

Paper tigers or tiger papers: the paper regime of modern societies

Friday 16th June 2006

COMPAS, Oxford University
International Migration Institute (IMI), Oxford University
Radboud Universiteit Nijmegen, The Netherlands
Asia Research Institute, National University of Singapore

The Paper Market: 'borrowing' and 'renting' of identity documents

DRAFT PAPER

Ellie Vasta
COMPAS
University of Oxford

Introduction

The focus of this paper is on the strategies immigrants adopt in order to develop their life and work plans as immigrant workers in London. More specifically, what strategies do immigrants engage in when they attempt to formalise or legalise their irregular immigration status or informal labour market participation? This question is based on the hypothesis that the state creates complex and contradictory modes of regulation and exclusion and that immigrants are frequently compelled to reconstruct or circumvent them.

The data used in this paper, a small part of the overall data, comes from the Immigrant Work Strategies and Networks project¹, which aimed to investigate how immigrant work strategies (both formal and informal employment) are shaped or mediated by their social networks in the process of settlement and integration. The research was located in London, a multi-ethnic city with many recent arrivals, particularly in the past 10-15 years, from all over the globe.

Groups interviewed included Ghanaians, Portuguese, Romanians, Turks and a sample of British-born people in order to provide us with a control group that could provide a point of comparison where relevant. Qualitative research methods were used surveying approx. 30 in each group (equal gender split) and later selecting 10 respondents to conduct in-depth interviews in each group. People that had both regular and irregular immigration and labour market status were interviewed. About a third of our sample of 155 had irregular status of some sort.

Regular and irregular immigrant and labour market status

The terms 'irregular' and 'informal' have often been used to avoid normative language, such as 'illegal', which is often implicated with ethnocentrism and prejudice. There is, however, no clear consensus on what these terms denote since they might imply a set of meanings ranging from an emphasis on the method of border-crossing to a focus on current employment conditions. Nevertheless, the terms 'irregular' or 'informal' are frequently used by researchers in an effort to shift away from normative and legal language. For example, Jordan and Duvell define irregular migration as the 'crossing of borders without proper authority, or violating conditions for entering another country' (2002: 15). Irregular immigration also includes those who have come in legally but who have overstayed their visa. Furthermore, in order to avoid the danger that the 'informal' becomes the 'other' to formal employment or to the formal economy, or where the informal economy is seen as a sphere outside of the activities and regulations of the formal, organized economy, many now understand that the formal and informal economies are intimately linked and are shaped by each other in a complex process of economic, social, and political relations (Mingione and Qassoli 2000; Portes, et al. 1989).

In a similar vein to definitions of irregular immigration status, reference to informal employment, unregistered or undeclared work, the informal sector or the informal economy, can be confusing as these terms, for example, do not distinguish between paid and unpaid informal work. There are many degrees of informality or irregularity in the labour market. Informal employment can be highly paid and autonomous work or low-paid, exploitative work. Further, informal employment is heterogeneous and 'ranges from "organised" informal employment undertaken by employees for a business that conducts some or all of its activity informally to more "individual" forms of informality' (Williams and Windebank 1998, 30-32), and to cheating around the margins by employers who don't pay overtime.

For the purpose of this paper, some immigrants live irregular lives either through their immigration status and/or by working in the informal economy. In both cases, government policies can encourage irregular immigration status and contribute to undocumented labour. The EU, for example, prides itself in its development of non-discriminatory immigration policies. Yet many countries, including Britain, have immigration policies that discriminate at the point of entry, that deport some nationals while turning a blind eye to others, and that discriminate against asylum seekers to the point of placing their lives in danger by forbidding them to work (Flynn 2005; Morris 2002).

In our sample, we have found that citizenship works in two main ways for many. One way is through the phenomena of 'hierarchical citizenship' where different citizenships and passports have acquired different value. Castles (2005) suggests that in the new global order, an 'hierarchical citizenship' exists among the world's people, with the citizenship of some nation-states possessing more rights and freedom than others - they have more socio-econ and political value than others. Similarly, in the UK there is a system of 'civic stratification' that provides new arrivals with different levels of rights. Morris (2002) suggests this leads to a 'hierarchy of statuses' with a close relationship between rights and controls. Furthermore, she suggests there are

informal deficits, for some, when accessing rights. For example, some may have various rights on paper, but when it comes to claiming these rights, they experience great difficulties when they discover that access to rights is conditional. In addition, different value is given to rights in the system of civic stratification. Our research reveals there is also a hierarchy of statuses among those who can claim regular or documented status and those pushed into irregularity. For example, some nationalities who enter on a tourist visa intending to work, may find it easier than others to gain self-employment visas, while other nationalities, unable to gain such access or opportunities, end up over-staying.

However, in this paper, I will concentrate on an examination of the paper trail that immigrants negotiate in the process of finding work, in their attempts to join family, and in their endeavour to develop relevant work and life strategies. I will focus on the circulation of papers/documents revealing how immigrants use these to construct and accommodate the shift between regular and irregular status.

The Paper Market

The paper regime of modern societies sets up a mass of contradictions. On the one hand, documents, such as passports, are the bases of our national identities. They provide us with specific rights and with freedom of movement. On the other hand, with managed migration they provide the state with the means of governmentality, moving away from force to control through administration of social groups. Further, while immigrants strive to gain legal documents, these very documents are often used as instruments of surveillance. Nevertheless, as Foucault (1982) reminded us, these regimes of power and of knowledge create points of resistance. In our research, we found that migrants have developed cultures of resistance around papers and documentation.

Many of our respondents feel they have a right to live a reasonable life, so are prepared to challenge and contest the law, to cross spatial, institutional and cultural boundaries – the boundaries are very fluid. There is both local accommodation and resistance to authority power structures as well as to global conditions. One way of resisting the power of the state's gaze is by becoming invisible. On the other hand, a localized construction of identity exists right there in the localities where they live and work. While this local accommodation and resistance appears to be happening off-stage (Goffman 1959), it also occurs right under the surveillance or the nose of the state.

In the following sections I will provide several vignettes of how immigrants accommodate the paper trail between regularity and irregularity. While most of the data in this paper concentrates on how irregular migrants accommodate irregularity, I'll begin with the story of a regular migrant.

The paper trail for regular migrants

One of the myths of migration to Europe is that because the UK has a strong liberal democratic tradition it will be easier - legally, bureaucratically and socially - for immigrants to arrange to settle in Britain. Here we have the words of one woman who was the so-called 'dependant' to her husband who first had a job offer to Ireland but at that time dependants could not work there. Eventually, he was able to get a work permit to come to the UK so that she could work legally:

One of the first things I did was to apply for the National Insurance number. Then I applied for the "medical card". There it was a bit annoying because you have to provide your passport, that of your husband, the work permit...and so on. And...ah...then all the problems with the bank...Yes, there a lot of problems like, why your husband's surname is different than yours? Because on my passport I still have my surname not that of my husband. This is because the passport was still valid when we married, and there was no reason to change it. So they ask me to bring the marriage certificate. I brought it. This was still not enough, they ask me to come with my husband.

Buying, renting and selling passports

Another myth is that the practice of buying and selling documents is always involved with mafia rings. We found cases that were carried out in a low key way, through networks aiming to help compatriots in need of work and to help those who wanted to join family. In many cases, the buying and selling documents involved family life strategies.

In this next case, the woman went to France to pick up a passport and ticket on the journey to join her partner in the UK:

Don't think that we were involved in who knows what kind of mafia or things like this, we were just at the end of all this, we heard that there were some ways to do it, and we thought that maybe we will also be able to do it this way. And he [her partner] gave all his savings to help me. 1200 pounds ... I didn't want to stay there [in France] longer than the three months I was allowed, I didn't want to get in trouble, and to have my name destroyed for ever...*it would have been illegal* [my italics].

With this case, we suspect that the new passport was 'rented', in that she would eventually get her own back for she told us that she couldn't travel with her own passport (in case she was searched). She swapped her own passport for the bought one, not imagining the risks she was talking. She boarded the train 10 minutes later and several hours later found herself at Waterloo:

Well, they showed him the passport I was supposed to use and he didn't like how it was made so he asked for it to be made again. Well, I arrived in France, I met the person I was meant to. *The person gave me the passport and took mine* [my italics] and told me that I'll have the train in 10 minutes...I knew what I had to do but I didn't know why and how I was going to do and how risky it was. I wasn't aware about the risk.

This case reflects one noteworthy result of the project – how immigrants construct a range of flexible meanings between regular and irregular status. She did not want to overstay her limit in France because that was, in her own words, ‘illegal’, though she used a ‘bought’ Irish passport to enter the UK. So she entered the UK ‘legally’, but immediately became ‘irregular’ once in the UK because she could not use her Irish passport to gain a National Insurance Number:

The fact is that I never wanted to have and to use forged documents once here because you risk. And I preferred to work without, I preferred to work for who wanted me without documents, do you understand... Yes. I could get forged documents which will allow me to look for a better job, but the risk is too big, I think. So, I’m not interested in doing it.

Absolutely, he [employer] knows. If you have documents he [the employer] is obliged to pay you the minimum wages plus some benefits he is obliged to give you. But if you don’t have documents, he will not cheat you, he will not exploit you, don’t get me wrong.... you are not exploited ..it is not like in those stories you hear about where Japanese people who live like 50 in the same house, work at the fish market and so on. No. But if you have documents you’ll earn about 50 pounds more per week.

Eventually, she was able to ‘buy’ a ‘safe’ National Insurance number for £1000 that had been ‘left behind’:

Now, something better means that you should have at least a National Insurance Number and this is “something unreachable”, you know...And I have to say that I was very lucky. As I said, I didn’t want to get forged documents, but I met a person who had a friend who left the UK going back to her home country. Ok? So she had the right to work here and she also had a NI number. And she “left it behind”. And we had also been assured that it was ok, it was not one of those NI number with five people working in it, this, you know, happens very often. Some times there are a lot of people working on the same one because they just take numbers without checking them before. So at this stage, as long as I pay taxes I don’t do any harm to the state, on the contrary.

We note again the fluid way in which she defines illegal – ‘nothing is illegal’ because she is contributing to the country by paying taxes. But also, ‘having it made up’, that is, forged is far worse than simply buying someone’s document, borrowing or renting from friends and family:

The fact that you have the NI number makes things ok, your boss...pays the required taxes, you also pay your taxes so there is nothing against the law, *nothing is illegal* [my italics], on the contrary...what happens is an advantage for the country, because I could for example work on the black market and don’t give anything to the state. However this [the NI number] was a sort of “luck” because I didn’t have it made, don’t get me wrong, I didn’t do anything for *having it made*. Actually if you pay you can have everything, all sorts of passports you want, whatever *colour* you want...

Hierarchy of Citizenship - The little red book

The colour of passports is quite important in that 'hierarchy of citizenships', as mentioned in the above quote and can be seen from this next quote. The *magnificent red book* has rather high status as revealed by the question posed by the interviewer (a compatriot of the respondent). This respondent had made an application for 'Leave to Remain':

Q: And what would be the greatest thing with you holding that magnificent red book ...

A: I would just have a little glass of white wine and just pray to my God and thank God for it because when you get that you don't get scared. Now you can do everything you want to do, you can go to wherever you want to go. You are not restricted from the country. You can move about. And that is a great thing.

Another respondent dreams of what life will be like after he buys a British passport for £5000. He would not give up his own passport as he is simply an overstayer:

[I]n fact, it will...make me comfortable actually. Then I will be able to combine my two intentions of coming to make a good living for me, my family and also to pursue further studies. It will probably make it possible for my family to join me, my young boy and his mum to join me and we will be living together.

'Borrowing' documents or renting bank accounts

Renting of documents is another way of constructing suitable conditions for 'regular work'. Savings need to be put away safely and those without regular papers cannot open a bank account. As a result, some borrow or rent relevant documents or bank accounts. When borrowed or rented, the expectation is that documents will be returned usually to family or friends:

The main stumbling block...for some of us mostly from..., it is the NI and work permit that is our problem. [S]ome of them borrow and rent documents from relatives and friends. Relatives and friends who have the documents already, they either borrow or rent them for a fee...And it's not a fee that they pay once, they pay monthly...

One respondent who has irregular immigration status has rented her sister's National Insurance number. She pays rent out of her monthly pay packet, claiming this was all for the good of the family, because she also sends back remittances.

Another woman who placed her money in a friend's bank account was paying a monthly rent but was also expected to pay an amount for each withdrawal:

Ah yes. And even the money we were giving her were more than (pause) more than what other people were paying because as the money will come to the account and she will be refusing to (pause) withdraw the money for me and I have to give her something.

The renting and borrowing of documents sometimes leads to cases of exploitation among compatriots. At one stage, this woman, who had to return to her home country for a while, lost near £1000 as the friend claimed that the last amounts of pay had not gone into the account. Another respondent who was renting a compatriot's bank account, discovered that the compatriot was taking out extra money from the respondent's banked monthly pay as monthly payment for having found the respondent a job. Not all renting and borrowing ends up this way. Many reported the practice had positive outcomes for both parties.

Concluding Remarks - the fluidity between regular and irregular status

As noted earlier, one of the significant results of this project is the fluidity between irregular and regular statuses. Some form of irregularity exists in all our samples, including that of informal employment among the British-born. The picture becomes complicated for immigrants who have irregular immigration status for, whatever they do, even those who pay taxes, they will always be perceived and defined as illegal. From the state's point of view, these phenomena are defined as 'illegal'. Yet, we are reminded of Howard Becker's famous study of 'deviance' and labelling theory: 'The question of what rules are to be enforced, what behaviour regarded as deviant, and which people labelled as outsiders must also be regarded as political' (Becker 1963, 7).

From the migrant point of view, it might be seen as a form of immigrant resistance to draconian state policies in wealthy countries. Our results concur with what Peggy Levitt calls a 'dual consciousness' or 'dual competence' around regularity/irregularity. She suggests, that in their quest to develop relevant work/life strategies, people will find ways to mentally accommodate the two (Levitt 2001). Our results illustrate that.

However, our results also reveal that although resistance might provide immigrants with a sense of agency, many would rather have regular or legal status. As a result, a notable phenomenon emerges which we argue is best explained by the concept *irregular formality* - the attempt to regularize one's status within the constraints of irregular immigration and labour market status. As stated earlier, among our immigrant samples, we found that many irregular migrants would prefer to have formal immigration and labour market status. Over-stayers (who form the majority of those with irregular immigration status in our samples), or those who come in with borrowed or bought passports do so as a way of 'normalizing' their status. For some, this is achieved by buying a 'legal' passport so that they can work 'legally' in the UK. Others, who have irregular status by overstaying their visa, also pay taxes. Not only do they have a 'dual consciousness' but they continually attempt to find ways to 'regularize' themselves. If this is not possible through legal means, *irregular formality* is the next best strategy.

References

- Becker, H. S.** 1963 *Outsiders: studies in the sociology of deviance*, New York: Free Press.
- Castles, S.** 2005 'Nation and Empire: Hierarchies of Citizenship in the New Global Order', *International Politics*(42): 203-224.

- Flynn, D.** 2005 'An historical note on labour migration policy in the UK' *Labour Migration and Employment Rights*, London: Institute of Employment Rights.
- Foucault, M.** 1982 'The Subject and Power', *Critical Inquiry* 8(Summer): 777-795.
- Goffman, E.** 1959 *The presentation of self in everyday life*, New York: Doubleday.
- Levitt, P.** 2001 *The Transnational Villagers*, Los Angeles: University of California Press.
- Mingione, E. and Qassoli, F.** 2000 'The participation of immigrants in the underground economy in Italy', in R. King, G. Lazaridis and C. Tsardanidis (eds) *Eldorado or Fortress? Migration in Southern Europe*, Basingstok: Macmillan.
- Morris, L.** 2002 *Managing Migration: Civic stratification and migrants' rights*, London: Routledge.
- Portes, A., Castells, M. and Benton, L. A.** 1989 *Overview World Underneath: The Origins, Dynamics, and Effects of the Informal Economy*, Baltimore, London: Johns Hopkins University Press.
- Williams, C. and Windebank, J.** 1998 *Informal employment in the advanced economies. Implications for work and welfare*, London: Routledge.

ⁱ This is an ESRC COMPAS, University of Oxford and Graduate School of the Social Sciences, Middle Eastern Technical University, Ankara funded project conducted in collaboration with Dr Aykan Erdemir, Middle East Technical University (METU), Graduate School of the Social Sciences, Ankara, and with research assistance from Cemre Erciyes, Leander Kandilige, Nicole Silverman, Andreaa Raluca Torre, Andreaa Udreea, Jemima Wilberforce, Besim Can Zirh.