and IND officers care for the procedure and for applicants through a focus on precision and multi-directional suspicion.

### The different faces of the IND personae

K, the IND officer I follow for the day, tells me that they have no problem with the fact that J, the applicant they have been interviewing, will be ‘repatriated’. K tells me that it truly vexes them when a “fake” person manages to get a refugee status, which is a feeling that also sometimes makes them uncertain when they makes a positive decision. K is quick to add that they certainly are fine with people receiving a refugee status when they actually “deserve” it. (Excerpt from my field notes, summer 2015, ACS)

J, an IND officer, says: “once I had to hold back tears when a person got accepted. I thought ‘wow this is so great for you’. It’s such a huge step to leave your country and then you arrive into this trajectory, one that that brings along so much tension. I can really imagine that it’s such a huge relief when you finally get that paper. Sometimes it makes me very emotional to realize all of that.” (Interview, summer 2015, ACS)

These fieldwork excerpts show how two IND officers think and feel along with the procedure’s aim of separation and how they have a very different affective

reaction to the two different applicants. However, these differences relate to the exact same thing, namely to the strong images of truth and deservingness that IND officers know so well. Indeed, both IND officers could probably give examples of the opposite situation, which would show, again, that their feelings for a case relate to their interpretations of whether or not the applicant in question deserves in- or exclusion. Hence both IND officers, albeit in different and personalized ways, embody what the procedure needs them to embody: a strong sensitivity for what I see as compassionate separation, which is performed through, again, a focus on doing a very precise job of applying the laws of in- and exclusion.

The IND works in the name of the Ministry of Security and Justice. They are assigned the role of applying asylum law, which means that the IND is responsible for decisions in the asylum application process. IND officers, consequently, are trained to enable and make decisions. In what follows I focus on the specific role the IND persona plays in the application process. One IND officer told me:

IND officers do their best to make sure the asylum seeker who *deserves* it gets an asylum status (...) it is our role to make sure the *right* decision is made. We do not simply move along with the asylum seeker. Sometimes we have done the job well by making a decision that is *unfavourable* to the asylum seeker. I do my job well if there is clarity about asylum law, this is not necessarily helpful to all asylum seekers, but it helps the *real* refugee. (Interview, 2013, ACS, emphasis added)

This IND officer explains that doing a proper job of applying the law helps the ‘real refugee’ while it might be unfavourable to the asylum seeker in general, which is an important characteristic of the IND personae: IND officers work with a strong belief that asylum applicants often lie and that it is their job to sharply and precisely separate the ‘true’ from the ‘fake’ ones. As such, this IND officer, like their colleagues who I quoted above, shows how they think with the procedure’s aim of separation. As I argue throughout this dissertation, the aim of separation leads to a sharp suspicion of each asylum applicant that, according to this IND officer, also allows ‘real’ refugees to reveal themselves. Suspicion becomes a main method of ‘helping’ and thus caring for refugees. Indeed, an IND officer is moved by the applicant’s account through suspicion, with an awareness or a learned disposition that an applicant might very well be lying, which may also lead to the interpretation that the applicant is *not* lying. An IND officer will thus always listen to (or read) an applicant with suspicion-induced caution.

Hence, it is suspicion, I argue, with which a legally defined and demarcated form of compassion is enacted. Suspicion may lead to both in- and exclusion, to rejection as well as to acceptance. Indeed, the IND officer, in general, presents their job as a way of doing justice to those that ‘deserve’ it but they explain that

they do so by *not* moving along with each asylum applicant. It is their job to suspect accounts and to critically question the details an applicant gives. Suspicion drives IND officers in their encounters or when they make a decision, and it thus defines the IND personae. This shapes how an applicant interfaces with the procedure and thus how an IND officer gathers information from an applicant. It also affects how they see and understand applicants and their accounts of sadness.

Interestingly, while the IND officer quoted above focuses on applicants - on making sure only the 'real' refugees are included - in their understanding of how to do the job well, another IND officer instead focuses on other IND officers in positioning themselves as a proper IND officer. This is important in understanding how different personalities affect how an IND persona is enacted. Personality always breaks through the enactment of a procedural persona or, differently put, face always breaks through the enactment of the procedure's interfaces:

It is not as if I accept everybody, but I can make sure to do a really thorough and fair evaluation, and that might bring something extra to the procedure. Like, alright, if not everyone is allowed to live here, alright, then I can still make my contribution by making sure decisions are made in a fair way. Because yeah, some people get numb, and I try to balance that out by not becoming numb. There are enough people numbed out and they fail to see the person behind the application, they just look at it merely as an application, and I am happy to not have come to that point, I also do not plan on ever getting there. (IND officer, 2015, ACS)

The quoted IND officer's focus on contributing something important to what they both accept as the procedure's main aim, that is, separating applicants. Both are aware of what is at stake in the procedure, but their focus on what they are contributing is quite different. While the former IND officer focuses on applicants and on making sure only the 'real' refugee is accepted, the latter IND officer focuses on their colleagues and on making sure an applicant is kindly and humanely treated. As such, both quotes show that IND officers need to *feel* the urgency of their job and that there are crucial differences in how various persons enact the IND personae. Indeed, trained vision becomes embodied vision and to embody something is to make it one's own, to merge with it in a way. And so, inevitably, personae enactors bring their personal histories and sensitivities, their likes and dislikes, into the recognition process.

Precisely because the procedure mobilizes such passionate engagements, different IND officers have different ways and ideas regarding how to put policy into practice. Consequently, applicants can be un/lucky with the IND officers (or legal allies) they are made to encounter (cf. Doornbos 2006, Ticktin 2011, Feldman

2013) as some officers will be more or less welcoming, some will be more focused on caring for the applicant's feelings on the spot, while others are especially focused on making sure each questionable detail is interrogated. I am not suggesting that there are capable and incapable IND officers, I am arguing that the intimacy the procedure requires inevitably also leads to larger and smaller differences in the ways in which these many different people enact an IND persona.

I want to look at an excerpt from my field notes in the summer of 2015 (in Ter Apel) to further demonstrate how face breaks through the enacted persona/interface. Differently put, in an IND officer's way of making contact with an applicant, the procedure - or the state's power of decision - feeds on trained as well personal sensitivities. It thus also inevitably invites contingencies into the process. As emphasized in the introduction and the previous chapter, I studied the procedure in Ter Apel in the summer of 2015, a time when a larger number of people applied for asylum. While waiting lists were growing, the IND also started hiring temporary IND officers to especially conduct first hearings. Each temporary worker was supervised by a mentor who would look through the unfinished report file of the hearing to point to issues that should need to be addressed further or to recognise issues that should not have been addressed in the first place. In the excerpt below I recall (instead of quote) a conversation between the new IND officer (A) and a more experienced IND officer (J) who is *not* her mentor:

J asks why A did not pose more questions about the applicant's traditional wedding. A tells her that she would have liked to do so because she has had such fun conversations with applicants who cheerfully expand on the wedding situation. However, A explains that her supervisor always draws big red crosses at the margins of those parts [of the report she is typing up throughout the hearing]. He tells her that these weddings really do not matter and that he finds it a true waste of time. J, the other IND officer, passionately opposes this view by explaining that these questions could matter at a later stage. Moreover, she says, they are crucial when an applicant applies for family reunification. In those procedures the reports of the asylum procedure may be used to check whether or not the applicant gives the same answers as they did before.

Both the big red crosses and the fervour with which J opposes her (invisible) colleague's view demonstrates how fervently (most) IND officers are involved in their job and how they think with the procedure's complex puzzle of 'un/deservingness' in very different ways. While J focuses on the potentiality of yet another procedure (family reunification), the mentor rather argues that it does not add much to a credibility test within the asylum procedure, which makes it a waste of precious time (especially in that summer of 2015). Hence while they disagree,

they think through the same logics and within the same role of making sure asylum applicants are put to the test.

While the more experienced IND officers get to firmly build their own personal approaches and sensitivities (without supervision), coming of age as an IND officer precisely means *not* having too much of that unavoidable personal voice, especially in interviewing applicants. The big red crosses illustrate the vulnerability of newer IND officers and their relation to the more experienced ones. While one needs to draw on trained sensitivities, intuitions and knowledge of what does and what does not matter, the newer IND officers still need to learn what matters and what is more or less ‘logical’. As a result, they depend on their more experienced colleagues, even when they strongly differ in how they engage with asylum applicants. Hence, precisely because being an IND officer means to learn to feel and look with the IND persona, junior IND officers must be closely monitored and policed by more experienced IND officers. I draw on the same field notes to further illustrate the awkward situation of being supervised to act, feel and think like an IND officer, while also developing a personal voice and style in contact with people whose lives are at stake:

A tells me that it is quite hard to deal with such different opinions of the IND officers ranked higher than her. She gives me another example, of how she prefers to always kindly say, “Welcome! How are you doing today?” She used to also write this down into the report because, so she tells me, the report needs to reflect the full conversation. Her supervisor told her, “gee, you do not need to be this nice, you know”. She decided to still say welcome but to exclude it from the report, to hide it from her supervisor. But soon after she stopped writing it down another colleague told her, “hey, you are allowed to be bit kinder you know? It wouldn’t do much harm if you’d just say welcome and ask the person how they are doing”.

In order to enact the IND persona, one needs to take a position and engage with the urgency of life-altering decision-making, which also inevitably leads to personal opinions and feelings of how to deal with this task. Focusing on the various ways in which a procedural persona is enacted also means taking a different approach to bureaucracy than the one famously proposed by Max Weber (1946). Weber ‘identifies bureaucracy with rationality, and the process of rationalization with mechanism, depersonalization, and oppressive routine. Rationality, in this context, is seen as adverse to personal freedom’ (Weber 1946: 50). Michael Herzfeld too especially analyses what he calls ‘bureaucratic indifference and detachment’ when understanding interactions between bureaucrats and their clients. He says that ‘indifference to the fate of others becomes morally acceptable

to those who would present themselves as the protectors of “our own interests” (Herzfeld 1992: 167). Olga Jubany, who recently published an ethnography (2017) on the work of home office immigration officials in the UK, also points to a creation of indifference, which she relates to the way in which the organizational structure of the procedure (in the UK) detaches officers from what happens to asylum applicants beyond their decisions. This, according to Jubany, leads to ‘a lack of empathy and personal involvement on the part of the officers, creating this sense of indifference’ (Jubany 2017: 205).

My research and analysis points to something slightly different. I argue that a performance that looks like ‘indifference’ is precisely a passionate attachment to the procedure’s aim of separating people on the basis of deservingness and through suspicion. In relation, I rather recognize what Caton and Zacka (2010) argue to be characteristic to bureaucratic systems involved in what they call ‘the security apparatus’. There, bureaucrats do not, as Weber saw it, simply follow ‘rules and execute prespecified tasks’ (Caton and Zacka 2010: 204). Rather, the bureaucratic process re-appropriates ‘their capacity for judgment, initiative, and creativity—it can operate through them and utilize the full range of their capabilities’ (Ibid.: 204). The example of the junior IND officer insisting on saying ‘welcome’ and ‘how are you today’, by first adding it to the asylum report and then removing it, is a telling moment as it beautifully illustrates that the procedure indeed draws on personal forms of creativity, initiative and improvisation (however small such moments may be). So, rather than seeing bureaucrats as mere cogs in a machine, the ‘machine’ itself runs *through* the personalities and (trained) sensitivities of those asked to participate in the refugee-recognition process. In relation, and different from what Jubany observes in the UK, I argue that IND officers are rather attached to, instead of detached from, the *aims* of the procedure, which does not lead to indifference but to a rather passionate focus on making sure that only those who ‘deserve’ it are allowed access into the Netherlands.

To enact a procedural persona means to make contact with an applicant in a certain way. It means to feel with it, to look through it, and to accordingly make sure that a specific kind of information is gathered, highlighted and evaluated. This thus means that one has to put one’s own body and intuition to use in order to fulfil the procedure’s task of separation. In order to make decisions possible, the procedure thus both draws on personalized sensitivities for truth and credibility, and absents the contingencies that belong to such encounters by separating the IND tasks in an application process. As I will especially show in chapters 3 and 4, the applicant is transformed into the texts that another IND officer, a decision-maker, must dissect and evaluate. The point here is that the hearing officer engages in a very different kind of contact with an applicant in person, than does

a decision-making IND officer who faces an applicant in the form of a case file. While the hearing officer needs to intimately engage with applicants in order to gather crucial and personal (and always inherently suspected) information, the decision-maker further evaluates that gathered and reported information in order to make the decision. It is crucial to note that these different IND personae, situated along the itinerary, are similar in the way in which they are trained to recognize ‘truth’ and ‘deservingness’. Precisely because the ‘truth’ is considered to lie outside the procedure, in another time and place, suspicion becomes the main affective, trained and intuitive method of getting closer to it.

### **A recalcitrant supplement: The legal ally**

While the IND officer stands in front of the applicant and behind a decision, the legal ally is situated alongside the applicant to try and help make their claim more convincing to the IND. I use the term ‘legal ally’ for both the asylum lawyer and the refugee council as they are both involved in the procedural itinerary to help and assist applicants. The lawyer and the refugee council form an alliance within the alliance that they have with applicants. Together they try to improve the chances an applicant has by using what they know with and about the IND. In a way, the IND gets to ‘sit back’ in terms of thoroughly studying a case: it is up to the applicant and their legal allies to make sure the IND has all the information needed to see value in the case. While the IND is able to focus especially on testing credibility by gathering information that might also undo the legitimacy of a claim, legal allies need to make the case convincing. In this way, the work of the legal ally supplements the work of the IND as they bring information in and allow the IND to evaluate such information. In other words, I argue that the legal ally’s recalcitrance seeks to establish the applicant as rather compliant.

Two different quotes further demonstrate that the legal ally’s recalcitrance supplements the work of the IND:

The strange thing about this work is that, sometimes, you get really happy about something really terrible.... That you find information about horrific tortures and that you think like YES! Because it means that you’ve collected a very good argument in favour of your client’s application. (A VVN documentalist, 2014)

The possible (if rare) presence of “the real refugee” thus also makes legal aid and asylum advocacy legitimate. (Cabot, 2014: 147)

Both quotes show that while IND officers need to apply the rules, legal allies think with and against the application of those rules. They share the puzzle – who

deserves inclusion – but they differ in position and focus. As Cabot’s quote shows, the legal ally (‘legal aid and asylum advocacy’) is mobilized by the same images of deservingness as IND officers. As the first quote illustrates, the legal ally indeed rather passionately gathers evidence of an applicant’s ‘deservingness’ to bring an application to a positive end. However, the first quote also reveals that although the legal ally gathers all kinds of information to recalcitrantly work against IND suspicion, they also assist the IND in the collection of relevant information to ground a decision on. Hence, the legal ally and the IND certainly look at a case similarly, but they are moved by both applicants and the procedure in very different ways, which produces a very different kind of interface. As such, I argue that legal allies and IND officers are antagonistically united. They work together as they both move an applicant toward a decision, but they work in opposition too: the IND looks for cues to potentially destabilize an ever suspected account, while the legal ally works to improve that account by suspecting the IND and by looking for alternative possibilities created through and within an IND vision and focus. Hence, the inclusion of a recalcitrant (cf. Dijkstra, Van Reekum and Schinkel 2017) or auto-immune element (cf. Schinkel 2005) within the itinerary is yet another way to gather vulnerable information and to thus allow the IND access to the applicant. The inclusion of the legal ally also allows the IND to further legitimize a decision as they can argue that there was ample enough (although black-boxed) opportunity to make one’s case convincing.

Indeed, lawyers and the refugee council both enact the different personae of the legal ally – a recalcitrant supplement. While the different legal allies share a specific position in relation to the applicant and the decision, I want to first pause at some of the different ways and moments of *interfacing* with an applicant as a legal ally. First, there are lawyers and refugee council volunteers and, second, there are different moments staged along the itinerary when contact is made between the applicant and the procedure through the different personae of the legal ally situated along the itinerary. While I attend to those different moments of encounter in the second part of this chapter (when following an application from step-to-step), I want to especially draw on the differences between the refugee council and the asylum lawyer in this section.

Importantly, the asylum lawyer represents the person throughout the process and the refugee council (*Vereniging Vluchtelingenwerk Nederland*, VVN) is there for each applicant who requests help with their case. While VVN generally monitors the work of the IND by also working closely with applicants and lawyers, the asylum lawyer is there to assist the applicant throughout the application process and beyond (when appealing against a negative decision in court, for example). VVN, which is predominantly funded by donors, is additionally

supported by the legal aid fund that also pays lawyers. I mention it to emphasize that VVN, as well as the lawyer, is an official part of the procedure's legal alliance. Together they are given the task of (at minimum) preparing an applicant for the IND-dominated decision-making process. In the words of a VVN volunteer at the detention centre, 'it is VVN's aim to be a guide in the bureaucratic maze that the procedure is' (observations ACS, 2014).

One of the ways in which VVN guides a person through is by preparing an applicant for the procedure. The next fragment from my field notes shows a way in which this combination of working *with* procedural norms *alongside* the applicant unfolds:

A (a refugee council volunteer informing an applicant on what the IND wants to know): "*They* want to be sure about it... *they* want to know who is responsible for your safety. After *they* know everything, about who you married, if you've got children, then *they* ask you how you travelled to Holland." Some moments later A speaks about the applicant's meeting with an asylum lawyer: "you then also have the opportunity to discuss *how* to talk to the IND about your problems, I hope your lawyer will help you, because during the second interview you'll get the *opportunity* to talk about your problems in Uganda... *Because the Dutch government wants to be sure they must give you protection, they can only protect you if you have certain kind of problems.*" (Ter Apel, observations, spring 2015)

The above excerpt shows how a VVN volunteer positions themselves alongside the applicant by emphasizing what kind of information should be given to the IND. The VVN volunteer is there to assist the applicant in how *they*, the IND, will evaluate the case. While refugee council volunteers give a light form of advice, the excerpt shows how this volunteer already assists the lawyer in making sure that the applicant knows that the lawyer will help them further in learning to understand what the IND wants. And so again, while these alliances are recalcitrant as they seek to play with and around the norms they need to work with, they also consist of making applicants compliant and helping them to become proper claimants who share the good kind of information with the IND. By both telling applicants how to behave 'well' and by separating oneself from the IND, the legal ally is in a position to both gain an applicant's trust and make them 'open up' to the IND. The next quote, which I also used in the introduction to this dissertation, beautifully shows how a lawyer seeks to gain an applicant's trust by establishing the IND as a shared and suspected *other*:

We are sitting in front of each other, as two people talking, and you may wonder, why would I make up my suffering? Why would I do the effort, I am tired as it is already. But we are sitting in front of each other in a building, in a procedure, in all this bureaucracy that is based on the thousands and thousands and thousands of people who have asked for asylum from the 80s until this very moment. You have become a suspect, before anything else. Let us do all that we can, do more than our best to *make your case strong* and convince them of the opposite. (Lawyer and client, 2012)

Legal allies, especially the lawyer, need to gain trust in order to fully assist an applicant in inducing an IND officer to accept their application. This lawyer shows that 'they are in this together'. By saying 'let *us* do all that *we* can' the lawyer creates an energetic kind of 'us' versus 'them' image, which indeed is very different from the way in which IND officers encounter applicants. The lawyer's emphasis on an 'us' and a 'we' is a way to gain the applicant's trust, which then helps the lawyer in convincing the applicant to share more detailed information, which is precisely what the procedure desires of applicants. Consequently, this allows the lawyer to tell the applicant what should (not) be shared with the IND. Additionally, what the lawyer, along with a sense of us-ness, tells the applicant is that the applicant should suspect the IND for suspecting them. And so, in order to *undo* IND suspicion the lawyer and the applicant must follow IND logics of suspicion by suspecting the IND *together*. This shows that legal allies also, but in a different and more 'backstaged' position, perform and enable contact between the applicant and the procedure and its work to execute clear-cut decisions over 'deservingness'.

Hence, importantly, the legal ally needs to gain access to vulnerable information in order to improve an applicant's chances at inclusion, which is demonstrated by the following quote: 'I always need to figure out and feel how a client communicates, only then I can make his case strong. It is the only way to get further with a case' (lawyer, interview 2012). This lawyer emphasises how it is, indeed, their job 'to make a case strong', which is very different from IND employees, who evaluate the case as either being weak or strong. In order to make a case strong the lawyer needs to make sure applicants understand how to comply with the procedure's expectations. Two statements by the same lawyer explain how they seek to make an applicant comply with these expectations:

When someone is afraid to reveal the name of a trafficker then I tell them that they really should share that information as it will help their case. I tell them that they [the IND] want a lot of information so please just give it to them. (Interview with a lawyer, 2012)

Sometimes people forget to mention former spouses, or former children. Or people say “yes I am married” because they have a child and are ashamed to say they got that child without being married. But then that turns out to be of crucial importance for the procedure at the next hearing: that this woman was expelled because she had a child without being married. (...) Well and those things, we have to get those things out of a person. (Interview with a lawyer, 2012)

These are perfect examples of how a lawyer stimulates applicants to share vulnerable information with the IND by explaining that it will work in their favour. In the first quote, the lawyer recognizes certain emotions that prevent an applicant from sharing such information. Lawyers, as the quotes illustrate, need to both puzzle with the information a person brings in and analyse why certain other information was *not* told. However, lawyers also sometimes advise applicants not to share certain details with the IND, as the next fragment shows:

Applicant: “I have never lived a happy life, I am 19 and I never studied, I never enjoyed life”. The lawyer responds with empathy but tells the applicant, “I understand that and I think that is very good reason to leave, but the IND does not like it very much when they get the idea that people come here to have better lives, so you can tell me this, but do not emphasise it during the hearing.” (Excerpt from a field report, 2012)

In a mild way the applicant learns that the IND will be critical of such motives and precisely this knowledge might help the applicant to indeed highlight some but explicitly *not* other information at the hearing. The work of the legal ally, as such, is also a work of (pre) gathering: the lawyer actively gathers up information by asking questions and by steering a person to explain certain things better. However, while some elements are *put up* for IND gathering, other elements are *eliminated* from the itinerary because lawyers also make sure an applicant will not repeat harmful information ‘on the record’. Hence, while the lawyer creates an atmosphere of speaking off the record, such moments travel along the itinerary in the form of information that will (not) be given to the IND on the record. As such, the legal ally is thoroughly involved in the way in which the procedure seeks a specific kind of access into the lives of those subjected to the power of decision.

When focusing on the encounters between a lawyer and an applicant, the IND seems to almost be the lawyer’s incommensurable Other: they work against one another, on very different sides of the decision. However, when moving out of a single case, the cooperative nature of these different personae and their roles

becomes visible: both are crucial and at times complementary in building a case and working an applicant toward a decision. Hence, the legal ally and the IND must speak a similar procedural language; they must focus on the same kind of details and ensure that certain information is foregrounded. Hence, even though the lawyer seeks to establish a more quiet and informal ‘backstage atmosphere’ where the applicant can speak openly, it is precisely the inclusion of the legal ally that also legitimizes the fact that a decision will be made at the end of the itinerary. The procedure thus feeds on the orchestrated differences included within the itinerary.

In the next section, I attend to the ways in which different personae enactors look at those on ‘the other side’. This elaboration demonstrates how the affects and frictions that also belong to enacting and embodying a procedural persona are situated along an itinerary that works toward, and revolves around, life-altering decision-making.

### Frictions: Self-images and other-images

The next field note excerpt shows how some IND officers feel about VVN volunteers/employees, especially when those volunteers/employees watch them conduct an asylum hearing:

C (a young IND officer): “sometimes I feel that VVN thinks we really are the bad guys.... But I’m like ‘we are doing a proper job you know’”. V (the other IND officer): “yeah but this doesn’t really affect our job or anything, it’s not as if I do a better job when they are present... I just think they can exaggerate so much! I can’t stand it... VVN always dramatizes things, they think aliens (*vreemdelingen*) are always so sad, sad, sad (*zielig, zielig, zielig*)... come on! If I see that an applicant (*betrokkene*) is a bit nervous than I respond by asking ‘are you alright’, stuff like that. And sometimes some of those people [of VVN] think you do not notice things like that. Then I think, come on, ‘*doe even normaal*’, I am not dealing with little kids! Everybody understands the situation and that it is tense and scary but people often calm down after a bit anyway”. C: “Yeah I know exactly what you mean”. V: “Yeah that really annoys me, they think we are completely insensitive to those kinds of details.” (Field notes, AC Schiphol, summer 2015)

Something crucial is at stake in the asylum procedure - it is potentially about life and death and about bordering and securing the ‘national community’ - and those involved know and feel the urgency of their work. This leads, among other things, to a rather passionate way of defending one’s position - in this case the IND position. This again is where my findings differ from the ones presented by Jubany (2017), who argues that immigration officers are detached from the

consequences of a decision (2017: 147). I agree that IND officers are not involved in tracing the consequences of the decisions that they have made, however, in my view, this does not lead to detachment or a lack of empathy (Ibid.: 205). Rather I argue that IND officers are attached to the importance of their work, which, in a different way, relates to an understanding and an awareness of the potential consequences of their decisions (I elaborate on this especially in the next section ‘Caring for the procedure with suspicion’).

Consequently, this awareness also leads to the IND officer’s above-reflected indignation: the young IND officer feels that VVN volunteers fail to recognize that IND officers actually do care for applicants and that they do take them seriously. The IND officers strongly position themselves in relation to VVN by saying that they are both sensitive to the situation asylum applicants are in and critical of the accounts applicants share, which, according to various IND officers I have spoken to, is a more objective and less ‘naïve’ understanding of what applicants actually are: active people who would do everything to obtain refugee status, including lying about their situation (I am paraphrasing and combining what different IND officers told me). As such, the IND officer’s feelings further illustrate the point I made about the kind of bureaucracy performed in the procedure. It is not a performance of indifference; rather, the people involved are trained to put a sharp and embodied suspicion into practice, to look with both caution as well as an understanding of the potential dangers applicants face in case of a rejection. In relation, I observe that IND officers are in a specific kind of vulnerable and simultaneously powerful position as they are assigned the task of decision but restrained by having to put policy into practice. All the while they are being closely monitored by different legal allies who suspect IND officers of being too willing to reject applicants. Indeed, the IND officer feels criticised by the presence of a VVN volunteer, which shows the tension that I find so characteristic of a procedure that draws on very different (trained) sensitivities and positionalities embedded in notions of deservingness.

From the indignant young IND officer, I move to the way in which another IND officer presents their role in the procedure vis-à-vis lawyers especially, which again, shows that the procedure demands its enactors to rather creatively think with the tensions that inevitably belong to its practices of in- and exclusion:

We, different from lawyers, are looking for the truth, so I cannot *afford* to give someone hope during the hearing. (IND officer, 2015)

While another IND officer told me that the truth can never be found (quoted in the introduction), this IND officer explains that precisely the IND search for truth drives a performance of distancing oneself (something that may be mistaken as

a form of indifference). As noted above, it is up to the lawyer to perform alliance and to gain trust, whereas the IND performs a distance that belongs to their job as ‘objective’ decision-makers. Although the IND officer imagines their role as a search for truth, they understand the lawyer to have a very different focus. In my view, however, while the lawyer looks for the same cues about truth in order to help an applicant, the lens of suspicion that IND officers are trained to sensitively look through crafts the difference between them and lawyers. Suspicion produces both distance and proximity: while the lawyer gets closer via IND suspicion, the IND seeks to stand at a distance in order to remain critical of the details an applicant shares, which again shows the different but complementary ways in which contact is made between the procedure and the applicant via its different personae.

The same IND officer explains why they are quite pleased to be an IND officer instead of a lawyer, which again reveals that IND officers consider their own position to be *more* objective than what is considered to be the inherently subjective and, in a way, ‘cunning’ position of the asylum lawyer (which is something I especially elaborate on in chapter 4):

N (the IND officer) tells me that they are good where they are: they are a wager, an evaluator, a researcher. They are not so interested in what lawyers do (as a job for themselves): “*they just get something and need to work with it... I get to research and analyse it*”.

The IND officer’s self-image as a researcher relates to their other-image of the lawyer who needs to always look for ways to improve a case. They are right about the lawyer in one way, but I am not sure if they are aware of how much they share with the lawyer. Again, lawyers too are looking for similar cues of credibility but in a recalcitrant as well as a supplementary way. While interestingly the IND officer pictures themselves as a researcher, they see the legal ally as more cunning: as firmly positioned to always counter IND arguments in favour of acceptance. This is something a lawyer would disagree with as they rather see IND officers as the cunning ones who are willing to reject an applicant. This is illustrated by the following statements by a lawyer:

Asylum lawyers of course are a bunch of weird hippies who travel through South America by backpack with or without their kids (they laugh) and yeah, well, IND officer that is, well, they just are the less adventurous type of people. They really are bureaucrats with a regular pay check: I think that most IND officers have little actual knowledge of the world out there, I think most IND officers never really travel the world.

(...)

I think that if you lack that kind of experience... when you learn about other parts of the world and how people live in many different ways, well if you have that experience than I think you would be better at asking the good kind of questions. For example, often things are seen as inconsistent only because, well only because the bureaucrat (“*ambtenaar*”) didn’t ask for more information or because he didn’t understand it or because he thought it was vague. But if you look at these cases with even the slightest understanding of different kinds of logics than everything the applicant said was correct.

The lawyer feels that IND officers lack knowledge and competence. Additionally, the lawyer understands their own ‘hippy-ness’ as a value in a procedure they imagine is ruled by bureaucrats without much tacit knowledge of the world beyond their work manuals. Moreover, the lawyer imagines IND officers’ assumed lack of adventurousness to result in an ethnocentric way of interpreting information and classifying things as vague or inconsistent while, according to the lawyer, IND officers themselves *fail* to understand. Importantly, the lawyer argues that by failing to understand certain information (and failing to take responsibility for that failure) IND officers also fail to ask sharp and helpful questions. The lawyer thus feels that the IND is not capable of gathering the kind of information that would allow an applicant to show the actual and situated veracity of their account. Hence, according to this lawyer, both an ethnocentric interpretation and the (resulting) lack of sharp questioning results in rejections much more often than a fair outcome of a thorough understanding of who or what an applicant has actually been through, and will face if they return.

I disagree with the lawyer’s view on IND officers as I have seen a great variety of IND officers (some of whom rather love traveling the world); however, it is especially interesting to notice the passion with which the lawyer separates themselves from the IND. Moreover, the procedure feeds on such felt differences as it allows the procedure to gain access to applicants from different angles. The lawyer, in their opinion, makes sure to put their own ‘adventurous’ knowledge to use in also helping applicants - whom they see as easily misunderstood by the IND - by getting applicants to share detailed information with the IND and by undermining IND arguments against an applicant. As such, these telling tensions, in my view, ground the antagonistic nature of these two procedural personae. Consequently, as emphasized above, the procedural itinerary organizes different and opposed moments of encounter via which contact is made between the applicant and the procedure, and through which a decision gradually becomes possible.

### Caring for the procedure with suspicion

IND officers tell me that they care for the procedure by doing the job well, by writing a firm and well-argued decision that lists all the arguments that ground a decision. Caring for the procedure indeed means to make sure ‘abusing’ migrants should be found out; they must be separated from the ones seen as truly in need of protection. In this way, care translates into suspicion. It is precisely because suspicion becomes such an important method and sensitivity in the performance of the IND personae that the legal ally needs to engage with suspicion also. As noted above, lawyers sometimes seek trust by emphasizing that the IND will not trust an applicant’s claim: a mutual suspicion for IND suspicion may thus productively lead an applicant into sharing even more details with the IND. And so I argue that it is especially suspicion - the different affects and lines of suspicion - that characterizes the routinised and inherently contingent itinerary as those assigned the task to intimately engage with applicants move through and with suspicion.

IND officers’ desire for truth in the form of strong suspicion becomes the lens through which truth is found: truth happens in the explicit absence of lies, vagueness, and incoherency, inconsistency and non-personal details. I quote an IND officer to make this point clear:

A person who fabricates a story gets into trouble when I ask unexpected questions. For example, I did an interview with a family, I interviewed them all separately. They said that the father had been imprisoned and tortured. I asked them about the clothes the father wore when he got back home. They prepared the full story together, they all shared the exact same dates and times for each important event. But they had not thought about this question. The man said that when he returned after 9 months he only found his wife at home. He had worn his suit for 9 months and it was covered in blood because of the tortures he went through. He said he took off his clothes and laid down in bed in his pyjamas. He was tired and broken. He spoke of his children who came to visit him while he laid in bed. I expected his children to also remember the arrival of their father, such a fundamental event after he had been gone for so long. His son said that his father was wearing ragged and blood-stained clothes when he saw him again for the first time. He told me that they hugged in the living room. His daughter had yet a very different account of the father’s return. So, this was a part of the story they did not discuss, they had not prepared for it. This takes much away from the credibility of the story.

Being able to precisely live up to the expectation of giving the exact kind of dates and times turns into a source of suspicion, which makes the IND officer think of a personal question that each person involved should remember in the same way. The very personal and intimate question the IND officer asks is also a potential trap that allows these applicants to show themselves as either deserving or undeserving according to the procedure's standards. This example shows how truth is sought through suspicion. Suspicion moves this IND officer to ask for such a personal detail, and so it is suspicion that allows these applicants to either succeed or fail at truth. While there might be other explanations for why these family members have a different memory of such an event, the procedure and the IND persona render the logical explanation of such a gap to be grounded in a 'fabricated story'. Suspicion indeed grounds the logics of the procedure and the truth game that characterizes it. In that sense, suspicion is a way of desiring truth, of knowing that the truth can never be found in any absolute way, but that it is something to get close to through a very critical set of questions focused on gaps and inconsistencies. This is illustrated in another quote by the same IND officer:

I think that you can ask the same questions to someone who tells the truth as to somebody who makes up a story. I can present my questions in such a way that somebody will get caught in his lies, but the truth will always find a way out. Credibility, as such, is not the outcome of my questions, or the emotions someone stirs in me, but a consequence of the representation of the reality somebody talks about.

For the IND officer the applicant is very active, and the IND officer seems to present their questions as being both a passive and active way of allowing the truth to appear. The IND officer presents themselves as active in tricking the truth to come out, but passive in the face of a truth they deem to inevitably make itself known through such an active questioning scheme. I argue that suspicion underlies the IND officer's active search for truth as the IND officer questions actively pursue, but also potentially negate, the possibility of a 'fake' story. While truth is seen as something that simply is one thing or the other, it is of course the IND officer's task to judge whether the answers an applicant gives come sufficiently close to it. Suspicion thus underlies a search for a truth that will never be known for sure: it becomes an affective method that gets the IND officer closest to judging and interpreting whether that which came out of their questions should be deemed credible or non-credible. Truth thus appears in the absence of 'lies'. This shows that suspicion underlies the IND officer's methods of tricking truth into making itself knowable.

Interestingly, it is the IND's affective method of suspicion that drives the legal ally to suspect the IND. Many legal allies believe that the IND is actively at work to reject applicants, and so legal allies mobilize suspicion to gain an applicant's trust. Legal allies' suspicion of the IND affects the ways in which they listen to applicants. The legal ally hears and senses the IND through the account an applicant gives. As such, they recognize what an applicant should (not) emphasize too much. The legal ally thus gathers information from the applicant in order to put certain elements up for the IND to gather, while trying to take other elements away from the account. The lawyer, for example, tells an applicant to add more details (like dates, times, names) while leaving other aspects out of the account (remarks that may, in their cautious view of the IND, make the IND see them as an economic migrant instead of a refugee).

Suspecting the IND thus relates to the way in which legal allies seek to gain an applicant's trust. Hence, trust is born out of a shared suspicion. As noted above, it is precisely such a trusting relationship that allows the legal ally to convince the applicant to share certain details with the IND. Hence, the legal ally's suspicion for the IND allows the IND to gain intimate information about the applicant. It is in this regard that I call the persona of the legal ally a recalcitrant supplement. They work against IND suspicion, and they seek to smartly move with it in order to move around it, but they also supplement the work of the IND as they too allow the procedure to gain access into the lives and bodies of those it seeks to decide over.

I want to draw on one example to clarify this latter point about the antagonistic cooperation between the IND and the legal ally. One lawyer (in 2013) told the applicant, 'alright, beware, I am going to give you the most cynical way the IND could argue ...' The lawyer kept emphasizing how unwilling the IND is to accept stories as true. The lawyer explained to me that their client needed to put more effort into his case, they needed to try and insert supporting documents into the procedure and they should aim very hard at remembering specific dates. The lawyer added that they were not afraid of pressuring their client and making the client more nervous than they already were. The lawyer told me that their client, rather, was already cynical and upset because they had been detained for two months prior to the asylum request. The lawyer told them, 'the conversation may seem to go well and they may act nicely but the IND is looking for grounds to reject you'. The applicant said that they would tell the IND everything honestly and as detailed as they could possibly manage. The lawyer quite strongly replied, 'yes, let's go!' as they felt their client found a source of energy in a mutualized suspicion for IND officers' ways of hearing and seeing. Shared suspicion for the

IND mobilized the applicant to give the IND more information in order to make a rejection less likely or, preferably, impossible.

Truth is the crucial focus in a legal procedure that works through a shape-shifting suspicion immersed in care for the procedure's aim of compassionate separation. Within the procedure, the suspicion that seeks truth draws upon different kinds of expertise. It informs a person's vision or alliance, it affects the gathering process itself and the questions (not) asked, and it is a way to catch an applicant, but it is also an opportunity to overcome and take suspicion away. The IND cares for the procedure by suspiciously allowing some applicants to get through, to be granted compassion, while others are rejected on the basis of that same compassion. Suspicion is also a way to form an alliance and to fight for acceptance. Hence, while the legal ally is positioned against the IND, they (must) use a similar epistemic understanding of truth. Interestingly, 'credibility' - the judgement that an applicant has convincingly spoken of a past of suffering - appears through suspicion and through a suspicion-induced way of negating the likeliness of 'deception'. In relation, suspicion becomes an affective method that characterizes the way in which both the IND and the legal ally encounters applicants and gathers intimate information in order to affect a decision.

The procedure is enacted through its different personae situated along the itinerary and characterized as either belonging to the IND or the legal ally. Personae enactors literally give face to the procedure, and they enable a work of translation via specific moments of gathering information from applicants. The legal ally is, however, partly consumed by the IND personae as legal allies are forced to incorporate an IND way of seeing. Hence, the legal ally must quite explicitly be external to the IND, but they must simultaneously move with and within its vision and power. Indeed, the legal ally becomes a form of auto-immunity (Schinkel 2007).

Their presence stings the IND at times; they irritate, annoy and become a source of suspicion in and of themselves. However, while legal allies recalcitrantly seek to work against IND suspicion, they are certainly of use to the procedure's general aim of performing a productive kind of contact with applicants and attaining intimate information to then ground a decision on. These different positions and personae work with a shared goal - a decision - and although the itinerary always ends up at that shared aim it is reached precisely because there are different official positions in relation to the applicant. The procedure thus mobilizes different people to intimately engage with asylum applicants, to feel for the procedure's norms of in- and exclusion, and to tensely work in close proximity with the professionals positioned on the other side of the decision.

## Contingent encounters along a routinised itinerary

Whereas in the preceding part I focused on the two procedural personae and their different and tense, but complimentary, positions vis-a-vis asylum applicants and the procedure, in this part of the chapter I concentrate on the main 'steps' of the procedural itinerary within a single application process to demonstrate how these different personae play out in practice. I explore a case that precisely complicates the sharp positional differences I presented in the former part by emphasizing the importance of local contingencies in each 'step', and thus in each moment of interfacing in the application process. While IND officers and allies are in general opposed to each other, much of the vigour of their opposition depends on who and what kind of account is at stake. This case in particular strikingly demonstrates the difference between people's professional sense of self and how their personae enactments are contingent upon the person sitting in front of them. Consequently, this section argues that the application process draws on routines as well as on the contingencies that inevitably relate to the way in which the procedure and the decision draw on intimate encounters to establish contact between the applicant and the procedure.

I follow the case of a man who left Egypt many years before his application. He had been living an illegalized life in the Netherlands - with, so he said, a pause in Italy where he filed for a work permit - before he got arrested (on the basis of 'illegality'). His detention lawyer told him that the asylum application process was his only chance at inclusion and so he was transferred to the JCS (the Application Centre for detention) where he, to his surprise, was assigned a different lawyer, one specialized in asylum.

### Step 1: The refugee council

While an asylum applicant meets various people before their applications start - for example the military police, medical staff, and guards - the meeting with the refugee council is seen as the first step in an application process as the applicant is asked to share why they are applying for asylum for the first time (within the application process, that is). VVN seeks to prepare the applicant for the IND and make a so-called inventory of the case for the lawyer assigned to the application. This inventory, as I show later, is the only actual thing (a document) that circulates to the next node along the itinerary, when the applicant meets the lawyer for the first time. I turn to a few telling fragments of the meeting between X (the VVN volunteer) and Q (the applicant):

X (via a translator on the phone): “can you tell me why you left Egypt in 2007?”  
 X is waiting for Q to speak with a pen in her hand, for when she starts noting things down (or when she chooses not to note something down).

X, who enacts the persona of legal ally via her work as a refugee council volunteer, needs to learn about Q’s reasons for leaving in order to make her inventory. There *must* be a reason; he at least needs to give one. Their gathering, moreover, relies on the idea that people need to have certain (sad) reasons for being in that office that show that the conversation fully and thus asymmetrically revolves around one person’s questioned (and suspected) vulnerability. Thus only one person’s life is under scrutiny, while the other person mildly evaluates the chances of such a personal account in relation to the norms of inclusion.

In my experience, this question is a tense one as it is very personal and, importantly, the answer will immediately give an image of an applicant’s chances in the procedure. Legal allies know very well what kind of cases may be successful and how the IND evaluates and decides over an application. Q is already being steered toward classification. The refugee council volunteer starts to gather up the kind of information that matters to the procedure and, by writing down what she deems crucial, she is part of the legal ally’s work of putting certain elements up for the official moments in which IND officers gather information. Q answers:

“We had some trouble with a family about what we could and could not use on our farm. And then my nephew decided to beat one of our neighbours with a stick. It turned into a big conflict and people went there to mediate. But those other people [the neighbours] wanted to take revenge anyway and they killed one of my family members”. X: “Okay”. When did this happen? Q: “in 1982”. X: “And what happened around 2007, when you decided to leave?”

X sharply notices and communicates - with the eyes of a person who really knows the procedure - a ‘gap’ in his story already. He has left Egypt in 2007 but he is talking about 1982. Her knowledge of the procedure results in an intervention. He replies:

Q: “Our problems didn’t stop then, my nephew was murdered so we obviously had to take revenge, you see?” X: “Yes... okay...”

X is not convinced by Q’s revenge logics but she - as well as most lawyers and IND officers I met - knows that different applicants bring different kinds of ‘normal’ into the procedure. And so she performs a sort of neutrality in the way that she listens and keeps her own sense of normalcy (or anything else that is personal) to

herself. It is the asymmetry between them, and the aim of their encounter, that distances the VVN volunteer out of the conversation and into a rather patient listener who attends with the ears of the procedure. Q goes on:

Q: “I was a small kid at that time... we had to take revenge.” Q looks at his hands. He also often looks outside of the window and from there back to the telephone from which a translator speaks. At times he briefly looks at X but seems uncomfortable with too much eye contact: something VVN volunteers are rather trained to do in order to move away from a constant focus on the phone. Q goes on: “In 1995 I grew a bit older and there were other people in the tribe, in my family. We wanted to take revenge... but the men of the other family never walked by themselves... we made an ambush but when they approached us the man was not by himself, he was with five others and they were heavily armed... we killed them all”. X’s face does not move much, I do not see her whisper or explicitly respond to what Q is telling her (I myself am struck by the easiness with which he speaks about his family killing people). Q goes on: “After that, in 1995 they took their revenge, they killed another nephew of mine, there was a war and we couldn’t stay there any longer, we entered into a spiral of violence, we did not want that to happen but this is what happened, it is our fate.” X: “So, you have been fleeing since 1995, did something else happen between 1995 and 2007?” Q: “No, we fled after that one incident and they failed to find us after that.” X: “Suppose that you would have to return to Egypt, what would you fear?” Q: “I fear that I will be killed”.

Q fears precisely what he should fear in order to opt for a refugee status (fear, violence, death) but his reasons for fearing do not match images of ‘innocent victimhood’ (cf. Ticktin 2016) as he rather presents a logic of active violence. This is something that seems to affect the legal ally’s own sense of deservingness on the spot, which leads to a performance of a not-taking-positions rather than explicitly expressing care for the sadness of an account (as also often happens). While she does not show either specific care or shock toward Q and his account, she poses a question that reveals that she knows his chances are low. She finds a gap in time, between 1995 and 2007, and she knows that he will thus fail to answer the IND’s search for the “immediate reasons” that made him leave Egypt. Her last question is an IND question, but she does not explain it. Q will be answering that same question to the lawyer and to the IND.

While the enactors of the legal ally personae pose the question with a different agenda, one of alliance, the applicant might experience all those moments as similar forms of interrogation. Indeed, trust is fragile in the procedure and the applicant may rather feel tested, threatened and suspected even by those who are

supposed to be on their side. Precisely because this legal ally does quite little to show that he should trust her, he might take the information she gives less seriously and with caution.

The questions, silences and tone of voice that characterised this gathering and the way in which information was shared will not be traceable in the texts of the final decision. What remains is the experience the applicant takes to the next meeting as well as a slim report, an inventory that is given to the lawyer who might use it to pose further questions. Hence while much of this gathering is left behind, some of it travels invisibly in terms of what an applicant takes from it and how it affects their next moves. This can be crucial, as the applicant may learn how to understand and respond to certain IND questions, which may lead to clearer answers that well adhere to IND norms of a coherent and detailed account of the past. But the encounter could also have an exhausting effect. The applicant, as opted above, might have felt interrogated or even insulted by certain questions, which affects the experience of the procedure in such a way that the applicant enters the IND hearing with more reluctance and with less useful information to put to good use. As such, the VVN meeting is a first important node along the procedural itinerary. It is a first moment in which expectations around the deservingness and truthfulness of the applicant start to unfold.

### Step 2: Meeting the asylum lawyer

The procedural itinerary is built in such a way that applicants need to first and rather swiftly encounter several legal allies and IND officers in the first part of the process. These allies will be excluded from the second part - decision-making - when the applicant's account of the past is transformed into the official texts of decision-making. Accordingly, one day after Q has met with a VVN volunteer he meets his assigned lawyer for the first time. As VVN seeks to monitor each asylum applicant and assist lawyers under time-pressure to gather relevant information, they have written a small report for the lawyer to provide a first impression of the person they need to assist.

Doornbos et al.'s (2012) best practice guide for lawyers states that the lawyer is the spokesperson for the applicant and that the applicant should feel at liberty to give all information necessary for their application. They add that the applicant should be able to firmly trust the lawyer to treat such information confidentially (2012: 17). In this case, as noted above, Q wanted his detention lawyer to also represent him in the asylum procedure. However, that lawyer had moved onto other cases and had no time for his application process, which illustrates the asymmetrical power-position so inherent to the contact between personae enactors and applicants. While the applicant needs to be available, to always have

time, personae enactors decide how to spend their own time and how much time they think a person and their case deserves. Additionally, the lawyer Q met on this first day was not the lawyer assigned to his case. That lawyer was still recovering from the flu and asked her colleague to take over the first meeting, but she will be meeting him next time. A fragment of the conversation demonstrates how this played out:

The lawyer scans through the inventory made by the VVN volunteer and tells the applicant that she read that he has a passport but that it still is in Italy. She says, "I assume that you brought a copy of the passport, do they have the copy here [she refers to the IND as they]?" Q confirms and says with a soft voice, "I also have a ticket from France to the Netherlands, is that useful?" The lawyer says, "such documents can be very important, if you have it you can provide the IND with it". The lawyer now wants to know what kind of ticket this really is and Q tells her that it is a train ticket "from Paris to Amsterdam". The lawyer responds by saying "yes uhm, well suppose that you indeed have such a ticket... than the Netherlands could send you to France to apply for asylum... so to help them do that... well, maybe you do not have to do that".

This fragment demonstrates the lawyer's general role of recalcitrance: she puts her IND knowledge to work to prevent the applicant from sharing information that could be used against his case. In that way, the lawyer thinks with the IND and she gathers certain information from a (thin) position of alliance: she looks through and with IND suspicion but recalcitrantly evades it by giving Q the advice not to share that information. However, precisely because the applicant seems not particularly able to separate the lawyer from any of the other people he is made to 'open up' to, the lawyer's recalcitrance may be lost on him: he, at a later stage and against the advice given by the lawyer, decides to give the ticket to the IND.

The fragment also shows how the former meeting (with VVN) circulates back into the itinerary at this point as the lawyer draws on the VVN report. The report helps her structure the conversation. Without having to ask, the lawyer knows that Q has no passport. This information helps the lawyer in her contact with the applicant and it enables her to speculate what the IND might do next in preparing him for the first hearing. The procedural itinerary is thus a process of transforming the contingent moments of contact between a personae enactor and the applicant into the kind of information that matters to the procedure and thus to the decision. The next fragment further shows how the VVN report explicitly helps the lawyer to frame an important question:

Lawyer: “In the VVN report I see that your reasons for applying for asylum relate to the family”. Q: “Yes with another family”. The lawyer now reads from the VVN inventory, “So your family wanted revenge (...) and so five men of that family were killed”. Q confirms. Lawyer: “so there have not been any incidents for a long time?”

The lawyer *also* explicitly notices that there is a lot of time without what she (with the IND and with the refugee council) considers to be relevant events that occurred. She, too, understands that a ‘deserving’ claimant must reveal the urgency of both their flight and application, and accordingly she spots crucial weaknesses in the account. Q responds by saying, ‘they killed my nephew in 1995’ and the lawyer immediately asks ‘and *nothing* else happened after that?’ The lawyer especially focuses on what she feels is *not* there instead of what *is* there and her focus very much resembles (as I show later) what the IND officers assigned to this case take as a crucial absence that especially harms his eligibility. The lawyer’s probable sense of defeat – she has certainly learned that Q’s case will very likely lead to rejection – obviously matches IND norms, which illustrates the lawyer’s supplementary role. She communicates and feels through IND norms but from a different position. She now has learned that she and her colleague would have to work very hard to help this not-so-vocal applicant to convince the IND, which is her job, although she did not seem particularly inspired by the applicant and his story of refuge.

And while Q might not even notice, the lawyer and the VVN volunteer pose IND-like questions in order to help him, in order to work with and away from IND suspicion, but always toward a decision. But again, it seems that Q does not see or feel their alliance, he rather seems reluctant to share much information, which may precisely indicate the opposite effect: the applicant could feel interrogated for a second time, which might precisely not energize or inspire him to once again explain everything to the IND. Ultimately, this shows that although the personae of the legal ally are included to give an applicant legal representation and assistance, its effectiveness is contingent upon the actual encounter itself, which, again, is a weight that is carried by the applicant as it is the applicant who lives with the consequences.

### Step 3: The IND, a first hearing

After the first and the second step the applicant has four days left of the so-called ‘rest and preparation period’ to prepare for the most crucial encounters in the application process: the asylum hearings. These hearings are official moments in which an applicant’s account of refuge must be given and it must be as ‘perfect’

as possible because it cannot be changed or taken back. Although the lawyer and the applicant are given the chance to add some information or explain certain ‘strange’ aspects after the hearing, the report itself will continue to be the crucial object that a decision-maker will specifically concentrate on when judging the case.

Interestingly, Q’s first encounter with an IND officer at the official first hearing was rather light, which is exceptional as these kind of encounters are more often tense. Q seemed to enjoy talking to the IND officer at one point, much more so than talking to any of the two legal allies he had met before, which is interesting because the legal ally is supposed to be (affectively) closer to applicants than to IND officers. This is also telling of the way in which the legal allies assigned to Q’s case made contact with him: with a distance that relates to their own senses of ‘un/deservingness’, which shows again that legal allies also work with and through images of deservingness.

N, the IND officer who will be conducting the hearing, spoke to me before the hearing started. I asked her if she needed to prepare for the hearing. She shrugged her shoulders and said that a first hearing is not such a big deal. She shows me a paper in front of her and says, ‘I have the antecedents certificate, which he still needs to sign and I have the nationality statement’. The latter is especially important, N says, because Q has no authenticated ID card: when he signs this form he officially declares himself to be an Egyptian. N explains that, accordingly, most weight of the hearing lies on testing his claimed nationality. The following is a fragment from that important moment in the hearing:

N (IND officer): “Can you name a few big cities in Egypt?” Q starts with Cairo, Alexandria, Suez and he goes on quite a bit. At a certain point he says “Egypt has many big cities”. N: “Yes, you only need to mention the really big cities”. Q names a few more. He seems calm and relax, he even looks quite happy to speak of Egypt (his eyes sparkle in a way I have not seen before). Q asks something and the translator (who is also there) asks the IND officer whether or not they should write the names down to make sure the spelling is correct. N says, “Yes, if you know of some more cities...” Q proceeds and N stops him, while smiling she says, “Well, now we have enough”. N now asks what the national anthem is and the translator jokes a bit by asking her if she wants him to sing it. When the translator translates his joke Q immediately starts to hum the national anthem. When the translator wants to say something, N says she has already heard it (apparently she knows the Egyptian anthem herself). N now asks, “Could you mention some special sights in Egypt?” Q lights up, he smiles and says, “Well I would like to tell you about the South of Egypt, because I love

it there (...). N: “Can you mention a few Egyptian artists?” Q smiles proudly and says “Well in Egypt... They are all artists”. N smiles and helps him give her the answers she seeks, “The names of musicians, famous movie stars, whatever you come up with, as long as they are Egyptians”. Q seems proud to me when he names many names. He goes on for quite some time until N stops him by saying, “well, you have given me enough information”. Q smiles.

This is one of the first moments during the several meetings I followed in which I saw Q experience lightness, easiness, and even fun (he smiled at several times). While these questions aim at verifying the truthfulness of Q’s claimed nationality, Q does not seem to feel he has to prove anything: he speaks lovingly of Egypt and he has little trouble answering the IND officer’s questions, which he may have felt nervous or tense about before.

The fragment shows that the IND officer is in charge of the conversation and, again, of the time used for the conversation: she decides when enough information has been given and when a next question must be asked. While the questions reveal a standardized suspicion - applicants must authenticate their nationality by talking about specific details - the fragment also illustrates that the applicant rather easily succeeds at undoing suspicion. This leads to a moment of trust, which is visible in both the IND officer’s remark that Q had given enough information and by Q’s meaningful smile when the IND officer tells him his answers were sufficient. As such, N’s remark and Q’s smile are telling of the larger power asymmetry that so inherently belongs to this specific encounter.

The most important outcome of this specific encounter for procedural purposes is the report that the IND officer has typed up. The report is a crucial object of decision-making and it allows for the creation of a crafted distance between the applicant and the IND decision-maker (who only *reads* the applicant), which is seen as a more objective way of making an inevitably subjective decision (see chapters 3 and 4).

#### **Step 4: The first Corrections & Additions meeting with the lawyer**

As noted above, the lawyer and the applicant are granted the possibility to (textually) respond to the official asylum report by adding and correcting the information a report reflects. The IND decision-maker needs to take the so-called Corrections and Additions *letter* drafted by the lawyer (in cooperation with the applicant) into account. However, importantly, lawyers are suspected to always, and ever more cunningly than applicants (in terms of knowing the law and the IND very well), come up with information to induce the IND toward a positive decision. Lawyers are productive in terms of allowing the IND access to

vulnerable information, but they are also suspected in such a way that grants the IND decision-making officer the option to either take or reject a lawyer’s contributions.

While some lawyers choose to read and correct the report by themselves, most lawyers visit the applicant at the application centre to read through the report together. This is precisely what Q’s lawyer did, although Q had not met before (he met with her colleague). I want to start with a fragment from my field notes of a conversation I had with this lawyer *after* the meeting to clarify, again, how the lawyer too is strongly affected by both personal and procedural norms of deservingness:

S (the lawyer) tells me that she does not click with the applicant. She finds it a difficult case and will do her best to make a good C&A document. She tells me, “I think he is somewhat of a fortune seeker”, and adds that he only applies for asylum to get out of detention. She says that she believes that if he would be a real refugee he would have applied for asylum years ago, when he first entered Europe. She finds it strange that he is so very bad at talking about his case and thinks something must be wrong with him. She wonders if it is something severe and medical or if he is just ‘stupid’ (*dommig*). She finds this an extreme case.

This fragment indicates the atmosphere of the contact between the ally, a procedural persona, and the applicant. Both the lawyer and the applicant seemed to dislike one another and failed to put much effort in understanding the person sitting in front of them, which shows that the ways in which a procedural persona is enacted at a certain point along the itinerary is contingent on how the people involved move one another. Again, I argue that precisely because suspicion characterizes the procedure’s search for a truth that remains uncertain, intimate moments of contact are crucial in order to gain access into, and test, an applicant’s ‘motives’ for applying. Such an asymmetrical form of intimate contact inevitably also invites personal feelings of deservingness and favouritism into the process: this lawyer felt little for the person sitting in front of her and she was rather sure that he was a ‘fortune seeker’.

I argue that the similarities between the ally and the IND crystallize when the lawyer is negatively affected by the applicant. In such a case, the lawyer - quite reluctantly - fulfils a formal role as lawyer, which affects her supplementary role as she will not find much more access to information than the IND does. The lawyer might even, as noted above, have an exhausting effect on an applicant (and vice versa). While the applicant may not have had much more to share, I want to rather point to the very crucial role lawyers play in assisting and helping applicants.

Sometimes applicants take their advice to heart and share the exact details and storylines the lawyer explained to be relevant to the procedure and the decision. In one case, for example, the lawyer told a rather shy applicant to *really* speak up this time (at an additional hearing), to take this opportunity to tell the IND everything he remembered about the region he grew up in and fled, even though the IND officer would not ask for those specific details. And so he did: the applicant only stopped sharing personal memories about the place he fled after the IND officer told him he had done well and that he had convinced her (which was an off-the-record remark).

However, in other cases, lawyers have little impact, which might potentially harm the case. It is, I argue, precisely the invisibilization of the role and (positive or negative) effect of the legal ally that allows the IND to think and argue that Q was well represented and had ample opportunity to make his case convincing. A failure at convincingness, then, is assigned to the applicant alone and not to the work and impact of the professionals included in the application (there are, of course, exceptions). Hence, again, such a *mutual* dislike is carried by the applicant who lives with the consequences. A fragment from their meeting demonstrates my point:

S (lawyer): “So this is about the papers in Italy’. She sharply gazes at the report. “It says that you were rejected. But my colleague told me you said you never waited for a decision”. Q: “I did not withdraw my application, I paid a lawyer an extra 1500 euro for it”. S: “You told my colleague that you didn’t await the outcome of your application [in Italy] but you say something else to the IND. Which one is it?” (she sounds rather cold). Q: “Who did I tell that I didn’t wait for the outcome? Because I swear to god I did wait for the outcome”. S: “My colleague wrote down that you told her you didn’t wait for the outcome”. Q looks a bit upset, he raises his voice and moves his hands passionately while speaking. He tells the lawyer that he really would not have paid a lawyer so much money if he would not wanted to wait for the result.

While the lawyer does her job of clarifying certain things in Q’s account, she also puts him on the spot, telling him that he must have made a mistake either at the IND hearing or with her colleague. Consequently, she communicates that she does not trust the applicant, which leads Q to passionately swear that he has been speaking the truth. Q seems to fail at what the procedure wants and S, a persona enactor, makes this clear by showing irritation and moving onto the next gap in his account. I understood the lawyer’s dislike, as Q almost never looked at her, he seemed very easily irritated and I think the lawyer felt he did not take her, a woman, very seriously. However, other lawyers - or this one

with a different applicant - might be more patient or understanding and help an applicant solve a gap in their reported account.

Again, this is how a standardized itinerary unfolds contingently. Quite a lot depends on how the persons involved move one another and, as such, much remains open for a persona enactor to intuitively fill in. Hence, to enact a persona along the itinerary, to make contact with an applicant, also means to decide on where and how to take the conversation further. The lawyer has a hard time accepting the applicant’s way of responding to her and her position. Indeed, precisely because enacting a procedural persona means being open and exposed to the person applying, an enactor cannot avoid personal likes, dislikes and sensitivities:

S: “But do you know whether or not you received a residency permit from the Italian authorities?” Q: “I do not have that!” Q seems irritated, his voice is louder than I heard at any of the other (three) meetings. He stops looking at the lawyer. Q: “The documents and the letters are at your office!” S responds by saying that this is not what she is asking him. “You just told me that you were rejected, this is what you also told the IND. But you are also saying that you know nothing... can you explain this to me?” Q: “I already told you this. I applied but the decision never came”. S: “Not getting a decision is something else than being rejected”. Q: “I did not receive a rejection, but I certainly did wait for it”. S: “But be clear [she is tangibly annoyed]: you are not rejected or accepted but what is the outcome then?” Q: “I waited for the lawyer, I received a fake letter”.

The lawyer rather angrily emphasizes that her questions serve him and that he should be thankful that she is there to help him make his case. While she spends a long time on this applicant and certainly is doing a thorough job, she and Q do not connect at all. And although the annoyance’s history and logic is, for a part, untraceable - it might have to do with the case itself, or the lawyer’s ability to quickly categorize applicants, it may also have to do with the applicant’s rough masculine look, his way of looking at her or the other way around - it is clear that it shapes the now rather unproductive relationship. The lawyer is not gathering the information she seeks, which leads her to “leave a crucial issue behind”.

### Step 5: The second IND hearing

The second hearing revolves around a person’s account of refuge. They have to convincingly make a case that they should be given ‘protection’ to an IND officer trained to be caringly suspicious of such claims. Second hearings are often the most intensive as they last for many hours, depending in part on how much a

person wants to share and how thoroughly an IND officer decides to question their motives. Indeed, while the applicant needs to ‘open up’, the IND should remain at a distance in proximity to enact the persona of the IND who must be moved, in particular, by the (pending) decision and what needs to be said and done in order to make it possible. The second hearing is also the last (and most crucial) moment when an applicant meets the decision-making authority at the IND, in person before a final decision is made. Hence, the itinerary is staged in such a way that contingent and intimate encounters allow for a distanced form of decision-making that excludes the applicant in person by including the texts that represent them.

In my field notes I write that it strikes me that Q’s hands are wet/clammy, something I notice when we shake hands. It is the only sign of nervousness I recognise and, as such, it is telling of the second hearing: this indeed is the most important encounter in most cases, and certainly in this one. At this second hearing, three men will be having a conversation. D, the IND officer, is routinely kind or friendly or empathetic to Q: he speaks calmly, offers him a drink and asks if Q is okay and ready to be interviewed by the IND for a second time. The translator is a charming man who makes small jokes with everyone. He has a piercing gaze and never forgets to look at Q when they speak directly. The soft voice of the translator, in my experience, has a calming or soothing effect that is quite different from D’s more routinised tone of voice.

I turn to a moment after Q had already and more extensively spoken about the situation of blood revenge. The fragment reveals D’s failure to follow Q’s logic. However, in the asymmetrical power relation that the procedure stages it is the applicant who pays the price when an IND officer fails to follow the account as it is seen as the applicant’s failure to give a convincing enough account of past.

D: “But how do you know that the conflict is still active when *nothing* happened in the past 20 years?” Q: “Even after a hundred years, revenge still stands. Everybody in our family who could be targeted for revenge fled, people are hiding, my brothers are in Jordan, my nephews are in Greece and I am here”. D looks through a pile of documents in front of him and asks, “if I understand you correctly, revenge only applies to male family members?” Q: “Yes they are only looking for men, no women. According to our tradition it is forbidden to kill a woman, when a woman would be killed two men have to be killed to revenge her”. D: “This might come across as a very strange question but if it’s 5-2 then why would the women not be in danger, especially when a woman counts for 2?” Q: “No, that’s impossible. It would be very weak for that family, it would be a humiliation: you were looking for men but you failed and so you killed a woman”.

D wants Q to present what the IND sees as a proper ontology of conflict and, again, it seems that the experts of the procedure have trouble seeing the truth in a conflict that unfolded over a great deal of time and consists of only a few crucial violent events that would show this person ‘truly’ fears deportation. His surprise is telling when he asks how Q knows the conflict is ‘still there’ when (and this is very important) ‘nothing happens’. Q’s fear and way of hiding from the acute violence of the conflict he presents, here, accounts for ‘nothing’. What D seeks is something else: scars, more violence, torture maybe. According to the procedure’s logics, when there are no scars and no acute violence there is nothing. Indeed, the IND officer’s sense of surprise shows how strongly he embodies the procedure’s vision: he immediately senses and responds to a ‘gap’ that is only a gap in terms of the procedure’s norms of fear and ‘deservingness’.

D could have dug in further but he leaves the issue for what it is and formulates another one that demonstrates his sense of surprise. While the report will be read as representing the applicant’s account, the account is indeed very much shaped by D’s affective response to the story. D actively and explicitly transforms his astonishment into questions about the women who were never the target of revenge. A decision-maker may overlook D’s astonishment, but Q’s peculiar explanation as a response to D’s surprise will be the main focus as it is the applicant who is scrutinized and who might be in- or excluded. Hence, although it is the IND officer especially who decides on the terms of the conversation, it is the applicant who is represented by the report that is the outcome of this specific gathering. Hence it is the applicant whose next movements depend on the report and the way in which another IND officer, the decision-maker, reads it.

D finds Q’s answers tangibly and visibly strange at this point: he frowns his eyebrows to express how he cannot follow Q’s logic. He asks, “But they always walked with the five of them, right? Why did you kill them this time and not at any of the other times when you saw them walk together? This is what I am trying to understand here.” Q repeats how revenge works and that his family was obliged to kill. I write that the atmosphere is dull and tense at the same time: Q is clearly tired and seems to have a headache and D comes across as annoyed, as Q does not easily move along with his questions. Q now explains that they decided to kill on the spot. He adds, “Five or one, it doesn’t matter, we’ll just do it”. D: “But didn’t your family know that the conflict would become very severe when doing that?” Q: “We intended to kill only one person and if other people would be wounded we could have fixed the conflict, because than we would be even and the authorities would come in and force the families to mediate and come to an official agreement. My family did not realise what was going

to happen”. D: “But you just said... no okay, alright [he changes his mind]... you said that your nephew followed these men, right?”

D hesitates but decides to not spend much more time on what he cannot understand in Q’s account. While Q might have profited from more time, it is the IND officer who holds the power over time. His choice to move onto a next issue shows the importance of personal moments of (intuitive) decision-making. As such, the applicant is held accountable for D’s lack of understanding in a double movement. First, he is not given more opportunity to explain his set of (revenge) logics and, second, it is his life that is at stake; his next movements depend on the space an IND officer decides to give an applicant.

Although it is hard to know who was feeling what at which point - irritation, joy, astonishment, hope, anger, nervousness, anxiety or care - it is undeniable that different affects move the way in which the conversation unfolds, which is another way of emphasizing that local contingencies are crucial to the routines of the itinerary. IND officers see and sense the applicant, they notice and observe inconsistencies, but are also sensitive of the time-pressures within which they need to finish the hearing. They therefore must make decisions on the spot, they need to make sure that Q gets to share his story, but they should also critically question that story and constantly think about when to hold onto an issue or when to leave one behind. Hence, hearing officers perform a rather heavy task as they need to make sure a ‘just’ and firm decision becomes possible on the basis of the questions they ask.

### **Step 6: The second Corrections & Additions meeting with the lawyer**

After the hearing is finished, an official text for the decision-maker to read remains, a text ridden of the affective movements that now reside in the background, underlying the text that is included. As noted above, it is the legal ally’s job to assist the applicant by monitoring the work of the IND, which includes reading the report and adding ‘corrections and additions’ to it in a separate document. The lawyer especially looks for potential suspicion-inducing details and she will aim to repair such details into performing the opposite: to persuade the IND decision-making officer to see such details as rather credible in the context of an applicant’s life and past.

While, as noted when discussing the first C&A meeting, the lawyer was suspicious of the applicant’s motives herself, the following fragment shows that the lawyer, for the first time, shares her own vulnerability in understanding Q’s story of blood revenge from a Dutch perspective. Her self-reflexive explanation of how she listens to Q’s account seemed productive as it was much more inviting to Q

who was able to explain his understanding of the situation better (together with an Egyptian translator):

S: “You were 13 and all by yourself?” Q smiles and says, “I’ve used automatic guns since my twelfth”. S is taken aback a bit and softly says “Okay, so you were able to take good care of yourself?” Q: “My uncle visited me sometimes”. S: “Well, see, in the Netherlands parents stay with a child but you were all alone on your thirteenth...” Q: “That’s the difference between Egypt and the Netherlands”. I notice that the translator looks kindly at Q, it seems to be a moment of recognition. The translator now enters the conversation and steps out of his formal role as invisible translator. He explains that all of this is very common in the South of Egypt. He adds, “It is much worse there than in Sicily” [referring to the mafia]. S turns to the translator and says, “Yeah, it might be a bit strange to him that I am saying these things, but I need to understand, I need to get an image of the situation because I have to pass information on to the IND who will be thinking the same as I do right now [that it is strange]. It might be a bit ridiculous to you”. The translator calmly says that it is not and S tells him that she meant to say this to Q. The translator translates and Q smiles at the lawyer.

The applicant’s account adheres to something that unites the lawyer and the imagined IND decision maker: Dutch-ness. The applicant’s account, the lawyer makes clear, is very peculiar within the Dutch context in which it will be seen as strange and, when lacking further explanation, as too strange to lead to a refugee status. The lawyer’s response shows her supplementary role to the IND. Her struggle to understand the applicant directly transforms into her expectation of what the IND decision-maker will think.

Hence, even though the lawyer does not know the decision-maker - who might know a great deal about blood revenge - she aligns her own sense of bewilderment with that of the IND. Her bewilderment, however, needs to assist the applicant in making sure the IND decision-maker’s imagined similar bewilderment will *not* lead to (a similar) rejection. The lawyer thus shares the IND vision productively. Her way of making contact with the applicant as a legal ally allows the IND to further ground a final decision on the basis of information gathered by the lawyer. In that sense the lawyer is a recalcitrant supplement who works both with and against the IND and the decision.

S looks at the report and asks, “They [the IND] are asking whether or not you could get help from the authorities or other special organizations and you say ‘they will not listen to me’ but I think that is not enough. Are the police

involved in acts of revenge? Can you explain this a bit further?” Q: “Problems with revenge are solved by mediators, a third family, if they cannot solve it than the police will not come”. The translator adds to Q’s story, “More importantly, the police are afraid to interfere much with what is going on in the South of Egypt”. The translator adds (again) that the situation there is worse than in Sicily. S asks the translator: “So the police wouldn’t show up even if you would report a crime?” The translator smiles at S and says, “No, these are really big families, the police are afraid to go there”. S smiles back at the translator and says that she understands the situation better now. She asks the translator to translate the things they were saying. Q seems pleased with the translator’s help and confirms that the information is correct.

While Q is not very good at explaining his situation to a Dutch lawyer, the translator is very good at doing precisely that. Most importantly, the translator has more authority than Q does as he is more ‘equal’ to the lawyer: he too is familiar with the procedure and applicants and he is also not subjected to a decision that in its pending-ness defines the applicant as a suspect. A general suspicion for each applicant thus also extends into the lawyer’s way of listening and questioning a client who she was very willing to dismiss as a ‘fortune seeker’, especially since he fails to match the image of the innocent refugee (cf. Ticktin 2016).

This specific Egyptian translator forms an important contingency along the routinised itinerary as he fulfils a productive role as mediator between the lawyer’s expertise and Q’s account of blood revenge. His presence and active interference with the conversation inspired the lawyer to write a full and firm C&A document that must be read by the decision-maker. Simply put: if another translator had been assigned to the case, the outcome of this meeting would have been different. So, indeed, the routinised itinerary is held together by the many contingencies that make it move.

S: “Okay, we need to talk about revenge some more.... In the Netherlands this is not something... well the IND thinks it is strange that nothing happens with it for over 20 years. From a Dutch perspective one would think, “well, a fight about water, that conflict must be too old now. Can you explain a bit more? Now it is quite meagre.”

The lawyer recognizes the active absence the IND officer left by deciding to leave an unfinished issue behind (as shown in the previous section). The IND officer first seemed to want to further enquire about revenge logics but he changed his mind and moved to the next issue. The report thus foregrounds spoken text, but not D’s hesitance to ask further. His hesitance translates into a lack of information

that the lawyer recognizes as potentially harmful to her client’s eligibility. For the first time, the lawyer seemed willing to learn from the situation presented by the applicant. Her attitude toward Q has changed and this certainly leads to the production of a full C&A document in which she uses her legal expertise to explain well what both Q and the translator taught her. This productive gathering thus travels along the itinerary in the form of a document that adds crucial information that a decision-maker should look into. This, again, underlines the importance and the strong effect of different forms of contact on the kind of information gathered and how such information is both understood and put to use. While, before, the lawyer was especially willing to reject the applicant, now (with some help) she rather became aware of her own restrictions in understanding his account. Her own position thus changed, which demonstrates that enacting a procedural persona along the itinerary is a way of being constantly and tensely moved and affected by both the applicant and the (pending) decision. This way of exposing different people to the power of decision, in various ways and through different interacting positions, is crucial in my analysis of state power as operative in different modes of intensity. I elaborate on this analysis in the conclusion to this dissertation.

#### **Step 7: An official ‘intention’ to reject**

After the applicant has encountered the different personae of the procedure, they must wait to see how yet other IND officers - decision-makers - encounter their application in the form of his case-file. When a first decision-maker decides to reject the applicant, the decision becomes preliminary and the lawyer has one day to appeal against that rejection. When the first decision-maker decides to accept the applicant, the decision becomes final as no applicant would want to appeal against a positive decision.

The IND decision maker, working on a preliminary decision to reject Q’s application, listened to classical music while reading the reports of the hearing. He wrote notes on a separate paper when he notices something he deems important. He shows me a book about blood revenge in the southern states of the US many decades ago and tells me that the book stimulates his ability to imagine and empathize with the situation of blood revenge in general. While the decision maker did not see or hear the applicant and is not in a position to formulate the questions he would want to ask, he chooses his own sources of imagination. This, too, is a decision he makes, one that is not monitored or checked: he gets to be creative with his imagination.

Interestingly, while his understanding of blood revenge in the old US south slightly affects his understanding of Q’s account, it is not (and it does not have to

be) written down into the decision. While the decision-maker is held accountable for the decision itself, his methods go unseen, which again is telling of the ways of the itinerary: a decision is made and made possible by many different people who make choices that, for a part, become active absences (cf. Law 2003) in the final decision. The lawyer's impatience and the IND officer's work of imagination are examples of absent presences that have an effect on the unfolding of a case. This is important because the fragmented application process constantly invites different people to rather swiftly move in and out of it, which is part of the itinerary's work toward 'equal' and 'objective' decision-making. Objectivity thus happens via detaching a decision-maker from the applicant in person and by engaging them with the applicant in text, which allows an IND officer their own rhythms and rituals of reading, evaluating, reviewing and deciding over a person's life. Indeed, objectivity as a form of dissociating rather invites creative and affective ways of associating (cf. Boersma *forthcoming*). The following is a telling quote:

The interesting thing about his village is that this man [he points to a newspaper article] used to live there, this is a person who wrote about political and Islamic theories and he was one of the most important leaders of the Muslim brotherhood. He was executed in the [year] and his name is [name]. This is also the name of the family [who Q's family had problems with], which is a family that indeed lives in that village. So maybe he does truly come from that village. If I would have conducted the hearing I would have asked him more questions about the village and whether or not a famous person used to live there but I assume D hasn't asked those questions. If he hadn't known about this [famous] person I would have been able to say "So you are not from that village".

The hearing officer made certain decisions in terms of shaping and steering the account Q brought into the procedure. As I showed in the section on the second hearing, D seemed quite tired at a certain point, which may have affected his choice to stop asking questions before the day had ended. And so, the decision maker cannot but deal with the decisions made by a hearing officer although the hearing officer does not have to take responsibility for the decision itself in his encounter with Q. Interestingly, the account must be read as representative of the applicant although decision-makers know it to be incomplete. Still, the report is enough to make a decision over a person's life and inclusion, which shows that a lack or gap in the account, in general, is assigned to the applicant and not to the hearing officer (there are exceptions).

However, as I show here and throughout the dissertation, while the account stands in for the applicant in order to allow for distance and detachment, which

is seen as the more objective position, the account of refuge is not shaped by the applicant alone. Moreover, the procedural itinerary is staged to gather, question and translate a spoken account of the past in order to enable a clear-cut decision over the veracity and facticity of that past. Hence, the 'objective' decision relies on intimate encounters, and thus also on the crucial moments of improvisation and contingency (cf. Caton and Zacka 2010) that indeed transform the unknown other into knowable and evaluable.

Although the IND officer recognizes that his colleague left certain issues open, the following quote confirms that the decision-maker still considers the report sufficient in revealing the applicant as ineligible:

If people really went through something then it is often so that... well, the things they say are just really interwoven with their personality, with their personal experience and interpretations and how they act as a person but ehm, yeah, a great deal is missing in this regard. I would have expected more of a person with such a family, his whole family is torn apart, he has never seen his father again... well there are many different ways in which he could have given some more colour to his story but I don't see much of this in the way in which he speak of his past.

Decision-makers rely on the work done by their colleagues. While they spot absences left by their colleagues, they will not quickly question the quality of that work. Rather, a decision-maker must depend on the itinerary and argue that there was ample opportunity for the applicant to make their case. As such, the decision-maker should first and foremost assign a lack of details - so-called 'gaps' in the story' to the applicant's 'non-credibility'. This position shaped by suspicion: by being aware, in the words of this decision maker, that 'most applicants lie'. Indeed, the procedure desires detailed, personal and intimate information, which was insufficiently given and gathered. This insufficiency is thus assigned to the applicant, although the opportunity to provide sufficient information is also carried by the different personae of the legal ally expected to assist the applicant. This again shows that the procedure's search for intimate information demands that the applicant open up to various professional and asymmetrically positioned strangers who enact different procedural persona along the itinerary. In that sense, the applicant needs to be *active* before ever being seen as a *passive* victim of persecution.

Hence, it is precisely the gathering together of very different personae enactors that allows for the intensive and contingent gathering up of crucial information. Each application process is both routinised and contingent, and this leads to the standardization of an applicant into the specific, but now personalized,

asylum reports and C&A documents. While the content of those documents represents the person, it actively forgets about the many noisy and affective practices of gathering itself in which those who encounter the applicant decide on where to take the conversation next. Indeed, the absence that feeds into the IND officer's evaluation of unfoundedness - leading to a negative decision - is a crafted absence, one that might not belong to the applicant alone but to the people who gathered the information on which the decision is based.

### Step 8: Fighting against a preliminary rejection?

While the applicant is excluded from further encountering IND officers during the second part of the itinerary, when a decision-maker encounters the applicant in text, lawyers quite often visit an applicant on the day they will be appealing against a preliminary rejection. Lawyers and applicants then work together to find arguments that may turn a negative IND judgment into an acceptance. In this situation something quite exceptional happened; at least, the lawyer and another legal ally (as well as myself) had never experienced this before. The following fragment of my field notes summarizes what happened:

S invites me to come along with her to pick Q up in the cell area of the detention centre. After the lawyer tells the guard that she wants to meet with Q we wait a couple of minutes in front of the cell area (in the hallway). A guard walks up to us from within the cell area, he opens the door and tells the lawyer that Q does not want to meet with her today. S asks why he does not want to meet her and the guard tells her that she doesn't really know but that he said "I am no child, I get to decide with who I do and do not want to speak". S asks the guard if she could ask Q to come and tell her this himself. Q is willing to do so and walks up to the door. S tells him (in English) she does not understand why he won't talk to her. He responds by shaking his head. The guard asks him to step out of the cell area in order to make sure that other applicants - she calls them inhabitants - won't hear about his business. Now he shakes his head strongly and walks away while saying "no, no, no."

Q decided to stop talking to the lawyer, which in procedural terms might be seen as an act against his own interests but it certainly is a way of claiming full control over the situation. His way of emphasizing that he is no child shows that some applicants feel disparaged by a procedure that mobilizes others to intimately connect with the applicant and decide on the kind of personal information that is of value to the procedure and the decision. Indeed, personae enactors pressure the applicant's personal account to adhere to the procedure's interests, which is exactly what I seek to conceptualise with both the concept of personae and the

itinerary. In this case, the legal ally often communicated that Q was failing by only and persistently focusing on all the gaps and missing links in his account. This might have been a deliberate strategy; the lawyer may have thought this man needed a stern approach, but now, at the end of the itinerary, it seems that it has rather had an exhausting and perhaps disparaging effect on the applicant, who decides to stop speaking to the lawyer.

However, the lawyer still has to do her job and write a 'way-of-seeing', which is what she is paid to do, but she certainly will not put any special effort into his case. In my field notes I write the following:

S tells me that she is going to systematically argue that every element listed as non-credible by the IND should be seen as credible. But she tells me the case is very casuistic, which means too unique, she does not know of many other cases like this one. And she certainly will not do any research on the situation, certainly not for a person who rejects her like that, who is not willing to do anything for his case. So why should she? She has also returned to her first image of the applicant, she sees him as a fortune seeker and tells me again that she will not put much effort in the case.

Performing a routine 'way-of-seeing' is certainly not enough in such a 'casuistic' case. As noted in the section on the legal ally it is precisely up to them to gather the kind of information that also assists the most strange and unique cases. This, too, is how the itinerary allows for improvisation and smaller moments of decision, which are unsupervised. To put it strongly, the applicant is at the mercy of the lawyer, who decides not to help him further. Her choice not to put extra effort into his case, however understandable it is, means that Q's case would be lost (and the lawyer certainly knew this). A routinised itinerary, again, very much relies on the contingent coming together of people who feel for one another (trust, alliance, irritation, anger, hope). These affects translate into the kind of information gathered and selectively circulated onto the next moments along the itinerary. In this case, the lawyer and the applicant often affected one another in a negative way, leading to a relation of rejection instead of trust and alliance.

### Step 9: The final decision

At this point it is quite clear that the procedural itinerary is a work of transformation: the applicant has effectively been reduced from an active and emotional person into a textual legal negotiation performed by people who have not met the person whose life and future are at stake. Each step along the itinerary works toward this final moment of definite decision-making when yet another IND officer who has also never met the applicant in person will 'objectively' decide

whether or not to agree with her colleague and accept the applicant. This final decision-maker explained why she decided to reject Q's case:

L: "So I always read the hearings [the reports] and the intention [the first decision]. And what I actually do is assess whether or not the way of seeing [the lawyer's appeal] changes the case. So, I do not take a completely different position than the first decision-maker". Me: "Do you agree with the decision A made?" L: "Yeah well look, if you really disagree you can withdraw the intention [the first decision] but well, I agreed with A and so in that case you review the way of seeing, does this alter the arguments of the intention or is there no real difference or does the way of seeing rather strengthen the arguments of the intention?"

The itinerary abstracts the person whose life is at stake into a document-based negotiation between a (in this case) lawyer who agrees with the rejection, and two different IND decision-makers who both only read the applicant in the form of a standard (but personalized) Dutch text. Precisely because the applicant had to show up at various times and share details about his life, past and possible future (always on the terms of the person asking the questions), he is now made to rather passively await how others encounter him in the form of a foreign text constructed by others. The following quote shows how the IND persona is enacted in the form of a 'face-to-file' encounter (cf. Van Oorschot 2018):

L: "So the case revolved around blood revenge and what the intention said was that well, he never provided any documents to substantiate his claim, even though he lived in the Netherlands for years, there was so much time to prepare and to gather information, which he did not do but above all he was unable to really share much about the situation". M: "Okay". L: "And I agree, like all of these things that happened, well, there are many ways for him to make his story convincing, he could have done so by telling the story in the right way (*door daar goed over te verklaren*) and where possible to substantiate his story with documents... but he did not do any of this." Me: "So that's it?" L: "That is, in general terms, what I made of it. And I also added to the decision that although he says he moved so many times he was unable to explain why he did so, well okay, yes, he said that this relates to the event of 1992, that he moved constantly because of what happened then... But then I think: really? After 15 years? Is it still so urgent that you should move every other month without really having a very concrete reason for having to do so? Well, I do not following along with that argument..."

The decision-maker gets close to the applicant in the form of the texts that represent him and, importantly, via the interpretations of both the first decision-maker and the lawyer. As such, there is yet another moment and form of contact between the procedure and the applicant via a persona enactor who brings procedural norms and laws of decision together with the applicant's account of their past.

Within this silent form of face-to-file-interaction an argument that keeps returning is the one of non-eventfulness. Again, it is held against the applicant that 'nothing' really happened after 1992: an argument that stuck to Q's account from the first meeting with the refugee council until the final decision. Next to that, the fact that he only applied for asylum after having lived in the Netherlands for years grounded a suspicion that was never taken away (the lawyer too suspected it). The itinerary becomes circular in such a situation: it begun with rejection and ended in the same kind of rejection. However, this one was authorized; it came after all the routine and contingent steps that had to be taken. The itinerary asks an applicant to open up, and in this case the itinerary needed the applicant to open up only to ground a rejection that was always going to take place.

Following this case shows that alliance and personae antagonisms fluctuate in relation to the applicant, the applicant's way of giving an account, and the account itself. It shows that while the IND and the legal ally are opposed, they work with the same norms of deservingness. As shown in the previous section, while legal allies feel the IND is too willing to reject and the IND thinks the legal ally is too willing to believe, they share an understanding of true and severe suffering, a similarity that crystallizes in a case like this one. In relation, it was especially the lawyer who seemed to have an overtly hard time understanding the applicant.

The procedural itinerary transforms the unknown applicant into a literally legible text to decide over via the different personae situated along the itinerary. Various people engage with the applicant in very different ways in order to gather intimate information and to sensitively decide when more should be asked or when enough has been said. Different people are rather swiftly made to engage with an applicant and perform one specific task along the itinerary: a VVN volunteer makes an inventory, the lawyer sticks with the applicant throughout the application process (but also has many other cases to deal with) and different IND officers are invited into the itinerary to only perform one hearing or to make a preliminary or a final decision. While most of these people do not have to take responsibility for the final decision, the contingent nature of their meeting very much affects the grounds on which such a decision is made.

Indeed, as I have thoroughly shown in this part of the chapter, the routinised itinerary relies on moments of improvisation, intuition and creativity, which

very much resonates with my understanding of an incomplete but strong state power. It is one that is immanent to an itinerary that mobilizes different bodies to gain intimate access into the lives of those still in-between in- and exclusion, those who embody the margins of the state by appealing to its exclusive regime of national belonging (cf. Das and Poole 2005, Assad 2005) and those who thus need to be taken into the centre of its power.

## Concluding thoughts: The asylum story as a currency

The applicant encounters the procedure via the people who enact its different personae. In those encounters, organized along a procedural itinerary, the ‘true’ and the ‘bogus’ refugee are identified. In other words, the unknown applicant is rendered knowable and evaluable through the careful and routinised work of gathering specific information from the applicant. Indeed, the procedural itinerary is designed in such a way that although its ‘steps’ manifest different affective and contingent practices, the point of the routine is to efface the uniqueness of such encounters by reducing the applicant and the application into the comparable and routine (but personalized) texts that allow for a clear-cut decision.

To speak of a procedural itinerary is thus to refer to the ways in which information is gathered and circulated via the intimate encounters between applicants and the various personae of the procedure. Different personae enactors seek to gain access to vulnerable information in order to, in the end, enable a clear-cut decision. While legal allies assist the applicant in putting certain elements up for IND officers to gather by also eliminating other elements from the itinerary, the IND is there to critically collect the details of an applicant’s account in order to classify refugees into ‘real’ and ‘fake’. And as each step along the itinerary works toward its end-point of decision, the procedure’s spirit of compassionate separation is present in each of its encounters.

Suspicion takes centre stage precisely because every applicant is expected to potentially ‘fabricate’ an account of suffering. Indeed, only some will be granted inclusion after having managed to successfully transform suspicion into credibility. Accordingly, the applicant needs to be seen, sensed, assisted and sharply questioned both by those positioned alongside the applicant and those positioned behind a decision. Differently put, personae enactors need to bring a persona to life, they need to intuitively *feel* and look through suspicion. Hence, different personae and personalities light up at the specific encounters staged along the procedural itinerary, only to be dimmed out again at the next step, where their voices, eyes and ears selectively circulate in a new, textual form.

Local contingencies along the itinerary are thus crucial to the circulation of information and its role in the absenting and foregrounding of elements that matter to the decision. A successful lawyer, for example, may convince an applicant not to emphasize again that they came to look for a better life when speaking to the IND. Maybe the sparkling eyes of the lawyer remind the applicant of their mother<sup>8</sup>, which makes them trust the lawyer’s opinion enough to take the advice and refrain from repeating that which does matter to them and their own sense of deservingness at the IND hearing. The lawyer’s advice consequently becomes a strategic absence in the official report of the IND hearing presented to a decision-maker. This may invisibly affect what the decision-maker sees in the account.

Hence, some information moves to the next nodes along the itinerary, and some of it travels along or underneath that information as an absent presence (cf. Law 2004) that will not be read or recognized by a decision-maker (who may recognize and imagine yet other things). And so, again, the multiple affectations that belong to the itinerary’s different encounters form the crucial contingencies that, in the end, transform into the inscribed information on which a final decision is based. Hence, although the people closely involved with the applicant in person do not get to make *the* decision, the people who do make the decision only get close to the texts that result from the smaller, but crucial, moments of decision that both legal allies and IND hearing officers make when affectively engaging with the applicant in person. As such, different personae enactors perform contact – as active interfaces – between the procedure and the applicant in order to work or mould the unknown and suspected stranger into a decision over in- and exclusion.

The asylum story is like a currency. That story, and its fast, routinised and contingent development, is what the procedure moves with and through. With the making of the story as grounds for a decision, the pain and suffering it *must* present becomes profitable, a source of success or failure. That profitable story is not told to the IND alone. By the time it is told to the IND it has already been told to the legal ally. The story has already been discussed and re-remembered as a result of prior conversations, which are moulded by norms of IND decision-making. While the story once belonged to a person aiming for asylum, the procedure takes it away from the person and into its itinerary, grounding the crucial encounters that change the story toward a decision that ends its flourishing. The story has travelled and morphed through the different and differently

<sup>8</sup>—8. This speculation is based on another example of an applicant recognizing a family member in an IND officer who, so they told their lawyer, made them feel embarrassed to share details of an important sexual element in their account of past.

## Chapter 2

enacted personae of the procedure, and its result is never the effect of the applicant or the decision-maker alone. Rather, it is a collective effort that consists of the contingent, transformative and antagonistic co-operation between those different personae at work within a procedural itinerary that always ends in a decision.

## Chapter 3

# Noisy hearings and silent reports

M, the officer of the Dutch immigration and Naturalisation Service, asks: “Alright, what kind of feelings did you have?” A (the asylum applicant via a translator): “Yes, well those feelings... I had a very special feeling, it was like an avalanche, I was crying, the tears fell down my face. And during Jesus’ baptising there was a bird”. The translator has a hard time remembering the Dutch word and tries to describe it to the IND officer “Yeah, you know that bird, the symbol for peace, the white one...”. M seems slightly confused and asks, “But what is the matter with this bird?” The translator translates the question and says, “the bird came to me. It was the spirit of god”. M: “I need to interrupt you yet again [they seem tired and/or annoyed]. You keep repeating Bible stories but I am asking you about your own feelings”. A: “But these *are* my feelings”. M: “No, what happened to Jesus are not your feelings.” (Observation of an asylum hearing, July 2015)

When a person begins the asylum procedure they have aims, hopes, maybe fears and anxieties. They might have certain strategies and different conceptions of, and histories with, authorities, states and bordering practices. Such a person is ‘welcomed’ by the different personae enactors involved in the routinised and contingent itinerary as introduced in the previous chapter. This chapter looks at one specific and tense moment along the itinerary: the asylum hearing and, in

particular, the second hearing when applicants are asked to share their reasons for seeking asylum.

The hearing is a peculiar practice of ‘getting-to-know’ a person whose arrival is treated as suspicious but also as potentially ‘deserving’ of legalized inclusion. This means that they will have to share an intimate story of past and suffering. However, as the fragment above demonstrates, it is not up to the applicant how they will be known and which information should be foregrounded. Rather, IND officers (and legal allies) gather the kind of personal information they know a decision maker needs, which is something that may go smoothly but which often leads to contingent frictions between an IND officer who feels that the applicant is not properly answering their questions and an applicant who may feel that the IND officer is not properly listening to what they have to say. While the hearing revolves around (critically questioning) an applicant’s account, it is also a crucial moment of transformation as the account is typed up into the official (Dutch) asylum report that now silences the person and renders them readable. This chapter revolves around that process of transformation and consequently argues that intimacy and proximity are crucial in order to craft the kind of distance that should improve the ‘objectivity’ of the decision, which is always made by another person and at a later point along the itinerary.

Hence, this chapter demonstrates that the intimacy of the hearing - the way in which it brings IND officers and applicants (unevenly) together - is an inevitable necessity of the procedure’s need to render the inherently suspected applicant’s story of suffering sharply evaluable. As shown in the previous chapter, the different personae of the procedure enact a specific kind of contact between the applicant and the procedure. It is through these gatherings that an applicant’s memory of past is folded into an intelligible (Dutch) text. Importantly, the many affective moments that belong to such encounters become the noise of ‘objective’ decision-making, which is mended by the object of the report. While some information is foregrounded through reporting, other information is absented, which indeed reveals a crucial moment in the procedure’s process of transforming an unknown person into known and evaluable. Accordingly, an understanding of this process of absenting and presenting is important in an analysis that seeks to understand what I call the procedure’s work of compassionate separation.

My analysis of the asylum report as an object that circulates in a specific way is inspired by Amade M’charek’s challenging concept of the *folded object* (2014). M’charek contributes a valuable focus on non-linear topological time to the spatial analysis of objects, which is also relevant to my own exploration of the report’s way of both transforming and freezing the applicant’s inherently

suspected account of the past and circulating it along the tense procedural itinerary (and beyond). M’charek explains:

In contrast to linear time, which is related to geometry, topological time is crumpled and folded in multiple ways. Time is gathered together and folded in objects (Serres and Latour 1995). “An object, a circumstance, is thus polychronic, multi-temporal, and reveals a time that is gathered together, with multiple pleats” (1995: 60). An effect of folding time is that history can be recalled in objects. History is never left behind. (M’charek 2014: 31)

M’charek’s *folded object* thus helps me to analyse the way in which the report folds an applicant’s spoken account of the past at the often nerve-racking here-and-now of the asylum hearing together with the procedure’s historically contingent norms of in- and exclusion into a silent and fixed text that circulates into the practice of ‘objective’ (distanced) decision-making. Importantly, while, as noted above, certain contingent moments and aspects of the hearing are prevented from further circulation, such absences also inspire moments of un- and refolding (see Van Oorschot 2018).

Hence, the report itself shows what M’charek emphasizes: ‘history is never left behind’. The report’s own history is evoked in multiple ways, such as when a lawyer questions it or when a decision-maker refolds the applicant in yet another different order of ‘relevant’ details. However, the report’s brief history is both a given and unknowable - as the report is its only material trace - and its evocation is thus always a form of informed speculation, which precisely shows the political potential of reporting. The report allows a person’s spoken, questioned and translated past to enter into a professional deliberation that will end up in a decision shaping the person’s near future of legalized in- or exclusion.

The first section of this chapter, titled ‘The asylum report: A folded object that sticks’, further delves into the way in which M’charek’s *folded object* helps us to understand the object of the report and its political work within the application process. The second section, ‘Neutral starting points and the suspicion of information’, introduces the two asylum hearings and especially focuses on how IND officers explain their position in relation to both an applicant and the information applicants give. This further reveals important aspects of the way in which IND officers position themselves in relation to both applicants and their task in the decision-making process: they need to carefully produce a firm and precise report of the hearing.

The third section, ‘Crafting a report, neutralizing the hearing’, follows one particular second asylum hearing to show the freedom IND officers have in deciding what (not) to include in the asylum report. This section thus shows how

an applicant's account of the past is contingently folded and fixed into a report that circulates toward the decision-making practice while leaving the applicant behind. By choosing a case in which the IND officer erases most of his own affective engagement with the applicant from the report, I illustrate the role of the IND officer in shaping the account of refuge that presents the applicant to a decision-maker. The report grounds a practice of 'objective' decision-making as it allows the decision-maker to critically review the applicant in text and to thus be distanced from an emotional applicant who might move them in subjective ('non-objective') ways (see chapter 4). However, at the same time, the report itself, as an object of 'objectivity', is based on the affective, tense and highly asymmetrical get-togethers between an applicant and an IND officer, but crafted precisely in a way that strategically folds the contingencies that belong to such an encounter into the clear text that will represent the applicant. The section thus argues that although the report represents the applicant alone, it was forged through an asymmetrical co-production. Importantly, the contingencies that belong to that specific tense moment of co-production are, for an important part, erased from further circulation as they should not interfere with a clear-cut and 'objective' decision over the applicant's life.

In the fourth section, 'Circulations of a fixed report', I further delve into the report and how its silent and textual nature allows for different forms of re- and unfolding. In this section I follow lawyers and their ways of discussing the asylum report with their clients in order to show how the report as an object of distanced decision-making is also an object of potential intimacy between the legal ally and the lawyer, who strategically and suspiciously assesses the work of the absented IND hearing officer as well as the (future) IND decision-maker.

## The asylum report: A folded and re-foldable object that sticks

The report is a crucial and peculiar object, one that is forged along the itinerary and which allows for a separation of practices. It separates the practice of affective face-to-face encounter from the 'detached' (or so it is seen) face-to-file interaction (cf. Van Oorschot 2018) of decision-making. The asylum report presents the applicant to a decision-maker in a specific and rather clear-cut way. It allows the hearing to persist and endure, to freeze and circulate along the itinerary in a standard format shaped through the strategic back- and foregrounding of information. Accordingly, I argue that the report figures as a person's documentary body-double because it replaces the applicant and moves along the itinerary

to represent them, their plea and their past to a decision-maker who will then decide on the (waiting) person's next movements. Indeed, while the personae of the procedure are able to both make and remake, fold and refold the report into a decision over the applicant's life, the object sticks to the applicant's presence and movement within and beyond the asylum procedure.

While the asylum hearing is productively tense, contingent and emotional, leading to a specific set of intimate information, it is precisely those intimate contingencies that become the 'noise' to render invisible through the practice of reporting. However, the noise that is reduced to the background can be recalled in various shapes by the readers of the report who, as I will especially demonstrate in the next chapter (on decision-making), are able to read tone and emphasis back into the report. The report itself thus absents both the applicant in person and the inevitable 'noise' of the hearing in order to allow its authoritative reader to puzzle with it, abstract so-called 'relevant elements' (see chapter 4), and read those with and through the norms of decision-making. This section introduces my understanding of the report's object-ness, inspired by Amade M'charek's concept the *folded object* (M'charek 2014).

The report is a rather conventional object in the sense of its occupying 'a volume in Euclidean space' (Law and Singleton 2005: 335). While the report is a conventional object because one can hold onto it physically, it is also an object that is particularly central and crucial in the practices that both produce and use it. As mentioned above, the report becomes an object of legal deliberation. It mobilizes a lawyer to look back in a specific way and imagine both the report's history and its potential in the future of decision-making. Bruno Latour's *immutable mobile* (1987) or Mol and Law's *fluid object* (1994) focus on the way in which objects circulate and how they bring and hold different people and networks together. However, I rather turn to Amade M'charek's *folded object* as she attends to both movement and circulation and to the political potential of the way in which different times and spaces are folded into single objects that allow for a specific set of practices ('objective' decision-making) and for the desired exposure of 'reality' (the unknown and suspected applicant). M'charek writes:

Inspired by Michel Serres' notion of topological time, I have suggested the folded object as a way to include the temporal in this spatial rendering of objects. Attending to how objects enact time, how their folds keep it, may help us to understand the relation between the history of an object and the potential of its politics in the here and now. (M'charek 2014: 48)

M'charek shows the active entanglement of time and space within a specific object, a DNA reference sequence seen as 'the first genetic map of the human

genome' (Ibid.: 31). While the *Anderson* sequence is very different from a swift and routinely produced legal object, it is especially M'charek's understanding of topological time that allows for a further analysis of the inner complexity and political potential of an object that seeks to render a person intelligible and evaluable in terms of the contingent norms of truth and deservingness. The report neutralizes the hearing as it hides what has become the affective 'noise' of its making: the kind of noise that would interfere with a clear-cut decision over the applicant's life (and not over the IND hearing officer's work). M'charek writes:

My point is that this history and controversy cannot be left behind. They can be enacted and made relevant in the future to come. There is no end to history, no end to politics. That is not to say that the future of objects is pre-given or that it inheres in the essence of the object. The mtDNA sequence is Serres' folded handkerchief (Serres and Latour 1995). We cannot know beforehand which of its points will be distant or proximate. The consequence of the handkerchief is that it can be ironed, producing disparate points and making histories inaccessible (see also Latour 2000: 263). (M'charek 2014: 21)

While the IND hearing persona folds an applicant's personal account together with the norms of credibility and eligibility, it is the future IND decision-maker who then re/folds that information in the form of dissecting the 'relevant' (relations between) 'elements'. Hence, while the report's future is, in some ways, pre-given - it will certainly ground a decision - its future is also contingent on the subjective and authoritative reading, analysis and interpretation of the person who enacts the IND decision-making persona. Differently put, the decision-maker decides which of the report's 'points will be distant or proximate' (Ibid.: 21). Indeed, the personal, intimate and maybe strategic account that an applicant shares at the tense asylum hearing is taken away from the applicant in order to carefully and selectively fold it into the intelligible and silent text for a different person to re/fold at yet another moment along the itinerary.

Hence, what remains to circulate toward a decision-maker, as I demonstrate with examples in the following sections, is a new sort of 'raw' material that does not reveal its own contingent history because it seeks to especially render the unknown applicant specifically knowable and thus re/foldable. As such, the report enacts, but also absents, different aspects of its own recent history. The following quote by John Law and Vicky Singleton helps me to especially highlight the political potential of *absence* in relation to re- and unfolding:

An object is a presence. It is present, here and now. But, whatever the form of its presence, this also implies a set of absences. The present object implies

realities that are necessarily absent, that cannot be brought to presence; that are othered. So, to put it slightly differently, an object is a pattern of presences and absences. (Law and Singleton 2005: 343)

Next to absenting many aspects of the hearing itself, the report also absents the applicant in person as it allows a decision-maker to review their case without having to speak to or look at the applicant. At the same time, the report is attached to the body of the applicant as it presents their case to a decision-maker who has the power to decide over their body and presence. Moreover, the report can always be recalled when an applicant, for example, applies for family reunification or permanent citizenship: the report will be read again and used as a way to test whether or not the applicant repeats the same story of the past.

Hence, the report is both other and self in relation to the applicant, it sticks to their bodies in the sense that it can replace the body. Indeed, the report moves independently of those bodies as it is refolded by the different people who need to engage with the applicant's presence. By this I mean that the report stands in for the applicant, it 'speaks' for the applicant, and so it enables decision-makers to become intimate with an applicant's life without having to face them. Indeed, the report allows a decision-maker to get close to the applicant's past and future, while simultaneously keeping them at a distance in order to not be affected in any other way than that which the procedure desires of IND officers: to make precise, sharp and objective decisions.

The report's way of negating the applicant in person and absenting the affective 'noise' of the hearing in order to allow for distanced decision-making thus shows the report's political potential of 'refolding'. At this point I want to pause at Irene Van Oorschot's way of taking M'charek's concept of the folded object to analyse the legal case file. She writes:

I am interested, first, in how the legal case file folds within it multiple histories in its effort to render history - the offence in question - available; and second, how the case file may itself become the object of un- and refolding practices in the making and remaking of that same historical event. (Van Oorschot 2018: 215)

Van Oorschot writes about the case file as a device of looking back in order to see what happened 'out there' (when and where the crime was committed). Importantly, she shows that the case file is also used by lawyers who seek to challenge and destabilize precisely the *account* of what may have happened out there by questioning the way in which the account itself was gathered and translated. Van Oorschot writes that 'in this translation of talk into text a certain history has

been written - a particular story about “what really happened” (...) but another history - the history of a conversation between police officer and victim - is at first sight erased’ (Van Oorschot 2018: 222).

I argue that the asylum report too forms a ground for questioning what happened at the hearing, a practice embedded within the itinerary allowing the lawyer to further supplement the work of the IND by adding crucial information that a decision-maker may need (I show this side of ‘refolding’ in the section ‘circulations of a fixed report’). In that work of *recalcitrant supplementing*, the lawyer evokes and provokes the history of the report’s making in order to affect its future. The report thus also grounds a work of un- and refolding that is strategically focused on its potential for the inevitable (procedural) future of decision. Hence, in the lawyer’s reading of the report, its history is evoked and *actively* sought to ‘strike back’ (M’charek 2014: 31), but not in terms of what that history might have actually been - as that is unknowable - but in the way in which the lawyer, in this example, refolds the report in order to actively affect the report’s future of grounding a decision. Hence, while the report folds away certain ‘noisy’ aspects of its making, precisely such absences mobilize a legal ally, but also an IND decision-maker, to look back with an eye to the report’s potential future.

## Neutral starting points and the suspicion of information

The one extreme is the asylum seeker that stretches over the table, covering his face underneath his arms. Sometimes this is a way to hide the fact that he fails at performing emotions. In comparison to the theatre of emotions, real emotions are more intense and more complex. You can see in one’s body posture that he seeks contact, but his eyes avoid me. Smiling while the tears fall down someone’s face, like a woman from Eritrea a couple of weeks ago, *nobody thinks of that, nobody comes up with that, even when you have a whole team of coaches who help you prepare your asylum story.* (IND officer, interview 2013)

The IND officer quoted above looks at a person and finds truth in the unexpected, which is a complexity they understand as exceeding a theatrical performance. The IND officer recalls an applicant’s emotions and explains how they were too complex to be made up. The IND officer is taken in by the unexpected and caught off guard. The unexpected found an opening in their trained suspicion. While the unexpected in terms of observed emotion becomes a way toward recognizing truth, the unexpected in terms of text and answers will often rather

intensify suspicion, as this other IND officer implies when saying: ‘what you really have to learn [when becoming a good IND officer] is to get a sense of what is and what is not logical for a person to do, what kind of actions make sense in a certain situation’. Hence, it is suspicion that guides vision in different directions, it underlies a focus on both unexpected and ‘authentic’ emotionality as well as what would and would not be ‘logical’ for a person to do in a certain situation. Suspicion, indeed, is the main sensitivity through which IND officers gather information from applicants and seek to protect the ‘true’ refugee while rejecting the ‘fake’ ones.

Importantly, the IND officer’s interpretation of an applicant’s tears will affect the way in which the hearing unfolds. When the IND officer feels that the applicant is lying, they might be asking more critical questions, but when the IND officer is taken off guard (for example) by a peculiar but, in their interpretation, very true emotionality they might be posing their questions with another tone of voice and body-posture. And next to emphasizing that the contact made at the hearing is contingent in itself, it is also important to note that different IND officers make different decisions in terms of how accurate the report should be: some leave whole sentences out, while others add observed emotions and make sure each word is included in the report. While the less experienced IND officer may feel that the applicant has properly answered a certain question and decide to move onto a next issue, a more experienced IND officer would rather take that answer as a reason to ask more questions. Hearing officers thus make important decisions at the hearing, decisions that relate to their previous experiences with applicants, to their understanding of a proper asylum report, to the way in which they have learned to listen to an applicant, and how the details they share move their trained focus on truthfulness. Hence, again, while the report seeks to present the applicant and to, accordingly, allow for distanced decision-making, I argue that the report simultaneously absents and erases some of the contingent decisions made by a hearing officer, who thus also (like the applicant) plays a prime but invisibilized role in forging the account of refuge. As such, I argue that IND hearing officers are burdened with the heavy task of *folding* an applicant’s memory of the past into a specifically intelligible text that allows another IND officer to refold the account and make a firm decision over the applicant’s next movements.

Every first application, in general, consists of a first and a second asylum hearing. These hearings are often conducted by two different IND officers, although time pressure, holidays, or other reasons for a limited number of available staff may mean that one IND officer conducts both hearings. Besides the first- and the second hearing, an additional hearing might be held as well. An additional hearing is held when, for example, a decision maker feels that certain

information is lacking from a person's case file or when they have too many doubts about the truth of a certain so-called relevant element in the applicant's story of refuge. While the positioning of people is similar, the additional hearing always revolves around a lack of information. Additional hearings, for example, can be about the people involved in a specific conflict, or about a conversion to Christianity that was introduced into the conversation at the end of the second hearing when there was not enough time to delve into it. An additional hearing might also revolve around the details of an applicant's claim to a past of torture, or the details of a person's nationality if that has not yet been established credible at the first hearing. Sometimes, also, a lawyer has such a strong 'way of seeing' that the final decision maker decides that an additional hearing must solve the lacunae addressed by the lawyer.

The first hearing is about personal details, such as family, jobs, the applicant's country of 'origin', their route of travel, and how they came to choose the Netherlands. The standard themes a first hearing needs to address demarcate a part of how the applicant must become knowable to the procedure. The first hearing, as such, is a first step in what I see as folding the noisy and affective hearing into a standard report that, at the same time, is personalized in such a way that it represents the applicant and their account of refuge. The first hearing is important in terms of credibility, especially where nationality is concerned. Most applicants do not bring legitimized documents to prove a claimed nationality and are asked to ground their claim by answering questions about the place they say they grew up in. Applicants without documents are expected to be able to show a thorough and detailed knowledge of the places they claim to have fled (think of the case of Q discussed in chapter 3, and the questions the first hearing officer posed).

IND officers gather such information in order to emplace a person and to situate, at a later stage, the possibility of the presented problems that inherently belong to that place. Emplacing a person is important in the evaluation of both refugeeness (or 'eligibility') and credibility. The place a person both belonged to and fled essentially belongs to a person's asylum claim, and the authentication of a person's nationality, as such, is crucial for a decision. Place and nationality are thus actively foregrounded in a person's account of the past and their fear for the future. Emplacing a person is also important in case of a rejection, as it enables the IND (or, more precisely, the deportation services) to present the applicant to the authorities of that particular country, and request that these authorities 'take the applicant back'. These questions, as such, have a double layer and potential: they may help a person to gain a refugee status but they may also help the deportation service (the DT&V) to deport a person.

Importantly, the first hearing is very explicitly *not* about the issues reserved for the *second* hearing. The applicant is not allowed to speak of the 'direct reasons for applying for asylum' (the person is asked to stop speaking when they do address such aspects of 'the refugee-story' itself). Again, the itinerary routinely fragments the process, different people are invited to gather different sets of information, and while the hearing officer is an actual person who the applicant encounters, they cannot be held accountable for the decision as it is made by yet another person. Hence, the itinerary is staged in order to prevent IND officers from becoming too involved with a person's case; they are literally kept at a distance and made to rather swiftly move in and out of cases. At the same time, however, IND officers need to feel for an applicant, they need to be moved by their accounts in such a way that they ask the *right* kind of questions and put suspicion to work in a decision-making process that, as each person involved knows, may revolve around life and death.

The second hearing is often more extensive as it fully revolves around (critically questioning) an applicant's reasons for applying for asylum. At the second hearing a person is asked to give their account in order for the IND officer to then question that specific account as well as ask a set of standard questions that is quite explicitly derived from the refugee convention. While second hearings are often quite lengthy and more elaborate than first hearings, sometimes, when the weight of the application predominantly lies on nationality, the first hearing is more extensive. At the time of my research, many Syrian applicants had reached the Dutch asylum premises, and their applications predominantly depended on the in/authentication of their claimed Syrian nationality. Applicants who managed to prove to be from Syria were generally assigned a (B) refugee status. In these cases - especially when people did not bring identificatory documents - the IND asks for even more details about the country, its landscapes, rivers, roads and hospitals. In such cases, second hearings are often less lengthy, as the outcome especially depends on the authentication of one's nationality rather than on proving their experiences make them eligible for asylum.

Sometimes applicants are aware that their application process relies especially on being able to make their nationality convincing (via a legal ally, a trafficker, other applicants). One IND officer told me that Eritrean applicants almost always obtain refugee status and that the decision does not depend on the content of the story whatsoever. They explained that 'if he [the applicant] only says 'I'm hungry' he will still get a status' and they added that people are often well aware of their chances. A few other IND officers also told me that some applicants (in their interpretation) *know* that they will be granted refugee status, which according to these IND officers relieves applicants from feeling the general pressure

and seriousness of the second hearing. This has a telling impact on the power difference between an IND hearing officer and an applicant. I draw on this rather exceptional situation – or at least the IND officer’s account thereof – because it shows that the general power asymmetry that is so characteristic of the hearing very much relates to suspicion and the fragility of truth in the application process. In the following excerpt from a field report I describe and recall the IND officers who told me about ‘mocking’ applicants in Ter Apel (the summer of 2015):

A few IND officers told me that, sometimes, an applicant knows they will be getting a status in spite of their story of refuge, which results, sometimes, in the narrating of “absurd” stories and a kind of playfulness with the powerful role of the IND officer at the hearing. The IND officer cannot show too much overt disbelief [a performance of neutrality] and needs to politely write everything down into the official report. J, one of the IND officers who told me about these “mocking” applicants, feels very silly and rather annoyed when this happens. J gave two examples, one of an applicant speaking of several heroic and, according to J, impossible escapes and another one who spoke about how they used to fight wild tigers. The IND officer added there that there are no wild tigers in Eritrea. Another IND officer told me that an applicant told them that she had been pregnant since 2011 until “today”. (Ter Apel, summer 2015)

The exceptional situation of an IND officer who feels mocked by applicants shows a power situation reversed. While, in general, applicants often feel nervous and somewhat vulnerable when facing an IND officer and the uncertainty of decision, this IND officer feels vulnerable and exposed in their role as IND officer due to the certainty of a positive decision. What I find fascinating here is that these IND experiences, deeply embedded in an officer’s own understanding of the outcome of an application, show an affective reversal of truth and decision. When a positive decision awaits a process predominantly focused on truth-seeking, truth is of little consequence anymore and can be ‘played around with’.

Truth-search thus underlies the IND hearing in complex ways. Truth may no longer be of concern, but the hearing officer cannot show this. Rather, the hearing officer must remain at a distance in proximity. They must enact the critical and yet ‘neutral’ IND persona and thus ask more questions even though the outcome is certain and the account is considered absurd. Hence, this situation shows that the work of the IND at the hearing (as well as the allies along the itinerary) is moved by the uncertainty of truth. When truth is uncertain, the hearing officer has an important job to do: to focus on potential ‘gaps’, ‘strange’ tears or story-lines, and to thus sharply uncover either a ‘true’ or a ‘fake’ claimant. In this situation the application process becomes an empty following of procedure,

a ticking-off boxes, a practice relieved of its main passion, which is suspicion. Suspicion, whether intensely present or actively absent, drives the inherent power asymmetry characteristic of the asylum hearing.

The fragment also shows that IND officers need to remain at an affective distance called ‘professional’ or ‘neutral’ (depending on who one asks). Although such neutrality can be a form of caringly refraining from the overt expression of suspicion (or of finding a story absurd), it can also become an embodied distance, one that prevents the IND officer from being moved into an account that they should remain critical of. While, again, the IND officer must allow a person to speak, they need to also always remain cautious as they must look with and through suspicion. Hence, although the hearing officer must be close to the applicant (physically), they are also trained to remain at an affective distance. In the next chapter I show that this situation is reversed in the decision-making part of the itinerary: while a hearing officer keeps at a distance in proximity, a decision-maker comes close to the applicant’s story of past and to their life while being simultaneously put at a literal distance from their actual (detained) bodies.

The following statement by an IND officer reveals how they seek a position of neutrality which is in itself a position of distance in proximity:

Yeah my starting position is zero, like we are just going to have a conversation and, of course, I have prepared for it, I read your *history* so far [the applicant’s history within the procedure] but we are just going to have a conversation: this is zero and I’ll assume that what you are saying is correct. That is my starting position. (Interview with an IND officer, 2017, my emphasis)

The quote shows that neutrality is imagined to equate to zero-ness: there is *nothing* yet between the IND officer and the applicant, and such nothingness allows an IND officer to temporarily trust the applicant. Neutrality in this conceptualisation relates to a trained sensitivity for truth: when information is gathered, suspicion unfolds from a so-called position of neutrality. But this position is informed by suspicion as a method to always position oneself in relation to the applicant and the account.

Interestingly, the gathering of information in itself crafts a ground for the enactment of suspicion. Information thus actualizes the ever-tangible potential of suspicion. And so, performing neutrality is initially a way to see oneself as not taking any position until the applicant’s account starts to unfold. This way of performing neutrality, then, is inherently short-timed because suspicion must take over as it is precisely information that the IND officer is after. Hence, information in itself is not neutral as it is not zero, it is rather (considered as) a substance that must be scrutinized methodically with suspicion, which may lead to both belief

and non-belief. Moreover, suspicion itself grounds the zero-point because it is an active way of putting suspicion temporarily aside. As the quoted IND officer says, they put effort into performing a non-position, which is precisely a position of suspicion because it informs and shapes the effort of non-position in itself. Differently put, because neutrality cannot emerge naturally it shows itself to be a work of suspicion, which is important because this is how IND officers gather information and inscribe it into the report that grounds a final decision.

Neutrality as zero-point, then, can only be a beginning informed by a suspicion that is actively put aside. Neutrality can thus never be an end-point as gathering is done through and moves with suspicion: with noticing gaps and looking for inconsistencies to further interrogate. Neutrality, in the above, is an idealized starting point that is performative as it allows IND officers to position themselves as open while also especially legitimizing suspicion to parasitically invest in the information an applicant gives. I say 'parasitical' because suspicion - in the form of judging credibility - fully invests in the way in which the information is written down and inscribed into the report. This report will silently move to a decision-maker who focuses on the answers that stand in for the applicant, rather than on the way in which the applicant was asked to answer. I am not suggesting that the applicant is passive and fully subjected to an IND officer's choices and passions, I am, however, suggesting that the IND officer is (authoritatively) active in gathering and questioning information, which is an activity backgrounded in the report's work to silently foreground the applicant.

Next to arguing that information especially allows for the unfolding of suspicion, the applicant is also suspected in general, which relates to the other way in which yet another affective performance of neutrality belongs to the IND persona. IND officers, as emphasized earlier, maintain a distance by actively refraining from taking a clear position vis-à-vis something seen as 'absurd' as well as vis-à-vis something seen as deeply sad. Accordingly, I argue that neutrality conditions proximity through a trained judgement that cannot but look at an applicant with suspicion. Here is a quote to demonstrate this point:

In the end, you are a professional slash neutral person, and I do not help him [the applicant] when I start crying along, and by the way, by crying along you might arouse hope, he might think like "oh she empathizes, now I might get a permit." (IND officer, 2015)

Neutrality, thus differently formatted, shows an affective conditioning of proximity: the person is seen up close and sensed, but an IND officer should not 'cry along' or 'arouse hope' as that is considered to share a non-neutral message, one of situatedness. While this IND officer uses 'neutrality' in another way, it appears

again as an affective work toward blandness, toward a not-taking-positions. In this way, neutrality provides an active absence: it becomes an affective effort to refrain and to try to not give an applicant a clue about the decision that will indeed be made by another and on grounds other than the encounter itself. This, again, is important because it shows how IND officers manage an atmosphere that should neither be overly suspicious nor overly empathetic. IND officers need to perform something that might seem like 'indifference' (cf. Herzfeld, 1992), which is, in my interpretation, especially a way of controlling both the passions and uncertainties that are part of participating in the process of making life-altering decisions.

The following statements allow me to further delve into the relation between suspicion, neutrality, and accounts of sad and heavy suffering:

In the beginning, it was different. I listened and responded with more genuine emotion but people have disappointed me often and this was painful. Now my empathy is more of a functional thing, I am shielded. (IND officer, 2014)

The fact that people tell me made-up stories incites all kinds of responses, from irritation to a passion to make clear that he is making it up. This can interrupt the contact with an asylum seeker. It requires a lot from every hearing officer to deal with irritations and emotions in order to keep the atmosphere of the hearing well. (IND officer, 2013)

In contrast to the IND officer quoted earlier who said that they start from a position of neutrality-as-trust, this IND officer starts with empathy-without-trust. While in the former trust can be undone through information, the latter shows that trust may be gained precisely through information. Suspicion, as a sensibility and a way of looking, becomes the main method of gathering and evaluating truth. Unsurprisingly then, the more experienced IND officer is well-versed in the art of suspicion. However, such suspicion is also felt in relation to having been (and being) affected by asylum applicants in negative ways. This demonstrates that suspicion is a form of tacit expertise, developed through encountering different applicants and by learning - being supervised and trained - how to engage with applicants via the IND persona (as discussed in the previous chapter). This shows how an IND officer's personal history within the procedure, one of having spoken to many applicants, is incorporated into the way in which an IND officer listens to, and questions, a specific applicant. As such, yet another temporal dimension is folded into the report that predominantly represents the applicant and thus absents the personal and contingent aspects of the gathering that was needed to make it.

Importantly, while suspicion sharpens an IND mind, it is indeed emotional work that shows the tenseness of the hearing and how IND officers too are affected by the uncertainty of decision. The IND officer quoted above explains that managing a ‘welcoming’ atmosphere (in which a person is invited to speak) costs energy precisely because he has a hard time seeing applicants as genuine. They seem to seek neutrality too, although not explicitly. Rather, they look for a neutrality that resonates with what other quoted IND officers seek: one of keeping at the emotional distance that allows them to critically gather information and to not be moved too much by a sadness that may very well – to an IND mind – be fake. Neutrality, then, becomes a means of shielding and diffracting emotion and rendering empathy into a functional element in the management of the atmosphere. Yet such shielding is precisely a way of being open to suspicion.

Another IND officer spoke of empathy in a different, but again related, way as both IND officers firmly agree that their job is one of making sure ‘real’ refugees are separated from the ‘bogus’ ones. An excerpt from a field report in which I recall the conversation (January 2015) demonstrates this:

N (IND officer) says they always feels empathy for a person because they already experienced things by having come here and by being detained. N understands that applicants are under pressure, tense and nervous. But N rushes to emphasise that this does not mean that the person should be given a status, and it also does not mean that they are telling the truth. N proceeds by saying that they cannot “physically care for or take pity on” (*fysiek ontfermen*) a person, they cannot go over there and touch or cuddle a person. N explains that this is so because they have a certain role in the procedure and that they are *not* there in the applicant’s favour but that they are there to evaluate the case. And thus, the IND officer needs to keep at a distance. They can show empathy non-verbally, with a look, or with their voice and body posture but that is where N draws the line. They cannot touch a person or tell them that they think it is terrible what the applicant went through because such a remark might give a person hope about the outcome. (IND officer, 2015 ACS)

The IND officer sees themselves as being on the side of truth, which also means that they are not necessarily on the side of the applicant. Nevertheless, N feels genuine empathy for the person in front of them who has travelled, been detained, and is uncertain about the outcome of this strange situation. However, N’s role as IND officer in itself forms a line. Their empathy can only be limitedly expressed because they do not want to communicate something that is not true: N is *not* there in the applicant’s favour. Empathy is conditioned by suspicion as it is suspicion that underlies the distance the IND officer keeps.

As a hearing officer, the IND officer needs to gather information, they need to both allow a person to feel comfortable enough to share intimate details and to ask critical questions. While empathy is not strategic here, the IND officer limits their expressive affections due to their role as a critical IND officer: they are a professional who is not there to necessarily help or care for the applicant. Rather, the IND officer needs to care for their job to help separate deserving from undeserving applicants, which grounds the distance N always keeps, a distance that seeks to restrict giving a person hope. Both IND officers show how suspicion, in the form of limited care, empathy, intimacy and proximity management, runs through their work, through the encounter and their professional ways of understanding, seeing, questioning and engaging with applicants.

While (strategic or genuine) empathy certainly belongs to the IND officer’s job of encountering an emotional applicant, irritation also relates to the hearing, the IND officer’s care for the procedure and their job to write a firm report. An IND officer (C) explains what happens when they feel irritated:

C: “Sometimes I get annoyed when someone is constantly not answering my questions properly, when I need to keep repeating questions. Especially when I feel that a person is intelligent enough but might be playing a game.”

M: “Is that the most annoying?”

C: “Not the most annoying but it does arouse irritation in me. Because, when someone is just not well educated and has a hard time understanding the question, well, that I understand, but when I feel like you are smart enough and you understand all of this fine, you are just playing a game with me, then I feel very annoyed.” (IND officer, 2016)

Irritation plays a specific role in the gathering of information. Again, this IND officer especially feels irritation when they think the applicant is not taking them seriously. Note how strongly affect and thought are connected (cf. Nussbaum 2004) and how especially in the hearing encounter the IND officer sees and thinks through suspicion as well as the urgency of making sure ‘the good’ claimants are separated from the ‘bad’. In relation, the IND officer *feels* irritation when they think of a person as both intelligent and thus recalcitrant: as they, in spite of understanding what they ask, choose to give a ‘strange’ and ‘vague’ answer.

Irritation is an affect of suspicion as it is suspicion that makes the IND officer watch and listen to the applicant sharply and from a critical distance. It is suspicion that makes them focus on the way in which an applicant answers the questions, which also leads the IND officer to consider an applicant as both intelligent and too playful for the seriousness of the situation. Suspicion

underlies the encounter and the IND officer's way of thinking and feeling about a person and the answers they are giving (also when the IND officer feels the applicant is telling the truth). This is critical to the way in which the account is folded into a report as the IND officer's trained affects guide what information is and is not gathered.

The next observation of a hearing, and the way in which the IND officer explains her interpretation and questions, further illustrate this point:

E: "What did the bus look like?" M: "It's a small van, it looks like a sort of box." E: Can you please draw it here [she points to a paper in front of M]. M wants to draw over his previous drawing but E interrupts him rather wildly, she almost seems to panic and moves over the table to touch the paper (for a moment I think she is gonna tear the paper away from him). While saying loudly "no no no!" she pulls the paper to her part of the table and places a line under the previous sketch. She throws a pen to M and tells him to draw the bus, including the wheels, underneath the line. M observes E and does what is told. (I wonder what he thinks of this strange performance, I am quite startled by it.) While drawing M explains how everybody was seated in the bus. E: "Yes, alright, what was the colour of the bus?" E seems frustrated and seems to feel annoyed by M. M: "It was kaki, the colour of the army." (...) E: "When you first saw the soldiers were they walking on the streets or did they get out of the car when they spotted you?" M: "Yes, they saw me, there was light coming from the van and that's how they saw me and then they stopped." E [repeating his sentence while typing it up] "And then they stopped... Do I understand it correctly that it was at eight in the evening and that it was dark outside?" M: "Yes that is right, it was dark then." E: "And in spite of the dark you managed to see that the van was khaki coloured, that's quite conspicuous.... why didn't you turn around or cross the street to run away when you saw it?" M: "Often, when they see students with a school bag, well, before they never took students with them so that is why I didn't cross the street." E: "How do you know this?" (her tone of voice and body posture indicate, at least to me, that she finds M's answer rather suspect). (Observing a second hearing at AC Schiphol, summer 2015)

A striking moment in the fragment above is when the IND officer makes sure the applicant does *not* draw over his previous drawing. Probably the IND officer wanted to add the drawings to the report or the applicant's case file. It shows how the IND officer protects the procedure, and the precision of her work as a hearing officer, from the applicant by almost violently making sure he does not harm what she deems necessary (raising her voice and throwing a pen at

the applicant). She gathers his story (and drawings) with a passion that does not necessarily seem welcoming to the person applying. This allows her to *direct* the content of the report that, in the end, hides the moment of throwing a pen and raising her voice but highlights her way of questioning his answer ('that's quite conspicuous').

I asked the IND officer the day after the hearing what she thought of the account and she explained that she found the applicant's statement (reflected in the fragment above) suspect. In an IND-persona-like manner, she listened to the applicant with suspicion, seeking possible gaps in his story, which she would then dismiss as non-credible. She explains something crucial in terms of gathering in the following statement:

Well, I don't really believe that he was arrested and transported to that camp. But I must say that as I was keeping an eye on the clock, I chose not to ask much more about the camp: not how it looked, not how he experienced it, those sort of questions. He did say he had to work a lot and I could have asked about the kind of work and elaborate on that but then again I was minding the clock. Of course, I had already spent time on the moment that people [soldiers] had arrived there and because his answers to my questions caused me to elaborate on that, also because I thought his statements were a bit vague... and yeah I also found his answers to be quite curious because, yeah... if there were soldiers coming toward me I think I would be alarmed and turn around, walk away. (IND officer, 2015)

The IND officer's insistence on how the applicant was captured prevents her from spending more time on another aspect she deems vague. As such, the applicant does not get to 'solve' something a decision maker might also deem insufficient or vague because this IND officer felt she needed to finish before 5 PM. She could also, like other IND officers, have taken a bit more time, which again is a decision she makes, a decision that is not the final decision but it is a decision that may crucially affect that final decision. She explains that she chose to elaborate on one 'gap' in his account although she saw many. Her choice to interrogate one of the many has an impact on the report and thus on the account presented to a decision-maker.

Hence, again, it is the IND officer who both decides on the tone of the hearing and on the content of the report that will especially re/present the asylum applicant to a decision-maker. While, of course, decision-makers know that the report reflects the hearing, they still need to trust their colleagues and focus on critically reading the text-as-applicant. Consequently, I argue that reporting is a way of covering the many choices made by the hearing officer and uncovering

the silenced and fixed applicant. The following fragment from an interview with an IND officer allows me to further elaborate on the crucial (and partially hidden) choices IND officers make during a hearing:

B (an IND officer): “I once conducted a hearing with a person who told a very emotional story about a real sad event but he spoke in a very flat manner, and I mean, of course a person does not need to play a tear-jerking performance but this was really, really, flat, as if he was saying ‘well this is a pen and this is paper’. That is possible of course... that someone has learned to deal with stuff in this manner, but then that someone might also be staring at the table or maybe... there would be other physical signs that make you think that it’s not *only* a flat story, there really is something with this person, he must be blocked or something else. When I see that I always think I should respond to a person, or give a break and ask how he is doing. It is always the combination of things that make me think like, ah I need to pay special attention.”

Me (interviewer): “And is that out of care?”

B: “Yes.”

Me: “And are there other reasons, do you also think about credibility. So, there is care, you want to help and make sure it is easier for an applicant to talk, but are there also other insights that such a [flat story] conjures up?”

B: “Whether someone is actually speaking the truth?”

Me: “Well, I mean that if someone tells such a flat story than you can respond with care and...” (B starts responding already)

B: “No, certainly, I definitely think that if someone tells a flat story, which is flat in emotions but also in terms of the general statements a person gives...when you take that together I’ll certainly feel inclined to ask more thoroughly. (...) Because I want to find out like: ‘is it flat in general... because you have a hard time speaking of such an event’ or ‘is it flat because you are just not telling the truth?’” (IND officer, 2016)

The conversation demonstrates the intricate and affective work of suspicion, one that merges with a care for the potentiality of sadness being ‘real’. While in the other quote, the unexpected adheres to an image of emotional authenticity, now the unexpected inspires the IND officer to wonder cautiously how to understand and how to act upon it. Indeed, the fragment shows that an account of suffering is met with suspicion, especially when the account adheres to what is considered ‘severe enough’ suffering. Precisely because the IND officer considers the story

itself so severe, the emotional flatness they observe becomes a source of suspicion as well as a source of care, which is productive as it informs the IND officer’s next steps. The IND officer’s choice will inevitably affect the content of the report and, in that way, the history of their own specific sensitivity for truth is active underneath the questions and answers that they pose. Indeed, the applicant is folded into a specific kind of intelligibility not only by giving an account but by being questioned and made to engage with a well-trained IND officer and her intricate suspicion sensibilities. This work of folding affective details and aspects into smooth sentences that may (or may not) stand out in the report allows its readers to focus on the words itself (and their potential) instead of the contingent and affective context within which they were given.

Together these examples show how the asylum hearings are affective and contingent as they always involve unique combinations of people who meet at one particular time, affecting one another in ways that both belong to the procedure and escape it. As this encounter must end in a smoothly organised report, the personal and contingent nature of the hearing will, to a significant extent, be rendered invisible. While IND officers may, for example, decide to add certain observed ‘emotions’ to the report (always as a side note), the report can ignore what an IND officer felt and how their questions sounded. This reifies the asymmetry of the hearing that has travelled into what the account does and does not include. In another way, however, it is included, since the IND officer’s way of relating to the applicant (and their personal ways of demonstrating such a position) has certainly critically affected the applicant’s way of answering specific questions (and vice versa).

## Crafting a report, neutralizing the hearing

Manifest absence goes with presence. It is one of its correlates since presence is incomplete and depends on absence. To make present is also to make absent. (Law 2004: 84)

The aim is to write everything down into the report, it is also in *his* [the applicant’s] interest. And if he starts talking while I am still typing... suddenly adding new information, then I won’t be quick enough to type it all down. So because of that I sometimes have to make him *stop* talking... otherwise I might forget what he just said before, and then the translator needs to ask again but then his answer will be a bit different than before or he adds stuff and then it’s all messed up (“dan klopt het allemaal niet meer”). (IND officer, summer 2015)

I do not write each nervous twitch down, that is just impossible. But yeah, it is something intuitive, when you get a feeling of “this really matters” then I include it in the report. But some people include each moment that the translator’s mobile phone rang, yeah I don’t do that. Except if the translator decides to go out and I get the feeling that it interferes with the hearing in a way. (another IND officer, summer 2015)

The first quoted IND officer’s aim, as they reflect, is to write a report for the decision maker (and not to make a decision themselves), which is a task that may cause irritation or stress when an applicant ‘suddenly adds information’. The IND officer’s care for drafting a firm report also moves them to, at times, intervene in the applicant’s pace of talking when they cannot keep up, which is something they and other IND officers explain as being in the applicant’s own interest. In that way, the unfinished report interferes with its making as it, at times, becomes the main focus at the hearing. The report is often the hearing officer’s main object of care and concern, which may also cause annoyance, and at times anger and irritation or stressfulness, when an applicant is not cooperating or is ‘frustrating’ the process by giving ‘strange’ or ‘overly lengthy’ answers.

The third quote above demonstrates that intuition plays an important role in deciding which additional (often non-verbal) information to (not) add to the report. As I extensively show below, it is, at times strikingly, true that IND hearing officers decide what should and what should not be included in the report. While some, again, are utterly precise in including each spoken word, others skip whole sentences and never add a single observation. This shows again that local contingencies along the itinerary are invisibilized in the further circulation of, in this case, the hearing. It also shows that the report is co-produced as the account an applicant decides to share is selectively and intuitively typed up by the IND officer who also, to a significant degree, decides on the themes that need to be addressed (see also the fragment with which I started the chapter). This is certainly not to suggest that applicants are passive; rather, they too work with and through their own expectations and ideas of how to engage with the IND officer for the best possible outcome of their application (guided by their lawyers).

In this section I focus on a second hearing and show how certain moments of that hearing are translated into an official asylum report. The case I draw on in this section is particularly interesting as the senior IND officer, who seemed to have a hard time typing, chose (or allowed himself) to conduct the hearing in a very personal way while also writing himself out of the report. As such, the case provides a fascinating example of a work of neutralizing, which is always – but to greater and lesser extents – part of producing an asylum report. I show that

the report, in relation to Law’s statement above, is strongly build on the political work of absenting the ‘noisy’ aspects of a hearing out of the report. Indeed, the report does away with a specific kind of affective complexity or ‘noisiness’, both in its aim of equal and objective decision-making and in its purpose of foregrounding the applicant whose life must be made evaluable.

While I have put much effort into writing the smallest details of conversations down in my fieldnotes, in most cases these would not be documented by IND officers. Instead, they remain buried underneath the text that the IND officer selects. However, as the fragments I share below show, this IND officer’s (in my experience) bullying ways serve to silence the applicant much more than make her speak. Maybe this applicant did not have many details to share – which is not my place or intention to judge here – but one may still wonder if she would be able to share such details with an IND officer who, as I will demonstrate, was quick to judge the account as bogus. I should mention that the IND officer already started the hearing with a firm sense of disbelief, which any other IND officer would quite likely share, as he was given information by the military police who found images undermining the applicant’s account of her travel. However, while both the IND officer at the first hearing and the lawyer worried that the applicant might be covering an even more severe situation, this IND officer (P) rather took it as an indication that N was just another ‘fake’ claimant abusing the rights reserved for ‘real’ refugees. As, again, it is not my place to judge who was right, it is my aim to show that such information, feelings and interpretations contingently shape the ways in which the account of refuge is gathered and folded into the report.

I skip the introduction of the hearing and begin with one of the moments in which N is sharing her account of refuge with P, the IND officer:

N: “I suffered severely as a prostitute.” P: “Yes... please continue, yes?” N: “That’s why I have a problem with amnesia. When I had to cry I was punished but I am a stubborn person, I don’t like to obey other people. Especially the regulars [at the brothel] who treated me brutally, like an animal. People tend to think that when they pay a lot of money they can do whatever they want. They are not humans to me, they’re animals. It was a horrible life in China and that’s why I fled to the Netherlands, to live a peaceful and quiet life here.” P: “Yes, go on.” [there is a silence] The translator says: she did not say anything else. P: “So, that’s it? You now have the opportunity to speak.” N shakes her head and says, “it’s too bitter and too painful to repeat this story again and again.” P: “Yes, I understand that but you will have tell your story. You have to get yourself together... because *we* cannot make it up for you.” N: “It’s outrageous.” P: “Yes,

well you are going to have to talk, won't you?" [in his voice I notice a hint of impatience] N: "Why is my faith so unlucky? Everybody sees me as an animal while people of my age are supposed to be happy."

(...)

P: "Do I understand correctly that your mother was beaten to death?" The translator says 'yes' without translating P's remark. P types it down. [P is typing with two fingers, extraordinary loudly]. N: "So I was alone in the brothel then, until recently I hadn't gotten an opportunity to flee." After a brief moment of silence the translator adds: "miss N wishes not to share too many details about it." P: "Well yes, but that's exactly the point: we need to know your story in detail." N shakes her head. P: "You're refusing?" Translator confirms. P: "Madame [he raises his voice], I have to urge you that if you do not tell your story [he does not finish his sentence]... it is up to you to share everything of importance. Do you understand? The translator says that N understands."

First of all, reporting interferes with the hearing in the form of, in this case, a loud sound of typing and this IND officer's full focus on his computer screen. P seems to care for the report and thus for his specific task in the procedure much more than for the applicant who he never really looks at. N and the translator must carefully keep up with P's rhythm of typing and N, as a consequence, often has to take breaks in-between sentences.

These fragments demonstrate that P is tangibly annoyed with N, who speaks of being sad and angry but who is not giving the kind of information P wants to gather. The IND officer listens to N as an applicant and so she is listened to through the ones who preceded her. Unlike other IND officers, this IND officer is quickly annoyed and impatient. While his irritation relates to irritations I observed and heard about in other IND officers focused on drafting a good and firm report before the end of the day (as also noted above), P's specific impatience relates to an extensively built-up disregard for applicants that he now considers to most often be deceitful (something observable but also something he told me implicitly during the break). P has seen lots of people applying for asylum. He has interrogated many and decided over their next movements for decades. He might be bored at times, and he is certainly not easily impressed by stories of being sad and of having suffered. In any case, he is not willing to easily or quickly believe that an applicant is telling the truth. P's irritation thus has a history in the procedure, which affects how he listens to N and how he questions her account. His personal history and his grown and trained sensitivities for truth and credibility affect the way in which N is folded into the report.

Another IND officer might have conducted the hearing in a different way, which would inevitably also have led to a different report. P's long-term experience feeds into this particular and peculiarly intimate moment in which a vulnerable person (detained and put before a life altering decision) speaks of suffering and meets a strong disbelief and irritation or impatience in the person in power who is, in another way, exposed or vulnerable as his body and sensitivities are also mobilized to enable life-altering decisions. The IND officer cannot but look at her as an applicant, which is his job to a certain extent (all IND officers need to do so) but it has a personal undertone as suspicion needs to be embodied and thus personalized. Importantly, while such contingencies and the freedom of decision are crucial in the procedure, they are predominantly erased in the production of asylum reports that are all quite alike - in shape, form and scent, not in the exact personalized content - and which ground and legitimize the 'objectivity' of decision (see chapter 4).

The next fragment shows how the IND officer continues to impatiently pressure the applicant into sharing intimate aspects of her claimed past with him:

P: "Miss, did we get the full story now, is this all you want to bring in?"  
 N: "I was taken to a shelter." P raises his voice: "But that is not what I'm asking, what I want to know is if we've got the full account now?" N: "I feel I am getting less freedom here." [in the Netherlands in general]. P: "Yes, but that was not my question, did you tell your full story now?" P is tangibly annoyed now, becoming more and more impatient. The translator says: "She (N) is not happy with her life." P: "But is this all?" Translator: "She hopes to escape her miserable life." P: "Yes, yes, but did you say everything you need to say?" N: "I am still embarrassed. My life is hanging on by a thread. We were kidnapped because we were poor." P: "Yes, yes, you already said that, shall we stop with your account because you keep on repeating and repeating."

Each person in the room felt P's annoyance and impatience with N and her plea for inclusion. And while N is moved by the conditions of inclusion in the form of (restrictedly) 'opening up', P is moved by those conditions in another way: he feels that N is abusing a right that is reserved for others by giving what he considers to be a fake account of refuge. P is thus especially moved by what the procedure desires of him, albeit in a personal way: to separate applicants into the categories of deservingness. Differently put, the pending decision shapes how P listens and responds to N's words (and the non-verbal aspects of the encounter). This, as I especially argue in the conclusion, is how the state's power of decision - and its ways of affecting life and movement - affects both applicants and personae enactors, albeit in different ways, across what I call (and further explore

in the conclusion as) the different modalities of state intensity. Both P and N are affected and moved by the decision, which is precisely how contact between the procedure and the applicant is made at the second hearing. N's account becomes an official report through the affective back-and-forth between P and N, which is shaped by suspicion and the staged power asymmetry between the IND and the applicant.

Applicants must depend on the people they are made to encounter as each person may either help or do damage to a person's case (except when a positive decision is certain). This is why I align my arguments with Caton and Zacka's view on bureaucratic freedom within a security apparatus as well as with Louise Amoore's (2013) observation that a politics of *possibility* (instead of probability) leads to an intensified apparatus staged to rule out the possible potentials of danger. In relation, suspicion is an important sensitivity through which the applicant - a possible risk - must be seen, encountered and scrutinized. Suspicion, as argued in the previous chapter, invites contingency, intuition and a creative or personal kind of engagement. The practice of conducting a hearing and producing a report shows how much freedom personae enactors have and how their freedom is erased and hidden underneath the sentences that they choose to stand out in the report.

Indeed, P needs to fold the hearing into the report, which is precisely how he contingently enacts the IND hearing persona. P knows what he seeks, what must be included in the report, and what kind of noise should be kept out. P's aim to remake the hearing into a proper IND format takes the shape of pressuring N to finish her story without much patience. His irritations take centre stage in the way in which N's account is fixed into a report that represents her case to the decision-maker. Interestingly, while the 'true' refugee is expected to have suffered and to still suffer and fear for more suffering, this applicant's repeated emphasis on suffering annoys the IND officer. His annoyance is an affect of suspicion: he feels she is repeating a lie, which irritates him.

Indeed, during the break P tells me he finds N's account 'complete nonsense'. This firm (dis)belief, again, has a history in the procedure, much more than that it 'uniquely' springs from the encounter with N itself. Moreover, his suspicion-induced disbelief affects how much time N gets to speak, informs the questions P chooses to ask, and prompts him to force N to answer quickly. His disbelief is selectively folded into the report, informing each silenced sentence that it reflects. To demonstrate the way in which P transforms - and absents - his irritated expressions of disbelief into the report, I quote the section in the report that presents the particular moment in the hearing I drew on above:

### 3 reasons for the asylum application

*You will now be given the opportunity to recall in your own words the direct reasons for having left your country of origin. I would like to ask you to maintain to the chronological order of your account, and where possible to add names, locations and dates.*

*Miss [NAME] hereby stated the following.*

I came to the Netherlands to apply for asylum because I escaped prostitution (...).

Here the report reflects an extensive and quite accurate paragraph of most of what N had stated in a slightly different order, absenting and thus forgetting many sentences and tense silences, and certainly not reflecting P's interventions. The first time P appears again, after the extensive paragraph, is in the following sentence in the report:

*I need to stress that it is up to you to reveal everything of importance in relation to the reasons for having left your country. Do you understand that?*

Yes, I understand.

*Please continue even if it is hard for you to speak of your problems.*

Yes, that's alright.

The IND officer's angry and/or irritated tone is absented from the report, so much so that one could read empathy into the new formulation of his questions. P's tone of voice is not taken out but altered and it seems to be rather encouraging. History may 'strike' back; indeed, it is never left behind (cf. M'charek 2014) as it will be refolded by the future and purposeful readers of the report. The absences left in the IND officer's representation of the hearing potentially allow for a different understanding of the conversation. It may seem that the IND officer was more passive than he was, at times empathetic, which may steer the reader's focus onto the applicant's answers. A lawyer, for example, might file a complaint and ask for an additional hearing when reading the actual (but erased) tone of voice with which P raised his questions. Absence here is generative in yet another way than only providing presence, as John Law and Vicky Singleton argue: absence produces an affective potential in a decision-maker who is relieved from P's angry ways and thus is able to read yet another tone of voice into the sentences (perhaps empathy, tonelessness, something else, or nothing if the sentence is deemed irrelevant).

Another paragraph follows, which again accurately presents all the reasons N had given. It also reflects her worded emotions, such as 'I am ashamed for what I have gone through (...) I would like to stay here'. However, P disappears again

as the report quickly states that a break was held. The atmosphere, the tone of voice, the loud and increasingly aggressive sound of typing disappears and the report presents a smooth conversation that especially foregrounds N's words. So, while P's irritation took centre stage at the hearing, it disappears into invisibility, backgrounded underneath the sentences ridden of their affective context. These are words that indeed reflect the way in which the unknown applicant is folded into a specific kind of (smooth) legal intelligibility that allows for the separation that drives the procedure.

The decision maker is thus relieved from having to consider P's strategies. The report, as such, especially foregrounds the applicant and her account of refuge. In this way, reporting becomes a means of forgetting the frictions through which it was made. The report's politics are shown precisely in the way in which it foregrounds the applicant and establishes her account evaluable and thus questionable, while the IND officer becomes rather invisible, hidden behind the changed sentences that do not stand out in any way. I skip a few moments of the lengthy second hearing to go to the following moment:

P (IND officer): "During the intake (of the military police) you stated that you flew straight from China to the Netherlands. (P raises his voice now). Security cameras of the military police [at Schiphol] recorded that you flew in from Singapore." N (applicant): "no." P sounding cynical (he is tangibly not believing N's 'no'): "Not right? You flew straight from China to the Netherlands?" The interpreter: "Miss denies." P: "How is it possible they have you on tape then?" Interpreter (N seems confused and a bit angry): "She does not know why." P: "So, you flew straight from China to the Netherlands hmm... You've told the military police that you've been walking around at the airport for five days, but according to the military police you came from Singapore. You have NOT (raises voice) walked around Schiphol for 5 days." N does not respond, and the interpreter explains: "Miss N sticks with her statement." (N looks the other way, away from P). P says, after a short silence: "So you have walked around Schiphol for 5 days?" N: "Yes." P: "At the military police you stated that you want to work." N: "Yes, that's right. I'm looking for a job but not like the one in my past." P: "So you want to start working in the Netherlands?" N: "No." P: "Have you said that you wanted to work in the Netherlands to the military police, yes or no?" N: "It crossed my mind that I would want to work but..." P (while raising his voice): "You do not want to work? You just randomly said something?" [his loud voice completely disappears from the text in the report]. N: "I didn't know what would be happening to me in a strange country" [this is not added to the report]. P (while softening his voice again): "But why

would you say such a thing then?" N: "I don't know, what should I have said? My mind was occupied with wanting to flee as far as possible."

Many things happen at once. P is raising his voice, he is confronting N with authoritative sources that contradict her earlier statements, which she literally cannot take back as they have become permanent in the report of the first hearing. If she says something new now then that inevitably becomes suspect and she might know or feel that it would harm her slim chance at credibility. And so (or for other reasons) N stops answering. These are meaningful (but to be forgotten) silences. The translator tries to fill the gap of contact that has occurred between P and N, which is a contingency that never visibly makes it to the report except when the IND officer chooses to include it as a side-note, which again is a decision made by a hearing officer, never by the applicant, and one that may affect the decision-maker in their understanding of the case.

While the search for truth and gaps are written down into the report and embodied by the text of questions and the materials of confrontation (such as statements by the military police), it is also there in P's voice, in the atmosphere that fills the room, which is exactly that what seems to be pushing N *not* to answer further. And so, while silence remains visible in the report, P's tone of voice, as well as some of his words, are left out of it. Indeed N's brief answers in response to the 'evidence' P presents is not only a response to the text of the confrontation, it is also a response to P's way of dealing with it, such as by raising his voice and talking at a fast pace. P uses both voice and silence to make it clear that N has been caught in a 'lie'. N has failed at truth, and she must have felt it given that P put a great deal of energy into making it clear.

The report enfolds N's account of her past together with P's swift disbelief, which relates to his own rather extensive history within the IND and also to the information gathered by both the military police and the first hearing officer. However, the report is a decision-making device: an object that allows the procedure to classify the applicant in accordance with the norms of in- and exclusion. It is thus *not* the hearing officer who is under scrutiny, rather it is the applicant who carries the weight of what the report does or does not show as the decision especially affects her life and movement. This is what the official report reflects:

#### **Intake**

*During the intake you stated that you flew directly from [PLACE] in China on [DATE] to the Netherlands, is that correct?*

Yes, that's correct.

*The military police (KMar) has determined on the basis of security videos that you flew from Singapore on (DATE) to the Netherlands, would you like to respond?*

No, that is incorrect, I flew directly from China to the Netherlands.

*Than how do you explain that the security videos show that you have departed from Singapore?*

No, that is impossible.

*You did not fly directly from China to the Netherlands, why did you declare that you did?*

No, I did fly directly to the Netherlands.

*During the intake you stated that you wandered around Schiphol airport for 5 days before you registered yourself at the military police. However, now it appears that that you registered directly after your arrival. Would you like to respond to that?*

No, that is not right, I did walk around the airport for 5 days before I registered.

Through the report N is not physically part of her answers any more. What remains of P are his questions. His loud voice cannot be heard, although his passionate disbelief is readable. More clearly, order is added and the translator's involvement is hidden behind Dutch sentences presented as if spoken by N herself. N's unwillingness to answer at a certain point is not part of the report, yet it may be part of the remainder of the report as both P's disbelief and N's silences have changed the atmosphere (it turned colder, tense, thick).

Additionally, P has erased and changed some of the text as, according to his own explanation, he is a slow typer and cannot keep up. This lack on the part of the IND officer is also invisibilized, although the pace of the hearing and the tense moments of waiting for P to finish typing a sentence were very much part of the emotive context in which the account was forged. As such, P leaves invisibilized personal traces in the report as it now lacks certain information. Truth makes a double movement here: it affects and directs the atmosphere in which the conversation unfolds and it moves the reader of a report to consider N's answers to be, at the very least, short and (thus) strange, which adds a reason to deny the application.

P: "Did you realize you had been sold at the border [between China and Vietnam]?" N: "Yes, that is when I discovered. There were Chinese people discussing it with other people." P: "So, at the border you thought, there is something dirty going on [*het is hier geen zuivere koffie*]?" N: "No." P repeats his remark. N nods and says: "Yes indeed, I saw them talking and we understood

that we were being sold." P: "Why didn't you make yourself known at the border, like 'hey guys I am being sold here, what is this nonsense?'" [his voice sounds particularly snobbish]. N chuckles and says: "It is hard, we couldn't leave the car." P: "Why not?" N: "The back door was locked."

It is quite striking how the IND officer assumes that N would have likely been in the position to go to a set of border guards - who P also assumes to be present at each border crossing site between Vietnam and China - and say, 'Hey guys, I am being sold here. Silly, no?' N, too, finds it strange and this is the first time I see her chuckle awkwardly. It is, in any way, P's personal strategy of gathering information from an applicant who he strongly believes to be 'bogus'. There it gains a more serious tone and N's answer stands apart. In this way, P's questions are 'neutralized', or at least affectively altered into something less noticeable to a decision-maker who focuses again on the suspected applicant and not on a trusted colleague. I speculate when I say that I strongly believe that either a decision-maker or a lawyer would be quite surprised and maybe even startled if the hearing had been videotaped. While they may not have come to a very different decision, they might have seen P's approach as a reason to have an additional hearing. In this sense, in/visibility (too) moves the application process. The section of the report of this specific moment states the following:

*Were you aware at the Chinese border that you had been sold instead of going to work in the city?*

Yes, that is correct. At the Chinese border, I became aware that I was not going to go to the city but to China.

*Why didn't you make yourself known to the border officials, you could have told them you had been sold?*

I was unable to leave the car.

The remark about border guards is, indeed, related but differently formulated. Maybe P had already written his question down and spoken it in a very different manner. In any way, the report does not do justice to her answer, it does not reflect that she chuckles and it does not reveal her hesitation to answer or her note that it would have been quite difficult since they were locked in the car. While the report might have a reader see the IND officer as a patient interviewer with reasonably well-formulated questions, the applicant's answers are simply short and may be deemed insufficient (and so they were, as the decision-maker told me). It is the IND officer who selects what is and what is not included in the report, and so although the applicant is represented by the report it is the IND

officer who decides on what represents an applicant. So, again, the applicant's memory of the past is methodically folded into an intelligible Dutch text that is intimately forged by a trained IND officer who cautiously listens and questions the account. Another fragment:

P: "Did the brothel have peak days, full of customers?" N: "I don't know."

P repeats and it seems as if N is shutting down. P insists further on the issue of peak days and I notice him typing even more rough and loudly (with two fingers). N: "Sometimes, as the day proceeded it got busier."

P (with a very loud voice): BUT YOU JUST STATED THAT YOU SLEPT IN THE AFTERNOON, YOU WERE SLEEPING. N: "Not every day, I couldn't always sleep late, if it got busy we had to receive customers, we didn't have fixed hours." P: "Where did you receive your regular customers?" N: "In a small room, my room."

P now sounds angry, a tone that will not be part of the report visibly but one that, again, cannot but have affected N's response, which is foregrounded in the report. While the tone is absented, the text gains a new 'neutral' background that hides the IND officer's personal ways of interfering. Suspicion remains, it almost drips from the sentences, but suspicion is not particular to the IND officer, it rather is the main IND method of folding the applicant into a documented account that grounds and legitimises a bureaucratic procedure toward decision-making. As the report itself thus silences the contingent aspects of the hearing and the specifically personal ways of the IND officer, it presents an account that represents the applicant's past and future.

Indeed, P rather angrily gathers small details that assist a decision maker to test logics, truth and coherency in her answers. Such details stand in for facts and must thus be gathered for a decision to be made and to be justified. However, P, who already assumes that N is lying, is explicitly fishing for more gaps and inconsistencies in her story. P becomes more and more impatient, which, again, is an affect of suspicion. As such, P's own personal history with the procedure and applicants affects how N is questioned. There was little room for N to share details or give a thorough account of the brothel as P is constantly unhappy with and explicitly annoyed by her answers. He consequently keeps pushing her to improve the answers she gives. In this fragment, and in the many moments I do not share here, N starts to refrain from answering P's questions. Hence, while a strong and overt suspicion and annoyance plays a crucial role in how N was given 'the opportunity to share her reasons for applying for asylum'<sup>9</sup>, such affects

<sup>9</sup>—9. This is how IND officers always start a second hearing: 'you are now given the opportunity to share your reasons for applying for asylum'.

are taken out of the report and gain a more neutral 'tone of voice', which is how N's memory of the past is affectively folded into an object that hides or alters some of the affects of its making.

The following fragment strikingly shows that this IND officer fails at hiding some of his negative emotions towards an applicant and how such emotions become hidden within the neutralized text of the report:

P: "How much did you earn?" Translator says: "She doesn't know very well. She speaks with N for a moment and translates directly: a customer would usually pay 500, I would get 200." P: "What's the currency named?" N: "Chinese coins." P: "Yes but what was the currency? There are dollars, euros, pounds, what was the name of that particular currency?" N: "In Vietnamese the money is called yenyenthe." P: "Nooo, you're in China." Translator says: "She calls the money yenyenthe." P: "NO that is Vietnamese. (...) DO YOU KNOW THE NAME OF THE CHINESE CURRENCY? HERE YOU'VE GOT EUROS, IN THE USA YOU'VE GOT DOLLARS, AND WHAT IS THE NAME OF THE CHINESE CURRENCY?" Translator: "She doesn't know." P: "How is that possible?" N: "I don't know, I never asked." P: "MADAME! You resided in China for 6 years, you receive 200 so-and-so, you don't know the money, can you explain this?" N: "I wouldn't know, I'd rather refrain from any more statements." P: "But how is it possible?" Silence. P: "Madame, how is it possible that you do not know this?" N: No.

The IND officer is now literally intimidating the applicant and N, at the end of this fragment, refuses to give further statements. One might say that the ways of P are not working well as he often encounters silence. But another might argue that his approach works well because P's questions reveal N to be unable to give firm answers to those questions. Yet another might say that because the applicant had already lost her case - due to the images the military police gathered - P could have been a bit kinder to a young woman facing deportation.

Such varying approaches could be taken by different IND officers, all with their own experiences and feelings for both the procedure and applicants. Indeed, the IND persona is enacted in various (both personal and trained) ways, always in interaction with different applicants, and is focused on productively gathering personal but 'relevant' information. Importantly, in this case the report does not reflect P's personal and emotive ways of engaging with the applicant, it does not reveal his heavy and loud sound of voice, or even the way he formulates his questions. The report only reveals that N has a hard time dealing with the questions that, in their new format, would appear just and reasonable, which then direct potential suspicion singularly onto N and not towards P's questionable ways of

conducting an IND hearing. I quote the report at length to illustrate what remains of the above quoted moment:

*How many customers did you averagely receive on a day?*

That depends on the day, I had an average of two to three customers a day.

*Were there busy days, when the brothel was full of customers?*

Yes, it depends.

*On what does it depend?*

I don't know.

*Were there peak hours in the brothel?*

Most customers arrived in the afternoon, sometimes in the evening.

*But you were sleeping during the day, can you explain this?*

Yes, but I could not sleep late on each day, I had to receive customers on those days.

*Where did you receive customers?*

I received customers in a room.

(...)

*Did you earn money with your work in prostitution?*

Yes, that's right.

*How much did you earn per customer?*

I didn't make much, I don't know how much. The customer paid 500 of which I got 200.

*Chinese money 500 and 200, what do you mean exactly?*

The money is called yenyentee (phonetical), that is the money in China.

*Do you know the name of the Chinese coin? Here we have the euro in America the dollar?*

I don't know.

*You have resided in a brothel in China for 6 years, and you received 200 per customer but you don't know the name of the currency, how is that possible?*

I don't know.

Again, N appears to be someone without solid, detailed or extensive answers. Rather, they are meagre. Yet while this might also relate to the IND officer's ways of interrogating, his ways cannot be read back. His questions would appear

legitimate to a decision maker, while his approach and performance might raise critical questions among his colleagues. However, his questions are presented without a tone of voice; such a tone and affective undercurrent has no place in the report. What matters is the text, a text that must stand in for the person while precisely absenting them physically. While each IND officer knows that the hearing officer plays an active role, they are prevented from having to take that role too much into account when making a decision about the applicant's inclusion.

This erasure of affect and of the personal ways of the IND officer is a strategic choice that seeks to especially foreground the applicant and not the IND officer, who certainly did play a central role at the hearing. As such, the report omits specific information in order to perform an 'objective' and clear-cut decision. While the IND officer's specific ways are absented from the report, the case of N shows in particular that the IND officer plays a very active role in shaping the information the report presents. Indeed, IND officers, in more or less intensive ways, must always perform a very active role at the hearing as they need to critically question the account, and thus need to sharply observe both verbal and non-verbal information in order to intuitively sense whether more critical questions should follow. Such sensitivities make the hearing personal and show that the itinerary relies on the intimacy of an encounter and on trained but personalized sensitivities for truth. However, it is precisely this necessity that becomes a form of noise in the itinerary's work toward objective and equal decision-making, which is a problem solved by the object of the report. The personal ways of the IND officer and the translator, as well as the changing atmospheres and affective relations and interactions, are thus both crucial to the hearing but folded underneath the silent sentences that stand out in the report. As such, the report is an object that is distanced from the hearing and the applicant in order to allow a decision-maker to get particularly close to the applicant's life by deciding over it.

The new format of the applicant-as-report takes on a permanent or fixed shape, one that circulates from place to place, from person to persona and across time. Importantly, the robustness of the report also makes it an object of dispute and deliberation because it allows for different readings and interpretations. I further explore this in the next section.

## Circulations of a fixed report

Whereas the report absents the affective and personal (contingent) role of the IND officer at the hearing, the report itself gains different meanings and potentials as it travels within, but also beyond, the procedural itinerary. Hence, the

applicant's memory of the past is fixed into a report that moves and mobilizes encounters that seek to affect its future interpretation. Indeed, the report allows a lawyer to 'look back' (see Van Oorschot 2018), but such looking back is not focused on repairing and recovering each word or tear that was said or shed. Rather, the lawyer - not unlike a decision-maker - looks back with an eye to the report's future. Thus, importantly, the report allows for deliberation and for moments of re- and unfolding, which shows the political potential of the report. History can be recalled, but in the form of a legal deliberation of what the report actually reveals about the applicant. Absences, as well as the presented text itself, thus shape the potential for deliberation upon a decision. Quite persistently, as I further show below, both the report's noticeable absences (like a gap in explanation) and its more hidden absences (like a tone of voice) affect the ways in which the lawyer and IND decision-makers evaluate the case and the applicant's chances at in- or exclusion.

As the next chapter fully revolves around the way in which decision-makers work with the report, this section looks at one specific moment in the report's circulation toward a decision: when a lawyer and an applicant meet to seek and improve an applicant's chances on the basis of the lawyer's critical reading of the report. The following fragment reflects a meeting between a lawyer (T) and an applicant (D) while they are discussing the report of D's second hearing. T reads the report with D and they speak English so there is no translator in the room (which is something lawyers also do to increase the possibility of trust):

T: "So you went back home .... [D nods] okay, here you say [the report says] that there is a..... [a few moments silence] CROOK in every neighbourhood and that he is the 'leader crook'...." (Irony in his voice). D and T look at each other and smile. T makes fun of the translation, which went from thug (D's word) to boef (translator's word) to crook (lawyer's word) and T explains that he will try to make "the Jamaican situation" clear to the IND: "Okay, I am going to decide to put this in a nice Dutch fashion, because we don't have neighbourhood dons in the Netherlands. Do you also have area boys, informing to the don?" D nods and T says: "Yeah, see in Lagos they would understand the system immediately, but here we have a different situation. T reads the hearing report out loud: 'In Jamaica heb je in elke wijk een boef, maar wel een leider boef die bepaalt wat er gebeurt in zo'n wijk'". T: "So he is like a criminal but he is also like the boss, people can go to him to settle disputes ... for criminals it's of course very nice if everything is quiet hahaha. So, when the police doesn't want to work for you, you ask the area don...is this mostly in Kingston or in the whole of Jamaica?" D: "Yes in Jamaica, mostly in the depressed areas, in the ghettos". T: "So in rich

neighbourhoods you don't have it, right?" D: "Correct". T: "I wrote that the rich areas don't have area dons, but the slums, they all have area dons". (Observing a lawyer and client meeting, winter 2015)

The lawyer spots a crucial absence - there is no explanation of the particular situation with criminality and state power in Jamaica - which is how the report's history is evoked and imagined. Indeed, while the lawyer could try to figure out how that absence occurred, he especially focuses on using the absence to improve D's chances at inclusion by adding information. The lawyer reads the report with suspicion and he suspects the IND of assuming a bureaucratic state system instead of what he himself is familiar with, a situation that Rivke Jaffe calls a hybrid state where 'formal' and 'informal' systems of rule merge (2013: 745).

The lawyer uses what he emphasizes (and assumes) to be IND ignorance to reveal his own knowledge and expertise to D. In his mocking or disregard for IND knowledge I see a movement toward 'togetherness'. Hence, in the absence of the IND hearing officer the lawyer assumes a lack of knowledge, which inspires him to gather more information from D and add it to the C&A letter for a decision-maker to read together with the asylum report. Indeed, the lawyer seeks to read underneath but also beyond the sentences presented in the report, which he thus un- or refolds with an eye to its future circulation.

Interestingly, while the report is primarily an object that presents the applicant's account to a decision-maker, it also becomes a text that a lawyer 'reads for the worse' in another way. The lawyer suspects the IND of making mistakes and he aims to solve anything that he feels the IND might misunderstand or take as a reason for rejection. He thus reads against a rejection and he does so by suspecting the IND of being overly willing to dismiss an applicant. However, at the same time, the lawyer assists the IND as he adds information and puts effort into helping the decision-maker understand the situation better. The IND, as a result, does not *have* to do much research into D's case or into Jamaica's hybrid state system (cf. Jaffe 2013). Moreover, the IND is allowed to assume that the applicant and the lawyer actively bring information to them, information that they consequently need to critically assess and evaluate, which may also mean that if such information is absent they could decide that there is no further information to seek and assess.

Another moment of 'refolding' is when the lawyer is unable to read how the translation went, which is an absence that actively allows him to again mock the IND officer for writing, in his view, a silly word in the report (boef/crook). This shows that the traces that the report leaves gain different potentials and meanings in its further circulation. In order to illustrate this point I want to briefly turn to

my own observations of the specific moment in the reported hearing as it shows how, first, that moment was transformed into a report in order to then, second, be mocked by a lawyer exempt from knowing the subtleties of that moment of translation:

D: “Each area in the ghetto has a thug controlling the area (...) I didn’t know his name but we all called him F”. The interpreter translates this as “(...) Boef, maar wel een soort leider boef, die hebben de controle over de buurt, de boevenleider heette F”. D goes on: “I told F about it and he promised he’d find out who did it. It was the guy living in front of my house”. D talks calmly, a solemn gaze, looking at either the interpreter or the table. D uses the word “thug” again and the translator struggles and says (in Dutch): “Ik noem het maar even boef”. (Observing a lawyer and client meeting, winter 2015)

The report makes it possible to undo the words of its making. While such making is manifestly absent behind the presence of such words they also gain (possible) new meanings when read by different people. The report then becomes an interface in and of itself, one that connects people to the hearing but only in a limited, yet productive, sense as the lawyer and the applicant produce a C&A document that responds to the report. Hence, this specific legal document is folded in such a way that it successfully hides certain contingencies and thus allows or rather steers toward the active interpretations of both a lawyer and a decision-maker. The report, indeed, is a decision-making object and, as I further argue in the next chapter, its circulation allows for ‘objective’ and detached interpretation focused on what is presented: a presence that draws on that which has been actively absented for the purpose of clarity (cf. Law 2004, Law and Singleton 2005).

The following fragment interestingly shows how much fun some lawyers have with the official asylum report:

T (the lawyer reads something in the report that makes him laugh loudly): “HAHAHAHA it [the report] says ‘gaybox’ [he is so convinced that D could not have used this word]” D: “Ah no! (smiles a bit, responding to T’s laughter), I said I had gay porn and books and DVDs in a closet...” T: “Okay, so you had pornography and other stuff in a box?” D: “yes”. T: “Yeah [laughs loudly again] because it says a Gaybox”. D smiles a bit. T: “So you had like normal films on top and porn underneath, something like that?” D nods. T: “Yeah that’s how I did it before, when I had a relationship hahaha, it’s a normal way to hide stuff”. (Observing a lawyer and client meeting, winter 2015)

This fragment shows that applicants have two crucial jobs at the C&A meetings. First they need to recall the hearing itself and help the lawyer in discovering

potential mistakes made by an IND officer. Second, when such a mistake is discovered, the applicant has to give additional information about their past experiences. Hence, when the lawyer – the expert – discovers something ‘strange’, the applicant needs to doubly remember both the hearing in which he gave an account of past and the past itself according to the procedure’s specific desire for legal intelligibility. This is one of the potentials of the report’s circulation and, as such, it also further grounds the lawyer’s cooperative recalcitrance as the lawyer gathers intimate information from the applicant in a way that is curtailed by the procedure’s norms of truth and decision.

Different to some other lawyers (think of the lawyer of Q in the previous chapter) this lawyer fully suspects the IND of writing down words that the applicant did not utter, which is also how he aims to improve the case. He reads a ‘mistake’ in formulation and guesses what a proper and clearer explanation should be. He, as such, assists the applicant in adding information to the report to repair something he highlights as he deems it quite ridiculous. In this way, the lawyer had quite some fun with the IND report but was also very serious and cautious: he changed each detail he thought might possibly have a chance of being considered strange as he mockingly, but also very seriously, suspected the IND of using each of these details to decide against the application. The report thus also generates suspicion in the lawyer, towards both the IND hearing officer and the decision-maker, and so he seeks to do a very precise job in helping D to improve his chances.

Additionally, the fragment shows that the report incites a sensitivity in the lawyer. He considered (as he had often made clear) the IND to be ridiculous where sexuality and ‘LGBT cases’ are concerned. He had already mocked the IND when preparing D for the hearing and the decision-making process, and he tried to make sure that D would be very concise in his answers. His mocking the IND is both a way of establishing a sense of ‘us’ (the applicant and the lawyer) and ‘them’ (the ‘silly’ bureaucrats of the IND): the report becomes an object of doing so. Here is another example:

T reads on and is very surprised at certain point, he reads an IND question out loud and in English: “Are you familiar with the gay flag???? HAHAHA, they mean the rainbow flag hahaha, then you say you know and, huh, what? HAHAHA they ask what colours it has!!!!!!” (Observing a lawyer and client meeting, winter 2015)

At the time of the hearing D had, quite noticeably, found the same question strange and seemed to have to repress laughing. Now, when the IND officer cannot see or hear, every person gets to laugh at the question about the colours of

the ‘rainbow flag’, which is telling of the asymmetrical power relation between the IND and the applicant in which even quite silly remarks by an IND officer must be treated with seriousness. In this moment of mocking, a power-asymmetry is reversed. The IND officer has become a subject of mockery but this reversal is also a reminder of the general power situation. The IND officer can only be mocked in absence; at the hearing an IND officer must be answered well. Importantly, the report, at this point, helps to soften the tense atmosphere and further encourage a sense of togetherness between the lawyer and the applicant.

In order to reinforce the argument that a lawyer refolds the report through interpretation and communication with an applicant I turn to N’s case again. The following fragments stem from N’s meeting with her lawyer, which took place the day after N had the second hearing with P as discussed in the previous section:

NB (the lawyer) says: “The report states, ‘why are there camera-images of you... [taking a plane from Singapore and not from China]’, then you say that it is incorrect, and the report goes on and says, as a question, ‘you did not travel from China to the Netherlands...’ and you say ‘no, I did take a plane from China to the Netherlands...’ but is the IND right?” (Observing a lawyer and client meeting, summer 2015)

Before going on to N’s answer I want to emphasize that the lawyer takes the report as a sort of ‘fact’ as he knows that this will be the object a final decision will, predominantly, be based on. Interestingly, he reads through and over sentences that I observed and felt to be exceptionally unkind (I have not often seen IND officers being so openly angry and annoyed with an applicant). The lawyer cannot and will not notice the IND officer’s tone of voice or the words he actually uttered unless the applicant makes a complaint, but it also does not matter in terms of the decision. The lawyer, again similar to a decision-maker, reads the report with a focus on the decision. Only when he notices something strange or potentially threatening will he try to repair the account. It is thus only the report in relation to a relatively quiet applicant that grants the lawyer access to the hearing. Again, both the lawyer and the decision-maker do not focus on questioning the report’s maker and making, but rather look for traces that fuel and feed a decision that has yet to be made. The report, as such, figures as a limited memory of the hearing, and so the lawyer has to trust that the report reflects what has been said at the hearing. He certainly can trust that this same report will be read by a decision-maker who has also not seen the applicant.

The report guides the lawyer’s question of whether or not the IND is right to assume that she travelled through Singapore. He, again, does not question the IND hearing officer at once but goes partly along with recognizing something

strange in an account that especially represents his client. This, again, shows how the report is used and how it enables a full focus on the legal ‘worth’ of the applicant’s account. Indeed, the applicant’s account is the urgent matter on the table here as it is the applicant who is fully subjected to a swiftly encroaching decision. Thus the report in this case (which is different from the one discussed above) may actively forget about the IND officer and the tense setting of the hearing in its work to especially foreground the applicant. This certainly relates to the potential left by the absences the report reveals: in this case there is no need to suspect the IND officer’s questions as it is of greater concern to improve N’s explanation. N answers:

“I flew straight”. NB: “Well, it doesn’t matter to me, but a substantial part of the evaluation of credibility depends on this, I did not see the image and I am going to ask if they add them to your file, but if the images show that you travelled from Singapore it has a huge impact, especially if you persist to have travelled straight from China [N nods]. And really, it’s all fine with me, whether you’ve travelled from China or Singapore, but if I am to give you good juridical advice it is important that you tell me how it is (‘hoe het zit’)”. N nods. NB: “Do you mean ‘yes, I flew straight from China’ or ‘yes I flew from Singapore’”. N: “China... but maybe the plane stopped, I don’t know (N turns her head and looks the other way)”. NB: “A stop... and that was after... [he takes a moment] is it possible that you flew from China, but that the plane made a stop in-between?” N: “I don’t know”. NB: “You don’t know if the plane stopped?” N: “No, I don’t know”. NB (after a brief moment of silence): “Can I pose a silly question, how is it possible that you don’t know whether the plane made a stop?” N: “It was the first time I ever flew, how am I supposed to know?” The lawyer explains that this has little to do with knowledge but with a physical experience, that you just feel it when a plane descends or takes off. N thinks, she seems beaten for a moment, takes a sip of water, her voice is softer now, the translator translates: “Yes, maybe the plane did stop... but I don’t speak English... I don’t know”. NB: “But if a plane takes off, or when it lands, well, it moves in a certain way, it has little to do with language”. N is silent. NB looks at her and asks: “What is wrong, what are you worried about? If I may ask”. N: “Nothing”. NB repeats his question and N says, “No”. (Observing a lawyer and client meeting, summer 2015)

This lawyer cannot but trust the report because the applicant is not helping him to learn more about the hearing itself, which shows that an applicant’s memory of both the hearing in the here-and-now of the procedure and their past ‘out-there’ is important in the lawyer’s work of re- and unfolding. In this case, the report is the only thing that the lawyer has in order to know what happened at

the hearing, which also means that the focus in the conversation concentrates on the information that the IND officer decided to circulate through the report. Another applicant might have complained about the IND officer to the lawyer or to the refugee council, but N was silent and allowed the report be the main device for selectively remembering (and inscribing) the hearing. This again shows that the lawyer seeks to refold the report in terms of which of its points should be 'distant or proximate' (M'charek 2014: 21). However, the report will not alter, it is just the interpretation of the many words that will be decisive, which is what the lawyer seeks to affect by adding a separate document with corrections and additions. The fragment above show that refolding is also a work that is contingent on the contact between an applicant and the lawyer.

The lawyer looks at the situation as a legal expert and sees that a rejection is increasingly becoming inevitable. While the lawyer agrees with this gap in her account - with the contradictions between her story and what is generally seen as an objective truth (the military police's images of the airport and its gates) - he certainly has energy to ask for the images through which he questions the military police's authority. He knows he has a juridical ground and he also knows the IND will have a hard time collecting these images. However, in this case, the applicant stands in the way of the lawyer's recalcitrant ways of using the law and seeking to refold the case made by the IND officer. Hence, while the report has given the lawyer the opportunity to fight against an almost certain rejection, it is the applicant who gives up on the issue.

While the hearing constitutes a unique and contingent gathering of different people who cross paths, the report folds that gathering into a presentation of precisely that which needs to become legible. Indeed, the report presents N in terms of her nationality, her knowledge of roads, the names and dates of birth and the death of her parents, how she travelled and what kind of job she had. Hence, although the applicant is standardized in terms of the official format of the asylum report, the standard report file is also personalized in a very strict way. The personality that this documentary body-double gains, however, is selected by the IND officer in interaction with an applicant.

As such, it is the IND officer who decides, for example, which emotions matter as a side note or whether or not to ask a person to stop speaking in order to write each word down or to allow an applicant their own pace of speech, which may also mean that not each word is included in the report. In other words, the report presents the applicant's account in the way that the procedure desires, but in its representation the report hides its nature of co-production. This is not because IND decision-makers or lawyers think that there was no IND officer or asylum hearing involved - that would be a silly argument to make - but simply

because the report itself needs to perform such erasure: it must allow an IND officer to especially focus on the applicant and to consequently come close to their lives through the performance of decision-making.

Hence, the report is an asymmetrically reduced representation of a contingent encounter. It is asymmetrical because the IND officer decides what to add and what it must forget. It is a simplification because it reduces so much of the hearing to the background, but it is multiple because it mobilizes so many further eyes and encounters. Indeed, the report's circulation allows for different and contingent moments of re- and unfolding, when lawyers and applicants seek to look both back to the hearing and forward to the decision.

## Concluding thoughts: A noisy hearing and a smooth report

While the hearing is transient and noisy, the report is smooth and permanent. It persists and it physically endures, it is comparable, debatable, and interpretable as its fixed but questionable content becomes a ground for decision disputing. Through the IND persona, and at the hearing, the applicant is folded into a silent and immutable report that circulates and moves along the itinerary and beyond. However, crucially, its immutability allows for practices of re- and unfolding in the form of a creative production: a decision, a Corrections & Additions letter, a decision on family reunification, on naturalisation or on the prolongation of a person's refugee status. Indeed, the report makes the person readable, re-readable, comparable and evaluable across (and beyond) the tense time of the procedure and into different places where experts 'review' their life according to the terms of the procedure. An applicant and an application process is thus given a folded visibility and legibility that is enabled to further circulate along the itinerary.

This chapter analysed how the hearing is, in a way, neutralized into a standard report while the standard report is personalized with an account that represents the person awaiting a decision. Reporting is crucial in how the itinerary stages a physical distance between the applicant and the IND decision-maker. This distance allows the decision-maker to come close to an applicant's life by 'objectively' deciding over it. Objectivity relates to the way in which the report distances the account of refuge from the affective and contingent context of its making. Objectivity, then, occurs after an intimate get-together and after the absenting of what I see as the 'noise' that inherently belongs to those intimate and asymmetrical encounters. Objectivity, in the procedure - and different from what Daston and Galison (2007) observe in science - rather relies on (and comes after)

intimacy and proximity, although the report is used to precisely deny such intimacy and enable the kind of intimacy called objectivity: the intimacy between an IND decision-maker and the texts they make their own, to refold, reread and creatively combine with and connect to other sets of information and knowledge. This chapter has especially focused on the work of absenting specific information in order to foreground the negated applicant-in-person to a decision-maker. Hence, while the applicant's new and temporal physicality-as-report was made collectively - in the asymmetrical gatherings between personae enactors and the applicant - the readers of the report can focus on the applicant as they are the ones subjected to the 'objective' decision.

Suspicion as the main sensibility through which the IND persona must be moved leads to a distance in proximity that is tangible at the hearing and productive in the way in which the account is gathered, questioned and typed up. Distance, first, relates to the mere fact of being an IND officer and having to be critical or 'professional'. Such tangible distance may, however, intensify when an applicant says something 'strange'. It could also be bridged when, for example, a 'strange' emotion - 'that no one comes up with' - catches the cautious IND officer off guard. Suspicion moves the varying ranges of affective distance-in-proximity in relation to the applicant and their ever-questioned and evaluated accounts of suffering. And so, a self-acclaimed performance of neutrality or non-judgement - 'starting at zero' - is fragile as an increase or decrease in tangible suspicion (in the form of irritation, more empathy, different tones of voice) can take over at any moment when an applicant starts to give information.

While different kinds of information move the IND officer, the IND officer's way of responding to certain answers and expressed emotions move the applicant. This is why I see the hearing as peculiarly and asymmetrically intimate. As such, some applicants may speak more, or another might cry or get too nervous and grow silent, which may then come across as peculiar to the hearing officer who consequently decides to either go on or to end a certain line of questioning. The tense and intimate interaction itself is the main way through which an emotional and personal story of the past must be gathered, selected and folded into a report that presents the applicant and circulates 'their' account to other people: to personae enactors who re- and unfold what the account actually means in terms of the norms and categories of decision-making.

The finalized report is an endpoint in a communication and an encounter, but it is the beginning of new gatherings. The report, as I show in the next chapter, figures as a raw material of objective decision-making. The report is thus an end-point only to allow for a new beginning. What was once effective in terms of gathering becomes the noise that must be taken out of the itinerary. While

the report gains a procedural life of its own, it exist in its specific format - as a body-double of the applicant - in relation to what is absented: the details that show how the account of refuge belongs to the procedure's own history, to the IND officer and their personal but also trained sensitivities for truth and to the tense and intimate context of an asymmetrical encounter. Visibility is strategically and purposefully crafted in pre-formatted and contingent ways. Both the applicant and an IND officer prepare for a hearing and have their own but asymmetrically positioned expectations, desires and aims for taking charge in the crucial and decisive inscription of an applicant's memory into the folds of the asylum report.

# Objective subjectivities

But if the act simply consists of applying a rule, of enacting a program or effecting a calculation, one will perhaps say that it is legal, that it conforms to law, and perhaps, by metaphor, that it is just, but one would be wrong to say that the decision was just. Simply because there was, in this case, no decision. (Derrida 1992: 251)

Although the IND officer needs to assess the asylum account as objectively as possible, a certain measure of subjectivity is inevitable, as in any process in which people make decisions. (Advisory Committee on Migration Affairs, ACVZ, 2016: 12)

The decision over in- and exclusion ends the procedural itinerary, a process of getting to know the unknown, but thoroughly suspected, other. In relation, and with the first quote, I argue that although the decision is always in itself the fixed and inevitable outcome of a routinised bureaucratic process, it is still an authoritative choice - a decision - made by an IND officer trained to feel with the norms of the procedure. Simply put, a decision could also potentially be otherwise as it is contingent on the specific interpretation of an IND officer. A decision is thus authoritatively underdetermined as well as a work of expertise and precision that seeks to be 'as objective as possible'.

This chapter analyses the itinerary's work toward, and desire for, decisions that are as objective as possible within a situation in which the 'truth' is never certain and thus always subjected to the trained and performative analysis of an IND officer. The aim of 'objective' decision-making spreads along the itinerary within which, as argued in chapter 2, several personae enactors are positioned to first gather information via face-to-face encounters in order to then enable and make a decision based on (a deliberation over) the textualized applicant. While the legal ally plays a significant role in preparing the applicant to give specific information to the IND, the IND personae are situated in different but complementary forms of distance and nearness to the applicant and to one another.

Accordingly, I argue that in the itinerary's work toward a decision, two different conceptions of objectivity are active. One is embedded in the above mentioned multiplication of IND subjectivities and the other conception is manifested in the production of distance. Chapter 3 revealed that the practice of reporting seeks to craft the kind of physical distance that is seen to suppress precisely the potential dangers of the intimacy required of the hearing: an IND officer may potentially suffer from tunnel-vision or they may feel too much for an applicant in either a positive or a negative way, blurring a sharp and critical vision. The report, indeed, has no scent, no specific human beauty, it does not cry or get angry, it does not speak back: it is rather silent and it looks like any other text an IND officer needs to assess and evaluate. But while both the multiplication of IND subjectivities and the crafting of distance in itself are strategies seen to increase objectivity, the outcome of the itinerary still depends on the strength of an IND subjectivity.

However, I argue that it is precisely distance again that allows for yet another way toward 'as much objectivity as possible'. Distance, I argue, enables a sharper mode of suspicion, an affective and attentive position from which to carefully dissect a text in the quiet of one's office or home and find or rule out possible gaps and inconsistencies. Suspicion, as argued in chapters 2 and 3, belongs to the IND persona. It is something the more experienced IND officer is trained to look through and with. Indeed, it is through suspicion that the 'real' refugee is recognized while 'bogusness' must first and foremost be caught. And so it is suspicion - in relation to a firm understanding of the law - that is practised as the more objective position to take. Unsurprisingly, then, newly hired IND officers, and also those with a degree in law, are not yet allowed to make decisions as they need to first develop a sense and a feeling for what is and what is not 'logical', 'consistent', 'vague' or 'convincing'. Only the more experienced IND officers are given that vulnerable and heavy responsibility to decide over another person's life.

The first section of this chapter, titled ‘An example of a routinised decision deliberation’, further discusses the claim that a ‘decision’ is certainly made in the procedure. Accordingly, this example introduces the *underdetermined* nature of the decision. It both illustrates the specific practice of decision-making and the authoritative power assigned to the experienced IND officer with an eye for the ‘non/credible’. While one could be mistaken to argue, by drawing on Derrida, that a ‘decision’ in the procedure is a mere bureaucratic way of following procedure (and thus no real decision at all), I rather demonstrate that although decision-making is part of a routinised itinerary, the decision itself is fully contingent on the authoritative interpretation of an IND officer. As such, this chapter borrows from but also contributes to Derrida’s rather stark definition of what a real decision is. Indeed, objectivity is a way toward making just, precise and logical decisions (and thus reduce the underdetermined nature of decision-making), but as the outcome still needs to be determined through an act of subjective interpretation it remains to also be underdetermined: it is never the ‘natural’, smooth and sole outcome, but is always an active and contingent intervention.

The second section, ‘Objectivity and the multiplication of subjectivity’, elaborates on the procedure’s work toward, and desire for, objectivity. In this section I focus on work manuals and reports that prescribe how IND officers should make systematic decisions as objectively ‘as possible’ in order to argue that both trained expertise and the multiplication of subjectivity shape the procedure’s work of performing objectivity.

From systematic and ‘objective’ decision-making, I move to truth-search in the third section, titled ‘A modest review and the objectivity of suspicion’. In this part, I attend to the way in which different IND officers explain how they came to a decision by holding onto the prescribed and routinised practice of decision-making and by closely searching for gaps and inconsistencies, which means that their trained subjectivity must take centre stage. The final part before the conclusion, ‘Tracing back: The decision and the itinerary’, further analyses the relation between the itinerary and the decision from within a positive decision. This section shows how the decision evokes and thus refolds the itinerary via its very selective circulation. Accordingly, this section shows that the itinerary and its differently positioned personae are intensively at work to first expand the unknown other into a set of legible reports and other documents in order to, then, fold and refold the applicant into a clear-cut decision over in- or exclusion.

## An example of a routinised decision deliberation

Furthermore, he [the applicant] has conveyed vague, strange and non-credible statements about the ways in which he discovered his homosexuality. (From an official decision made in the ACS)

‘Vague’, ‘strange’ and ‘non-credible’ are judgements based on an IND expertise grounded in suspicion. This is an expertise that precisely seeks to either reveal or rule out gaps and vagueness in a person’s documentary body-double. These words are authoritative and to a certain extent intuitive. They demonstrate how the applicant is seen and understood by an experienced decision-maker: a person delegated the power of expert judgement and decision. These words – or the word ‘convincing’ in a positive decision – reveal the underdetermined and thus powerful character of the decision. Hence, to see the account as strange and non-credible is an interpretation that is performative as it sheds a strong light onto the story, one that directs each next participant to address this particular interpretation that, as I show through other quotes, can never be fully explained.

The sentence demonstrates that an IND officer reads for the worse, which is also the way through which the ‘true’ and ‘deserving’ applicant is recognized. Indeed, as IND personae enactors are made to know and feel strongly that an applicant’s account of refuge should not simply be trusted, and so their focus lies on possible inconsistencies and gaps in order to notice what they perceive as potential vagueness or as potential credibility (when facing applicants in person or in text). Hence, while the itinerary and its separated practices of decision-making work toward as much objectivity as possible, it does so from a position of suspicion. This is precisely where the aim of objectivity collides with the procedure’s desire for truth, which leads to the importance of trained judgement and subjectivity. In the following statement from the same decision as cited above, the IND officer explains why they consider the account so strange, vague and non-credible:

He [the applicant] states to have visited his male neighbour to play on his PlayStation with another male friend. When this other friend left, the neighbour started to touch the applicant. They cuddled, undressed each other and had sexual contact. After that the friend came back in and the applicant also had sex with the friend. Afterwards, the mother and the father of the neighbour entered the room and the applicant was beaten up. He was not allowed to dress again in order to keep him naked when his own father and mother would come in.

The presented state of affairs raises estrangement (*'bevreemding'*) because of the surprising course of events. Surprising is, among other things, the way in which the sexual contact began and the circumstances in which it happens, considering that the other man could walk back in at any moment. Surprising is also the situation that this man then joined in and the statement that they let themselves get caught by the parents of this neighbour, and that these three adult men allowed the parents to keep them under control in such a way that they were still undressed when the family of the applicant arrived. The applicant has not made plausible, through these statements, that these events actually took place. His statements about these claimed events are examined as vague, absurd (*'ongerijmd'*) and non-credible. These statements further harm the credibility of his homosexuality.

The itinerary works toward an 'objective' decision in the form of separating tasks and producing distance between the decision-maker and the applicant in person. However, the trained intuition through which an IND persona enactor needs to engage with applicants (in person or in text) also inherently belongs to the decision-making process, which is still seen as a more objective form of subjective involvement as it is, indeed, a trained form of subjectivity. Suspicion, as I also argued in chapters 2 and 3, is opposed to a form of naivety that belongs to the newly hired IND officers or refugee council volunteers.

The IND officer is given the power to decide whether or not descriptions of certain sexual conduct are convincing enough. Whether or not their decision is the only or necessary outcome of the itinerary is less important as it is precisely the decision-maker's power to decide on the outcome. Again, while the judgement that the account is vague and absurd is explained, the words still embody the decision's underdetermined, subjective and intuitive nature. Indeed, it is not the account itself that is necessarily strange, absurd or vague in each and every context; rather, it is the decision-maker who is assigned both the knowledge and the authority to name the account as strange and vague. Consequently, the first decision-maker decides how the next participants (a legal ally and a final decision-maker) will read the account and which aspects they should address in order to either fight the rejection or agree with it. The decision-maker's subjective interpretation of the applicant's account is thus performative as it makes others engage with that specific way of seeing. The text of the decision continues as following:

Furthermore, the applicant has given strange statements about the way in which he experienced his homosexual feelings. He would have felt a shock

when he shook the hands of other men, and asserts to have had a hard time hiding this shock. His statements on the issue are absurd (*'ongerijmd'*) and non-credible. This further harms the credibility of his homosexuality.

The quotes show how the decision reveals the applicant's personal but suspected story of refuge, which further demonstrates the way in which the decision (and the itinerary) intimately involves itself with a person's life and, in this case, their sexuality and their shame. While the decision-maker never met the applicant and never posed questions (before the decision), they rely on the reports that are drafted by their colleagues who did decide which questions (not) to ask. The decision itself, as such, evokes the itinerary in a selective way as it is up to the decision-maker to refold the account into what does and does not matter for a decision over the applicant's life.

The quotes above are taken from a first decision called an 'intention' (*'voornemen'*) which always means an intention to reject. An intention to 'accept' does not exist in the procedure because in case of an acceptance the decision is final, as everybody is supposed to agree with being given refugee status. However, when a first decision is negative the applicant is given the opportunity to respond to it through the lawyer. The applicant and the lawyer have one day to *write* a response aimed at altering the IND's decision. The lawyer's response is officially called a 'way-of-seeing' (*'zienswijze'*), which is a fascinating title as it explicitly names a lawyer's argumentation as perspectival. The legal ally is assigned a specifically situated vision and their counter-arguments will thus be seen as less objective than those of the IND. The IND will take the lawyer's perspectival arguments into consideration, but still has the final say. Indeed, while the legal ally is assigned a firm position - alongside the ever suspected applicant - the IND presents itself as *more* objective and without such strong positionality (see chapter 2). A quote from the lawyer's 'way-of-seeing' illustrates this point:

The applicant has described his contacts with a man as if he experienced a shock, he thus describes a strong physical reaction. You name this absurd (*'ongerijmd'*) and non-credible without motivating this judgement in any way. The applicant's account refers to this experience at several times and in a consistent manner. It is completely unclear what exactly is non-credible here.

While lawyers often explain why a particular applicant spoke the truth by drawing on (additional) personal aspects of an application, this lawyer counters the IND rejection by textually reflecting astonishment. The lawyer explains this astonishment by referring back to the same account on which the decision is based and by finding the kind of consistency the IND should, in the lawyer's

understanding, be looking for. As discussed in chapter 2, the persona of the legal ally uses IND vision recalcitrantly in order to dispute the IND, but also to assist the IND in both gathering information and grounding a decision. Interestingly, both the IND officer and the lawyer write that they feel estranged. The IND officer feels estranged from the statements made by the applicant, allowing them to consider the account to be non-credible, and the lawyer feels estranged from the rejection arguments of the IND officer. Here is another quote from the way-of-seeing:

In cases like this one, accounts of being caught in a sexual act are recurrent. The applicant has spoken extensively about the context in which the events happened and why specific repercussions followed. It is unclear to the undersigned (*ondergetekende*) in what other way the applicant could have made the fact that these events took place convincing. After all, there are no pieces of evidence. For that matter, the account clearly reflects an inner process of realization, a heavy inner struggle, big problems with self-acceptance and a strong exclusion from community and family. All these points directly adhere to the issues that you, in accordance with your work manual 2015/9, should use (...). The applicant, however, seems to simply be judged non-credible without, like I noted earlier, a sufficient motivation for that judgement.

The lawyer draws attention to other cases to restore credibility in the case concerned. These other cases, now folded within the case at hand, must show that 'being caught' in this manner is salient and recurring, and should thus be seen as credible. A multiplication of subjectivity, so it seems, produces more objectivity as more stories like the one under scrutiny here establish this specific account more credible. Additionally, the lawyer emphasizes how strongly the account adheres to the norms of credibility and sexuality by summing up what it includes (processes of self-realization and social exclusion). The lawyer appropriates the view a decision needs by reiterating what IND officers should take into account in order to separate applicants on the basis of, in this case, 'credible' homosexuality. However, the lawyer reverses the valuation of the account. They, moreover, present themselves to be a better decision maker with an updated knowledge of IND work manuals, which again illustrates that lawyers need to be well-versed in thinking *with* the IND. However, the lawyer is not assigned the same power of authoritative interpretation as an IND officer as theirs is seen as positional by definition. The lawyer's judgement will thus not be adopted. A final quote from the way-of-seeing (my emphasis) reiterates this further:

Simply because the applicant has given strange statements in terms of his relation to his friends *in your eyes*, says nothing about his sexual orientation.

The lawyer, again, seeks to undermine the IND officer's authority and ability to judge another person's sexual authenticity. However, even though the lawyer could be right and the IND officer might know very little about the many ways of experiencing and performing one's abnormalized sexuality, the crucial point is that the IND officer is assigned the powerful position of having a final say. Moreover, their final say is considered more objective than that of the lawyer, who is always seen to argue in favour of each and every 'client'. Indeed, while much may be true or untrue about any refugee account, it is an IND officer, in the end, who names the account as true or as untrue and as eligible or as ineligible. This is, in my view, the crux of decision-making in the asylum procedure: it is *not* up to the applicant to decide 'who they are', rather those mobilized to enact that power of decision are put in the position of naming the applicant as either a 'real' or a 'fake' refugee.

While a first decision affects the way in which the account should be seen, and while a legal ally responds to those arguments, a final decision-maker decides whether or not to change the first decision on the basis of the lawyer's interference. The final decision maker is yet another person and it is precisely their newness that is considered an important 'step' toward ever more objectivity in the decision. Here is a first fragment from the final decision:

The statements the applicant gave about the shock he felt from the age of 14 or 15 years remain to be considered absurd (*ongerijmd*). Added to this is that it may be expected from the applicant that he is able to speak in a clearer way about his emotional realization process. The mere statements of never having felt anything for men until his 14th or 15th year when he started feeling a shock during a handshake cannot be considered plausible.

If the applicant had been a 'better' narrator, a 'good' story teller, the decision might have been different. What could also have happened, and is clearly not taken into account, is that the hearing officer might have made the applicant nervous or interrupted the flow of their account-giving too often and too angrily (as in the case of N discussed in chapter 3). These speculations suggest that the fragmented nature of the itinerary relieves a decision-maker from such noisy information that might blur what is considered to be a clear and precise evaluation. Suspicion, again, crystallizes when all there is to take into account are reported statements written outside of the context of the hearing and within the context of sharp and cautious decision-making. Indeed, insufficiency in account-giving is

not assigned to the hearing officer, but rather to the applicant's failure to demonstrate themselves as being a 'credible' refugee. Another quote of the final decision illustrates this:

The way in which sexual contact was sought with the applicant and the way in which the applicant dealt with this in combination with the way of getting-caught are considered vague, absurd and non-plausible. In response to the way-of-seeing, a certain reservation may be expected of a person who sees himself as reserved and who has often refrained from having contact with friends and who considers himself as deviant. From his account, however, it appears that although he was already staying with these new friends he very quickly and easily participated in the sexual acts these men started. This is not in compliance with his earlier stated reserved attitude.

The procedure needs an applicant's life, and especially the account of that life, to reflect a specific kind of consistency: when one says they are shy, they must consistently reflect such shyness. Indeed, the procedure expects an almost uncanny consistency in personality and attitude, while seeking an account that precisely reveals a life of violence, frictions and fear. I argue that the IND persona itself is (also) inconsistent here, as the IND seeks utterly unstable situations while expecting a rather stable behaviour and personality in the applicant.

The final decision maker explicitly sides with the first decision maker and defends their evaluation by fully rejecting the lawyer's way-of-seeing. The lawyer's vision is taken into account but rejected. The second and final decision-maker gives the evaluation of the first decision-maker more force because, now, two IND decision-makers evaluate the applicant in a similar way. However, the second decision-maker makes a very different decision as they do not independently look at the case and interpret its worth. Rather, the second decision-maker decides whether or not the lawyer came up with arguments that could redirect the first IND decision-maker's judgement. As the lawyer is also suspected of subjectivity and positionality, their arguments against the more objective IND decision are taken with the same kind of caution that the applicant faces.

This is unsurprising as IND officers, in Goodwin's terms, are part of a *community of practitioners* (cf. Goodwin 1994): they enact the same procedural persona, they look at the account with a focus on (ruling out) inconsistencies, and when one IND officer points to such inconsistencies another IND officer is not quickly tempted to disagree. However, the fact that two IND officers come to 'the same' conclusion - although they make different but complementary decisions - establishes the decision as being more robust and less subjective, precisely because subjectivity is multiplied.

## Objectivity and the multiplication of subjectivity

Objectivity and the scientific self that practised it were intrinsically unstable. Objectivity demanded that the self split into active experimenter and passive observer (...). (Daston and Galison 2007: 250)

With things like this [testing sexuality] it is really hard... Look, if you do the hearing, and a person walks in dressed in hot pants and gives answers in a feminine manner, that happens a lot, that you feel like 'ah that one is gay' but if you read a file it's much harder. (An IND decision-maker, in the winter of 2015)

In the procedure it is the report that, in a way, performs the split between the 'active experimenter' and the 'passive observer'. The report allows different IND personae to engage with an application at separate moments and in different ways. Accordingly, I would say that the 'active experimenter' is similar to the IND hearing persona who gathers information, sees the applicant, and senses when and which kind of questions should (not) be asked. The decision-maker quoted above argues that their role is more passive. Indeed, the decision-maker had to rely on a text made by a colleague who observed the applicant's ways of dressing and moving. In this way, the passive observer would be the decision-maker who needs to (actively) 'review' a text that only (and inevitably) reveals what the hearing officer decided to circulate. This is a responsibility hearing officers are well aware of as they are so caringly focused on drafting a firm and full report that will ground the decision. While the decision-maker quoted above experiences this separation of practices as a vulnerability (only) when judging sexuality (which they feel is better judged visually), the report, in general, also relieves a decision-maker from having to actively engage with an emotional applicant who speaks back. Rather, the decision-maker can sit back and quietly (but critically) dissect an account now ridden of the noise of its making.

In this section I introduce the practice of distanced decision-making and analyse the different conceptions of objectivity embedded in those practices by especially drawing on work manuals and reports that explain how 'objectivity' should be gained.

### The 'relevant elements'

The identification and determination of the relevant elements of the asylum account is the first step in the evaluation. A relevant element is a fact or a circumstance that touches upon at least one topic or storyline that connects to the refugee definition or article 3 ECHR. (Work manual for IND officers 2014/10)

An IND decision maker dissects cues that matter in terms of norms of eligibility and credibility, especially from the asylum reports. By critically reading the reports, the decision maker identifies *relevant elements* in the typed up asylum story. There are more and less standardized elements that must *always* be part of an application: a person's nationality, their name and whether or not an applicant has documents to prove their nationality. Next to 'the facts' about a person - such as religion, jobs, family members, route of travel - there are 'the elements' that belong to a person's story of refuge, of why they apply for a refugee status. The work manual explains that IND officers should abstract the 'core' of the asylum account by collecting those relevant elements and, when having found such a core, the decision-maker should study the relation between those elements and see if such possible relationships are constant and thus credible.

Relevance is a crucial term here as it is, again, the IND officer who refolds the report into the elements that matter and decides how these 'relevant' elements relate to one another. As noted above, decision-making becomes a way of refolding information that has already undergone an intensive work of selection and transformation. While 'relevance' becomes a concrete practice of gathering important story-lines within an already select textual account of refuge, the same kind of sensitivity for what is ir/relevant has consistently played an important role along the itinerary. From the first meetings with a legal ally, applicants meet different personae enactors who tell them what is important, what is vague and what should need more or less explanation. In other words, while the report is already a select presentation that draws on crucial absences and local contingencies, the decision-maker ever further scrutinizes that select representation of the applicant's account of refuge into the story lines that justify their decision. The manual explains the next step of decision-making:

After determining the relevant elements, a second step is to judge the credibility of each element. First, it must be established if there are elements that are sufficiently substantiated and can, as a result, be unquestionably regarded as credible. These are the kind of elements substantiated with objective pieces of evidence, like authenticated documents that confirm what the stranger (*vreemdeling*) has stated and/or objective, public sources that also confirm the statements of the stranger. (Work manual for IND officers 2014/10)

When having carefully abstracted *the elements*, the decision-maker tests in what ways these elements adhere to truth-notions such as coherency, consistency, logic and (non-)vagueness. The quote reveals how certain things external to the account itself establish it as more or less credible. A passport can be considered to objectively reveal the truth about a person's nationality, but only through the

military police's black boxed authority to decide on the in/authenticity of documents. Hence, the 'objectivity' of the passport has been decided on elsewhere by people whose expertise is inherently trusted. However, the work instruction also notes that if the passport is found to be fake, such fake-ness does *more* damage to a person's claim than a statement alone would do. It shows that official (bureaucratic) objects can be seen as true or untrue in a rather strict manner, which is different to what a statement of an applicant can do in itself: those must be judged by an IND enactor who is trained to subjectively understand 'logics' and 'credibility'. Another quote illustrates this:

Tools for an objective, structured and transparent evaluation of the credibility of the relevant elements are the aforementioned credibility-indicators. The credibility-indicators consist of internal and external indicators. Internal credibility-indicators indicate everything the stranger has personally brought forward. External credibility-indicators concern every source to be tested outside the stranger.

(...)

Are the statements not vague and minimal but sufficiently detailed (...)? Has the stranger answered the questions as sufficiently and complete as possible? Are there no contradictions, absurdities and inconsistencies in the information the stranger has put to the fore? (Work manual for IND officers 2014/10)

Objectivity, here, resonates with structure and transparency. But while a decision-maker should follow a standard work manual (to increase objectivity), the work manual explains that the decision-maker should decide whether or not 'internal credibility indicators' present vagueness or absurdities. Again, while a decision-maker must follow a certain kind of procedure, they still need to enact the authority of interpretation. It is still up to a trained IND officer to decide whether or not 'relevant' story-lines are 'vague' or 'convincing' and although a lawyer may counter such an interpretation (when it points to a rejection), the IND still possesses the power to hold onto that interpretation and, moreover, to see an IND interpretation as inherently more objective than the subjective or, at least, the more strategic interference of a lawyer. Indeed, the focus on vagueness reveals the underdetermined nature of the decision as discussed in the previous section: it relies on trained intuition as it draws on the reader's ability to sense whether or not something is vague or clear, complete or incomplete, absurd or consistent, convincing or unconvincing.

Another quote from the work manual explains why credibility testing should precede eligibility testing:

Key to the decision is the evaluation of eligibility. Of course, one can only reach this step when one or more of the relevant elements are examined as credible and when there is [thus] an actual and well-founded risk of the stranger facing violence in case of return. (Work manual for IND officers 2014/10)

Interestingly, the work manual says that assessing refugeeness ('eligibility') only becomes possible after one or more 'relevant elements' have been judged as credible. However, eligibility, in my view, plays an important role in judging credibility because suspicion intensifies when a certain 'element' adheres to the norms of eligibility. Differently put, suspicion rises when a certain account (or a storyline) potentially leads to inclusion as applicants are suspected to 'fabricate' precisely such useful details. So, while eligibility-testing is officially performed *after* judging the credibility of the account, the credibility of the account is always already seen and felt in light of its potential eligibility.

IND decision-makers must follow a specific procedure of dissecting 'relevant elements' and relating those to other elements, which is a way of establishing their work as being systematic, precise, and thus also a specific kind of objective: objectivity as a form of expertise and precision. However, this precise work of dissecting and associating also draws on an IND officer's trained sensitivity for truth in the form of suspicion, which means that intuition and an embodied knowledge of applicants (as potentially 'faking' their accounts) underlies the practice of decision-making. In the next part of this section I further delve into the friction between the procedure's need for suspicion and its aim toward objectivity.

#### Different modes of objectivity

Although the IND employee needs to evaluate the asylum account (asielrelaas) as objectively as possible, a certain level of subjectivity is unavoidable, as in any process where people need to make decisions. (The Advisory Committee on Migration Affairs [ACVZ] 2016: 12)

What is the nature of objectivity? First and foremost, objectivity is the suppression of some aspects of the self, the countering of subjectivity. Objectivity and subjectivity define each other like left and right or up and down. (Daston and Galiston 2007: 36-37)

While objectivity must be worked toward and performed, trained judgement and intuition are the things the experienced IND officer - one allowed to make decisions - needs to embody and enact when dissecting the account of suffering that represents the person applying. However, the procedure's need for trained

intuition and judgement also leads to a desire for 'as much objectivity as possible'. In other words, as subjectivity and intuition play a crucial role in a procedure that seeks to approximate a truth that can never be reached, the procedural itinerary and personae are staged and positioned in ways that seek to undo the potential dangers of too much subjectivity (like tunnel vision, personal preferences or personal prejudices). In the search for suppressing subjectivity, multiple modes of objectivity are performed, something on which I further elaborate here by drawing on the (aforementioned) report of the Advisory Committee on Migration Affairs (ACVZ):

The credibility-evaluation needs to be executed in an objective, structured and transparent manner. (...) The stranger and their background also need to be taken into account. Cultural and linguistic differences, the (mental, physical, intellectual etc.) state of being of the stranger and the (mental, physical, professional etc.) state of being of the decision maker all play a part in the process of decision-making. The decision-making bureaucrat needs to avoid a subjective interpretation and he [sic] needs to understand that there will almost never be complete certainty about the correctness of the statements of the asylum seeker. (ACVZ report 2016: 46)

The IND employee needs to be conscious of his [sic] own emotional state of being, his personal values, his prejudice and life experiences that may have an effect on objectivity. This will limit subjectivity. (Ibid.: 48)

These quotes are confusing when trying to get at the heart of the procedure's understanding of objectivity. Objectivity is about limiting or avoiding subjectivity, but it is also about understanding one's subjective position in relation to the subjectivity and potential 'deceit' of an applicant's account. Objectivity, in my view, seems to work as an ideal, something to desire and work toward but which can never be reached in full precisely because a suspicion-induced subjective interpretation is crucial in the procedure's work to separate 'true' from 'fake' refugees. Indeed, suspicion is understood as a form of expertise, something newly hired IND officers do not yet possess, and thus as *more* objective - or a more 'honest' form of subjectivity - than the subjective role assigned to, for example, the asylum lawyer or the 'naïve' refugee council volunteer. And so again, the itinerary is staged in such a way that the possible risks of subjective involvement attached to the intimate encounters of the itinerary are avoided and resolved by the practice of reporting. The separation of practices thus seeks to craft objectivity in the form of affective distance and detachment. By doing so it allows suspicion to crystallize in the decision-maker's way of engaging with an applicant-as-text. The

following quote further shows how expertise is seen as the most objective form of subjectivity possible:

The starting point of the ‘Procedure-Guideline’ is the assumption that the authorized institution performs the decision individually, objectively and without bias. The decision over the request for international protection needs to be based on a sound examination. The staff that processes asylum applications and decides over them needs a certain knowledge/expertise (*kennis*) (...). (ACVZ report 2016: 66)

Intuition needs to be trained intuition, or differently put, an IND officer must make the procedure’s suspicion their own. I want to pause at an IND officer’s quote the emphasize how suspicion is indeed a form of IND expertise: ‘I think that less experienced IND officers are generally more willing. They are more willing to accept the statements of an applicant as credible’. Experience, according to the IND officer, leads to stronger and sharper suspicion. Suspicion, again, becomes a trained and experienced way of understanding and evaluating applicants. Hence, while subjectivity, in general, is suspected, subjectivity in the form of trained judgement is valued. Moreover, as the quote above (of the ACVZ report) shows, trained subjectivity is seen as the more objective form of subjectivity. Next to expertise, objectivity is also a collective effort:

When different people handle a case, there is a better guarantee for the outcome. Although the hearing is often done by another person than the one who evaluates credibility, in practice it still happens that the same employee who conducted the hearing also makes the decision. The ACVZ advocates a strict separation in practice between an employee who conducts the hearing (or the hearings) and the one who performs the evaluation of credibility and motivates the decision. (ACVZ report 2016: 5)

Subjectivity is avoided via its multiplication. The itinerary indeed invites different IND personae enactors to handle a case, although they handle the case in different ways, from different angles and at different moments along a progressing itinerary. As such, the practice of reporting both results in a multiplied IND subjectivity and in the distance and transformation needed to allow for a ‘fresh’, sharp and systematic decision. I want to pause at two statements to further argue that both expertise and the multiplication of subjectivity ground what the procedure values as ‘objective decision-making’:

Each exercise of justice as law can be just only if it is a “fresh judgment” (...). This new freshness, the initiality of this inaugural judgment can very well

- better yet, must very well - conform to a pre-existing law, but the reinstating, reinventive and freely deciding interpretation of the responsible judge requires that his [sic] “justice” not consist only in conformity, in the conservative and reproductive activity of judgment. (Derrida 1992: 251)

The suppression of subjectivity attempted by scientists striving for objectivity went much further. Subjectivity is not a weakness of the self to be corrected or controlled, like bad eyesight or a florid imagination. It is the self. (Daston and Galison 2007: 374)

Objectivity is sought and enabled by inviting different IND officers to the table and thus by both suppressing subjectivity through its multiplication and by detaching the actual decision-makers from the applicant in order to allow for a ‘fresh’ judgement. Objectivity is understood to be impossible ‘as in any process where people need to make decisions’, and so subjectivity - intuition and the self - cannot be suppressed as the decision precisely relies on such trained expertise, which is embodied by the IND persona. However, at the same time, the itinerary is staged to suppress what is taken to be the more ‘risky’ side of trained subjectivity - emotional attachment, tunnel vision, an accidental bad mood - which effectively means that the itinerary separates practices of encountering the applicant in person and evaluating their cases on the basis of a routine but personalized text. In that way, the itinerary makes sure that different but similarly trained eyes and ears - the different personae of the IND - judge the applicant from up close and from the crafted distance that intensifies and legitimises suspicion as the most objective form of subjectivity.

## A modest review and the objectivity of suspicion

This is the virtue that guarantees that the modest witness is the legitimate and authorized ventriloquist for the object world, adding nothing from his mere opinions, from his biasing embodiment. And so he is endowed with the remarkable power to establish the facts. He bears witness: he is objective; he guarantees the clarity and purity of objects. His subjectivity is his objectivity. (Haraway 1997: 24)

The IND has to prevent as much subjectivity as possible in hearing and evaluating the credibility of the asylum account. And so it is of crucial importance

that an employee of the IND gets a proper training, develops expertise, and performs professionalism. (Advisory Committee on Migration Affairs, ACVZ, 2016: 55)

In the previous section I demonstrated how *objectivity* should be practised according to work manuals and advisory reports. This section specifically argues that suspicion, as the learned position of the expert IND officer who both knows the law and has a specific image of asylum applicants, is taken to be the sharper and more objective position when reviewing an applicant's account and their potential 'un/deservingness' of inclusion. Indeed, while the legal ally is assigned a point of view (as always on the side of the applicant), the IND decision-maker must act like a modest witness as they are granted the responsibility of making a decision that safeguards, as one IND officer put it, both Dutch society and the 'real' refugee. In other words, the itinerary seeks to assist the decision-maker in executing something that comes closest to a modest review, one done through a crafted distance and in a silence that facilitates a precise and careful evaluation. This evaluation is one that is grounded in expertise and moves away from subjective 'biases' but retains a more objective form of subjectivity, one that is shaped by suspicion, to allow the IND officer to get as close to the impossible truth as possible.

In this section I further argue that it is the report's work toward distance and objectivity that also crystallizes suspicion further as the reader of the report is able to fully focus on a silent and fixed text to read, reread and to 'freshly' associate in the manner that they deem relevant. I show the critical and cautious stand taken by IND decision-makers by analysing the ways in which they explain their decisions to me. While I examined a written decision above and analyse another below (in the next section), I draw on explanations precisely because they reveal how decision-makers read a case, what they notice and how they explain the more decisive factors to an outside researcher.

The first quotes are from a conversation I had with the IND officer who made a (first and final) decision in the case of C, a young Ugandan woman who applied for asylum on the basis of sexuality. This rather shy IND officer made one of his first decisions while highly supervised by a senior IND officer. He explains his decision as follows:

The first step is that I read the hearings [the reports], so I first read the second hearing, than the first one. From there you schematically map out what has happened, what is the timeline and the progress, and what are the most important elements in the story. Sometimes there are many events and you need to evaluate them all but in this case there is really only one element that matters,

which is her sexuality, and then you have to look at what belongs to that element: her previous relations, also her marriage and stuff like that. (IND officer, AC Ter Apel, spring 2015)

(...)

Well, in the end I think that what she said about... well, what she experienced... I thought it to be quite credible and we came to that conclusion, that she indeed did make it convincing that she is a lesbian and therefore at risk in Uganda... so I made a positive decision. (Ibid.)

The report allows the decision-maker to schematically dissect the account of refuge and to relate different 'relevant' details in the account to one another and to the main 'element' in order to come to a decision. The quote shows again that it is at-risk-ness that the procedure seeks. This applicant has made her fear for risk 'convincing', another underdetermined word that reveals that a decision, in Derrida's definition, was made. Indeed, it is through the IND persona (in this case a decision-maker and his mentor) that C's claimed sexuality was *decided* to be convincing enough. The following quote illustrates how suspicion underlies the acceptance:

Look, she stated that she made a video of her and her second partner in Uganda [a sex tape], that was something that made me think, well she is taking a big risk with that in a place like Uganda, something she was well aware of because she had been caught before. So I thought that was a bit vague but it would not ground a full rejection because well, I do believe that she is a lesbian. (IND officer, AC Ter Apel, spring 2015)

(...)

In this case it's more that, look, she did not give statements that cause reasons to doubt her sexuality and that is, well... that is what we are actually looking at, if her statements... ehm, whether or not there is something that, yes, that could cause us to doubt her sexual orientation and that, well I did not find anything like that in her story. (Ibid.)

The quotes reveal that a 'truthful' account of violence and persecution becomes visible in the absence of 'reasons to doubt' it. While, in his close reading, the IND officer did find aspects he considers vague, he did *not* find details and story lines that testified *against* the applicant's main claim for inclusion, which is sexuality. Indeed, suspicion shapes the embodied IND persona's way of engaging with applicants (in person or in text) and, in relation, his positive evaluation also shows a reading-for-the-worse in the sense that he is cautious and on the lookout for gaps and inconsistencies. As gaps and inconsistencies are assigned to the

applicant (and not, or at least not regularly, to the hearing itself), the lack thereof is also assigned to the applicant. Consequently, the applicant appears credible via the IND persona's focus on such gaps and inconsistencies.

From the shy IND officer, I move to a very experienced IND officer who also looks for gaps and inconsistencies in order to ground either a positive or a negative decision. The following (senior) IND officer that I quote explains the decision he made in the case of Q discussed in chapter 2 (on blood-revenge). The decision-maker (A) explains how he starts on a decision:

Alright, I always begin by reading the first hearing and the second hearing. I am still finishing reading the second hearing [report]. I scanned it and so I also already learned that he really didn't have any problems and that it will quite likely be a rejection. When I am now reading the second hearing I am looking at whether or not I'm going to find *everything* non-credible... the whole story... because it all seems rather vague. But maybe there are elements that might be true and I examine whether or not I should evaluate those elements in full. (IND officer, AC Schiphol, 2015)

This decision maker closely 'scans' through the report to already get a sense of the application before more thoroughly reading all the documents. Both the IND persona's reading-for-the-worse and his experiences as a decision-maker enable him to rather swiftly consider it quite likely that it is going to be a rejection.

IND personae enactors - both hearing officers and decision-makers - have or learn to have an eye and a sensitivity for relevance and credibility. The report assists such an eye for relevance as it works with a routine design characterized by headings and a very clear question and answer format. Moreover, the report enables them to scribble on it, to re-read, reconsider and confirm a first impression. Indeed, the report itself allows the decision-maker to refold it in accordance with their trained eye for relevance, truthfulness and eligibility. They are able to use other sources of knowledge to obtain a better grasp of the situation or they may choose not to need any external sources. Indeed, as demonstrated in chapter 3 and as argued above, the report fixes and freezes the hearing, allowing a decision-maker to quickly scan and slowly read it, to take it home and to (maybe) sleep on it. Hence, precisely in the silence and fixed-ness of the report a decision-maker can critically, thoroughly and rather swiftly review a case.

In this sense, the decision is yet another important moment when the IND takes charge of the account: while the applicant (or the hearing officer, for that matter) might have considered certain aspects in relation to other aspects crucial, the IND officer may make very different combinations based on their knowledge of the law and the procedure, which demonstrates the report's ability to allow for

the intuitive work of refolding the account into a decision. The following statement by the decision-maker quoted above further expands this argument:

In the way in which he speaks about it... there is not much that makes me think "hey but this is true"... so actually, I don't believe any of these elements to be credible, I mean that nothing in his account really *convince*s me in the way that... well! For example: I find this really very implausible, that he tried to leave Egypt *so* many times, fifty times! Because... well, he could have just left Egypt. (IND officer, AC Schiphol, 2015)

The decision maker cannot believe that the applicant has tried to leave Egypt *fifty* - or at least 'so many' - times, which relates to his focus on finding or ruling out inconsistencies and to his tacit understanding of other Egyptian applicants. While I myself would have never noticed that it is strange that a person tried to leave Egypt many times, the IND officer immediately sees this and recognizes it as an 'implausible' detail. It is the report that indeed assists the IND officer in silently noticing which details stand out. In his reading the number fifty stood out of the text, but the IND officer never heard it emphasized: he *reads* it emphasized. Hence, whether either the hearing officer or the applicant meant that specific detail to stand out does not matter so much as the case is fully subjected to the IND decision-making persona who needs to, again, refold the applicant into a decision over in- and exclusion.

It is not the point to question whether or not the IND officer was right to consider the number (or the many-ness) of attempts made; rather, the point is to illustrate that the documents the IND officer receives are quiet, and this allows them to read emphasis or tone into the silenced account. The text is thus subjected to the IND officer's vision and, as such, some things catch their eye while other things escape their attention. Hence, in the experienced IND officer's closeness to the text representing the applicant, they are able to make a 'fresh' decision, albeit one that is fully contingent on their trained interpretation and thus on their specific view, sensitivity for 'non/credibility' and history within the procedure.

I want to pause at two final statements from this decision-maker to show how an IND officer's prior experiences with, in this case, Egyptian applicants and the contingent use of external sources affects the actual decision:

Another problem is that he did not submit any judicial documents [Q claimed that there were trials in relation to his situation]. I know that other Egyptian applicants have been able to provide such documents. A while ago I met an Egyptian man who was horribly violated and detained, a very heavy story, did

I tell you about that story? Well, that was a heavy story and he was also able to provide such documents. (IND officer, AC Schiphol, 2015)

(...)

As I told you before I found an article in the *Telegraaf* [a Dutch newspaper] about a similar event. So, when even Dutch newspapers write about these events, I assume that when four people have been killed that would appear in the Egyptian media. (Ibid.)

Again, it is no surprise that only the experienced IND officers are empowered to make such life-altering decisions. To do so they need to *embody* a specific kind of IND vision and sensitivity, which is only possible when one has learned and practised to engage with applicants from such a trained and intuitive position. Thus it is experience that both underlies the IND decision-maker's sharp focus on in/consistencies and the way in which he evaluates this specific case by actively draws on a case he remembers quite well. The second quote shows, in a different but related way, that each moment along the itinerary provides room for smaller decisions (contingencies) that affect the actual decision. While the first quote shows how the IND officer (and thus the decision) is affected by an applicant that he has met before, the second quote shows how he decides to use a newspaper article to further ground his evaluation. As such, both quotes show the decision - like the other moments along the itinerary - to be systematic and routinised as well as a unique gathering of sources, knowledges, expectations and sensitivities.

The second statement further demonstrates that the IND officer's trained attention for vagaries also leads, in my view, to a banal assumption that collapses Egypt with the Netherlands. The IND officer assumes that when Dutch media write about blood revenge, Egyptian newspapers should also write about it. Interestingly, Q emphasized the *normalcy* of blood-revenge in Egypt, something Q's lawyer had the hardest time grasping (another local and invisibilized contingency). While the lawyer kept emphasizing that Q's sense of normalcy was impossible to understand from a Dutch perspective, the decision maker argues that the Dutch and the Egyptian ways must be somewhat alike, at least in terms of media coverage. This is an example of how suspicion crystallizes when a decision-maker quietly reads and assesses the applicant's case from a crafted distance: the decision-maker gathers information that reveal the applicant as, in this case, unprepared and unconvincing. Indeed, suspicion allows the IND officer to dig deep into the account and to discover absences that the decision-maker may take as cues to non-truth.

In the remainder of this section I turn to a decision on an application that I did not follow but that particularly allows me to further show the relation

between suspicion, strategic trust and truth-search. As such, this decision (and its maker) demonstrate that 'objective' decision-making is also a trained way of reading for the worse. The decision-maker almost enthusiastically explains how she successfully caught the applicant:

C (the IND officer): "At first when I heard about the general story of his application I thought, well this is not unlikely, this could be real....Until I started closely examining the documents he brought in" [she shows the documents to me]. M (the interviewer): "Did he provide original documents or copies?" C: "Copies. He has no originals. Normally you would say that a copy cannot really be authenticated and so they cannot ground the account but I did look at them and he says like 'my brother died on the 16th of February in 2013'. But look when you take this document it says, if you look closely, it says 16 February 2013 but if you look at this one, the death certificate, than it says the 15th." M: "Yes..." C: "And here he also has a document on the splitting of the money, a small report and it gives yet another date of death, where is it [she looks through the document]. Here it is, it says that it happened on the 1st of February 2013. And then I thought, this is impossible! These are official documents of official institutions, the brother has only died once if he even died at all. (...) To me this is where the whole story collapses." (IND officer, AC Schiphol 2015)

The quote shows how fragile the IND officer's sense of trust is as she easily and rather enthusiastically welcomes information that increases suspicion. Although copied documents are often considered potentially fake as the military police cannot test their authenticity, in this case the copied documents were taken seriously as they undermined the credibility of the account and backed the IND officer's suspicions. Interestingly, the IND officer especially trusts the inconsistent dates on the trusted 'official' documents and assigns that inconsistency to the applicant. While the IND officer does not really explain who she feels made the crucial mistake, it is clear that the mistake is assigned to the applicant as it is his story that 'collapses':

M (interviewer): "What about 'identity' and 'nationality'?" C (IND officer): "The first element." M: "Yes. Is that something you accept [as credible]?" C: "In this case yes, I accept it because, let me check.... I accept it because he has a military pass and because he spoke very well about his living environment. But this is something you often accept, except when someone really doesn't know anything, than you'd say 'this cannot be correct, you're probably just a Moroccan or a Tunisian who says he is a Syrian or Palestinian', stuff like that. So, yes I accepted it in this case." (IND officer, AC Schiphol 2015)

The applicant has nothing to gain from his claimed nationality and so it is more easily trusted to be credible. When an Arabic speaking person says they are from Syria but are unable to back that claim with documents, a quite intensive questioning scheme unfolds as the acceptance or rejection depends on the IND officer's assessment of the credibility of that claim. In this case, the person could very well be rejected when his presented nationality is considered credible. The decision maker further explains:

M: "Would it make sense for him to pretend to be from this place?" C: "In Togo.... No... well I am thinking, where he could have come from then.... Well sometimes they do so to frustrate their repatriation. They register a different nationality than their own, one they don't really benefit from in the procedure but when they need to be repatriated they may say that he is a Moroccan although he actually is from Tunisia... well yeah, figure that one out.... And when we ask the [Moroccan] embassy than they'll say 'we don't know this person. But with Togo... yeah one could've also come from Benin but it won't help his [asylum] case if he says so." M: "Is it easier to accept a person's nationality in such a case?" C: "Yes, it is easier to accept, and it's give and take, right?" M: "What do you mean exactly?" C: "That I show like 'I wasn't *only* looking negatively at you case'... you could also put it like this 'I give him the benefit of the doubt', it might not be so convincing but alright, you can have that one. Also because, yeah, the deportation is not our cup of tea (*pakkie an*), that's a job for the DT&V (the deportation service), they'll have to figure it out for themselves, it's up to them how they perform their trajectory, but for our asylum trajectory it is irrelevant."

By distancing herself from the applicant's deportability track - although deportation is part of the decision and part of many questions revolving around 'well-founded fear in case of return' - the IND officer enables herself to use another strategy. She gives 'the benefit of the doubt' in terms of something rather irrelevant to the decision, which she feels reveals her to be a willing IND officer: one who is willing to believe the applicant. However, she only shows this willingness when it has no effects on the decision. Indeed, she would not be as willing to accept a person's claim if such willingness leads to inclusion as that is precisely how suspicion is appropriated: to *only* allow 'true' refugees inclusion and to dismiss the ones who fail to be as convincing. Hence, to believe the applicant's claimed nationality in this case does not harm the possibility of a rejection. Rather, her readiness 'to be positive' improves it as she can present herself as willing but unable to accept his claim.

My evidence from the decision-makers and the work manuals show the decision to be a careful and systematic work of abstracting relevant details to relate and associate to one another, and always in relation to the norms of inclusion. In particular, these decision-makers, in different ways, demonstrate that the reported account of refuge is fully subjected to their authoritative interpretation, one that is, as with any experienced IND personae enactor, driven by suspicion and a focus on inconsistencies. Accordingly, I argue that suspicion crystallizes in this silent and precise practice of critically reading and dissecting reported accounts of refuge. Such critical and uninterrupted reading allows for the smaller details to stand out and enables the decision-maker to reorganize those details in relation to other relevant details, applicants and prior experiences. The report - along with the absented applicant and their fixed account - allows for a creative refolding of story lines into decision arguments. The report also seeks to ensure that the IND officer's view is as unbiased as possible. Importantly, a crystallized but 'unbiased' suspicion is valued as the more objective position, a sharper form of IND subjectivity through which an actual decision can be made.

## Tracing back: The decision and the itinerary

When you start to make decisions you really truly understand how to interview an applicant. (Interview with an IND officer, 2015)

Whereas the previous chapters looked into the affective and 'noisy' work of transforming an unknown person into a smooth report, this chapter concentrates on how the report figures in practices of performing 'objectivity'. In the process, it has become clear that the decision itself is a work of very precise refolding, highlighting, relating and in- and excluding information, in order to categorize the applicant as either deserving or undeserving of inclusion. The previous sections have shown that objectivity is found in the multiplication of IND subjectivity, as well as in an expertise that is grounded in the strong suspicion that crystallizes in the distance the report enacts. In this section, I investigate that very precise work of refolding by investigating an internal explanation and legitimization of a positive decision.

While the itinerary separates practices of affective encounter and objective decision-making, both the personal and rather intimate encounters of the hearing and the decision evoke one another and, together, work toward a final decision. As the quote above illustrates, the IND hearing persona must engage with an applicant while also always thinking about what the decision-maker needs

in order to evaluate a case. In this way, the decision-as-telos spreads along the itinerary. It is also the focus of those relieved from its responsibility. In relation, the decision can only be legitimized when properly ‘looking back’ at the itinerary and by highlighting the relative points of information that have already undergone a sharp selection. This section explores the way in which the itinerary is evoked and thus analyses how the asylum reports and the documents added to the case file are refolded into a decision. Such an analysis further reveals that the procedural itinerary from beginning to decision is a continuous work of moulding the applicant into an intelligible category to either in- or exclude.

By also accessing the hearing reports I further investigate what kind of information circulates into the decision-explanation and what is left behind or deemed less relevant. Hence, this section is based on a person’s case file, which among copies of documents and forms filled in by the military police includes the IND officer’s extensive internal explanation of the positive decision and, most importantly (at least most frequently evoked in the decision-explanation), the reports of the different asylum hearings as well as the lawyer’s C&A letters and a medical report. The case I focus on is one that I did not follow myself, which gives me a similar (but different) position of distance from which the IND decision-maker must understand and evaluate an applicant. From this position I also tried to understand the crucial difference between reading the applicant and meeting them in person. Thus I, not unlike the IND decision-maker, especially concentrated on reading and rereading the texts that present the applicant, highlighting and pausing at certain arguments, writing as well as erasing my own observations, and moving back and forth between the texts of the decision-explanation and the reports of the asylum hearings. In this way, I traced how the decision-explanation evokes the itinerary in its selectively circulated moments. From within the decision-explanation I demonstrate again that the application process is an intensive work of folding and refolding the unknown and suspected other, who was made knowable through the reports, into a rather clear-cut decision.

The information I share below is anonymised. I changed dates, names and other personal details in the applicant’s reported account. However, in order to maintain the ‘atmosphere’ of certain answers (quoted from the asylum reports), I simulate the *kind* of information and ways of speaking reflected by altering, for example, a very specific (and possibly identifiable) medical situation or by changing some details about the tortures this applicant endured. Hence, while aiming to do away with identifiable information, I also want to show – like in the example – what a decision ‘sounds’ like and what kind of details are included in a person’s case file in order to illustrate how suffering, fear and truth are constantly at stake in the asylum procedure.

While the IND does not reveal their precise arguments for a *positive* decision to the applicant and the lawyer, they do need to explain the decision internally in order to have a colleague check the ‘steps’ they took. Several lawyers told me the IND used to ‘be open’ about their reasons for granting refugee statuses but that they ended such openness as lawyers could (and did?) use those arguments to their advantage in their ‘ways-of-seeing’ and in the preparation process. The internal file, as such, consists of an elaborate explanation and argumentation of how and why the decision-maker established the acceptance.

The case file reveals that the final decision was not the first decision as the first decision-maker reasoned that the IND needed more information for a final decision. Interestingly, as the first decision held that the IND needed *more* time, another kind of time pressure emerged. There are specific legal terms attached to detaining people *in* the procedure, and a first decision of ‘needing more time for a final decision’ often means that the applicant is released from detention to await the decision in an ‘open camp’. However, as the person’s procedure is processed at the application centre situated within the detention complex, in this case, the applicant still needed to travel there to attend an additional hearing. While reading the additional hearing report, I noticed the applicant voiced a complaint about exactly this situation (the fragment is modified for anonymity but I kept the format of the report: space and italics):

A lot is wrong with me as you know, my blood pressure is high, my back hurts and my left leg hurts a lot. I want to raise a complaint about the appointment today. I was supposed to be here at 9:30 AM, to get here at that time I needed to leave at 5:30 AM [the applicant is housed in the north of the Netherlands while his application is still processed at the ACS]. I asked if it would be possible to do the hearing a little later but they [the planning bureau] did not agree to do so. In order for me to leave at 5:30 I was unable to take my medicine and eat.

*I am sorry to hear this, I would not have had a problem starting at a later time would I have known. How are you feeling at this moment? Have you had some food already?*

No, I have not eaten and I did not take my medicine. I asked the COA if I could have come here yesterday but they did not allow for it.

The report reflect an emotional conversation devoid of a tone of voice: the applicant is hungry and disappointed by the way in which he has been treated. The IND officer is sorry and decides to give the man a break. While these sentences reflect an affective context, they also hide, among other things, the way in which the IND officer and the applicant looked at one another and how they sounded. In my view, it is precisely the affective message of the sentences that

invites a reader to imagine tone and personness back into those sentences (as I do) because it is such an emotional passage. As seen earlier, in the section on decision guidelines, decision makers must look for a specific kind of personness that colours up the account and that accordingly adheres to norms of truth. However, that kind of personness must indeed be very strictly mediated and may only persist in the form of a translated Dutch sentence in an asylum report. It should not lead to bias, as it would interfere with the ‘objectivity’ of a well-trained IND officer’s subjectivity.

The fragment shows something else that mattered in terms of the decision: the medical condition of the applicant, something ‘consistently’ referred to along the itinerary and evoked in the decision-explanation. The applicant’s ‘medical condition’ often appears in the case file and in different forms: in the reports like in the fragment above, as a side note or as a reason for having a break, but also in the C&A letters, and in the MediFirst (now FFMU) report. MediFirst/FFMU is an organization that examines each newly applying asylum applicant on the basis of medical expertise. An applicant is asked to participate in the medical examination by a volunteer of the refugee council: they tell each applicant that doing the medical examination could work in the applicant’s favour because MediFirst/FFMU has the authority to give the IND advice on how to proceed with, and judge, the application.

In the case discussed here, MediFirst had written a statement saying that the applicant was severely traumatized, and that he had several physical problems and visible scars. Their advice to the IND was to give him breaks, allow him into the elevator (generally prohibited for asylum applicants in detention) and take into account that his memory might be blurred, that he might have trouble remembering certain details such as names and dates. On the first page of the internal decision-explanation, the MediFirst advice is summarized as an important feature of the application as a whole: it is included in a table on the first and second page of the file. The cell situated on the left states the standard question, which should be filled in on the right hand side by the decision maker. On the left it says: ‘Medical Aspects (MediFirst report, problems with narrating, trauma, etc.)’. This is a standard question that each decision-maker must summarize in the right cell of the table. While the answer might, in some cases, be very brief, in this case it is quite extensive. A few sentences:

*[the applicant has] difficulty with dates and details. In case of a headache (-)<sup>10</sup> needs to be given the opportunity to get medication from the doctor.*

—10. I use ‘(-)’ when the name of the applicant is reflected.

*There has been insomnia, which affects his concentration negatively and causes problems and pains in the back/spine.*

When (-) gets very tense or angry he can experience pain around the area of his chest. In this case offer a break and if necessary a visit to the doctor on duty. (-) has severe trouble walking up and down stairs, therefore we advise to offer the elevator when necessary.

Both the decision-maker and the hearing officers need to take the MediFirst report serious and act upon it by making sure the person has more breaks, is allowed to use the elevator and, importantly, that the IND, especially the decision maker, should weigh ‘incoherency’ or a ‘lack of details’ in relation to the applicant’s medical condition. As such, medical expertise enters the decision process by prescribing how IND officers should listen and read the person’s account. At the same time, the IND officer, although giving an applicant an extra break and toning down a possibly angry tone of voice, will still look for gaps and inconsistencies.

The first pages of the decision-explanation consists of a table that includes several aspects gathered throughout the itinerary, such as if the person should be considered under article 1F (war crimes), which would negate the possibility of a refugee status. Most of the information in the table stems from the first asylum hearing. However, it is a schematic presentation of some of the more complex moments of questioning reflected in the report of the first hearing. As a reader of the report, much of what went on during the hearing - and before that - is (made) invisible to me as well as to the decision maker. In the absence of those ‘distractive’ aspects of the hearing, which are in fact inevitable in terms of the intimacy of the encounter itself, certain things stand out as they are explicitly gathered and selected as relevant to include and to thus be further selected and highlighted by a decision-maker.

The standard table asks, in the left cell, about ‘personal aspects (like religion, ethnicity and language)’. In the left row, the standard question is made more ‘personal’ in terms of what the procedure wants to know, as it reveals that the applicant is a Sunni or Shiite Muslim, as well as his marital status and the number of kids he has (and their ages). It also shows that the applicant has a university degree and that he has been working in construction. These, as such, are designated to be ‘important’ facts about the person. This information is highlighted and abstracted from the first hearing report. The report, however, reveals much more information - for example, where his kids were born, where they are living today, and how he feels about those kids. The internal decision-document indeed refolds the information that was already selectively gathered and circulated.

Another cell on the left side table asks for information about ‘documents (provided and examined?)’. The answer written in the right column routinely personalizes the ‘highlighted topic’. The answer consists, first, of the *kind* of documents and, second, that two out of the four different documents were considered authentic. This smooth summing up of what matters to the decision further sifts the information reflected in the report. Indeed, the decision, and this specific display of ‘relevant’ and personal information, is the final product of an intense work of gathering and transforming information through the routinised and contingent encounters between the applicant and the different personae enactors.

I pause at a fragment of the first hearing report that reveals the complexity of documents and the applicant’s country of origin. This information is kept from the decision minutes and thus, seemingly, is deemed irrelevant in this specific case:

*You say you provided a passport. It was not a complete passport that you provided.*

*Can you tell me if you applied for the passport in person?*

No, it is needless to do it yourself. My cousin took my photo and money. I got the passport within three days. In [country of origin] you can just apply for a passport or a driving licence when all is legal.

*Did you pick the passport up in person?*

The application and the picking up were done by my brother, because it was not convenient or wise to do it myself.

*Is it your own name in the passport?*

Yes.

*From when to when was the passport valid?*

A passport is valid for 7 years. I think I got it in 2013. I don’t know exactly. I don’t know for sure if it was 2013 or 2014.

*Where was the passport applied for and where was it picked up?*

In the province (NAME), at the passport service of the province. It is near the building of the secret service (*veiligheidsdienst*).

*Which documents did you need to provide with the application of your passport?*

Because my brother is a lawyer he arranged everything. I needed to provide photos and a form.

*Were there any problems in the process of attaining a passport?*

My brother picked it up. He did not experience any problems.

The decision maker needs to reduce such fragments as the decision minutes should provide an oversight of what matters. In the case described here, the lawyer played an important role in gathering documents. Maybe they managed to do so by gaining the applicant’s trust and explaining that he should trust the IND with those documents, and that handing over such documents could improve his chances. The (affective) ways of the lawyer, as such, may play an important background role in the decision, although that role is not mentioned at this point in the application. Hence, while different people and roles are crucial in working the applicant into an intelligible set of documents to decide over, the decision itself is yet one step further in forgetting about most aspects of the itinerary by summing up what really matters in terms of the final decision. This shows that the procedure first seeks complexity in order to then allow IND decision-makers especially to classify the formerly unknown applicant and make a decision.

The following extensive quote from the decision-explanation reveals how the decision-maker summarizes their decision, which further reveals the itinerary’s work and product of contingent gathering, folding, circulating and reducing the amount of information that plays a final and crucial role in the decision:

The applicant claims that he became a member of the group [NAME] in [DATE]. Medio [DATE] he was taken by the secret services in [PLACE]. (-) was suspected of being a member of [NAME] with the aim of destroying the state. The applicant, however, claims he did nothing more than pray and hang around with friends in the organization. (-) was detained in the [NAME] prison and has frequently and severely been tortured and humiliated until [DATE]. Ever since his release (he does not know why he was released) he needed to register at the secret services on a monthly basis, at those times he needed to perform house-keeping. He performed his duty of monthly registering for 26 years. On [DATE] he finished his participation in [NAME OF OTHER ORGANIZATION] (he was a member for 2 years) after he found out they were guilty of terrorist attacks, murder, etc. The applicant then became a member of [NAME]. He claims to be an active member, even today. His job consisted of gathering donations from wealthy people and giving money to poor people.

While the decision-maker speaks about the applicant and their story, they never met the person and, rather, responds to the various texts that reflect all the claims the decision-maker sums up above, texts that they considered to be true and eligible. This concise and clear text evokes, but also reduces, the extensive work of gathering information conducted by several IND officers and a lawyer. I want to attend to a few of those crucial moments that must have stood out in the different reports of the hearing as the decision-maker implicitly refers to those moments.

A fragment from the report of the *second hearing* shows the crucial lack that, in the end, made a first decision-maker decide to ask for an additional hearing:

I was released from prison on [DATE], the very old prison. It was so cold that the metal windows were rusted, the outer layer had fallen down. It is a sad and sorry location where I've been tortured a lot. Actually, it's way too much to enter into the details of these tortures. Do you want to hear all of that? What do you think?

*Maybe it is better if you first finish your account. You're still in [DATE] but I would like to know why you have left, in [DATE]. If I still have questions about the tortures I will pose them at another moment.*

At this second hearing the tortures were never addressed further. However, the first decision maker felt that the IND precisely needed this information and thus decided that an additional hearing had to be held (before possibly giving the applicant refugee status). This shows how, sometimes, a choice made by a hearing officer results in an absence that a decision-maker finds too problematic when making a decision. This means that a vulnerable applicant needs to return and answer IND questions again, which has been explained (to me) as a favour to an applicant who is given a chance to make his case convincing. In the end, the many different and tense hearings the applicant went through were successful because it resulted in a positive decision.

The fragment I share below is taken from the report of the additional hearing. It reveals one of the most crucial moments that led to the acceptance. I changed various aspects in order to somewhat alter the traumatic experience reflected in the report. However, while I altered many small details, I kept the general account given by the applicant intact as I find it important to keep illustrating the kind of gruesome stories the asylum procedure deals with. This shows the diverse range of sad accounts shared with personae enactors, which inspires such different responses in the people who engage with these accounts: one can be brought to tears by one applicant and enraged by another. P, the IND officer who interviewed N in such an intimidating way (discussed in the previous chapter), explained that his irritation related to the sad stories he did believe. This is in no way unique, indeed many personae enactors recall the sad stories of certain applicants only to emphasize why they feel very little for yet other applicants and their 'less convincing' accounts. In that sense, I find it valuable to also illustrate the diversity of accounts that circulate along the itinerary. However, the fragments also show how decision-makers are moved by very specific fragments in a large case file (those reflected in the reports), which travels into the main or

decisive moment of deciding that the applicant is 'eligible' and 'credible'. This is one of such crucial fragments refolded into the decision-explanation:

*Is it hard for you to speak about the period of detention?*

I'm willing to speak about it. It is hard, painful, it is not good for my blood pressure and my eyes hurt when I talk about it. (...)

*I want to ask you to give an example of how you were treated in the two different periods.*

The period of [DATE, 1 year period] took place in the prison [NAME]. (...)

When you enter they'll use the first method of abuse. This is called "the welcome." The welcome. You enter a tunnel, from light to dark. In that tunnel ten persons would await you. You don't see them but they see you. You are kicked and harassed by fifteen persons, either with whips or with sticks, and they kick or hit with their flat hands, everything. Than you get out of the tunnel and there is a parked car ready to bring you back to your cell.

That is one.

During detention other methods are used too. Method 1. They make your wear a sweater. Two sweaters. With those sweaters you have to stand in a barrel. They threw pieces of ice at you. In winter. You stay in the ice, in the barrel, one hour, two hours, three hours. Since then my legs hurt. Method 2. You are tied down. Both hands from behind. You are hanged on a door. With all of your weight you are hanging on your arms. At the same time we needed to wear shoes, which were full of cotton on the inside, I don't know. The heels were made of iron or metal. Your feet don't touch the ground. Because it is so painful to hang like that you try to lean to the door with your feet, to relief the weight on your shoulders. When your feet touch the door there is electricity, from your feet to your head. Sometimes it lasted for 3 hours. After this method I couldn't move my arms for 15 days.

This extensive fragment from the asylum report, which has already undergone selection and transformation, among other detailed descriptions of pain, violence and his own activism, lies at the core of the acceptance, which is summarized in the internal minutes as following:

The applicant's account is considered credible in total. The applicant has extensively and consistently given an account full of details.

The two different fragments show the itinerary's work of transformation: first, the applicant expands into an extensive but selective set of information (reports and other documents) in order to, then, reduce that into the concise sentences

of a decision. The personae and the itinerary enable a specific kind of contact between the applicant and the persona, one that seeks to fold the applicant to either positively or negatively fit into its categories of 'un/deservingness'. While the second hearing officer decides that s/he does not need to ask for elaborate explanations on the ways of torture, the first decision maker feels such details are precisely necessary to make that decision. And so an additional hearing was held to focus on the absence the second hearing officer left. The additional hearing officer consequently asks for the smaller details of such tortures and although these torture methods are never mentioned again in the decision, they certainly are at the core of the acceptance. Hence, while each moment of contact between IND personae enactors and an applicant is carried out with a similar focus in mind (a decision) and through a similar sensitivity for the truth (suspicion), the people who enact those personae make contingent decisions that affect both the progress of the application and the decision itself.

The decision is thus both a singular move of power assigned to a decision-maker and the outcome of an intricate form of distanced cooperation. Indeed, hearing and decision-making IND officers (as well as legal allies, as argued in chapter 2) work together from a distance - they do not need to meet and discuss a case - as they work with a similar form of expertise and knowledge of what a decision must include. This knowledge of a final decision leads to the above-mentioned crucial and contingent decisions that IND personae enactors make when evaluating an applicant in person or in text. In that sense, hearing and decision-making officers cooperate productively and from a distance, while both are always close to the norms of decision-making that shape the trained and intuitive ways in which information is both gathered and evaluated.

Indeed, after hearing officers gather personal information from an applicant, a decision-maker gathers the details-that-matter within such pre-gathered information and seeks external sources of expert knowledge that 'objectively' ground an applicant's subjective claim to refugeeness. An example in this case is how the decision-maker explicitly draws on a UK Home Office report regarding the applicant's risk of persecution in case of a forced return (and of others like the applicant). As noted earlier, the decision-maker needs to test credibility as well as eligibility. Part of the eligibility-test is evaluating whether or not a person's presented fear is 'well-founded'. Fear must thus undergo rationalization in order to be puzzled with and decided over. The following fragment stems from the UK Home Office document quoted within the internal decision-explanation. It shows how the decision-maker associates external and 'more objective' information to the ever-questioned account of the applicant:

Whether or not a person is at risk of ill-treatment on the basis of their political opinion because of their involvement with, or perceived support for, [NAME] will depend upon the personal circumstances, profile, activities and history of the person concerned.

(...) high profile supporters or those perceived to support the [NAME], such as journalists, may also be similarly at risk of persecution. In such cases, a grant of asylum may be appropriate.

(...) in general, low-level, non-political or inactive members and supporters are not generally being targeted and it is unlikely that they will be able to demonstrate a real risk of persecution. As such, a grant of asylum will not normally be appropriate.

The UK Home Office report is associated with the applicant's account and is thus included in the decision to further authenticate what is considered to be the inherently subjective (and suspect) account of the applicant. So, together, the applicant's answers and the UK Home Office report lead to the decision that the applicant's fear is, indeed, 'well-founded' and that he should not be sent back. A few paragraphs later, the final statement of the positive decision, reflects parts of this important puzzle:

Moreover, (-) moves in a circle of prominent family members and friends, which would quickly bring him under the attention of the authorities.

Indeed, the decision is based on a further gathering and re/folding of different sources of expertise together with the reported account of refuge, and thus into a positive decision. A final explanation from the decision demonstrates their truth norms:

It is found credible that (-) was a member of [NAME] and has therefore been detained and subjected to an extensive reporting requirement. It is also believed that the applicant was a member of [NAME], that he was detained and that he was severely tortured in prison. Finally, the applicant's fear for negative attention from the authorities of [COUNTRY] is also found credible. He brought a verdict that says he is wanted/sought after. His family members have been approached and his farm was taken over by the army. Furthermore, he moves in a circle of prominent family members and friends, which would quickly bring him under the attention of the authorities. Especially now there are 4 verdicts against him and he is being sought. He submitted documents concerning his problems. Two of those documents are positively examined and the other 2 documents are uncertain. The examination of the documents positively

affects the credibility of the account (-) has presented. Additionally, the applicant's statements correspond with what public sources reflect, this too amplifies the credibility of his account. (...). For these reasons (-) can be considered eligible for a residence permit on the A ground: he may take recourse in the Refugee Convention due to persecution on grounds of political conviction.

The applicant has been officially *recognized* as a 'credible' refugee, a work of classification enabled along the itinerary and performed through a careful refolding of the asylum reports in relation to yet other sources of information. The information gathered (and put up for gathering) throughout the itinerary has been selected, associated and scrutinized by the decision maker who, in the end, summarizes the account into the more standard format of the legal refugee category. The itinerary moves through its local contingencies that end up in the form of more or less noticeable details, documents and sentences especially highlighted in the asylum reports, which are consequently meant to assist a decision-maker, who has never met the person, to perform a fresh judgement. As such, through the itinerary, the unknown person is folded into the reports of the hearings, which are refolded into the procedure's performative categories of decision-making.

## Concluding thoughts: The decision as a carefully chosen act of power

The third section of this chapter showed that IND decision makers think *with* the law, but they enact it via the IND persona and thus through trained sensitivities for truth. The first section - the example - particularly demonstrates that the decision relies on an authoritative *interpretation* that ends the process of gathering by 'jumping' to an acceptance or a denial. Indeed, the decision predominantly relies on the power to direct the movement of its included (sometimes imprisoned) strangers. In this way, the procedure at large, but the decision in particular, is an intense time of taking charge over specific (questioned) bodies. As such, the decision is a vertical act of power. However, while the decision as a vertical movement is singular, the decision as *telos* spreads out along the itinerary, as argued in the last section of this chapter. Moreover, decision-ness is hidden behind very different, and at times competing, notions of 'objective' and 'just' decision-making, as shown especially in the second section of this chapter. Objectivity appears in the multiplication of subjectivity, it is sought in practices and objects of distance-making, and it is found in the form of an expertise practised vis-à-vis the applicant's documentary body-double, which is the asylum report.

Hence, *objectivity*, as Daston and Galison also show, operates through distance-making. Distance is produced via the textualization of the applicant. Thus both the report and the itinerary embody objectivity. The itinerary is staged in such a way that the applicant is included in the tense first half of the application process - when an applicant is asked to open up to IND officers and legal allies - and excluded in the second part when the report, as a tool toward objectivity, performs distance in its circulation.

As analysed in chapter 3, something is both gained and lost in the itinerary's work of transforming the applicant in person into a silent, standard and yet personalized text. While distance is crafted and gained, the 'noise' of the hearing is lost, which means that the reader of the report cannot but read an incomplete presentation of the hearing as if it were the full and active account of the person applying.

The applicant thereby becomes the full subject of evaluation and suspicion as the context of its making is invisibilized and, for the purpose of objectivity, necessarily deemed irrelevant. The silent constancy of the report, through predominantly doing away with what is seen as 'noise', thus becomes a method in objectivity. Thus while objectivity denies complexity, contingency or political messiness, it also precisely relies on such affective noise. In different words, objectivity, as a way of performing distance, is enabled through nearness, proximity and intimacy.

While the procedural itinerary is staged to work toward objectivity in the form of distance-making and multiplying subjectivity, the trained subjectivity of a decision-maker is also seen as a way of performing 'more' objectivity. I therefore argue that suspicion, in this sense, hides underneath images of IND expertise, which means that the IND decision-maker acts like a modest reviewer who professionally evaluates the rigour of a text that represents an 'objectively' suspected applicant. While suspicion is strong and focused at the end of the itinerary, it is neutralized as yet another important move toward 'as much objectivity as possible'.

Hence, while the decision depends on the IND officer's power of contingent interpretation, such systematic interpretation is also seen as the most objective way of putting subjectivity - trained suspicion - to work. To further illustrate this claim I want to pause at an IND officer's quote I also used in chapter 2:

I think that you can ask the same questions to someone who tells the truth as to somebody who makes up a story. I can present my questions in such a way that somebody will get caught in his lies, but the truth will always find a way out.

It is the decision-maker who thus performs the role of the modest witness (cf. Haraway 1996) who discovers whether or not the truth did find its way out. Suspicion is neutralized behind precisely the idea that the applicant is the *active* and (generally) untrustworthy subject, while IND officers receive and review the information brought to them. As emphasized in the second section of this chapter - the example - the IND officer's (written) feelings of estrangement are not seen as an active failure on the side of the IND officer; rather, his feelings of estrangement are feelings of expertise. Indeed, when the IND officer feels (too much) estrangement, the account is not plausible or logical and should thus be rejected. Suspicion becomes an 'objective' way of getting closer to 'the truth': it is the main sensitivity through which *both* the 'fake' and the 'real' refugee are found.

The story of refuge is considered subjective in many ways. Most importantly, it is *not* seen as objective because it is suspected: applicants are expected to only selectively reveal (or lie about) the truth about their travels, their fears and, in general, their lives. While the memories of an applicant are not perceived as suspect per se, suspicion focuses on the worth of those memories in the procedure. When a certain claim provides a person with a strong stance in terms of being accepted, those words are weighed with ever more precision and with more caution.

Although the personal is considered a necessity in overcoming suspicion, that same personness of the account (and its details) must be standardized through the practice of decision-making: of taking a personal story that lies within normative frameworks of truth and deservedness, and folding it into a report that will be refolded into the arguments that ground a decision.

The person is invited by the lawyer, the refugee council and, at minimum, two IND officers to meet up and to speak up, to tell of personal details and feelings, experiences of heavy suffering, sexual abuse, violence and torture. Consequently, those close encounters are transformed into the textual account of refuge that must be consumed by a decision-maker who comes closest to the person's life (as they decide over it), while remaining at the kind of physical distance that renders their evaluation more objective.

## Conclusion: State intensities, being in touch with the state

And I would say that the further I advance in my work on the state, the more convinced I am that, if we have a particular difficulty in thinking this object, it is because it is - and I weigh my words - almost unthinkable. (Bourdieu 2014: 3)

For according to the modern concept, the state is an entity with a life of its own, distinct from both governors and governed. And because of this abstraction, it can demand allegiance from both sides. (Asad 2004: 281)

An affection is what? In a first determination, an affection is the following: it's a state of a body insofar as it is subject to the action of another body. What does this mean? "I feel the sun on me," or else "A ray of sunlight falls upon you"; it's an affection of your body. What is an affection of your body? Not the sun, but the action of the sun or the effect of the sun on you.' (Deleuze's lectures on Spinoza 1978: 4)

Throughout this dissertation, I have taken the reader along into what I called the procedural itinerary of the general asylum procedure. I looked at the procedure's concentrated sites (chapter 1), its people and personae (chapter 2), into its practices of neutralization and standardization (chapter 3) and into the different performances of objectivity in the decision-making end of the itinerary (chapter 4).

My purpose was to show the procedure from within, to familiarise its faces, tensions, places, struggles, its professional practices and visions, and the peculiar asymmetrical intimacy desired of those not yet fully in- or excluded. I explored how the intimate and yet distanced get-togethers of the IND asylum hearings are folded into a silent Dutch text, a documentary body-double that circulates as a silent but re-foldable intelligibility. It is an account that has yet to ground a final decision over in- or exclusion.

As an anthropologist, I have moved through the procedure for years and it has transformed me. I have learned to move *with* its intensity rather than against it. Or, simply put, I have gotten used to some of its ways: a painful realisation but also a productive one. It is certainly characteristic of a procedure that draws several people into its fast-paced work of decision-making. It is a decision that offers both hope and despair, and it demands allegiance from both those put before the decision and those who stand behind its promise of compassionate *separation*. Indeed, as this dissertation has shown, both personae enactors and applicants must unevenly 'open up' to the power of decision. It is this need to be open to the power of the state - as either being subjected to the decision or delegated the power to make and enable it - that I find a fascinating entrance into exploring the affectations of an incomplete but manifold state force. In this final part of the dissertation, I argue for an understanding of state power in its different intensities immanent to the lines that entangle within the concentrated sites of the procedure and through the contingent practices that enact decisions over in- and exclusion.

The question of the state has continuously struck me throughout my study of asylum practices. These practices are dense with something like a state-force, but it is one that is not singularly embodied by either the applicant or the IND official. And so, what became clear to me is that the procedures I explored from within are dense with a state power that is too complex to be uniformly placed under the heading of an invisible (cf. Bourdieu 2014), and yet totalising, state power (cf. Hobbes 1968). It is especially when reading the important work of Giorgio Agamben (1998) on sovereignty, or Nicholas De Genova's analyses of deportability and the state's cunning ways of producing exploitable labour (2011, 2013) that I start to wonder how such repressive and harsh forms of state-ness connect to the aims, wishes and ways of those people invested in actualizing decisions over truth and un/deservingness. I do not suggest any insolvable contradictions here - paradoxes at most - but I want to introduce a further ethnographic exploration of the messy and contingent ways by which such eloquently discussed large-scale theories of state relate to the everyday practices needed to indeed perform such power.

And so I align myself with anthropologists of the state (cf. Sharma and Gupta 2006) who have called the conventional ways of thinking the state as an abstract but absolute power into question (cf. Verkaaik 1994) by turning to its margins (Das and Poole 2004), to state imaginations (Gupta 2006) and state effects (Mitchell 1991), to everyday representations and practices (Das 2004, Painter 2006) or to the hybrid composure of a state's governing apparatus (Jaffe 2013). While some of these state anthropologists move away from the well-known (Westernized) bureaucratic settings of state power in order to find the state in its complex and more diffuse effects and formations, I take this approach to study a West European state's power at what I see as an important centre: those confined, concentrated, but tense sites and practices moved by the desire to control movement and secure in- and exclusion.

The preceding chapters took the reader into the asylum procedure's routinised itinerary and its contingent encounters via which personae enactors seek contact with applicants to reveal, question and evaluate their 'true' intentions. While it seems impossible to see or grasp 'the state' as fully embodied by either a person, a practice or a site, it is, in my experience, also impossible *not* to feel the intensity of its power within the practices through which different people gather around the urgency of life-altering decision-making. It is this strong and tangible intensity that I take as an important entrance into ethnographically grappling with the power of the state.

And so, maybe counter-intuitively, this conclusion returns to the procedural itinerary once more and includes new ethnographic material. I do so to summarize the main claims made in the preceding chapters and to add a conceptualization of the state that foregrounds the different affectations that belong to the power of decision. As I seek to specifically emphasise the intimacy the procedure requires of those whose lives are fully subjected to the intimidating force of decision, the conclusion focuses on cases revolving around sexuality. Especially in those cases concerning, as one lawyer has put it, 'matters of the heart', the procedure seeks to gain access to that which is assumed to be the 'deep' infrastructure of the inner self (cf. Hertoghs and Schinkel 2018). Consequently, such cases form a perfect illustration of the procedure's way of mobilizing different people and gathering them together into an intensive itinerary that seeks to get to know that which is assumed to be an applicant's most intimate feature of self.

The first section, titled 'Intensities of the state: State power and its affectations', further discusses the concept of *state intensity* in relation to anthropological and philosophical work on state power vis-à-vis the body. The second section - 'State intensity's landscape of intimacy' - highlights the manifold ways in which the pending decision over un/deservingness moves the people involved in their

affective ways of relating to one another. I focus on the first part of the itinerary when an applicant encounters different personae enactors. I demonstrate once more how an IND officer keeps at an affective distance in proximity the legal ally precisely seeks nearness in order to gain an applicant's trust. While the applicant needs to be 'open' about their personal desires and the violence they experienced, personae enactors must especially be moved by such an account through their role in the decision.

From the intimate moments of encounter, I move to the decision in the final section before the concluding thoughts, titled 'The crystallization of suspicion in the quiet of intensity'. While the previous section concentrated on the itinerary's different configurations of intimacy in terms of its face-to-face encounters, this section argues again that the decision-making end of the itinerary is strategically quiet: a quiet that allows the IND decision-making persona to get close to the silenced applicant and make a critical decision over their life. This final section argues that decision-makers are productively shielded from the tensions of the procedure's face-to-face encounters in order to be moved by the power of decision in a particularly focused way.

## Intensities of the state: State power and its affectations

A border is not a line, but a space with depth. And this space changes, morphologically, on the basis of the identity of the one who enters it. It can expand, reveal inner corridors, rooms filled with agents; it can strip a person naked and reduce him or her to what Agamben calls "bare life." Or it can, instead, flatten itself out and become a simple line that can be easily crossed without any loss of dignity. (Caton and Zacka 2010: 209)

Everything which happens and everything which appears is correlated with orders of differences: differences of level, temperature, pressure, tension, potential, difference of intensity. (Deleuze 1994: 222)

When a border line becomes a space with inner corridors and rooms filled with agents, the intensity of the state has changed. It now affects the traveller in a different way than it did before or than it does to others. The temperature, to borrow from the second quote, has risen: state power becomes, in a way, more fiery. Hence, importantly, I argue that each person is affected and moved by state power; however, the point is to conceptualize the tangible differences related to the intensive concern with some person's bodies and movements: a concern

that mobilizes different people to also be affected by the suspected person's presence. Indeed, while some people get a friendly smile out of an official checking passports at the airport, others are blocked, suspected, monitored, questioned, and brought to a detention centre where they must remain within the tenseness of what Cecilia Menjivar calls 'liminal legality' (2006). Indeed, as the first quote above beautifully shows, relations are staged and spaces reserved to deal with a 'strange' body amid the 'familiar' ones.

Difference is thus of crucial importance when exploring state power in its ways of moving and affecting people to, in my focus here, engage with decisions over in- and exclusion. While, as noted above, many people move smoothly across different border-sites (like an airport, in the train, across the EU), others are blocked and restricted into legal liminality. But blocking and stopping people requires other people, spaces and practices to concern itself with those questioned strangers. As I gained access to the asylum procedure and its aim toward limited inclusion, I focused on the concentrated sites and time-pressured practices aimed at deciding over in- and exclusion.

State power becomes sharply visible and tangible in those confined spaces and practices of the procedure, where different people engage with one another and with the power of decision. While, as shown throughout the dissertation, the asylum applicant is moved to 'open up' and share intimate information at the IND hearing, an IND officer is moved to sharply suspect the applicant and keep at a distance in proximity in order to maintain their strong focus on testing the account that is given. State power, as such, parasitically draws on and emerges through the different personae enactors' eyes and trained sensitivities to get close to applicants, to move them, and to thus carefully gather the kind of vulnerable information needed for the decision in various ways.

In order to further situate a focus on the intensities of the state, this section delves into some of the dazzlingly vast (but recent) literature on the state and sovereignty to further explore my own position. I start with Das and Poole's edited book *Anthropology at the Margins of the State* (2004). The chapters of the book attend to an understanding of 'the state as embedded in practices, places, and languages considered to be at the margins of the nation-state' (Das and Poole 2004: 3). The book is an active way of taking a distance from 'the entrenched image of the state as a rationalized administrative form of political organization that becomes weakened or less fully articulated along its territorial or social margins' (Ibid.: 3). Inspired by their call for studying the state through its margins, I argue that precisely the margin is taken into the centres of state power. The asylum applicant, as a liminal figure, embodies what Neilson and Mezzadra call *temporal borders* (2013). The temporality of their liminal legality (cf. Menjivar 2006)

is precisely what incites a strong and intensive state power to focus on their life and movement.

And so, the margins collide with the centre of state power where applicants are made to go through an itinerary and face the different ‘interfaces’ (personae) of the procedure. Applicants need to open up and share intimate and vulnerable details of a claimed past ‘out there’ and their enduring fear for more of such violence in case of rejection. Hence, in the demand the asylum applicant puts upon state power, the state itself is exposed too: action is needed, doubt is enacted, suspicion is practiced, but compassion for the ‘real’ refugee must be safeguarded too. This vulnerable exposure is met with an enormous amount of money, expertise and closed-off sites built to deal with this confrontation and with the urge for a final say: a decision that moves a person in and out of such costly liminality.

The idea of the applicant as embodying the state’s margins relates to what Talal Asad notes in the final chapter of Das and Poole’s book: ‘(...) the sovereign force of the law is expressed in the state’s continual attempts to overcome the margin (Asad 2004: 287). With this quote I want to think further about that ‘sovereign force’ and how it is moved, enacted and performed. What indeed do such ‘continual attempts’ look like in West European states? Michel Foucault (1991, 2002) emphasizes the important difference between the absolute rule of the sovereign and the more dispersed or decentralized power of government:

In contrast to sovereignty, government has as its purpose not the act of government itself, but the welfare of the population, the improvement of its condition, the increase of its wealth, longevity, health, etc.; and the means that the government uses to attain those ends are themselves all in some sense immanent to the population; it is the population itself on which government will act either directly through large-scale campaigns, or indirectly through techniques that will make possible, without the full awareness of people, the stimulation of birth rates, the directing of the flow of population into certain regions, activities, etc. The population now represents more the end of government than the power of the sovereign; the population is subject of needs, of aspirations, but it is also the object in the hands of the government, aware, *vis-à-vis* the government, of what it wants, but ignorant of what is being done to it. (Foucault 1991: 100)

Foucault’s notion of governmentality helps clarify very important aspects of the procedure. Indeed, the procedure in itself is a bureaucratic setting of managing and governing a nationalized population by focusing on the kind of ‘others’ that may potentially pose a danger to that population. Precisely the state’s concern with securing the population is where Judith Butler sees a situated *resurgence* of

sovereignty. Hence, while Foucault moved to focus especially on a state power embedded in the many and proliferating institutions and discourses concerned with (managing) the health of the population, Judith Butler (2009) argues that the old ways of sovereignty have returned within governmentality and are strongly situated in what Caton and Zacka (2010) call the security apparatus.

Butler argues that history is not a progressive continuum and analyses how, in her words, ‘a lost or injured sovereignty becomes reanimated through rules that allocate final decisions about life and death to the executive branch or to officials with no elected status and bound by no constitutional constraints’ (Butler 2009: xv). While Butler focuses on a different ‘executive branch’ in which decisions over indefinite detention are made without review, it is her understanding of sovereign power that I am drawn to: a power that is strongly situated within governmentality but also within the confrontation with specific figures that embody the question of in- and exclusion. State sovereignty, in that view, belongs to both the decision over life and movement and to the practices and people that make those decisions. While I, in my analysis of state power, also look at the bureaucracies involved in securing in- and exclusion, I do not only focus on the ‘petty sovereigns’ (ibid.: 65) who perform such life-altering decisions. Rather, I investigate the manifold ways in which the power of decision itself mobilizes differently positioned bodies to intensively engage with one another in relation to, in this case, decisions over un/deservingness.

My focus on the body and its different affective ways of being exposed to the power of decision relates to Giorgio Agamben’s work on the inherent relation between sovereign power and the human body. The body included within the power of the sovereign, Agamben argues, is inherently susceptible to its potential violence. The included body is protected and cared for, but it may also be excluded from such care while still included in its power. The following three quotes illustrate why I am drawn to Agamben’s work in relation to my own focus on affect:

If it is true that law needs a body in order to be in force, and if one can speak, in this sense, of ‘law’s desire to have a body,’ democracy responds to this desire by compelling law to assume the care of this body. (Agamben 1998: 73, italics in original)

At once excluding bare life from and capturing it within the political order, the state of exception actually constituted, in its very separateness, the hidden foundation on which the entire political system rested. (Ibid.: 10)

When I think of my body and ask what it does to earn that name, two things stand out. It *moves*. It *feels*. In fact, it does both at the same time. It moves as it feels, and it feels itself moving. Can we think a body without this: an intrinsic connection between movement and sensation whereby each immediately summons the other? (Massumi 2002: 1)

Agamben shows how the body is caught within the sovereign power to differentiate, and decide over, different forms of life and inclusion: some bodies are included and protected while others are only included as an excluded and unprotected element within. Power, as such, involves itself with the differentiation of bodies via the giving and taking of rights, which relates to my own analysis of state power in relation to actual people and practices involved in enacting and enabling decisions over legalized in- and exclusion.

Precisely because this dissertation concentrates on such practices and people, state power is more diffuse and less complete, while remaining ever tangible. Indeed, as Timothy Mitchell argues, the state is not a full subject of independent decision-making (cf. Mitchell 1991); rather, its force is incomplete but multiple and, as I argue here, immanent to the different lines, relations and encounters mobilized around the urgency of decision-making. While Agamben turns attention to the ways in which the body is stripped from, or given, the protection of rights, Massumi's argument conceptualizes the body's inherent capacity to be moved, to feel and to be affected. In relation, the closed-off sites and the temporal liminality in which asylum applicants are kept and circulated toward a life-altering decision is where I turn my focus onto both the power of decision and the body's inherent capacity to be moved. Different bodies are mobilized to intimately encounter, look and respond to one another, and to thus be affected by the (pending) decision over one person's life.

According to Agamben, the crucial work of sovereign control over the body relates to its power to exclude and confine the included body through rendering it 'bare', stripped 'naked' from the full protection of the law. Sovereign power is most strongly exposed in its work to precisely stand above the law and decide how and on what terms a body should (not) be included in the law's care for it. While Agamben does not seek to reify a divide between the natural and the political, he does focus on precisely how sovereign power thrives on this imagined hierarchical distinction between elevated political life and pure biology. 'This means nothing less than that, on Agamben's account, natural life is defined retroactively and negatively as life devoid of political form' (Erlenbusch 2013: 45).

*Bare life* is a condition that thus expresses subjection to political power rather than a romantic return to nature (Peutz and De Genova 2001: 44). And so, bodies

within the reach of a certain state's sovereign power are exposed and made vulnerable to the potential violence of legal in- and exclusion. While certain protected people may not see or feel their subjection, this invisibility shows the sovereign activity of being able to allow some to move smoothly while it strongly and negatively affects those excluded from its protection.

As noted above, Agamben's rather absolute notion of sovereign power (cf. Schinkel and Van den Berg 2011) helps me to ask how this form of power is incited and actualised. Hence, while Agamben exposes an important (potential) violence of state power, he does not (need to) address the actual confrontation between the body and state power. Concentrating on the practices that belong to the decision over life and movement brings me to an analysis of the state as actual and tangible in the different modalities of what I call state intensity.

To further make my point I turn to an anthropologist who also uses Agamben's work to make sense of similar procedures of in- and exclusion on the basis of (testing the authenticity of) the suffering body. Didier Fassin - to whom I return when elaborating on compassion - coins the term *bio-legitimacy* to point to the *value* of bare life in processes of asylum in France (Fassin 2005, 2012). He demonstrates that especially those strangers who appeal for asylum on the basis of what he sees as their biological existence are valued much more than those applicants who apply on the basis of biography. Fassin says:

In Agamben's terms, the full life (bios) of the freedom fighter or the victim of repression has less social value than the bare life (zoē) of the immigrant suffering from a severe disease. Many foreigners understand in their "flesh," to use Maurice Merleau-Ponty's concept (1964), that their presence in France is not recognized for the political risks they have taken or the dangers they face but rather for the physical or psychic distress they can demonstrate. Their access to French society is deeply marked by this often-humiliating experience of having to use their biology rather than their biography as a resource to win the right to exist. (2005: 371-372)

Fassin takes bare life as separate from narrative and biography as he studies how life-threatening diseases offer a path to inclusion. But while a disease itself might be seen outside of narrative, it must nevertheless be narrated, written down and filed in the bureaucratic practices of decision-making. Hence, still, suffering must undergo tests of authenticity and eligibility. Not all sickness is valued by inclusion, which very much still relies on expertise elsewhere (in the medical realm). Sickness must thus be told, examined and proven, the body must be made readable, albeit in a crucially different way than when an account of violence and persecution is inscribed into a decision.

The decision concerns itself with the body indeed, but the body must be told too. While Fassin draws on a rather essentialist way of understanding the body and sickness (as inherently natural), his work illuminates how the body is taken into the centre of practices of in- and exclusion. And where Agamben speaks of both the actual and the potential of subjecting the body to the violence of state sovereignty, I find an opening to further argue for state power as manifest in and through the different modes of intensity. Some, indeed, are subjected to bare life much more than others who may potentially (but not very likely) be in that same situation as their movement too is enabled by state power. Some are thus affected strongly by state power, a power that intensifies in relation to their presence as it ‘incites’ a whole regime of people and practices to sharply engage with their movement. Indeed, as I have shown throughout this dissertation, a whole infrastructure is staged - the itinerary - around the presence of certain questioned strangers.

Hence, both in relation to what Agamben leaves open and against the Hobbesian imaginary of the state as an absolute Leviathan entity of power, I study the state in what I see as the different modalities of state intensity, which could also again be visualized as a heat that belongs to an encroaching decision, a heat that emerges in the gathering of asymmetrically positioned people who are all differently moved by the (pending) decision over in- and exclusion.

While state intensity is a concept that could be used when studying affect, movement and stasis in the face of legal decision-making in various domains<sup>11</sup>, the asylum procedure is a great case to develop and explore such a concept as it is the kind of concentrated ‘field’ in which life-altering decisions over in- and exclusion shape a tense form of everydayness. There, the decision over life and movement draws people together into what I experienced as a tense atmosphere that seemed inescapable when visiting the detention centre and when observing the practices, relations and sides of the procedural itinerary. I pause at one more quote to once more emphasize what the pending decision in itself does, how it mobilizes both various people and affects:

Hope must be unconditionally disappointing ... because it is open in a forward direction, in a future-orientated direction; it does not address itself to that which already exists. For this reason, hope - while actually in a state of

—11. One could, for example, think of this concept in relation to the police and how the presence of a police officer gives some a sense of safety while giving others a tense feeling of danger, which could relate to laws of illegalisation or to the way in which certain bodies (of colour) are marked by a suspicion that white bodies escape. Different modalities of state intensity take shape in such tense or smooth encounters with, in this case, a police officer’s power of potential interference, decision and legitimised violence.

suspension - is committed to change rather than repetition, and what is more, incorporates the element of chance, without which there can be nothing new. (Bloch 1998: 341)

Chance is important indeed as an applicant is given *a* chance at inclusion, one inspired by what I will further explore as a conditional compassion for the ‘true refugee’ curtailed by an expertise grounded in suspicion. The combination of a pending decision, hope for inclusion and a suspicion invigorated by compassion for the ‘true’ refugee illustrates the way in which the decision moves different people to engage with it.

The procedure, in that sense, stages a peculiar kind of intimacy, one in which one person speaks and cries while another, an IND officer for example, listens from a tangible and affective distance sometimes called ‘neutrality’. The different demands the procedure places on those who need to open up and those who need to critically and intuitively gather their accounts illustrate what I call the different modalities of state intensity. State power moves people to intimately engage with one another, to listen in various ways and to ask (and answer) the kind of questions that grants the procedure access into the person’s life, past and ‘motives’. As such, while I analyse the state in relation to the power of decision, I move away from conceptualizing the state as a bounded subject of decision-making (cf. Mitchell 1991).

Rather, I explore the state in the affectations different people undergo in relation to the pending decision: the state is so forceful precisely in ‘the heat’ of the encroaching decision that is always at work to gather and affect the different people engaged with it.

## State intensity’s landscape of intimacy

Our active self-affection and adaptive interaction with the world around us is what Deleuze here calls “rhythm.” He also offers the example of swimming through a powerful wave. When we collide with the wave, its affection begins to decompose our body. Yet, by self-affectively altering the arrangements of our own body’s parts, we may swim in conjunction with the wave and together form a larger composite body. (Shores 2012: 203)

This quote beautifully captures what I seek to explore with the concept of state intensities. The state’s power of decision heavily strikes some people, while others move, in the words of the quote, in conjunction with its power as they enact and look through it. As argued in the previous section, I explore state power

as immanent to the different and connected affectations the pending decision imposes on those gathered together to enable, justify and enact what I have called the decision's spirit of compassionate separation. The quote helps to foreground again that while some bodies are fully exposed to the power of decision, others are more in tune with that same power. Indeed, the personae of the procedure undergo other affectations as they have another relation to the decision. To repeat, the different ways by which state power moves and affects people is what I call the state's different modes of intensity.

Being in tune with intensity only means that one has learned to move with the power of decision. Indeed, a persona enactor is productively affected by the power of decision in a trained and guided manner, which is where the concept of the procedural persona comes in again. As argued in chapter 2, the procedural personae form the inter/faces that provide contact between the applicant and the procedure: they gather vulnerable information from applicants by intuitively listening and questioning the information that the applicant shares. In a sense, the persona becomes a way of diffracting the intensities of the state: an IND hearing officer, for example, has learned to move with their position within the procedure, they learn to critically and closely listen to an applicant who they are trained to see as potentially 'bogus', which means that they have to remain sharp and focused even when an applicant bursts into tears. Differently put, the persona itself becomes a way of rhythmically moving with the intensities of the state, forming 'a larger composite body' (Shores 2012: 203).

In this section I further delve into the concept of state intensity by exploring the procedural itinerary and its personae once more. This section follows one specific case revolving around the applicant's proposed homosexuality. So-called 'LGBT'<sup>12</sup> cases are specifically well-suited to illustrate the peculiar one-sided intimacy the procedure desires of applicants and how those desires mobilize others to affectively engage with the applicant. So, while these new ethnographic examples figure as a way to highlight and repeat what the preceding chapters argue, this specific case (like many other LGBT cases) rather strikingly shows the different ways in which people are mobilized, positioned and affected by the procedure's need for decision through intimacy.

#### Asymmetrical and restraint intimacy: IND encounters

Chapter 3 extensively introduced the second asylum hearing as a crucial moment of folding the unknown applicant into a silent text that further circulates in the

—12. Present acronyms include more gendered and sexual identities, e.g. LGBTQIA (adding Queer, Two-Spirit, Intersex and Asexual). 'LGBT', the acronym employed in this article, is an 'emic term' and presents which identities are intended to be included as grounds for a refugee status in the Netherlands.

form of a report that, as a documentary body double, mobilizes different visions and interpretations. With a focus on transformation both chapter 3 and 4 demonstrate that the 'objective' decision relies on intimate and affective face-to-face encounters. This section turns to the second asylum hearing again in order to now fully focus on the uneven intimacy that demands an applicant to 'open up' while the IND officer must be rather open to the account in the trained, intuitive and distanced way required of an IND persona enactor. The power of decision thus affects both the IND officer and the applicant in their gathering together and in their interaction. The state's intensities, in that sense, operate within and through the encounters – both face-to-face and face-to-file – staged along the procedural itinerary.

The case I discuss below investigates these different affectations of the state by investigating the second hearing in the asylum application of D. Five people gathered together at the second hearing of D's application. Next to D, the applicant and S, the IND officer, there is a translator, a refugee council volunteer and a researcher (me) present. D again consented to the presence of so many people at his hearing. Before the hearing started I saw D together with A (of the refugee council) and he told us both that he was happy and relieved to have familiar faces in the room. His sense of relief, as well as the situation in which my face became familiar after only two previous meetings, indicates the tenseness of the situation. Here is a fragment from the hearing:

D (applicant) says, "I want to add that I know my story is a bit long [he pauses] but I want you to experience what I experienced, it is going to be *graphic* [he emphasizes this word]. I want you to feel what I felt, to see what I saw... that you experience it too". (...) S looks 'stoically' at her screen, seemingly not impressed by the applicant but especially focused on typing up her report and, sometimes, checking her email, when D speaks.

(...)

D says that he saw the features on K's face changing, and that K's voice sounded angry and threatening while he said [D does a thick Jamaican accent] "you trust me well enough to come to my house, to eat my food, but not enough to go on your knees?" Than D describes that K walked out of the room and that within a minute he walked back in with two other men. I notice that S, at this point, only has the file of the report on her screen. I see the interpreter moving her hands a lot while translating, especially when she translates the part about K's face changing, here she moves her hands to her face and moves her hands around her face to impersonate a face whose features change. D says that he recognized one of the two other people: this man had been at the police station

when he met K for the first time. He gives the two others names to be clear who was doing what. D calls the man he recognized T and the other U. “T had a gun in his hands”. Then S interrupts (without waiting for the interpreter to translate D’s latest sentence) and says in Dutch, with a monotonous voice: “I need you to know that there is no need for you to tell me what happened in the bathroom”. Out of nothing she seemed to have appeared as she had been almost absent from the conversation yet very present in terms of the atmosphere and the ordering and bending of the hearing. D does not respond to it in words, he looks at S, takes her comment in and goes on about what happened in the bathroom: a very graphic and violent story indeed (I will not share more details on it). (Observations of an IND hearing, winter 2014, ACS)

While the applicant is asked to share specific (but not just any) intimate details of the past, the IND officer is not visibly moved by his sad and personal account of sexual violence through empathy or compassion. Rather, she is focused on typing up a report, on not speaking English – a few times she had to correct herself – and on, in my interpretation, keeping at an affective distance in proximity in order to maintain sharp and, as so many different IND officers have called it, ‘professional’ (see chapter 2 and 3).

As I argued in chapter 2, IND officers care for the procedure through suspicion, and while they are willing to recognize a ‘real’ refugee – some show a sense of relief when ‘finally’ a ‘real’ refugee appeared again – they believe that most applicants ‘fabricate’ their accounts. Through my (situated) observation of this IND officer – an observation characterized by many other observations – I would say that her distanced and, as the VVN witness put it, ‘cold’ IND enactment is informed by both a general suspicion that allows her to keep at a distance and her sharp focus on making sure a firm report is typed up before the end of the day. She thus listens through what I have called a caring suspicion – she cares for systematically and thoroughly recognizing ‘un/deservingness’ – and through the urgency of decision. Indeed, the IND officer is moved by the power of decision and by the applicant’s account of refugeeness through the IND persona.

The following fragments show how the applicant’s account is questioned and, as such, folded into a report in which the account relates to norms of decision-making, leading to a particularly intimate focus on the applicant’s sexual desires and their assumed inner struggles:

S: “So you have told me about your problems, can you tell me the specific event that made you leave your country”. D says that it was the threatening policemen who followed him in a car while carrying a gun and threatening to

kill him when they would meet again. S: “Suppose you’d need to go back to Jamaica, what would happen to you”. D is silent for a few seconds and responds in a calm way (he speaks his words slowly and well-pronounced but with a soft voice) “I would end in a body bag ... I would end up dead ... so ... to end all of that stress ... I’d rather do it right here.” He pauses, looks at the table and mumbles, “I had enough, had enough”. He gazes at the table in silence. S asks (with a monotonous voice), “who do you fear?”. D says, “I fear people who are there to protect the citizens of Jamaica, they misuse their power, I fear them the most”. (Observations of an IND hearing, winter 2014, ACS)

As shown in chapter 3, the second hearing is fully staged around the procedure’s need to specifically learn about D’s violent past and his possible future. While the refugee council volunteer is moved by the future of a life-altering decision in the form of sharply and rather suspiciously watching the IND officer closely, the IND officer rather listens carefully to the answers D gives and silently decides whether or not to consider the things he says credible. The questions she intuitively and thus contingently decides to pose next relate to her estimation of his credibility. As such, the decision draws on her trained sensitivity for truth and deservingness. While the IND officer affectively distances herself from the applicant and his account in order to remain sharp and focused on the task at hand, the translator changed the tone of the IND officer’s questions – she also sometimes altered the words – into something that sounded kinder and more empathetic. Indeed, the IND officer’s move away from the applicant’s fear for death reveals a different way of being affected by the applicant and the decision than the affectations other participants undergo. While the power of decision moves the legal ally to cautiously watch the way in which the IND officer behaves, the IND officer is moved by a suspicion for the applicant that, in my observation, moves her to remain at a critical position of tangible distance.

As extensively discussed in chapter 3, IND officers are trained to feel suspicion and perform distance, and so she is not visibly taken in by an applicant’s presented fear. She rather focuses on inconsistencies, vagaries and whether or not she knows and feels a decision maker will have enough information on which to ground a decision. As persistently emphasized in chapter 2, this certainly does not mean that IND officers constantly feel that an applicant is lying; rather, I argue that IND officers employ suspicion in order to find and reveal both the ‘genuine’ and the ‘bogus’ refugee. And so, while D answers the IND officer’s request for intimate and personal information in order to lure a decision maker into accepting him, the IND officer cares for the decision in another way. Both, again, are drawn into the urgency of a decision and affected by its pending-ness, but moved

in such productively different ways. As Deleuze puts it, ‘The sun melts wax and hardens clay’ (1978: 5). Like the sun, state power affects and touches these asymmetrically positioned bodies in different ways. While S is protected or shielded by the IND persona, the applicant’s body is fully exposed to, and taken into, the power of decision.

The next fragments show how S enquires about D’s sexuality and his fear for homophobic violence through a standard set of questions that each person claiming asylum on the basis of sexuality must answer:

S (looking mostly at her computer screen): “I am going to ask you a couple of questions about your sexual orientation. When did you discover that you were gay?” The translator has a soft and kindly sounding voice and looks at D directly. S sounds more monotonous/routine-like [maybe she considers that to be a professional or neutral stance]. D: “At the beginning of puberty I became conscious of being gay ...I didn’t know what I was feeling about the same sex, strange feelings, I wondered what it was”. S: “How old were you when you discovered you were attracted to men?” D: “11 or 12, the beginning of puberty”. S: “What did you do when you first found out, well, when you knew you fell for men?” (the ‘well’ is the translator). D: “I was still trying to understand, I couldn’t talk about it, I didn’t have friends who were of that same nature as myself. I began looking for ways, it’s like, I don’t know how to explain, I wanted to experience more of the male organs, so I’d go to a window, a fence, where I got to see a male in the nude (...) it was a feeling I couldn’t control it, I just wanted to see more, I wanted to experiment, I once tried to force myself not to feel it, but it didn’t work”. (Observations of an IND hearing, winter 2014, ACS)

The fragment shows how sexuality is believed to lie underneath the surface of the body, although it is also assumed to be visible and to externalize at some point. Norms of sexuality become visible and the body exposed to state intensity must adhere to those norms. In the body’s hopeful exposure to state power, it must intimately reveal what is assumed to be the deepest (social) core of the self.

The fragment demonstrates that, again, the IND officer is affected differently by the account and the asymmetrical relations inherent to the asylum hearing than a translator, the legal ally or a researcher would be. The IND officer needs to be sharp and remain at an affective distance. It is her job *not* to go along with the applicant’s account of past and self, but rather to cautiously question it, to make sure a decision-maker has enough information to ground a decision on and to expose potential inconsistencies. Again, enacting the IND persona is a way to shield oneself and to move with the state’s strong intensities concentrated in the situation of tense encounter, which is more familiar to the IND officer. Next

to being shielded by a procedural persona, the itinerary in its set-up also seeks to prevent hearing officers from being invested too much: this hearing officer is assigned to do one hearing and to leave the application after that in order to swiftly move onto another application. This, or her personal enactment of the IND persona, results in a monotonous sound of voice and her checking her email so often while leaving the translator to closely engage with the applicant in terms of looking at him, responding to his statements with a changing sound of voice or a kind gesture like a smile, which is what the others do. These different but meshed affectations shape the tense atmosphere that I find so characteristic of the asylum hearing, which is also what I will later relate to the particular and productive *quiet* experienced by the decision-maker who must engage with the textualized applicant in yet another way.

Importantly, while another IND officer might have taken a different approach, this IND officer’s seeming indifference to the account itself belongs to a procedure that seeks to, in a way, detach its professionals from individual applicants in order to allow them to especially focus on the task at hand: critically questioning the person, putting suspicion into practice, and writing a firm asylum report. Indeed, in its work toward an objective decision, the procedure makes sure that an IND (hearing) officer does not invest too much into one particular case or person. The procedure thus responds to the potential it produces: that people in spite of their asymmetrical positions feel more for one another than the kind of suspicion-induced intuitions the procedure seeks to draw on.

A last fragment from the (end of the) hearing especially foregrounds a moment in which the strong power differential between the applicant and the IND officer unfolds rather passionately:

S “If you needed to return to Jamaica how would you express your homosexuality?” D: “I couldn’t (pauses) it was made clear to me that there is no place there for me. I was shown many examples to make that clear”. S: “That is not an answer to my question, how would you express it?” D: “I couldn’t, where would I go? I’m sure I’d be hunted because of the letters I sent, I ...” S repeats her question without waiting for the interpreter’s translation: “But in what way would you express your sexuality?” D: “I couldn’t ... I can’t... surely”. He sighs and shakes his head looks at the table and says, “I am having a hard time with this question ... (he pauses a few seconds) I learned to accept my homosexuality, but I would not be able to express it in Jamaica ... and to add to that ...” But S cuts him short and says, “So, if you’d have to return to Jamaica you’d do the same or would you be more open?” D: “I couldn’t, I couldn’t. Gay bashing is everywhere in Jamaica, killings are everywhere”. (Observations of an IND hearing, winter 2014, ACS)

This moment in the conversation came after hours and hours of speaking. D had already and rather exhaustively spoken of his sexual desires, his fears and his experiences with homophobic violence and threat. This question is often taken as a sign that the applicant had not been able to convince the IND of their deservingness. S, moreover, pushes D to answer better, potentially signalling that he fails norms of deservingness or to rather allow him enough room to show the opposite. The moment forcefully shows both what is at stake in the procedure and how the decision moves one person into having to 'open up' and another, the official, into a rather cold distance to the applicant's now almost desperate attempt to make her move along *with* his story.

But again, it is her job precisely to keep at a 'professional' distance to that story and to ask the applicant to reveal more details. The IND officer's overt lack of (or unexpressed) empathy is strongly visible in this fragment where she continues to push the applicant to respond to her questions, even though he increasingly expresses despair. Overt empathy, which is what the legal ally rather does express (as I will show below), is replaced by the sharpness with which the IND officer makes sure D stays with the question by cutting him short. The need for the IND officer, and the procedure, to pose this question affects the people involved in very different ways, which again shows how different modes of state intensity (the different ways in which the power of decision moves the people engages with it) are immanent to the itinerary's intimate encounters.

The asylum hearing gathers people who have a different relation to the decision together. It is in these gatherings and affective relations that the state's intensities become specifically tangible as it shows itself in the tense frictions and different staged sides and roles. Indeed, a whole infrastructure is built to mould unknown and generally unwanted people into the norms and categories of life-altering decision-making. State power concentrates within those practices and sites, but moves across different modalities and never in completeness.

The IND hearing officer repeats critical questions, and she looks at the applicant with a suspicion that enables her to keep a distance, notice gaps and inconsistencies, and to know when enough has been said. The applicant, on the other hand, is fully exposed to the power of decision, which means that he must share vulnerable and personal details of self with an IND officer he felt to be vague and repetitive at times (as he told his lawyer). Indeed, the IND officer's seemingly indifferent (but affective) way of performing distance, sometimes, seemed to confuse the applicant, to make him more nervous and, at times, angry, which shows that he is affected by the power of decision through the IND officer's way of being moved by the same decision (and vice versa). State intensity, I argue, inherently works within and through these affective relationships, relations

that work out differently depending on who meets who and how they experience and understand one another and each other's role in the decision-making process.

**Subversive intimacy: Legal alliances**

Chapter 2 showed that while the IND officer stands behind a decision and thus in front of the applicant, the legal ally is positioned alongside the applicant as an expert assistant who should help make their claim more convincing to the IND. Interestingly, it is because the ally fulfils a role of alliance that suspicion extends toward the ally as they are seen as the extension of the applicant and as deemed to always argue in favour of even 'bogus' claimants.

However, there are important contingencies in the work of the legal ally, which are very similar to those in the contact IND officers have with applicants. When a lawyer believes an applicant to be a 'real' refugee they feel the urgency of a successful outcome and so they often put extra energy into the application. However, when an applicant rather adheres to a sense of 'undeservingness', the lawyer may choose to spend their time and energy on another applicant instead. This shows that allies are moved and affected by images of deservingness as well. Indeed, they are mobilized to feel with the power of decision and its spirit of compassionate separation, a power that affects their ways of engaging with an applicant and their account of refuge.

However, importantly, the legal ally does not hold the power of decision; their work is rather invisibilized. As argued in both chapter 2 and 4, the legal ally is trusted to assist applicants in their processes and so the persistent inclusion of the legal ally within the itinerary is also a way to ensure that the decision is not 'random', that a person is not that 'naked' in the face of the decision even though the legal ally's specific involvement is not monitored or closely recorded. Their invisible inclusion thus allows the procedure to trust that the applicant had ample opportunity to make their case as strong as possible and that if they failed to do so they might have had little valuable and 'credible' information to share in the first place. Next to this, the legal ally's inclusion is productive as they too, in yet another way, make contact with an applicant and thus allow the procedure to gain access into an applicant's life and 'motives'. Hence, although legal allies are not invited to equally deliberate upon a decision (as demonstrated in chapter 4), they are rather crucial in further justifying the decision as well as in making sure vulnerable information is shared with the IND.

In this section I return to the first meeting D had with a refugee council volunteer (M), days before the hearing discussed above. M had just asked D if he would be willing to share his 'reasons for applying' with her:

D: “I was deceived by a friendly face with a kind smile”. Silence. M breaks the silence quickly: “Can you tell me more?” D: “Boys become teenagers and learn about society, and that they shouldn’t accept gays”. M: “So you are gay, that is the basic ...” D says with confidence (not waiting for M to finish the sentence): “Yes”. He adds quickly: “Once they find out you are gay, you are alone, and they’ll throw stones at you... nobody helps you”. M: “It is a very important point that you don’t get protection there”. D: “That’s the greatest problem”. (Observations of a VVN meeting, winter 2014, ACS)

The actively pending decision shapes both what D shares and how M listens and responds to certain aspects of his story in order to highlight what indeed matters to the decision and thus to the IND. The pending decision fully orchestrates the ways in which D’s personal account is addressed, but the ease with which D speaks is also personal. At the time, it was quite obvious to me that M and D had some kind of connection, their personalities worked well together, they smiled and he was more open to M than he was with his lawyer the day after. Importantly, their gathering was constantly drawn back to the pending decision and what had to be done to stand a chance at inclusion.

The encounter between an ally and an IND officer is, in general, more intimate than encounters with IND officers as they both are, in different ways, passive in relation to the decision, although only D’s future movements depend on it. This passivity, but also the severity of the decision, illustrates how state intensity operates within and through the encounter as it moves those involved to stay sharp, to listen well to one another and to fully focus on D’s account and presence.

State intensity is immanent to the way in which the legal ally and the applicant come together, in the potential relief the refugee council provides as the applicant is allowed to speak ‘off-the-record’, in another sort of quiet of decision: here in this ‘informal’ gathering that certainly revolves around the pending decision, the decision itself is not being made as no one holds the position or the power of decision. However, as argued in chapter 3, it is precisely this off-the-record-ness that potentially travels to the on-the-record moments of the hearing. The following fragment dwells on this latter point:

M: “It is hard to *prove* you are gay, they aim for certain kind of stories (...) do you have facebook, they can check that, and if they see you with a girl they’ll say, he is not gay! Can you mention gay places in Jamaica, and organisations?” D explains that he used to go to gay parties but that he stopped going due to the violence that occurred there. M: “Yeah, you told me you lived a sheltered life,

you can tell the IND... also about the parties...do you know J-flag [a Jamaican organization for ‘LGBTQIA+ rights’]?” Around this time in the conversation D tears up a bit, and M responds empathetically by looking at him gently and saying, “You have told me a lot, D, and for your lawyer I have been writing everything down clinically, and sometimes I responded clinically, but not because your story didn’t touch me, it did. It is a very bad story, and I really hope you get your residency here”. (Observations of a VVN meeting, winter 2014, ACS)

This small moment in their conversation has, in a way, allowed D to practice his answers and to prepare for the kind of information the IND seeks. Certain information has, as also shown in chapter 2, been put up for gathering, as D now knows what kind of details the IND will probably ask for (and they indeed did ask D about organizations). Sadness and tears also play an important role in this fragment and M is at liberty to express her hope for a good outcome.

This kind of intimacy, where the applicant cries and the legal ally expresses her being touched by the story while also very much being prepared for such stories, is characteristic of the procedure. Her empathy and her mentioning that she cares for his case shows the legal ally’s occupation in the procedure’s landscape of intimacy. While M is passive in terms of making the decision, her work is inherently guided by both its conditions and its pending-ness: M *believes* the applicant and thinks along *with* the state’s conditions for a refugee status. In this sense, M both helps the applicant understand what is expected of him, and helps the decision-makers by making sure that D provides information on which to ground a decision. Hence, norms of deservingness are productively parasitical as they also inhabit the thoughts and feelings of its professionals. In other words, the power of separating applicants in terms of ‘un/deservingness’ moves the personae of the procedure to look, question and engage with people fully taken into the power of decision.

I now turn to D’s first meeting with his lawyer, a meeting I also referred to in chapter 3 (in the section titled ‘Circulations of a fixed report’). By drawing on a few important fragments I illustrate again, as I have shown throughout this dissertation, how many people are invited to engage with an applicant’s story, to question it and to give advice: in short, to be moved by the applicant and their account in very different ways. While this certainly is a way in which the procedure cares for applicants (giving them ample chances to improve their accounts), it also shows that the procedure is intensively at work to ‘get to know’ the applicant via differently positioned people. The following fragments show D speaking about his experiences with homophobic violence for a second time:

D talks about his father: “He wanted me to be like him, to like under-aged girls just like he did, but I am not like that, I like girls but not like that”. D then talks about his sister, first with a loving voice and how she had told him that she wouldn’t mind if “he’d be like that, he would still be her favourite little brother”. D says, “And I admitted”. He says this very quietly and then impersonates his sister, with a loud voice, and how she told him to leave “Leave!!” and how she told him that he should not call the house because she was going to tell her son and she didn’t want them to talk. He tears up while recalling this event and the lawyer moves a bit toward him, putting his arms on the table nearing D but without touching him. He gives D a tissue. D explains that after his sister kicked him out he had to live on the streets. (Observations of a lawyer-client meeting, winter 2014, ACS)

Again, while the lawyer listens and shares very little about himself - he is there as a professional assistant - D must share personal details about the combination of his sexual otherness and the ways in which his loved ones rejected him. His tears are indicative of the kind of intimacy inherent in the application process. The applicant cries and the ally responds kindly. In comparison to the second hearing discussed earlier, these fragments show a different atmosphere in which D’s account is received. While both gatherings revolve around D’s persistent sadness and history of violence and threat, the ally’s position allows for a potential form of relief. Indeed, differently to the IND officer, the legal ally seeks affective closeness and trust, which is a different way in which the lawyer gathers information from the applicant and which is thus also a very different way in which state intensity moves through and with their gathering together.

Indeed, D’s sadness is met with a different response. While the IND officer responded with many questions, a tangible distance and a sharp eye to the report she was carefully drafting, legal allies (at least most of the ones that I followed) work hard to make sure the applicant knows they are to be trusted. Trust also emerges in the face of a pending life-altering decision and, as such, trust is yet another affectation of the state’s intensities.

I argue that the different modes of state intensity belong to the contingent relations enabled by, and staged along, the procedural itinerary, which always moves toward a decision. In this specific relation, trust emerges in its connection to a suspicion within which the applicant is received. The threat of rejection - the pending decision - enables a lawyer to gain trust, but it may also induce an applicant to feel suspicion for each person who represents the procedure via one of its personae (like in the case of Q). These relations are thus fragile because the decision produces tension, uncertainties, hope, suspicions, and much more.

Such affective relations, moreover, are productive in decision-making: an applicant may ‘open up’ because a lawyer convincingly explained this would help their case. A person may also stop speaking, which is also the contingent effect of these urgent and affective relations that indeed illustrate the strong state intensities immanent to the procedure and its time-pressured work toward a decision.

While, again, the state’s intensities are less tangible when a person is allowed to move smoothly with the rules of citizenship and inclusion, state intensity becomes stronger and sharper when a person’s presence is suspected. Again, to suspect a person’s presence is to mobilize different people, which thus means that they are (and learn to be) actively affected and moved by the different modes of state intensity. The entanglement of intensive relationships and practices, as argued in chapter 1, concentrate in the sites of the procedure built to perform a compassion through suspicion and to thus make sure inclusion is never easily granted. The following two excerpts further illustrate the productive frictions that belong to the procedural itinerary:

T: “Sometimes the IND asks strange questions, sometimes people tell them they are gay when they are not and they want to know the truth, so it means that sometimes they ask weird questions. Some officers are more narrow-minded than others. In another case one of my clients told the IND he had sex in the office and then the IND officer who read the report said that this does not happen in the office. So well, my client was very unlucky to have an officer who never had a romance in the office” (everybody laughs, T very loudly). T goes on: “They have a bit of a narrow Dutch view of sexuality; that at an early age you discover these feelings and then you come out as gay forever”.

(...)

T: “I think the way you told me about your problems is also how you *should* tell the IND, you use many details. But only, if you say ‘they knew my story’, be more explicit, tell them that they knew you were gay. Otherwise, things might get lost in translation. The person who reads the report might think you mean that those people know your whole history, your whole life and they might think that is weird. So be very careful about those things, and be careful when you use metaphors, be explicit.” (Observations of a lawyer-client meeting, winter 2014, ACS)

A specific kind of conditional care for the applicant (or the figure of the refugee) translates into a thorough and precise work of suspicion. Here the lawyer suspects the IND of a narrow view of sexuality and the procedure of having a tendency toward getting things lost in translation. While the lawyer mocks an IND understanding of sexuality, he, at the same time, gives firm advice on how to

reveal certain aspects that might become confusing if put in a different fashion. The lawyer critiques the IND but also has to join in on (and thus reiterate) IND norms of logic and credibility by making sure D will repeat precisely (or adhere to) his explanation and advice. The decision is imposed upon the account of the applicant in different ways and the decision thus cuts into the conversation constantly and tangibly, but also forcefully, in term of an alliance. The decision gathers people together and interferes with their gatherings too. Precisely because the decision is in essence uncertain and in question, it exists and persists in the form of debate, hope, nervousness, irritation, and in the different affective configurations of suspicion.

The procedural itinerary indeed becomes a landscape of intimacy in terms of the manifold affective engagements - both trained as well as spontaneous - that inevitably and productively belong to the practices of gathering vulnerable information. The various ways of getting to know the applicant allow the procedure to rather swiftly gain much information on and from the people who are put before a decision. This intimate getting-to-know the applicant is strongly and strictly guided by the norms of the decision, by truth and deservingness.

The state's urge to make decisions over life and movement and to thus regulate migration translates into a search for very personal and intimate information. In cases revolving around sexual 'otherness', moreover, the procedure is staged to seek an assumed bodily innerness. Life and inclusion, in that sense, are valued in a strict manner, and a person's life and/or movement depends on the ability to present oneself well and in concert with the norms staged for others, the personae, as tools to recognize true sexual otherness and a true vulnerability in need of care and protection. Hence, those exposed to the full force of the life-altering decision need to display their life, bodies, senses of self and fears for a future in order to produce a potential ground for inclusion.

The itinerary seems like a tense landscape of intimacy that is drawn and shaped by the decision. It is like an affective topography with its different events, moments of relief, its passionate upheavals in terms of mockery or suspicion and its more quiet and silent places of evaluation or waiting.

## The crystallization of suspicion in the quiet of intensity

A hearing takes a full day and the whole situation is fragile and very complex because you know, when you conduct a hearing you need to make sure you have all the information for the decision. So, you're not only conducting an

interview but you are also very concerned with addressing all relevant issues and making sure the applicant is given enough space to speak. So, yes well, a hearing is unlike any other kind of conversation, it is really very intensive and when you have been conducting hearings for three days in a row... well, then I'm very happy to be able to do a decision in a quiet room. Obviously, that is not an easy job at all but there is no interaction needed to make a decision. (Interview with an IND officer, 2016, ACS)

Chapter 4 showed that decision makers are actively kept at a distance from the applicant in person in order to critically dissect and refold the applicant's documentary body-double into the 'relevant elements' that ground a decision. Chapter 4 also demonstrated that although the itinerary works toward suppressing subjectivity and increasing objectivity in terms of shaping distance and affective detachment between an IND decision-maker and the applicant in person, the decision itself is made on the basis of the trained *subjectivity* and the authority of a decision-maker.

The *quiet* experienced in making the decision itself, as the quote above reflects, is crucial in understanding how, as argued in chapter 4, suspicion crystallizes. The IND decision-maker gets to own the text, refold it, and compare it to other sources or to other applicants, while always, as extensively argued throughout this dissertation, knowing and feeling that the text at hand might very well present a 'fake' account of fear and suffering. Indeed, while interacting with a person subjected to a decision can be emotionally draining (see the quote above), distanced decision-making allows for yet another affective position as it allows suspicion to further crystallize.

Hence while, as argued in chapter 3 and 4, asylum hearings are affectively 'noisy', the clean and standardly formatted text enables an intensified relation between the IND persona enactor and the account itself. The decision maker will not be bothered by an applicant who starts to cry, who is hungry or strangely attractive: they focus on the kind of text that they are trained to critically dissect.

Although some IND officers find decision-making both boring and too much of a responsibility, others rather prefer the sharpness and the quiet that grants them the freedom of 'puzzling' with the account, with asylum law and with their trained knowledge of applicants and the procedure. These different preferences further confirm that decision-making and conducting an asylum hearing are almost contrasted IND personae performances. This is important to consider when pointing to the very different ways in which bodies are mobilized to engage with the procedure, with applicants and with making life-altering decisions over 'un/deservingness'. Precisely such different but productive ways of being moved

and affected is what I find so crucial in understanding the incomplete but forceful power of the state. State power is immanent to the procedural itinerary, it moves through the staged gatherings between personae and applicants (in person and in text), and is always focused on making, enabling and affecting the decision over one person's in- and exclusion.

Where the previous chapter engaged with performances of 'objectivity' in the suspicion-induced practices of decision-making, this section focuses on the official text of a decision to reveal the severity and sharpness of the truth-regime applicants are subjected to. This shows the crystallization of suspicion from yet another side. The following sentence is taken out of a negative decision concerning a person's sexuality. The argumentation reveals how the IND decision-maker assumes that the applicant should be able to speak from within ('from his own inner feelings') while, at the same time, that 'within' should have been strongly affected by an 'illuminated' and 'tolerant' outside (Europe, the Netherlands):

If the applicant were truly homosexual he would have been able to credibly speak from his own inner feelings, observations and experiences on what homosexuality contains, certainly now, after he has been in Europe for many years. (Quoted from an official written preliminary decision, 2016)

The inner feelings and the outer of Europe collide in a sense. But both lead to a rejection, or rather their combination forms a welcome ground for suspicion. Even though the person did not grow up in Europe or in the Netherlands he is expected to feel and understand true homosexuality on the basis of the time he has spent in Europe and the Netherlands. The locality of European and Dutch space must thus enter into a self-awareness asked of an applicant's case file. In this sense, the applicant is expected to have 'integrated' into the language of self that Europe is supposed to teach a 'non-Western' gay man. The inner is thus supposed to be very much in touch with one's surrounding, social life, 'liberalism' and the norms that prevail there. Again, it is through the IND persona that the power of decision intimately involves itself with an assumed innerness that, in this case, leads to the judgement that the applicant has hidden his true heterosexuality in order to pass as an LGBT refugee (see Hertoghs and Schinkel 2018 for a full analysis of sexuality and the asylum procedure).

Hence, the person put before the decision needs to speak 'truth' in a very particular way. They must show a self-awareness in the time-pressured and tense period of the procedure, one that might induce a decision maker to say 'yes we believe you'. The body, thus, must well communicate with what is outside of the body, and the applicant must reflect such an altering and moving innerness while the account must simultaneously present a fixed self: fixed in terms of a specific

kind of sexual desire. Hence, the applicant's 'failure' to give what is considered to be an eloquent account of sexuality informs the reader of the report of an 'insolvable' lacuna: a true gay man would have undone himself of the 'backward' or 'non-liberal' images he might plausibly have brought in on arrival, images that must simultaneously have affected a 'deviant self-image'. Europe's 'sexual freedom' must have thus erased the traces of the 'backwardness' a person is assumed to bring along. However, at the same time, the person must still reflect a deep sense of being strange, in danger and thus desperate for inclusion.

It is only with suspicion as the most important and embodied way of reading an account that such precise arguments against a person can be seen as objective and just. Hence, as argued in chapter 4, the quiet of decision-making further intensifies suspicion, which is another affectation that relates to an IND officer's position within the state's power of decision. An embodied suspicion can work strongly through the reading, rereading and checking of aspects of the report in relation to the quiet of decision-making on one's own terms and in one's own space. Hence, the decision maker dissects all kinds of lacunae and contradictions through a thorough reading and highlighting of the report, and consequently comes to desire a certain pureness and consistency in the account. Suspicion, as noted above and as analysed in chapter 4, crystallizes in the *quiet* of decision-making. State power moves the IND officer to critically engage with the text that represents the applicant. It is precisely this sharp and affective engagement that reveals yet a different mode of state intensity immanent to the itinerary's work of transforming the applicant into the texts that ground such an evaluation.

Indeed, in the encounter itself the IND officer is moved by an emotional person who sometimes does and sometimes does not respond well to the critical questions a hearing officer is trained to ask. However, in what I see as *the quiet of decision* the rather predictable report of the hearing allows a decision-maker to sharply enact suspicion within their own rhythm of reading and rereading. I further elaborate on this by pausing at a statement that illustrates yet another quite peculiar and rather harsh way to test a person's homosexuality: by undoing an assumed heterosexuality.

It is obvious that the applicant presents a very flat and stereotypical image of what homosexuality contains. An image that might be expected of people that mock people with a homosexual nature or who are ignorant of what homosexuality truly is. It is not credible that the applicant, if he really would be a homosexual, would present such a superficial and shallow image of what homosexuality is. Thus, his images least of all present the applicant as truly homosexual. (Quoted from an official decision document, slightly modified for this paper to the authors' translation)

In the procedure, the valuation of heterosexuality in relation to homosexuality is reversed: one is valued as non-heterosexual (while still being considered as sexually other) but in claiming homosexuality in the procedure one is also immediately suspected of a heterosexuality that must lead to a rejection. The fragments above show how the applicant's statements are selectively translated and transformed and rather quickly taken to present bad and heterosexual stereotypes of homosexuality. With these statements the applicant has revealed himself to be a heterosexual to this particular (homosexual) decision-maker.

The fragment shows that homosexual men, in the procedure, are not allowed to hold stereotypical ideas and answers about homosexual men. However, the decision maker works with their (or the IND's) own authoritative stereotypes by which they enable themselves to reject less worthy, 'superficial' and 'non-profound', stereotypes of homosexuality. The applicant seems to make himself visible as a mocking person, and again, a homosexual should never mock 'their own kind'. He, as such, must be a deceiving heterosexual applicant, and his translated account thus works against him:

The applicant has stated that he is a homosexual and that he was born that way and still is that way. When he is asked to further explain that claimed inner homosexuality he only refers to (...) sex acts. As such, he presents feelings to sleep and have sex with men. Those feelings he discovered at the age of ten. From that point onwards he started to have sex with friends and he continued doing so. The applicant, further, has not substantially shown that his feelings went much further than merely having sexual contact. From an applicant who is truly homosexual it might be expected that he would be able to credibly assert then predominantly referring to sexual acts. (Quoted from an official decision document, slightly modified for this paper to the authors' translation)

While the applicant matches the IND image of sexuality as something inner - something he was born with, something of the body - he fails the IND's expectation of being able to eloquently narrate these feelings, sensations, troubles and non-sexual pleasures that this 'innerness' produced. His transformed and reported talk of sex acts is not enough; rather, it must entail more in a highly particular sense. Here, the IND enters the normative sphere of sexual and romantic desire itself - how it works and what kind of experiences and feelings belong to it. The decision maker holds an observed lack of recognizable romantic and sexual desires against the person because he has presented his sexual identity by talking about sex acts alone.

As argued in both chapters 3 and 4, such 'lack' is seen as the applicant's personal lack, an assumption the IND can have both because the report absents the

affective noisiness that might have related to this lack, and because the legal ally is supposed to stand by an applicant and make sure the applicant knows what to expect and what (not) to share.

A decision in the asylum procedure needs to be performed both 'objectively' and with precision: each 'element' must be highlighted, filtered out and tested in relation to other elements, credibility and eligibility (refugeeness). Objectivity happens affectively in the quiet that very much belongs to the tangible state intensities that move each person included in the itinerary, which is certainly also my own experience. This quiet shows itself in the relatively comfortable way with which an IND officer (who never met the applicant) enters into the itinerary at one point, without having to meet the applicant, and can dismiss a carefully gathered account of past through a sharp and suspicion-induced reading of the applicant's documentary body-double.

As chapter 4 argues, these examples also show that suspicion is relieved from potential distractions: the applicant in person might move an IND officer to feel things beyond suspicion and the norms of decision-making. In relation, it seems to be easier to dismiss an account for lack of textual veracity than to dismiss, for example, a young man who nervously and visibly struggles with showing the intimacy expected of a person who has learned to rather feel ashamed for certain sexual desires. The separation of the practices of 'hearing' and decision-making is productive in the flourishing and crystallization of suspicion, which relates to the quiet granted to a decision-maker who needs to sharply read and dissect a text that at least looks, sounds and feels similar to the many other texts they reviewed. This gives the decision-maker a distance from the actual body and personality of the applicant, but puts them very close to the power of decision-making itself. As such, the IND decision maker is affected by state power in another way, revealing, again, a different mode of intensity immanent to the progressive gatherings of an itinerary that is always moving further toward a decision.

## Final thoughts: Modalities of state intensity and the suspicion of compassion

Pain is a very musical thing, one can almost speak of it in terms of music. There are deep and high-pitched pains, andantes and furiosos, prolonged notes, fermâtes and arpeggios, progressions—abrupt silences, etc... (Starobinski 1989: 386 cited in Talal Asad 2000: 41)

The procedure is about a here-within-the-Netherlands but it is very much also about taking a position in the world at large. The procedure is about war and

violence ‘out-there’ but, as it is brought ‘in-here’, another kind of violence is introduced. Not ‘out-there’, but within the procedure, decisions are made over life and movement on the basis of what might have happened elsewhere. The crucial and suspicion-induced question of why a person has arrived is precisely why this intensive procedure is set up with its persons, personae, and its time-pressured moments and practices of gathering intimate information. The procedure, in that sense, seeks knowledge, or rather, it seeks to establish the person as intelligible and classifiable in relation to pre-existing norms and strategies of truth seeking and deservingness.

While the person enters the procedure as relatively unknown and certainly as unwanted, they must undergo an itinerary strongly focused on testing their story of the past, of fear and of violence. In other words, the ‘unknown other’ is transformed into known and evaluable, a process David Murray (2017) refers to as a ‘space/moment’ of incommensurability to a ‘mandated commensuration’ (2017: 57). The applicant might become visible as a ‘real refugee’ but they might very likely also, in Heath Cabot’s words, be ‘recognized differently – as an economic migrant, a trafficking victim, or a humanitarian case...’ (2014: 147). Again, through the itinerary, a person acquires personness as well as a standardized ‘body’. Accordingly, a decision is made possible, one that embodies and strongly performs a state sovereignty grounded in the power to value life and govern movement (cf. Agamben 1998, De Genova 2011).

The asylum procedure is one strategy through which state power engages with what is seen as (dangerously) other. Through the procedure, the power of decision mobilizes people to protect what I see as a vulnerable compassion for the suffering other. Hence, in order to deal with being confronted with people who are made to embody the question of in- and exclusion, a set of intensive decision-making practices is staged in order to get *close* to these questioned strangers.

Accordingly, the procedure offers a vulnerable and compassion-induced opening enclosed by a sharp suspicion that draws on the trained sensitivities of those assigned the task to encounter and evaluate applicants. The move to care for some through a suspicion for all shows the state’s need to intimately involve itself with the life of its suspected others by mobilizing different people to seek access into the applicant’s past and self. As such, the procedure’s desire for nearness and intimacy relates to a general and pre-established compassion for the ‘true’ refugee that transforms into a precise and intensive itinerary of sharply and suspiciously gathering information.

I have visualized the itinerary as a landscape of intimacy with its upheavals in tension, its different streams and rhythms, with its rooms of alliance and dis-

tance, and its quiet but covert spaces of decision-making. In relation to the above, I have pictured the procedure as a mould in which applicants are held; they are pushed through an intensive itinerary in order to become intelligible in relation to the norms of decision-making. This is an itinerary that takes information, circulates it and moves it, but which also leaves much behind in order to simplify the baggage an applicant embodies and bears, to make the applicant intelligible and to shape their accounts in accordance with the norms of decision-making. At a certain point the moulding and folding is finished and, while the applicant must stay within, their account has been transformed into the standard but personalized texts of decision-making, allowing the professionals to be relieved from their actual presence. The procedure as mould shows its routinised work of production: of producing reports, files, legible others, and quiet but powerful decisions that swiftly enact an incomplete but forceful sovereign power that processes bodies and works them into demarcated and life-altering categories.

Indeed, the procedure moulds, folds and transforms those it is not willing to trust but still needs to consider as potentially vulnerable into intelligible texts that enable clear-cut decisions about the person’s right to inclusion. To picture the procedure as a mould is also to see that what the procedure seeks and produces is a specific kind of knowability. It is precisely this kind of knowability that allows me to further argue that a conditional compassion for the true refugee grounds how applicants need to be known and suspected.

The argument on compassion’s complicity in a repressive regime of nationalized in- and exclusion has been made by Didier Fassin (2005, 2010), whose work I introduced in the second section of this conclusion. He argues that compassion is especially at work in the moral valuation of the sick body (bio-legitimacy) instead of an evaluation of a narrative account of suffering. Miriam Ticktin (2006) is another thinker who finds compassion at work in what she sees as the depoliticized realm of medical expertise. Compassion, in her treatment, contingently relies on performance and face-to-face interaction between a person (who-is-not-a-file) and a medical expert trained in recognizing ‘severe-enough’ bodily suffering. In another more recent article Ticktin (2016) argues that compassion is unstable and limited as it, in her words, ‘chooses a few exceptional individuals and excludes the rest—indeed, by its very definition, compassion is unable to generalize’ (2016: 265). While Ticktin is right about the instability and limits of compassion in many situations, I argue that compassion is precisely generalizable in another way. What I observe is that compassion-for-the-true-refugee is transformed into a routinised procedural itinerary that questions whether or not the applicant should be trusted to deserve the state’s vulnerable care for certain kinds of others.

## Conclusion

Compassion allows for hope and chance, but it also invites a strong and shape-shifting suspicion into the process. Precisely because compassion is made to be generally applicable, it can be applied through suspicion. Compassion, differently put, is sought to be granted equally in the sense that each applicant has a similar chance at in- or exclusion. Compassion as generally or equally applicable both results in the procedure's search for objectivity in the multiplication of subjectivity and in the strong suspicion through which the applicant is made classifiable. Differently put, a conditional and generally applicable compassion is a fertile ground for suspicion: when an account of suffering appears to strongly match the refugee figure, the account will be more suspect and undergo severe testing, caution and the ongoing search for gaps and so-called inconsistencies.

As such, the procedure does not *only* protect 'the refugee' as a person of flesh and blood, it protects the refugee-category from those who it considers to 'abuse' and hide behind it. Safeguarding the refugee is double-sided in this way: the refugee as a category must protect both the person who matches it, but also the state's pledge to *only* accept 'true refugees'. Hence, refugee-recognition can become repressive as it turns into a way to reject people, but it can also be an opening. This opening is not only for those who manage to be moulded well, but also for people to enact the procedure on the side of the decision. It allows them to understand the procedure and their job as a way of doing justice to both the 'true' refugee and the 'national community'.

The conditionality of compassion for the 'true' refugee and its ways of transforming into a shape-shifting suspicion leads to the peculiar one-sided intimacy that the procedure seeks. Compassion figures as a path toward intimacy and decision, toward breaking into the person in order to move out of the procedural itinerary, and into yet another trajectory. It is in both the everydayness of decision-making and in the uncertainty of the decision in single applications that I observe the intensities of the state as immanent to the relations and sharp differences carried by the procedural itinerary and its time-pressured practices of 'getting-to-know' the applicant from different angles and positions.

Indeed, the state's different modes of intensity, its different ways of affecting, moving and touching those involved, are characteristically tangible in the concentrated sites of the procedure as all of the affective and intimate encounters between the procedural personae and applicants (in person or in text) actively revolve around the uncertain, but approaching, decision over in- and exclusion. The procedural itinerary stages different relations that revolve around the pending decision and, as such, state power in the form of decision differently affects the people involved. It affects how people relate to each other, how they interpret each other's role, how they listen and question one another, and how they

## State intensities, being in touch with the state

move each other to feel for one another in relation to the decision and its atmosphere of 'un/deservingness' and compassionate separation.

The procedure, to give a final visualization, seems like an intimacy-machine that keeps on running, every day, gathering, reporting and multiplying accounts of sadness, emotion, desire, suspicion, pain and fears allowing for a fast-paced work of compassionate separation. Inherent to this intimacy-machine are the different modes of state intensity, a notion of state power as strongly present and affective but never catchable in completeness. State power is rather incomplete but forceful in how it parasitically inhabits vision, intuition and its related suspicion sensitivities that shape the gatherings and encounters through which applicants are routinely, swiftly and contingently moved to life-altering decisions over in- and exclusion.

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## Appendix: A Fieldwork Table

2012

### Becoming familiar with the field

- Observing court cases (Amsterdam, Den Haag, Haarlem)
- Observing the work of asylum lawyers: accompanying lawyers at client meetings, following cases, interviewing lawyers.
- Volunteering for the refugee council.
- Studying asylum law (reading, attending workshops).
- 'Silently' observing the work of the IND (as a VVN volunteer).
- Conducting several in-debt interviews with one IND officer.

2012/2013

### Working for the refugee council

- Working for the refugee council (at the ACS).
- Experiencing an important change in the detention setting: the old ACS (IND building) was left and moved to the B wing of a newly build detention complex called the JCS.
- Keeping contact with IND officer, discussing the procedure.
- Attending workshops organized by the refugee council: on medical issues in the procedure, on 'the second hearing', on the role of VVN in getting 'the refugee story' to the table.
- Applying for, and receiving a, PhD grant.

2014/2015

### Start of the PhD

- Starting the official procedure to gain access to the IND-side of the procedure.
- Studying asylum policies, law and academic work on borders and asylum.
- Meeting up with my main IND informant, looking through cases presented by him.
- Interviewing asylum lawyers, people of the refugee council, interviewing a person from legal aid (also a lawyer) at the ACS, and interviewing one of the 'country experts' working at that location.
- Observing the work of the refugee council at their headquarters.
- Working for the refugee council meeting with applicants, speaking to volunteers, seeing the work of the IND (informally, not making full observational notes).
- Late 2013 (with full access of the IND) I followed my first full asylum case. The case lasted 12 days.

2015

### **A full year of fieldwork**

- Following four full cases taking at least 14 days. Interviewing the people involved in the case. To give an image: one case covers around 50 pages of typed up field notes.
- Observing 15 asylum hearings next to the four cases I followed.
- Interviewing IND officers.
- Two field trips to AC Ter Apel (visits of two weeks). Fieldtrips consisted of observing and getting to know the sites, of observing the work of the IND, the work of lawyers and VVN. During the first trip I followed one full case and during the second one I ‘tagged’ along with several IND officers.

2016/2017

### **Continuing fieldwork and writing**

- Conducting interviews with two lawyers.
- Reading policy documents, decisions and asylum reports.
- Interviewing asylum lawyers and translators (a side project predominantly conducted by a research assistant).
- Ethnography, writing the dissertation.

## **Summary**

This dissertation is about the Dutch asylum procedure, a peculiar legal procedure that gathers many different people and sensitivities together in order to make swift decisions over the lives of those who apply for legal protection. Asylum applicants are fully subjected to the power of the state because their arrival is suspected but also potentially ‘deserving’ of protection and inclusion. As such, the procedure becomes a tense liminal space and time, always moving toward decisions over in- and exclusion. This dissertation analyses these spaces, the process and the intimate encounters that shape the procedure.

Near the end of my research, an officer of the Dutch Immigration and Naturalisation Service (the IND) emailed me how he understood my research and my point of view, which is insightful:

I remember that, at one point, you were following an [asylum] application process in which I had to make the decision. I noticed that there was something you were unhappy about although you didn’t express it explicitly. I did not know what it was then, but when I read your chapter I understood. You felt sorry for the man, and you wanted to see those feelings expressed in the asylum procedure: that there would be room for human warmth. This is your view. It is your view that this is relevant and it is your view that it is missing in the procedure. (Officer of the Immigration and Naturalisation Service, IND, 2018)

This quote is so interesting because the IND officer and I do exactly the same but from a reversed position. While he examines my position, my views and my feelings, I analyse the work, the positions, the views, feelings and interpretations of IND officers in the asylum procedure. I have studied the kind of sensitivities IND officers develop for the (aims of the) procedure and for their own position and how those trained sensitivities affect their encounters with applicants in person and in text.

The IND officer I quoted above is also right. I was and still am intrigued and startled by the coldness of an institution that claims to predominantly help and alleviate the sad situation of refugees. It is this ongoing fascination that has led me to argue that compassion for the ‘true’ refugee is enacted through a sharp and shape-shifting suspicion. Compassion may lead to inclusion but also to rejection, exclusion and, at times, to anger and irritation among IND officers who feel that an applicant is ‘abusing’ a space reserved for the ‘deserving’ refugee. The procedure only offers a small opening for some, one that is enclosed by a suspicion that feeds on the trained sensitivities of those assigned the task to encounter and evaluate applicants. The care for some through a suspicion for all applicants shows why the state seeks to get intimately close to the lives of the suspected ‘others’.

This dissertation analyses the state and the asylum procedure from the perspective of an anthropologist who would neither claim an objective position, nor to possess a full account of what the procedure actually is. It is a situated analysis driven by the ways in which the procedure affected and moved me personally. While some may see this as a weakness, I consider it the strength of ethnography. Through my own intimate and close encounters with the procedure, I get to analyse and share the smaller details and tensions, and the many relations and affectations, that belong to such a heavily debated and closed-off site of sovereign and life-altering decision-making. Hence, it is my intention with this dissertation to take the reader along into the procedure’s practices of gathering and questioning vulnerable stories of flight in order to, consequently, make ‘objective’ decisions over in- and exclusion.

### **The concentrated sites and times of the asylum procedure**

A border is not a line, but a space with depth. And this space changes, morphologically, on the basis of the identity of the one who enters it. It can expand, reveal inner corridors, rooms filled with agents (...). (Alessandro Petti paraphrased by Caton and Zacka 2010: 209)

This chapter presents my ethnographic research of the border spaces or expanded borderlines that the state sets up for ‘suspected’ and blocked travellers.

I elaborately discuss how I gained access to such a covert and well protected border site, and how my own position, as a white Dutch citizen, made it easy to move in and out of the procedure as someone who was relatively invisible. Even though I was there as a researcher, a stranger, my presence was not often suspected as the procedure is built to guard, monitor and test ‘other’ bodies. The procedure’s focus on differentiating bodies is tangible in everything that it touches. By highlighting my own (at times) invisibilized movements through the procedure as a researcher and by focusing on its ‘concentrated sites’, this chapter sets the stage for the arguments that run through the dissertation. Namely, I contend that state power asymmetrically affects each person who engages with the procedure in an active and intensive way.

While I pay considerable attention to the kind of research I conducted and why this approach is of importance, I am primarily concerned with discussing the procedure’s concentrated sites where I did most of my fieldwork. I call these sites ‘concentrated’ to highlight that these places are produced to gather different people and forms of expertise together and to swiftly and productively perform life-altering decisions on a daily basis. I studied the procedure at the vast Application Centre Ter Apel, situated in the north of the Netherlands, which is where most applicants must go through their procedures. But most of my fieldwork took place at the procedure’s most peculiar site where a relatively small number of applications are processed: in a detention centre near Schiphol Airport and the Dutch capital of Amsterdam.

These ‘Application Centres’ consist of a great number of rooms, organizations, offices and ‘living’ (or waiting) areas that are experienced in multiple ways. It is important to dwell on this as it cuts through to the core of what the procedure seeks to do: to separate, classify, include and exclude different people, to mobilize some to make decisions (the IND staff) while subjecting others to those decisions (the applicants). Indeed, the ways in which different persons get to move through the heavily monitored multi-sites of the procedure depends on how they are subjected to state power: some bodies, including my own, are allowed to move, while others are made to stay put. The procedure’s concentrated sites thus gather different lines together in order to productively and swiftly subject specific people to decisions over in- and exclusion.

This chapter on my ethnography and the sites in which I studied the procedure sets the stage for the chapters that follow. The second chapter looks into the different positions and people within the procedure and the routinized but contingent itinerary along which the unknown applicant is rendered intelligible and evaluable. The third chapter concentrates on the most important moment in many application processes: the second hearing, in which an applicant is asked to

share their ‘reasons for applying for asylum’. I show how the account is gathered, questioned and selectively inscribed into the official asylum report that will allow another IND officer to make a decision without having to meet - only read - the applicant. The fourth chapter investigates how the report enables a specific practice of distanced decision-making and argues that various performative conceptions of ‘objectivity’ allow for a (neutralized) crystallization of suspicion. The conclusion returns to the question of the state and argues that state power becomes actual in different intensities inherent to the relations and encounters staged along the procedural itinerary.

### Interfacing the procedure: The itinerary and the procedural personae

The strange thing about this work is that, sometimes, you get really happy about something really terrible... That you find information about horrific tortures and that you think like YES! Because it means that you’ve collected a very good argument in favour of your client’s application. (A refugee council documentalist, 2014)

The second chapter concentrates on the different and often opposed professional positions in the procedure. The application process is staged in such a way that the asylum applicant faces people who are there to assist them (allies) and those who are there to officially gather and suspect their stories, and subsequently decide on their cases (the IND). I analyse these different moments of contact and encounter via the concept of the procedural persona, a concept that highlights how different people are trained to enact and embody a specific procedural ‘inter/face’ through which contact is made between the procedure and the inherently suspected asylum applicant.

These different personae are staged along a routinised itinerary through which the unknown person is transformed into an intelligible text to decide over. To speak of a procedural itinerary is thus to refer to the ways in which information is gathered and circulated via the intimate encounters between applicants and the different personae of the procedure. While legal allies - the asylum lawyer and the refugee council - assist the applicant in meeting the IND’s expectations, IND officers critically gather and question accounts of flight and inscribe them in official reports that ground a practice of distanced decision-making. Hence, personae seek access to vulnerable information from different positions, which helps the institution make and legitimize its decisions over in- and exclusion.

Chapter 2 is divided in two parts. In the first part, I explore the way in which IND officers and legal allies define their own position and how they understand the position of their procedural other. While this part of the chapter foregrounds

the differences and also the frictions between these personae, it also illustrates how much legal allies and IND officers need to think alike. By paying attention to the intricate work of suspicion that belongs to what I see as an antagonistic cooperation - where allies and IND officers work with the same aim of decision but from a different position - I argue that the legal ally in particular becomes a recalcitrant supplement (Derrida 1974) or a productive element of auto-immunity (Schinkel 2007). Indeed, allies work against the IND but with and within the same aim of subjecting applicants to decisions over in- and exclusion on the basis of images of deservingness.

The second part explores how these personae work out in practice. By choosing a case that was not received well on any side I complicate the general opposition between the procedural personae. Precisely because personae enactors need to get close to applicants in specific ways, their own likes, dislikes, sensitivities and insensitivities enter into the process too. The case, rather strikingly, shows how an applicant needs to depend on what personae enactors feel for, and see in, their case. A persona enactor’s own face thus breaks through the interface they perform.

This chapter demonstrates how the applicant encounters the procedure via the people who enact its different personae. In these encounters, organized along a procedural itinerary, the ‘true’ and the ‘bogus’ refugee are identified. In other words, the unknown applicant is rendered knowable and evaluable through the careful and trained work of gathering specific information from the applicant. Indeed, the procedural itinerary is designed in such a way that although its ‘steps’ manifest different affective and contingent practices, the point of the routine is to efface the uniqueness of such encounters by reducing the applicant and the application into the comparable and routine (but personalized) texts that allow for a clear-cut decision.

### Noisy hearings and silent reports

The fact that people tell me made-up stories incites all kinds of responses, from irritation to a passion to make clear that he is making it up. This can interrupt the contact with an asylum seeker. It requires a lot from every hearing officer to deal with irritations and emotions in order to keep the atmosphere of the hearing well. (IND officer, 2013)

Chapter 3 concentrates on the asylum hearing, the moment when an applicant is asked to give an account of fear and suffering. I argue that all the affective and intimate messiness of the hearing is silenced in the work of inscribing the applicant into the official asylum report. As such, the chapter demonstrates the ways

in which an applicant is given a crafted visibility and legibility that further circulates in the form of an official report that mobilizes yet more different visions and interpretations. This chapter shows that the ‘objective’ decision (as fully analysed in Chapter 4) relies on intimate and affective face-to-face encounters. This is important, first, in analysing how the procedure seeks to legitimize its contingent decisions and, second, in demonstrating the crucial process of transformation through which applicants are made to become intelligible and evaluable.

The chapter thus analyses the process of transformation by first concentrating on the statements made by IND officers who explain their position vis-à-vis the procedure and the applicant. A telling statement is the following:

In the end, you are a professional slash neutral person, and I do not help him [the applicant] when I start crying along, and by the way, by crying along you might arouse hope, he might think like “oh she empathizes, now I might get a permit.” (IND officer, 2015)

Neutrality is an affective conditioning of proximity: the person is seen up close and sensed, but an IND officer should not “cry along” or “arouse hope” as that is considered to be sharing a non-neutral message, one of situatedness. Neutrality appears to be an affective work toward blandness, toward a not-taking-positions. In this way, neutrality provides an active absence: it becomes an affective effort to refrain and to try to not give an applicant a clue about the decision that will indeed be made by another and on grounds other than the encounter itself. This is important because it shows one way in which IND officers manage an atmosphere in which an applicant should be questioned and asked to give information.

In the second part of this chapter, I concentrate on one specific hearing. By describing the details I observed at the hearing, and by quoting the official asylum report drafted by the IND officer, I demonstrate the important role the IND officer plays in composing the account of refuge that comes to represent the applicant to a decision-maker. A decision-maker only meets the applicant in text and not in person. As such, the report stands in for the applicant, but in its representation the report actively ‘forgets’ many important details that have led to the text itself. It absents, for example, the tone of voice with which the IND officer posed their questions and how that affected the applicant’s manner of giving an answer. This part thus shows how the itinerary is staged to gather vulnerable and personal information in order to selectively transform and circulate such information via a report that, in the end, allows for clear-cut decisions over an applicant’s deservingness.

This chapter argues that the intimacy of the hearing - the way in which it brings IND officers and applicants (unevenly) together - is needed in order for

the procedure to gain access to the past and the motives of those who seek access into the Netherlands. The main claim of this chapter is that it is through the intimate gatherings staged along the itinerary that an applicant’s memory of the past is transformed into an intelligible (Dutch) text. Importantly, the many affective moments that belong to such encounters become the noise of ‘objective’ decision-making, which is ‘solved’ by the object of the report.

### Objective subjectivities

If there was a way to always be sure of asylum seekers telling me the truth, if they would never lie, then my job would be full of genuine compassion. There would be real contact. But most of the asylum seekers lie. (IND officer, 2013)

While the previous chapter focused on the hearing and the ways in which the hearing is neutralized into the official report, this chapter analyses how the report produces distance and enables ‘objectivity’. This chapter thus explores what objectivity means in a procedure that draws on the authority of an IND decision-maker’s interpretation. A decision is always a choice made by a person in a powerful position. Moreover, the procedure is staged in such a way that this authoritative choice is made in a quiet manner involving reading and rereading a text and comparing that text to other similar texts or to other sources of information, which is seen to improve objectivity. Indeed, the report relieves a decision-maker from having to engage with the affective and intimate ‘noise’ of the hearing. Although this is seen to improve objectivity, I argue that it is precisely the report that allows for a crystallization of suspicion, which is legitimized and hidden underneath negative images of asylum applicants as often being ‘bogus’.

The chapter starts by giving an example of the official text of a negative decision that demonstrates how suspicion forms an IND officer’s professional and authoritative interpretation. Suspicion becomes a form of expertise that seeks to either reveal or rule out gaps and vagueness in a person’s reported account. By following the words an official decision includes - ‘vague’, ‘non-credible’ and ‘inconsistent’ - I demonstrate how the applicant is seen and understood by those who are assigned the power to decide over the life and movement of others. These words reveal the underdetermined and thus powerful character of the decision, even though it is defined as fair and objective.

In the second part I discuss different conceptions of objectivity that are active in the work of the IND and in the set-up of the procedural itinerary. By first focusing on work manuals and reports that explain how to do objectivity, I begin by showing that ‘objectivity’ emerges in the multiplication of IND subjectivity. Objectivity increases when more IND officers are included in an

application process, even though each IND officer performs a different and complementary task in the process. Second, by focusing on how IND decision-makers explain their decisions I show that suspicion is seen as the most professional, and thus the more objective, position to take when dissecting and evaluating a person's case. This position of 'legitimate' suspicion gets to really flourish when an IND officer is able to concentrate on a silent text that will not cry or talk back. Hence, while the report is seen to provide the kind of distance that allows for more objectivity, I argue that it is precisely through such distancing that suspicion crystallizes.

This chapter thus analyses how objectivity meets the authoritative power of rendering an applicant's account as 'vague', 'inconsistent' and 'non-credible'. I argue that 'objectivity' is a path toward making just, precise and logical decisions, but as the outcome still needs to be determined through an act of subjective interpretation it remains underdetermined: it is never the 'natural', smooth and sole outcome, but is always an active and contingent IND intervention. While the decision depends on the IND officer's power of contingent interpretation, such systematic interpretation is also seen as the most objective way of putting subjectivity - trained suspicion - to work.

### State intensities, being in touch with the state

Everything which happens and everything which appears is correlated with orders of differences: differences of level, temperature, pressure, tension, potential, difference of intensity. (Deleuze 1994: 222)

The conclusion returns to the question that runs through the dissertation but has not been in the foreground of the analysis: how to think that unthinkable thing that is called 'the state'. The chapter, perhaps counterintuitively, analyses new and different ethnographic material to argue for an understanding of state power in its different intensities. State intensities belong to the lines that entangle through the practices of decision-making and within the concentrated sites of the procedure. While state power affects people in asymmetrical ways, not one person involved escapes the tenseness and affectations of the (pending) decision as all are multiply and unevenly affected by its nearness.

This dissertation has shown that while the state's power of decision heavily strikes some people, others move in conjunction with its power as they work with it. Hence while some bodies are fully exposed to the power of decision, others are more in tune with that same power. Indeed, the personae of the procedure undergo different affectations as they have another relation to the decision. But 'being in tune with intensity' only means that one has learned to move

with the power of decision. A persona enactor is productively affected by the power of decision in a trained and guided manner, which is where the concept of the procedural persona comes in again. As argued in Chapter 2, the procedural personae form the inter/faces that provide contact between the applicant and the procedure: they gather vulnerable information from applicants by intuitively listening and questioning the information that the applicant shares. In a sense, the persona becomes a way of diffracting the intensities of the state: an IND hearing officer, for example, has learned to move with their position within the procedure, and to critically and closely listen to an applicant who they are trained to see as potentially 'bogus', which means that they have to remain sharp and focused even when an applicant bursts into tears. State power thus affects and moves the people involved in very different ways and through their relations with one another as well as with the (pending) decision over one person's life.

In this closing chapter I return to the procedural itinerary once more and explore cases that revolve around sexuality. These cases that, as a lawyer once put it, deal with 'matters of the heart' are fascinating with respect to how state power seeks access to the intimate self of an asylum applicant. I explore a second hearing, the gathering between legal allies and the applicant, and I examine a decision in order to put the analyses presented in the previous chapters to use in exploring state power in its multiple intensities. The state affects different people via the relations staged and selectively circulated along the itinerary in order to allow for a decision over a person's freedom of movement.

The procedural itinerary becomes like a landscape of intimacy in terms of the manifold affective engagements - both trained as well as spontaneous - that inevitably and productively belong to the practices of gathering vulnerable information and making decisions. The various ways of getting to know the applicant allow the procedure to rather swiftly gain much information on and from the people who are put before a decision. This intimate getting-to-know the applicant is strongly and strictly guided by the norms of the decision, by concepts of truth and deservingness. The state's urge to make decisions over life and movement and to thus regulate migration translates into a search for very personal information. In cases revolving around sexual 'otherness', moreover, the procedure is staged to seek an assumed bodily innerness. Sadness, fear and suffering are tested in a strict manner, and a person's movement depends on the ability to present oneself well and in concert with the institutional norms of the IND and its personae. Hence, those exposed to the full force of the life-altering decision need to display their life, bodies, senses of self and fears for the future in order to produce a potential ground for inclusion.

## Samenvatting

Deze dissertatie gaat over de Nederlandse asielprocedure. De procedure brengt verschillende mensen en gevoeligheden samen om zo tot 'objectieve' beslissingen over de aanwezigheid en de inclusie van potentiële vluchtelingen te komen. Deze asielaanvragers worden ervan verdacht hun 'ware' motieven te verschuilen achter een gelogen vluchtverhaal. De procedure vormt de plaats en praktijk waar deze sterk gewantrouwde reizigers dienen te verblijven, waar ze zichzelf kenbaar moeten maken door details uit hun verleden en van een vaak zware en gevaarlijke reis te delen en zo te laten zien dat zij bescherming 'verdienen'. De aanvrager wordt dus vastgehouden in limbo, op een plek tussen aankomst en in- of uitsluiting in en altijd op weg naar een levens veranderende beslissing. Dit onderzoek analyseert de plekken, de weg en de intieme ontmoetingen van de asielprocedure.

Aan het eind van mijn onderzoek merkte een ambtenaar van de Nederlandse Immigratie en Naturalisatie Dienst (IND) op dat mijn analyse van de procedure sterk gevormd is door mijn eigen gevoeligheden. Hij formuleert het als volgt:

Ik merkte tijdens de procedure die je volgde en waarin ik een beslissing nam, dat er iets was dat je niet goed vond, zonder dat je dat zo uitdrukte. Ik kon er zelf ook niet de vinger op leggen. Pas toen ik je hoofdstuk las begreep ik het. Je had te doen met die jongen, en je had graag gezien dat dit gevoel op de een

of andere manier tot uitdrukking zou komen in de procedure, dat er plaats is voor menselijke warmte. Dit is jouw blik. Het is jouw blik dat dit relevant is en het is jouw blik dat het hieraan ontbreekt. (Ambtenaar van de Immigratie en Naturalisatie Dienst, IND, 2019).

Deze uitspraak is zo interessant omdat de geciteerde IND ambtenaar en ik precies hetzelfde doen maar dan in omgekeerde positie. Hij analyseert mijn standpunten, interpretaties en mijn gevoelens, terwijl ik juist het werk, de gevoelens, en interpretaties van IND ambtenaren in de asielpcedure bestudeer. Ik onderzoek welke gevoeligheden IND ambtenaren ontwikkelen voor de procedure en voor asielaanvragers en wat deze getrainde gevoeligheden vervolgens doen in hun interacties met aanvragers en hun dossiers.

De IND ambtenaar in het fragment hierboven heeft ook gelijk. Ik was en ben gegrepen door de kilte van een procedure die claimt vluchtelingen uit hun leed te helpen. Mijn voortdurende fascinatie heeft ertoe geleid dat ik compassie als zwaar begrenst en voorwaardelijk zie. In relatie zie ik compassie, in de procedure, als iets dat via wantrouwen gedaan en gegeven wordt. Compassie voor de 'echte' vluchteling leidt tot wantrouwen voor ieder persoon die claimt vluchteling te zijn omdat vluchtelingenschap de enige mogelijkheid is om Nederland binnen te komen voor specifieke reizigers. De staat vormt dus een eigen conditie voor wantrouwen en het is precies dat wantrouwen - in combinatie met de wil een grens te vormen en te bewaken - die de 'noodzaak' voor een uitgebreide bureaucratische procedure vormt. Elke asielaanvrager wordt onderworpen aan een intensieve toets met als doel een scheiding te maken tussen hen die, volgens de IND, toegang of juist deportatie 'verdienen'. In deze procedure, zoals mijn dissertatie uitgebreid laat zien, wordt de onmogelijkheid van een absolute waarheid een vorm van wantrouwen. Deze onmogelijkheid van absolute waarheid maakt dat wantrouwen een affectieve vorm van 'objectiviteit' vormt: via wantrouwen denkt de IND het dichtstbij de waarheid te komen, tenminste dichtbij genoeg om beslissingen over in- en uitsluiting te rechtvaardigen.

Ik analyseer de staat en de asielpcedure als antropoloog, een onderzoeker die zeker geen objectieve positie claimt en ook niet pretendeert een volledig verhaal over de procedure te kunnen geven. Deze analyse is gepositioneerd en gebaseerd op de vele manieren waarop de procedure ook mij raakte, zoals de procedure iedereen raakt die in zhaar<sup>1</sup> buurt komt. Er is geen illusie tot afstandelijkheid mogelijk als je de procedure van dichtbij onderzoekt. Sommigen zullen dit als zwakte zien, maar ik zie het als de kracht van etnografie. Via mijn eigen

—1. Dit is een genderneutraal, of een genderdiversiteitsvierend woord ontwikkeld door Vreer Sirenu.

intieme ontmoetingen met de procedure kan ik een lezer meenemen in de dagelijkse details en spanningen van de procedure. Spanningen die inherent verbonden zijn aan een contentieuze procedure, waar zo veel mensen met zo vreselijk weinig kennis over spreken en over oordelen. Maar het is een gesloten procedure die plaatsvindt buiten het oog van het publiek. Deze dissertatie is een poging die geslotenheid een klein beetje open te breken.

### De geconcentreerde plekken en tijden van de asielpcedure

A border is not a line, but a space with depth. And this space changes, morphologically, on the basis of the identity of the one who enters it. It can expand, reveal inner corridors, rooms filled with agents (...). (Alessandro Petti paraphrased by Caton and Zacka 2010: 209)

Met dit hoofdstuk bespreek ik mijn onderzoek in en naar de grens die wordt opgezet om 'verdachte' reizigers te blokkeren, te bevragen en te testen. Ik ga uitgebreid in op toegang krijgen tot zo'n gesloten en goed beschermde plek en hoe mijn eigen positie, als witte Nederlander (met paspoort), het makkelijk maakte om relatief onzichtbaar door de procedure te bewegen. Ik was daar ook als vreemde, maar ik viel niet op en werd nauwelijks gewantwoord omdat de procedure zich vooral bezighoudt met het monitoren en het testen van 'andere' lichamen. De manier waarop de procedure focust op het differentiëren van lichamen is voelbaar in alles wat de procedure raakt: in zhaar gebouwen, in de details van zhaar praktijken en in de mensen die op een of andere manier betrokken zijn bij de praktijk van de procedure.

In het eerste deel van dit hoofdstuk leg ik uit dat een antropologische benadering van de procedure belangrijke inzichten geeft in de complexe en veelzijdige manier waarop zo een strak gestructureerde en geroutineerde maar ook gespannen procedure werkt in de praktijk. Ik ga in op het veldwerk zelf, hoe ik toegang kreeg en hoe het proces van toegang vragen nooit eindigde. In het tweede en meest uitgebreide deel van dit hoofdstuk richt ik me op de plaatsen van de procedure waar ik mijn onderzoek deed. Ik noem deze speciaal georganiseerde locaties de geconcentreerde plekken van de procedure omdat ze zo zijn ontworpen dat er veel verschillende mensen en expertises bij elkaar komen om op deze manier een snelle beslispraktijk mogelijk te maken.

Ik deed onder andere onderzoek in het grote Aanmeld Centrum (AC) Ter Apel, gelegen in het noorden van Nederland. Dit is de plek waar veruit de meeste asielaanvragen worden behandeld. Maar ik heb de procedure vooral onderzocht op zhaar meest vreemde plek, namelijk in een detentiecentrum in de buurt van Schiphol. Deze 'Aanmeldcentra' bevatten een grote hoeveelheid ruimtes,

kantoren en organisaties. De verschillende mensen die betrokken zijn bij de procedure ervaren deze plekken op cruciaal verschillende manieren. Het is belangrijk stil te staan bij deze verschillende ervaringen omdat het de kern raakt van wat de procedure doet: mensen scheiden en classificeren door anderen te mobiliseren dit werk van classificatie, scheiding en beslissing uit te voeren. De manier waarop verschillende mensen mogen bewegen door deze zwaar bewaakte en gemonitorde ‘multi-sites’ (cf. Marcus 1995) van de procedure hangt samen met de manier waarop ze onderworpen zijn aan de macht van de staat: sommige lichamen, waaronder het mijne, zijn relatief vrij om te bewegen terwijl anderen beperkt worden via een intensieve supervisie van bewakers en via de inrichting van deze Aanmeld Centra.

Dit eerste hoofdstuk is een opstap naar de volgende hoofdstukken omdat het mijn onderzoeksmethode en de plekken waar het onderzoek plaatsvindt sterk visualiseert. In het tweede hoofdstuk analyseer ik de verschillende posities en mensen die onderdeel zijn van het routineuze maar ook contingente aanvraagproces waarmee aanvragers getransformeerd worden tot leesbare dossiers om ‘objectieve’ beslissingen op te gronden. Het derde hoofdstuk focust op het meest cruciale moment in de procedure, namelijk het nader gehoor waar de asielaanvrager de redenen om asiel aan te vragen moet delen. Het vierde hoofdstuk kijkt naar de beslispraktijk en de verschillende noties van ‘objectiviteit’ die actief en vormend zijn in dit proces. En met het laatste hoofdstuk kom ik terug op de vraag van wat de macht van de staat is, en waar en hoe deze tot stand komt in relatie tot zo’n gespannen procedure die volledig draait om het beslissen en beschikken over lichamen, beweging en de grens tussen ‘zelf’ en ‘ander’.

### De route en de personages van de procedure

Het gekke aan dit werk is dat je soms heel erg blij wordt van iets afschuwelijks.... Dat je bijvoorbeeld informatie vindt over nare martelingen en dat je dan denkt ‘YES!’ Omdat je dan een mooi argument voor je cliënt hebt gevonden.  
(Een documentalist van Vluchtelingenwerk Nederland)

Het tweede hoofdstuk onderzoekt de verschillende en vaak tegenovergestelde posities in de procedure. Het aanvraag proces is zo opgezet dat IND ambtenaren, advocaten en medewerkers van Vluchtelingenwerk de asielaanvrager ontmoeten om een persoonlijk en vaak zwaar verhaal op tafel te krijgen. Waar advocaten en medewerkers van Vluchtelingenwerk aanvragers assisteren (ik noem hen juridische bondgenoten), is de IND er om kritische vragen te stellen en via wantrouwen - werkend met het idee dat mensen vaak liegen - tot een beslissing komen. Ik introduceer het concept van de *procedurele persona* om zo deze cruciale

ontmoetingen te analyseren. Het concept benadrukt dat verschillende mensen zo’n persona leren uitvoeren en deze te belichamen en hoe er via dit ‘procedurele gezicht’ contact wordt gemaakt met ‘verdachte’ asielaanvragers.

De gezichten - de personae - van de procedure vormen zo een tactiek om contact mogelijk te maken tussen de procedure en de aanvrager. Deze personae zijn gepositioneerd langs een procedurele route. De route is zo opgezet dat een aanvrager eerst voorbereid wordt door bondgenoten om vervolgens bevraagd te worden door IND ambtenaren om via die bevestigingen te worden opgetypt in een officieel rapport dat vervolgens de grond vormt voor een beslissing die door een andere IND ambtenaar wordt gemaakt. Deze beslisser ontmoet de aanvrager niet. Dus, de concepten personae en procedurele route geven inzicht in de manier waarop informatie wordt geworven en gecirculeerd via intieme ontmoetingen tussen aanvragers en de ‘professionals’ van de procedure.

Dit hoofdstuk bestaat uit twee delen. In het eerste deel kijk ik naar de manier waarop IND ambtenaren aan de ene kant, en bondgenoten aan de andere kant, hun eigen positie en werk zien maar ook hoe ze naar elkaar kijken. Dit stuk diept de frictie en het verschil tussen deze posities uit maar het staat daarbij ook juist stil bij de gelijkenissen. IND ambtenaren en bondgenoten moeten vergelijkbaar denken omdat beiden naar een beslissing over vluchtelingenschap werken. Met een focus op wantrouwen - en de verschillende richtingen die wantrouwen volgt - beargumenteer ik dat de bondgenoot en de IND antagonistisch samenwerken. De bondgenoot denkt met de IND mee, maar gebruikt die kennis juist om de IND te bevragen. Ze werken dus aan verschillende kanten van de beslissing over in- en exclusie. Ik beschrijf deze tegengestelde maar complementaire posities door de bondgenoot als recalcitrant supplement te zien (Derrida 1974) of, anders gezegd, als een productief auto-immuun element (Schinkel 2007) dat het ‘lichaam’ - de procedure -tegenwerkt maar er ook onlosmakelijk onderdeel van blijft.

In het tweede deel van dit hoofdstuk onderzoek ik de contingente uitvoering van deze personae langs de procedurele route. Door een zaak te volgen die aan beide kanten *niet* goed werd ontvangen laat ik zien dat deze posities contingent zijn en veranderlijk in relatie tot de persoon die asiel aanvraagt. Het is dus niet zo dat de bondgenoot altijd lijnrecht tegenover de IND staat. Juist door de intimiteit waar de procedure op leunt - en hoe het mensen samenbrengt - spelen eigen on/gevoeligheden, persoonlijkheden en smaak een cruciale rol in hoe het proces verloopt. Door deze zaak te volgen laat ik zien dat het proces, naast al haar routines, ook afhankelijk is van de verschillende persoonlijkheden die elkaar ontmoeten wat vooral betekent dat de asielaanvrager afhankelijk is van wat de personae-uitvoerders voelen voor de zaak en de persoon. Hiermee wordt duidelijk dat het eigen gezicht altijd onderdeel is van het procedurele gezicht en

dat de 'objectieve' beslissing dus contingent is en afhangt van die gevoelens en intieme ontmoetingen.

### Lawaaiige horen en stille rapporten

Dat iemand mij een verzonnen verhaal vertelt kan bij mij allerlei reacties oproepen, van irritatie tot gedrevenheid om duidelijk te maken dat het hier om verzinself gaat. Dit kan een stoorzender worden in het contact met de asielzoeker. Het vraagt wat van iedere hoor-medewerker om om te gaan met de irritaties en emoties die dit oproept en om de sfeer in het gesprek goed te houden. (IND ambtenaar, 2013).

Hoofdstuk 3 draait om de ontmoeting tussen IND ambtenaren en asielaanvragers tijdens het gehoor en hoe het gehoor vervolgens stil wordt gemaakt door het selectief te rapporteren. Met dit hoofdstuk demonstreer ik dus hoe de asielaanvrager transformeert tot een leesbare, stille en heldere tekst die verder circuleert en op plekken komt die de persoon zelf nooit zal zien. Tijdens het gehoor typt de IND ambtenaar vooral de vragen en antwoorden op met hier en daar een observatie zoals 'betrokkene wordt emotioneel' (vaak wordt niet helder gemaakt wat 'emotioneel worden' betekent). Het rapport laat dus juist essentiële informatie weg, zoals stemtoon, gezichtsuitdrukking en soms stiltes. Tegelijkertijd funktioneert het rapport als 'body-double' van de aanvrager omdat, zoals hierboven genoemd, het rapport de basis vormt voor de beslissing. Door het proces van horen en rapporteren gedetailleerd te volgen laat dit hoofdstuk zien dat waar het gehoor steunt op intimiteit, het rapport juist die informatie weglaat en zo de grond van een 'objectieve' beslissing vormt. Simpel gezegd, objectiviteit wordt mogelijk via het uitwissen van cruciale informatie.

Ik begin dit hoofdstuk met quotes en uitspraken van IND (hoor-) ambtenaren die hun positie in relatie tot asielaanvragers en zware vluchtverhalen uitlegen. Een veelzeggend en belangrijk voorbeeld van zo'n uitleg is de volgende:

Uiteindelijk ben je toch een professioneel slash neutraal persoon, hij [de aanvrager] heeft er niks aan als ik ga meehuil, en trouwens daar wek je misschien ook hoop mee op, dan denkt hij van oh ze leeft met me mee, dan krijg ik misschien een vergunning. (IND ambtenaar, AC Schiphol, 2015)

Deze vorm van neutraliteit is een affectieve manier om met de intimiteit van het gehoor - de nabijheid van iemand wiens verdriet gedeeld en bevraagd moet worden - om te gaan. De aanvrager, voor wie er veel op het spel staat, wordt gezien, gehoord, aangevoeld en geobserveerd maar de IND ambtenaar mag vooral geen gevoelens van meeleven tonen want dat zou tot hoop kunnen leiden en zo de

'neutraliteit' van de IND schaden. Neutraliteit lijkt op een affectieve poging tot ongevoeligheid al legt het juist verschillende gevoeligheden van IND ambtenaren bloot. Neutraliteit vormt dus een soort afwezigheid: de IND ambtenaar probeert weg te blijven van 'vooringenomenheid' maar ook van de beslissing. Een beslissing die inderdaad door een ander moet worden gemaakt maar wel op grond van deze cruciale en contingente ontmoeting.

In het tweede deel volg ik een asielgehoor om zo te laten zien wat de IND ambtenaar wel en niet rapporteert en hoe de tekst van het rapport vooral een door de IND ambtenaar geselecteerd deel van het gehoor weergeeft. Hiermee wordt zichtbaar hoe sterk de IND intervenieert in het vluchtverhaal, maar ook hoe het rapport deze interventie onzichtbaar maakt. Het rapport laat met name de asielaanvrager zien en 'vergeet' zo de belangrijke details in het gehoor die wel een rol spelen in hoe het verhaal tot stand kwam. Dit hoofdstuk beargumenteert dus dat de intimiteit van het gehoor noodzakelijk is om toegang te krijgen tot hen die, als 'verdachte' reizigers, toegang zoeken tot Nederland. Het noodzakelijk intieme van het gehoord wordt een vorm van ruis in de beslissing. Deze vorm van ruis wordt weggenomen via het rapport om zo afstand en dus 'objectiviteit' mogelijk maken. Het volgende hoofdstuk zal laten zien hoe die afstand juist voor een nog sterkere vorm van wantrouwen zorgt.

### Objectieve subjectiviteiten

Als asielzoekers altijd de waarheid zouden vertellen, als ze nooit zouden liegen, dan zou mijn baan vol oprechte compassie zijn. Dan zou er echt contact ontstaan. Maar de meeste asielzoekers liegen. (IND ambtenaar, 2013).

Waar het vorige hoofdstuk gefocust was op het gehoor en het rapport, gaat dit hoofdstuk in op de beslispraktijk en hoe, onder andere het rapport, verschillende noties van objectiviteit mogelijk maakt. Dit hoofdstuk onderzoekt wat objectiviteit betekent in een procedure die zo zwaar leunt op de autoriteit van IND ambtenaren en hun door wantrouwen gedreven interpretaties van de asielaanvrager. Een beslissing is altijd een keuze van iemand in een machtspositie en de procedure is zo opgezet dat die keuze in alle rust en met afstand van de persoon om wie het draait kan worden gemaakt. Afstandelijkheid wordt gezien als een weg naar (meer) objectiviteit maar, zoals ik laat zien en beargumenteer, versterkt het ook wantrouwen.

Dit hoofdstuk begint met een voorbeeld van een officiële beslistekst. Hiermee demonstreer ik hoe wantrouwen de professionele en gezaghebbende interpretatie van een IND beslisser belichaamt. Wantrouwen is een vorm van expertise die gelegitimeerd is door de verbeelding dat asielaanvragers, zoals de quote hierboven

laat zien, ‘misbruik’ van de procedure maken door vaak te liegen. IND ambtenaren zijn op zoek naar de gaten en vaagheden in het gerapporteerde vluchtverhaal, ook wanneer het tot een positieve beslissing leidt. Ik laat zien hoe sterk de beslissing afhangt van de intuïtieve inschatting van een beslisser door uitgebreid stil te staan bij woorden zoals ‘vaag’, ‘ongeloofwaardig’ en ‘inconsistent’. Een woord als ‘vaag’ kan nooit uitgelegd worden zonder een bepaald gevoel uit te drukken, het verhaal komt vaag over of het voelt vaag aan voor iemand die getraind is altijd scherp en oplettend de onderliggende intentie en betekenis van woorden en zinnen te achterhalen. Veelvoorkomende woorden zoals vaag en vreemd leggen de ondergedetermineerde basis van ‘objectief’ beslissen bloot.

Vanuit dit voorbeeld, analyseer ik werkinstructies en rapporten rondom de beslispraktijk om te laten zien dat er verschillende concepties van objectiviteit actief zijn in het werk van de IND en de opzet van de procedure. Zo laat ik zien dat ‘objectiviteit’ ontstaat in het vermenigvuldigen van subjectiviteit. Door meer IND ambtenaren naar een zaak te laten kijken zou de uitkomst objectiever worden ondanks het feit dat elke IND ambtenaar een andere taak uitvoert in de aanvraag. Daarnaast focust dit hoofdstuk zich op de uitleg van IND ambtenaren zelf om zo te laten zien hoe wantrouwen hun interpretaties en scherpe en precieze lezingen van rapporten drijft. Wantrouwen, in de procedure, wordt als de meest professionele en de meest objectieve vorm van subjectiviteit gezien. Nieuwe IND medewerkers worden, bijvoorbeeld, naïef genoemd wanneer ze te veel ‘meegaan’ in het verhaal van de asielaanvrager. Deze positie van wantrouwen wordt versterkt door het rapport omdat deze geen weerwoord geeft, het kan in stilte gelezen en herlezen worden, er kan overlegd worden en het gerapporteerde verhaal wordt vergeleken met de vele andere verhalen die circuleren in de procedure.

Dit hoofdstuk analyseert de manier waarop objectiviteit samenkomt met de gezaghebbende macht die de asielaanvrager als ‘vaag’, ‘inconsistent’ en ‘ongeloofwaardig’ mag bestempelen. Ik beargumenteer dat ‘objectiviteit’ een manier is om de beslissing eerlijker, preciezer en logischer te maken maar dat de uitkomst alsnog afhangt van de subjectieve en intuïtieve interpretatie van een IND ambtenaar. Zo is de beslissing altijd een ondergedetermineerde en contingente IND interventie. En waar de beslissing afhangt van de macht van een systematische interpretatie, is het precies die systematiek gestoeld op afstand en stilte die wordt gezien als de meest objectieve manier om subjectiviteit – het voelen en doen van wantrouwen – aan het werk te zetten.

### Staat intensiteit: In aanraking zijn met de staat

Everything which happens and everything which appears is correlated with orders of differences: differences of level, temperature, pressure, tension, potential, difference of intensity. (Deleuze 1994: 222)

In de conclusie kom ik terug bij de vraag waar ik mee begon en die een impliciete lijn vormt in deze dissertatie maar nog niet op de voorgrond van de analyse trad: hoe is het mogelijk om over zoiets ongrijpbaars als de ‘staat’ na te denken? Ik doe geen poging de ‘echte’ staat te laten zien of de oorzaak van de macht van de staat te doorgronden. Ik analyseer hoe de macht van de staat actueel wordt in de manier waarop het verschillende lichamen affecteert, beweegt en mobiliseert. Zoals ik eerder al benadrukte, de asielprocedure raakt en beweegt een ieder die er onderdeel van wordt. Vanuit dat inzicht zie ik de macht van de staat als incompleet maar juist als krachtig in de manier waarop zoveel verschillende mensen sterk geraakt worden in de relaties die dagelijks rondom de beslissing worden gevormd. Dus, juist in die incompleetheid en veelheid is de macht van de staat zo sterk en ongrijpbaar.

In dit hoofdstuk maak ik gebruik van nieuw etnografisch materiaal om zo de vraag van de conclusie en de eerdere hoofdstukken samen te brengen. Ik keer dus terug naar de procedurele route en focus op een aanvraag die om seksualiteit draait. Juist de aanvragen die gaan over, zoals een advocaat het noemde, ‘matters of the heart’ zijn een interessante ingang om de manier waarop ‘de staat’ toegang zoekt tot het intieme zelf van de asielaanvrager analytisch uit te diepen.

De procedurele route ziet er uit als een landschap van intimiteit in hoe het mensen bij elkaar verzameld om zich zo te bemoeien met het altijd verdrietige maar bevraagde en gewantrouwde verhaal van de aanvrager. De verschillende manieren waarop de aanvrager personae-uitvoerders ontmoet maakt het mogelijk dat er snel persoonlijke informatie beschikbaar wordt om zo een beslissing over het leven van de aanvrager te maken. Deze intieme manier van de aanvrager ‘leren kennen’ wordt sterk en strikt begeleid door de normen van de beslissing: die van geloofwaardigheid en ‘zwaarwegendheid’ (vluchtelingschap). Verdriet, angst en lijden worden strak getest en iemands leven en beweging hangt af van de manier waarop ze zichzelf presenteren aan de personae van de procedure en van de mate waarin zij (leren te) conformeren aan de normen van inclusie. Dus zij die volledig blootgesteld zijn aan de macht van de beslissing moeten hun leven, lichamen en zelfdefinities kenbaar maken om zo, heel misschien, toegelaten te worden tot Nederland. De macht van de staat raakt hen dus via de relaties die opgezet worden langs de procedurele route: de macht van beslissing raakt door de manier waarop het ook die anderen, de personae, raakt en beweegt.

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It feels sad to thank the people whose applications I got to follow because I do not know where they are and how they are doing. A translator once told me that translating in the procedure is like opening a gripping book, reading a chapter but never getting to finish it. There is so much at stake in the procedure, it is a place that brings such different people, stories and lives together for a short moment until they disperse again into an unfollowable multiplicity of movements. Indeed, being part of the procedure means opening many stories without being able to follow them very far beyond their assembling. But I am, of course, very grateful to the people who allowed me to observe their applications, and I will do my best to put this research to work and to, at the very least, show the procedure to people who get to ignore it.

Likewise, this dissertation is built on the work of people in a very privileged but also in a somewhat vulnerable position. I know it is not always easy to allow a 'nosy' researcher to look at your work, ask questions and keep coming back with more questions.

I am so grateful to Trudy and Eli, Nune and Jona, the spirited managers of Vluchtelingenwerk located at AC Schiphol. I have seen how much you care and how hard you work to successfully improve the situation of people caught up in, as Mardjan once put it, the bureaucratic maze that the procedure is. I hope that this book can be a humble contribution to understanding this web of borders and boundaries in which you, the managers and volunteers of the refugee council, become a friendly face. It is inspiring to see that your critique of the institution never leads you to give up on people who are violated by it. I thank the many volunteers I joined when working for the refugee council and those I got to observe and talk to as a full researcher at a later point.

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other. There was certainly discomfort in relation to those outsiders and what they were going to say and publish, also because you are not allowed to speak back. As there is such enormous variety in IND experiences, feelings, intentions, and backgrounds I was always going to fail at grasping your work in total. And although I am very critical of the procedure, I recognize and see the energy and also the care you put into the work. I wholeheartedly disagree with people who reduce you all to anti-immigration practitioners always on the lookout to reject and deport people. The problem lays much deeper and, in part, beyond you as persons. I hope my research also allows people to see you in a different light and to not easily get away with blaming you, as we all un/willingly benefit from the border work you perform.

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## About the author

Maja Hertoghs (1983) studied anthropology at the University of Amsterdam until 2009. In 2010 she finished her MA in gender and sexuality studies (Cum Laude) and in 2012 a research master in the Social Sciences (Cum Laude). From studying gendered and sexual self-definitions of the lovers/partners of transgender persons, she started exploring the role of emotions in the Dutch asylum procedure for the research master. This latter (unfinished and confusing) research lead to pursuing a PhD and to writing this dissertation. Maja's interests still lie in doing ethnography, in gender and sexuality, in practices of law and in thinking about the multitude of borders and boundaries that produce and protect senses of self and of other. Currently, Maja works as a postdoctoral researcher with prof. Willem Schinkel at the Erasmus University of Rotterdam. This research looks into urban queer spaces as sanctuary for illegalized migrants.