

PRECARIOUS WAITING: TIME, GENDER AND 'ILLEGALITY' FOR DENIED
ASYLUM SEEKERS IN THE NETHERLANDS

By

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Abstract

This study sets out to discuss the different ways in which restrictive laws and policies regarding denied asylum seekers in the Netherlands produce precarity. Following Nicholas De Genova's (2002) work on migrant 'illegality', this study aims to critically examine national immigration laws and policies, which is crucial to studies of migration in general, and 'illegal' migration in particular. This study focusses on how Dutch laws and policies – particularly the 1998 Linking Act – produce precariousness in denied asylum seekers' lives, with a particular focus on the production of forced dependency and passivity as gendered categories of precarity. In other words, this study aims to highlight how Dutch laws and policies targeting denied asylum seekers produce passive, dependent and waiting subjects. The dimension of time will be an important element in this research, because it allows insights into the ways in which the experience of waiting affects this group of denied asylum seekers. I will analyze their experiences of waiting using the concept of liminality to gain an understanding into the ways in which "being stuck" in this precarious liminal phase shapes notions of social personhood, marks them as abject Others, and positions them in larger systems of unequal power relations. I will show how patriarchal gender roles and racialized assumptions of the migrant Other shape this process of precarization and denied asylum seekers' experiences of inhabiting a space of 'illegality'. This study aims to contribute to the scholarship on 'illegal' migration an analysis combining a critical examination of laws and policies, and the subjectivities they produce. Additionally, I have aimed to underscore the importance of studying the dimension of time in studies of migration because it highlights dimensions of power, and provides a better understanding into migrants' lived experiences.

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Dedicated to my mum and twin brother.
Whose strength never ceases to amaze me.

Declaration

I hereby declare that this thesis is the result of original research; it contains no materials accepted for any other degree in any other institution and no materials previously written and/or published by another person, except where appropriate acknowledgment is made in the form of bibliographical reference.

I further declare that the following word count for this thesis are accurate:

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Signed _____ (Moniek van den Boogaard)

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Introduction

In April 2015 the Dutch coalition, consisting of the People’s Party for Freedom and Democracy (VVD) and the Labour Party (PvdA), was close to collapsing over a question about ‘illegal’ migrants. They deliberated whether or not to allow Dutch municipalities to provide food and shelter to denied asylum seekers. The PvdA argued shelter should be provided to those in need, while the VVD insisted such service would remove the impetus for denied asylum seekers to leave the Netherlands. After over a week of late-night negotiations, VVD and PvdA came to an agreement that denied asylum seekers would be offered short-term shelter – for only a limited number of weeks – but only if they cooperate in the preparation of return to their country of origin.¹ The majority of the approximately 50 local shelters in the Netherlands – operating through municipal government funding – were to be closed and only six shelter facilities would remain. At the time of writing, two years later, this restrictive shelter plan has not yet materialized. From the start of the discussion, municipalities have strongly objected to these plans and continue to cooperate with local NGOs in operating local shelter programs and offering other forms of assistance to denied asylum seekers. This debate, which received extensive media coverage, highlights a conflict that forms the background for this study, namely a conflict between the restrictive government policies that aim to exclude and expel denied asylum seekers from the Netherlands, and the reality of a large group of denied asylum seekers living in the Netherlands under precarious circumstances, which I will show is a result of these policies.

The topic of ‘illegal’ migration has been well researched in the Netherlands. These works give great insights into a variety of issues such as, state strategies of immigration control (Broeders 2009; Broeders and Engbersen 2007; Engbersen and Broeders 2009 and 2011), immigration detention (Broeders 2010; Broeders and Engbersen 2007; Leerkes and

¹ “*Bed, Bath and Begone*”, <http://www.economist.com/news/europe/21649614-netherlands-stumped-rejected-asylum-seekers-who-refuse-leave-bed-bath-and-begone>

Broeders 2010 and 2012), illegality and criminality (De Boom, Snel and Engbersen 2008; Engbersen and van der Leun 2001; Leerkes, Engbersen and van der Leun 2012; van der Woude and van der Leun 2017), and policy implementation and contestation (van der Leun 2003 and 2006; Kos, Maussen and Doornik 2015; Leerkes, Engbersen and van San 2007; Leerkes, Varsanyi and Engbersen 2012). These studies, however, do not include a critical reflection on how issues of gender and race play a role in state practices regarding 'illegal' migration. An exception is the book *Illegal Migration and Gender in a Global and Historical Perspective* by Dutch scholars Marlou Schrover, Joanna van der Leun, Leo Lucassen and Chris Quispel (2008), in which scholarship on migration is approached from a gender perspective. This book investigates how gender intersects with notions of citizenship and shows how mechanisms of inclusion and exclusion affect men and women differently. Of particular interest to this study is Corrie van Eijl's chapter in which she traces the history of the concept 'illegal alien' in the Netherlands. These studies give important insights in Dutch state practices regarding 'illegal' migration and internal migration control, and highlight the contested nature of laws and policies targeting denied asylum seekers – and 'illegal' migrants in general – in the Netherlands. However, these studies only marginally examine how Dutch state practices produce 'illegal' migrant subjectivities and vulnerabilities, and how issues of gender and race intersect in shaping 'illegal' migrants' lived experiences. This study sets out to explore this gap in scholarship on 'illegal' migration in the Netherlands.

In this study, I set out to discuss the different ways in which restrictive laws and policies regarding denied asylum seekers in the Netherlands produce precarity. Following Nicholas De Genova's (2002) work on migrant 'illegality', I contend that (anti-)immigration laws and policies do not constitute a neutral framework for studies of migration, and should not remain unquestioned while examining migrants' lived experiences. Therefore, a critical examination of national laws and policies is crucial to studies of migration in general, and

'illegal' migration in particular. In this study I focus on how Dutch laws and policies – particularly the 1998 Linking Act – produce precariousness in denied asylum seekers' lives, with a particular focus on the production of forced dependency and passivity as gendered categories of precarity. In other words, I will show how Dutch laws and policies targeting denied asylum seekers produce passive, dependent waiting subjects. I will pay close attention to the dimension of time, because it will allow me to show how the experience of waiting affects this group of denied asylum seekers. I will analyze their experiences of waiting using the concept of liminality to gain an understanding in to the ways in which "being stuck" in this precarious liminal phase shapes notions of social personhood, marks them as abject Others, and positions them in larger systems of unequal power relations. I will show how patriarchal gender roles and racialized assumptions of the migrant Other shape this process of precarization and denied asylum seekers' experiences of inhabiting a space of 'illegality'.

This study is based on 4 months of fieldwork, from April 2016 till August 2016, during which I worked full time as an intern for a Dutch NGO, which I will call *Refugee Assistance*. Their primary beneficiaries are people (non-European) who have requested asylum in the Netherlands but have been rejected both asylum status and subsidiary protection². After asylum seekers have been denied asylum they are ordered to return to their country of origin and are individually responsible for this return. They have 28 days to leave the Netherlands after being denied asylum, and the asylum seekers cannot await the answer

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"person eligible for subsidiary protection' means a third country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm" (European Directive 2004/83/EC, Article 2(e))

Serious harm is defined as the risk of: "(a) death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian's life or person by reasons of indiscriminate violence in situations of international or internal armed conflict." (European Directive 2004/83/EC, Article 2(e) and article 15)

of a subsequent asylum request in an asylum center within the Netherlands.³ Additionally, as a result of the 1998 Linking Act denied asylum seekers are denied access to a wide range of public and semi-public services, such as health care, social benefits, housing and education, and these services are made conditional on immigrants' residence status (Van der Leun 2003, 115). Refugee Assistance offers denied asylum seekers assistance with access to health care and other basic rights, help in finding shelter, and legal aid in preparing for new asylum procedures. This group of denied asylum seekers have been in the Netherlands often between five and fifteen years. Despite the fact that these people have been denied asylum at least once and have lived the larger part of their lives in the Netherlands as 'illegal' migrants, many are still waiting and hoping to receive permission to stay in the Netherlands.

The majority, a little over 80%, of the denied asylum seekers receiving aid from Refugee Assistance were men. This is not surprising if we consider the overall increasing trend of migrant men reaching Europe; in 2014, for example, over 70% of the asylum seekers in the Netherlands were men.⁴ An intersection of norms and expectations regarding gender, sexuality, class and race shape perceptions of male asylum seekers. These refugee men – whose presence thwarts European governments' desire to externalize asylum issues to transit zones outside of Europe – are securitized; they are seen as a threat to safety and the welfare state (Hyndman and Giles 2011, 363), and 'illegal' migrant men are furthermore associated with criminality. Chloe Lewis (2012) argues that by constructing male migrants and asylum seekers as threatening, dangerous criminals or rapists, and foregrounding the vulnerabilities of women and children in studies on migration, we reify the category of 'women and children' as victims and overlook the experiences and vulnerabilities of asylum seeker men.⁵

³ "Terugkeer van uitgeprocedeerde asielzoekers", Vluchtelingenwerk, <https://www.vluchtelingenwerk.nl/feiten-cijfers/procedures-wetten-beleid/terugkeer> (Last accessed June 8, 2017)

⁴ "Vooral mannen vragen asiel aan, vrouwen en kinderen reizen na", Centraal Bureau voor de Statistiek (CBS), September 28, 2015, <https://www.cbs.nl/nl-nl/nieuws/2015/40/vooral-mannen-vragen-asiel-aan-vrouwen-en-kinderen-reizen-na> (Last accessed June 5, 2017).

⁵ Lewis, C. (2012). "The invisible migrant man: questioning gender privileges". OpenDemocracy.net,

In this study I will foreground the experiences of denied asylum seeker men in the Netherlands and show how gendered and racialized expectations of them as a non-white, non-Western migrant Other adversely affects them. Though this study pays particular attention to denied asylum seeker men's vulnerabilities and precariousness that are a result of racialized notions of migrant masculinities, I do not see these men as "poor, helpless victims" of this structural and institutionalized racism. These denied asylum seekers still hold certain privileges and power as men in a patriarchal gender hierarchy. One of the denied asylum seeker men I worked with – at the office of Refugee Assistance in the capacity of trainer/social worker – sent me a photograph of his penis on my mobile number, and afterwards was completely shocked and could not understand why I said his behavior constituted sexual harassment. Though I reported this incident to my supervisors, I did not want this to affect the aid he received at Refugee Assistance. Therefore his position of precariousness 'protected' him from repercussions for his transgression. This is a clear example of how these men, who experience precariousness related to them being constructed as racially and culturally inferior 'illegal' migrants, can still experience feelings of entitlement and power in other ways. It also shows the necessity for an intersectional approach to doing this research.

Throughout this study I aim to show how Dutch governmental policies, particularly the 1998 Linking Act, creates precariousness in denied asylum seekers lives, and produces passive, dependent waiting subjects. I show how an intersection of race and gender is at play in shaping this particular form of precariousness in denied asylum seeker men's lives, and how this precariousness manifests itself through a forced dependency and passivity. Additionally, I demonstrate how the dimension of time, and the experience of waiting, further exacerbates this precariousness, and contributes to a process of 'othering' denied asylum

<https://www.opendemocracy.net/5050/chlo%C3%A9-lewis/invisible-migrant-man-questioning-gender-privileges> (Last accessed June 5, 2017)

seekers. I begin by giving a historic overview of immigration and integration policies in the Netherlands to show that these policies have become increasingly restrictive and exclusionary, with special attention to the increasing Islamophobia. In chapter 2, I address my theoretical framework for this study in which I explain my approach to the study of 'illegal' migration, and my conceptualization of racism and Islamophobia. I further explain the concepts that are central to my two analytical chapters, namely precarity and governmentality, and time and liminality. In chapter 3 I explain the setting for this research and my methods. I also reflect on my own positionality that has shaped this research. Chapter 4 is the first analytical chapter in which I discuss the ways in which the Linking Act and exclusion from legal employment opportunities produces precariousness in denied asylum seekers lives. Finally, in chapter 5 I show how this precariousness is exacerbated through the experience of "endless waiting", and the role hope plays in helping denied asylum seekers endure this waiting.

1. Migration, integration, asylum and 'illegality' in the Netherlands

Immigration before the Second World War:

The Netherlands has a long history of migration. As far back as 1590 the Dutch Republic received migrants from other European countries, mainly people fleeing persecution by the Spanish regime. In the 17th and 18th centuries mostly people fleeing religious persecution came to the Dutch Republic, such as French Protestants and Jews coming from Southern and Eastern Europe (Gsir and Mandin 2015, 9). Additionally, since the middle of the 17th century there was an increase in labor migration from Germany and Eastern Europe (Nicholaas and Sprangers 2007, 25). The first Aliens Act was passed in 1849, which defined who could enter or stay in the Netherlands legally. Anyone with legal documents and sufficient funds to provide for one self was to be allowed entry and stay in the Netherlands (Van Eijl 2008, 43). Even people who did not have official legal documents were de facto allowed entry as long as they were deemed reliable and had means to provide for themselves. The main aim of this law was to exclude poor foreigners from the Netherlands. The underlying rationale being that the poor relief system in the Netherlands should only be available for Dutch citizens, not for foreigners, and a worry that it would not be possible to deport foreigners once they became penniless (ibid, 44). In reality, the rules of the 1849 Aliens Act were not enforced strictly and many foreigners entered the Netherlands without the necessary formal permission. During the First World War increased immigration to the Netherlands took place, mainly people fleeing Belgium, which was invaded by the Germans. Additionally, many Jews, socialists and communists from Germany and Poland fled to the Netherlands (Nicholaas and Sprangers 2007, 30). This increase of immigrants during the First World War, who were deemed undesirable by the Dutch government, prompted the Dutch government to issue new regulations. Foreigners were to report to the local police within the first 24 hours of arrival

and were registered at the municipality where they were residing (Van Eijl 2008, 44). Around 1922, when peace was restored and immigration rates dropped, these regulations were dropped and there was more leniency towards immigrants (ibid, 44).

World War II and 'illegality' as a category:

During the period of Nazi Germany, from 1933 to 1945, Dutch policies, laws and practices regarding foreign-born immigrants markedly changed. Increasingly, Jews fleeing the Nazi regime in Germany turned to the Netherlands for safety. However, the Dutch government held anti-Semitic beliefs and tried to prevent their entry. In May 1938, the government decided that Jews were not allowed entry into the country anymore (Van Eijl 2008, 49). This was in breach with the 1849 Aliens Act because even Jews with legal documents and means of subsistence were to be denied entry. A distinction was made between 'regular' aliens and refugees, the latter having markedly less rights and they did not receive any protection from the government (ibid, 50). Additionally, for refugees, crossing the German-Dutch border became an illegal activity. In December 1938, Jewish refugees were officially referred to as 'illegals' or unwanted aliens – marking the entry of the term 'illegal' in the Dutch discourse on migration (ibid, 50). Jewish refugees who had entered the Netherlands before December 1938 were to be arrested and detained in a camp until they could be sent back to Germany. 1940 marked the beginning of the German occupation of the Netherlands and the Germans took control of the camps in which Jews were detained (ibid, 50).

Legislating immigration and integration:

After the Second World War the Netherlands experienced a period of increased immigration. The independence of Indonesia, a former Dutch colony, resulted in about 400.000 people migrating to the Netherlands between 1945 and 1962 (Nicholaas and Sprangers 2007, 30). In

1965 a new Aliens Act was introduced, the main revisions included the introduction of the status 'undesirable alien' – with which prolonged stay or illegal return to the Netherlands, after receiving this status, became a criminal offense - and the first introduction of an asylum procedure.⁶ In the 1960s and 1970s a lot of labor migration took place from countries such as Italy, Spain, Morocco and Turkey (Vink 2007, 339). In 1975 the independence of Suriname, also a former Dutch colony, sparked migration to the Netherlands with about 180.000 immigrants arriving quickly after independence. Since the 1980s an increasing number of Dutch citizens from the Dutch Antilles and Aruba⁷ have immigrated to the Netherlands. Additionally, the use of family reunification schemes, introduced in 1974, used by labor migrants from the 1960s and 1970s caused an increase in the number of immigrants from Turkey and Morocco. Lastly, the number of people seeking asylum in the Netherlands has increased between the 1980s and the early 2000s (ibid, 340). Despite this increase in migration after the Second World War, it took the Dutch government until 1983 to implement its first immigration or integration policy.

Both nationally and internationally the Netherlands has for a long time been regarded as an exceptionally liberal country. In particular, Dutch immigration and integration policies have often been labeled welcoming and 'multiculturalist' (Duyvendak and Scholten 2012, 267). However, Jan Willem Duyvendak and Peter Scholten argue that in fact this was not the case. Until the middle of the 1970s, under the so-called guest labor regime, the Dutch government was rather reluctant to establish immigrant integration policies. The underlying assumption was the belief that immigration to the Netherlands was temporary and that immigrants would eventually return to their home countries (ibid, 267). In this period, approximately 225.000 labor migrants migrated to the Netherlands mainly from Morocco and Turkey, and to a lesser extent from Greece, Italy, Portugal, Spain and Tunisia (Nicolaas and

⁶ Vreemdelingenwet 1965“ <http://www.vijfeeuwenmigratie.nl/foto/vreemdelingenwet-1965> (Last accessed May 25, 2017)

⁷ The Dutch Antilles and Aruba are part of the Kingdom of the Netherlands

Spranger 2007, 33). Many of these labor migrants entered the Netherlands illegally, without work permits and visas (Van der Leun 2003, 16). However, there was considerable leniency in admitting these migrants as long as they were able to find a job and provide for themselves, as the demand for cheap labor was high (ibid, 16). Measures that were taken regarding immigrants were *ad hoc* and focused on promoting participation in the economic sphere and preservation of social and cultural identity – so that immigrants would not become alienated from their home countries – which resulted in cultural pluralism. All the measures taken were based on a “belief that the Netherlands was not and should not become a country of immigration” (Duyvendak and Scholten 2012, 272). The Dutch nation was imagined to be white and secular – though rooted in the Judeo-Christian tradition – and the racialized category of Muslims, in the Netherlands predominantly targeting people from Moroccan or Turkish decent, was not deemed compatible with that imaginary (Essed and Trienekens 2008; Essed and Hoving 2014; Wekker 2016).

At the end of the 1970s and the beginning of the 1980s the Dutch government realized that many of the ‘temporary guestworkers’ would not return to their countries of origin, particularly in the case of Turks and Moroccans, and started thinking about and developing immigration and integration policies (Duyvendak and Scholten 2012, 272; Quispel 2007, 103; Vink 2007, 341). An Ethnic Minorities Policy was developed in which the Dutch government no longer spoke of temporary immigrants but of minority groups based on ethnicity. The Ethnic Minorities Policy expressed the belief that improving minorities’ socio-cultural conditions would also help their socio-economic position (Duyvendak and Scholten 2012, 272). According to Jan Rath, a Dutch social scientist, the paradigm of the Ethnic Minorities Policy divides society into distinct groups, minorities whose position in society is characterized by socio-cultural differences and their low socio-economic position (Rath 1991, 26). This line of reasoning allows for interference by the Dutch government but also “also

allows to exclude minorities from political and economic processes because of their social-cultural non-conformity” (Duyvendak and Scholten, 2012, 271). The goal of these policies was said to be ‘cultural emancipation’ and consequently the improvement of immigrants’ economic position. Cultural pluralism remained but now with the aim of integration instead of return migration (Duyvendak and Scholten 2012, 272). During this period, the Dutch government was still rather tolerant towards ‘illegal’ immigrants, at least those who were already in the Netherlands. They could register at municipalities, and acquire a social security number that allowed them access to the welfare state. Working, which was officially not allowed for ‘illegal’ migrants, was only irregularly checked and fined (Van der Leun 2003, 17).

At the end of the 1980s the Ethnic Minorities Policy came under growing pressure and in 1994 changed to the first Integration Policy. The Integration Policy defined a new divide in society between ‘autochtonous’⁸ and ‘allochtonous’⁹ individuals, the former describing Dutch-born citizens and the latter foreign-born citizens (Duyvendak and Scholten 2012, 273). Categorization was to be based on foreign decent instead of ethnic and cultural difference, however the common use of the term ‘allochtonous’ extends to anyone who, on the basis of skin color, is perceived to be of ‘non-Western’ origin and shows its racialized connotations. This racialization of people of ‘non-Western’ origin causes them to never be allowed to belong to the imagined Dutch nation (Wekker 2016, 15). Moreover, the Integration Policy stressed economic participation as the key towards attaining a better socio-cultural position. So instead of interventions in the socio-cultural sphere, as was the case with the Ethnic Minorities Policy, the Integration Policy focused on disciplining immigrants to become active / ‘good’ citizens and economically independent (Duyvendak and Scholten 2012, 273).

⁸ Literally means “from the soil/earth/land”

⁹ Literally means “from other soil/earth/land”

The introduction of the 1994 Integration Policy also marked the end of a period of condoning illegality. Measures were taken to combat the presence of 'illegal' migrants already residing in the Netherlands: an expulsion policy was introduced and pre-existing rules regarding employment and welfare benefits were enforced more strictly (Van der Leun 2003, 17). These new regulations were, in part, a response to a perceived fear of the Netherlands becoming 'full' due to the relatively large numbers of refugees – with a peak of 53.000 asylum seekers in 1994 (Nicolaas and Sprangers 2007, 39) – fleeing war and persecution in former Yugoslavia (since 1992), Afghanistan (since 1992), Iraq (since 1991), Iran (since 1981) and Somalia (since 1991). On the other hand, these policies once more show the increasing exclusionary rhetoric regarding migrant Others, particularly migrants of color and Muslim migrants. Between the introduction of the first Integration Policy in 1994 and the turn of the century, the Dutch government continuously developed its regulatory policies towards an expansive internal border control regime. This culminated in the 'Linking Act', which came into force in July 1998, aimed at excluding 'illegal' migrants from participation in the welfare state.

Additionally, the Dutch government introduced new policies and regulations to curtail the entry of migrants who are constructed as undesirable – including asylum seekers, labor migrants and other low-skilled, non-Western migrants. In 1994, adjustments were made to the 1965 Aliens Act to make asylum procedures quicker and more centralized – resulting in many asylum denials without thorough procedures – and two reception centers were opened for asylum seekers to file their initial requests. The new measures included increased cooperation with other EU member states, the use of fingerprinting for checking identities, and the intensification of border controls (Van der Leun 2003, 18). Administrative measures were taken to develop a large national database in which information on all foreigners residing in the Netherlands is kept on record. Other government services also have access to

this database to ensure that only Dutch citizens and legal migrants are able to participate in the welfare state (ibid, 18). Additionally, in 2003 a law on compulsory identification was passed, according to which everyone in the Netherlands is obliged to show proof of identity when asked by a police officer or ticket inspector. These efforts combined contribute to an increased production of 'knowable' subjects, and increased control over the 'legitimate' – legal – modes of mobility, making undocumented migrants all the more vulnerable. Furthermore, additional amendments to the Dutch Aliens Act in 1998 stipulate that only five categories of foreigners can reside in the Netherlands legally; "those who are unconditionally admitted to the country, those who are admitted to the country under specific conditions, those who are awaiting a decision following their application for first admission or an application for prolonged stay, those who are in the country for a short stay (such as tourists), and those for whom the expulsion is blocked on grounds established in the law (for example as a consequence of their state of health)" (Van der Leun 2003, 125). Immigrants who do not fit into one of these categories are considered to be staying in the Netherlands unlawfully – often referred to as 'illegal' migrants – and excluded from public services such as health care, social benefits, housing and education.

In the early 2000s Dutch integration policies shifted towards policies focused on "assimilation". This took place in relation to public and political debate on whether or not the Dutch multicultural society had failed (Scheffer 2000). Claims were made that the Dutch integration policies had failed in terms of reducing socio-cultural differences. These arguments were predominantly focused on the alleged incompatibility of Muslim culture and practices with Dutch 'liberal' norms and values; Pim Fortuyn – the leader of the populist right-wing party Pim Fortuyn List (*Lijst Pim Fortuyn*) that existed from 2002 till 2008¹⁰ – was an outspoken politician advocating this argument (Duyvendak and Scholten 2012, 274).

¹⁰ For more information see, "The political legacy of Pim Fortuyn", *The Economist*, May 9, 2002 <http://www.economist.com/node/1125205> (Last accessed June 8, 2017),

The public and political debates were filled with a nationalist rhetoric of white Dutch superiority vis-à-vis Muslims' alleged backwardness (Wekker 2016, 5). In 2002, the Dutch government introduced a new integration policy aimed at the assimilation of immigrants. More than propagating 'active citizenship', as the previous integration policy did, the "Integration Policy New Style" emphasized 'common citizenship' (Duyvendak and Scholten 2012, 274). 'Newcomers'' knowledge of the Dutch language and 'cultural norms and values', social cohesion and the 'prevention of criminality amongst minority youth' are central aspects of this new policy.¹¹ Interestingly, the only so called 'ethnic minority' that is mentioned by name in this policy are Muslims and an alleged fear for the influence of Islam on Dutch society. This disregards the differences amongst Muslims and the diversity of the religion itself, constructing Islam and Muslims to be a homogenous racialized category. It also clearly shows the increasing Islamophobia and discursively produces Muslims as culturally inferior Others (Wekker 2016, 55). In this context, it is no surprise then that Dutch citizens from Turkish decent and Dutch citizens from Moroccan decent experience significantly more discrimination than other 'ethnic minorities', and that the basis for this discrimination is their religion (Van der Valk 2012, 13).

The new Civic Integration Act was introduced in 2006, and states that all 'newcomers' have a 'civic integration duty' (*inburgeringsplicht*) in which they have to pass an integration exam within three-and-a-half years after receiving residence. The Civic Integration Act further shifts the responsibility for integration towards migrants themselves. Under this law even naturalized citizens who receive welfare benefits or those who practice a religious profession – for example imams, priests, rabbis and pastors – are obliged to take the integration exam (Vink 2007, 347). Since 2013, the rules for civic integration are even stricter: immigrants must personally pay for their integration course, have only three years to

¹¹ Kamerstuk 28612 *Rapportage Integratiebeleid Etnische Minderheden* 2002 nr. 1. Published September 24, 2002. From: <https://zoek.officielebekendmakingen.nl/dossier/28612/kst-28612-1?resultIndex=4&sorttype=1&sortorder=4> (Accessed May 8, 2017).

finish and can receive fines, or denial or withdrawal of residence permit if they fail to pass the exam on time.¹² An evaluation report of the 2013 Civic Integration Act shows that the strict measures particularly affect refugees, with only 30% of migrants with residence permits through asylum passing their exams in 2013.¹³

There has been much debate about the Dutch civic integration tests, both in political and public debates, as well as in academia. Since the new law on civic integration, passed in 2013, the civic integration courses are privatized, meaning that over one hundred different companies offer the courses, with no system for quality control being in place. Immigrants are individually responsible for navigating this plethora of civic integration course providers without any guidance on which company offers good quality courses that meets their personal needs. Many news sources suggest that teachers giving the courses are not qualified enough.¹⁴ Additionally, there are long waiting lists for scheduling the actual exam causing immigrants to not pass the test on time.¹⁵ The level of Dutch required to pass the test is deemed too high and not related to the everyday needs of new status holders in the Netherlands. Since these changes in the law in 2013, the amount of people passing the test in three years has halved.¹⁶ Most of these measures particularly create hurdles for passing the civic integration exam for migrants with asylum status.¹⁷ The civic integration procedure thus produces unequal access to Dutch citizenship, particularly adding to the exclusion of asylum seekers. This civic integration policy is based on the idea that migrants have to earn their

¹² Rijksoverheid, "*Presentatie over wijzigingen Wet Inburgering 1 januari 2013*". <https://www.rijksoverheid.nl/documenten/rapporten/2012/10/16/presentatie-over-wijzigingen-wet-inburgering-1-januari-2013> (Accessed May 8, 2017)

¹³ Algemene Rekenkamer, "*Inburgering Eerste resultaten van de Wet inburgering 2013*". <http://www.rekenkamer.nl/Publicaties/Onderzoeksrapporten/Introducties/2017/01/Inburgering> (Last accessed May 8, 2017)

¹⁴ For example, "*Asscher bezorgd over kwaliteit inburgeringslessen*", NOS, November 11 2016 <http://nos.nl/artikel/2137263-asscher-bezorgd-over-kwaliteit-inburgeringslessen.html> (Last accessed May 14, 2017)

¹⁵ "*Honderden migranten krijgen 'inburgeringsboete'*", NOS, April 5 2017 <http://nos.nl/artikel/2166656-honderden-migranten-krijgen-inburgeringsboete.html> (Last accessed May 14, 2017)

¹⁶ *ibid.*

¹⁷ *ibid.*

place in Dutch society; that they have to prove their worth.¹⁸ Gloria Wekker (2016) argues that these continued efforts to exclude Muslims and people of color from the Dutch nation are inextricably connected to the perseverance of an imagined white Dutch nation, and the threat that these migrants pose for this national imaginary.

Even more than a threat to national identity, Fekete (2004) argues that in the post-September 11 period, Islam has been discursively constructed as a security threat. The shared religion of fundamentalist Islamic groups such as Al Qaeda – who have been responsible for violent attacks outside of the borders of Europe – and 'Muslims' as European nations' 'internal Other' has caused Islam to be constructed as a threat to national security (Fekete 2004, 17). In the period 2004 - 2016, the percentage of the Dutch population that holds negative beliefs about Muslims has been around 45%, one of the highest percentages in Europe.¹⁹ Not only discursively but also in practice, with regards to laws and policies, Muslims in the Netherlands have increasingly been securitized (ibid, 17). Examples are religious and ethnic profiling in security services – where even passive support such as donating money to mosques can be seen as a terrorist act – or increasingly strict regulations concerning family reunification or integration tests (Fekete 2004; Van der Valk 2012). Another example is that right after September 11, 2001, the Dutch parliament conducted a national survey amongst the 800.000 Muslim citizens about their beliefs and activities in order to classify them as possibly fundamentalist or not (Fekete 2004, 24). Human Rights Watch and the Council of Europe have expressed their criticism towards policies and practices targeting Muslims in the Netherlands, and the European Commission against

¹⁸ "Er wordt gedaan of de inburgering 'hun' probleem is". NOS, January 24 2017 <http://nos.nl/artikel/2154622-er-wordt-gedaan-alsof-de-inburgering-hun-probleem-is.html> (Last accessed May 7, 2017)

¹⁹ "Derde Monitor Moslimdiscriminatie", Ineke van der Valk, 2017, <http://imes.uva.nl/shared/subsites/institute-for-migration--ethnic-studies/nl/publicaties/derde-monitor-moslimdiscriminatie.html?origin=RwZasFgAS9a74lBjmWuEcQ/> (Last accessed May 7, 2017)

Racism and Intolerance reported increased Islamophobic sentiments in public and political debates regarding issues of integration (Van der Valk 2012, 13).

These shifts in policies show exclusionary practices regarding immigrants, particularly Muslim immigrants and immigrants of color. We can see increasing institutionalized xenophobia, particularly Islamophobia, in the Netherlands. A proliferation of efforts intentionally hinder the entry of “unwanted foreigners” to Dutch territories. And for those who manage to find their way into the Netherlands, laws and policies are put in place that hamper their participation and inclusion in Dutch society. Furthermore, paradoxically, while the Dutch government is withdrawing aid for the integration of immigrants, the people who as a result of this policy ‘fail’ at integration are deemed personally to blame.

Controlling ‘illegal’ migration:

Currently, on the national level the Netherlands has some of the strictest, most exclusionary asylum policies within the European Union (Griemink 2014). The overall goal of Dutch migration and asylum policy is to control immigration as much as possible, and expel those who lack legal status in the Netherlands. Though the numbers are rough approximations, research suggests that between 50.000 and 200.000 ‘illegal’ migrants reside in the Netherlands (Van der Leun 2003, 14). As set out in the introduction, in June 1998 the Dutch government introduced the ‘Linking Act’ (Koppelingswet), which is an elaborate policy seeking to exclude denied asylum seekers – and other ‘illegal’ migrants’ – from participation in the nation through restricting access to the welfare state. The overall aim of this policy is to prevent those people who have been denied asylum from staying in the Netherlands (Kos et al. 2015, 7). The Linking Act is often called a ‘discouragement policy’, because it literally aims to discourage ‘illegal’ migrants from staying in the Netherlands (Van der Leun, 2006). The Dutch government reasoned that migrants are attracted by the Dutch welfare state, and

fears that 'illegal' migrants, particularly denied asylum seekers, will not leave due to the attractiveness of access to public services. Joanna van der Leun's extensive research about 'illegal' migrants in the Netherlands argues that fears about 'illegal' migrants abusing the Dutch welfare system are unjust (2003). Additionally, Dutch research on 'illegal' migrants shows that before the introduction of the Linking Act in 1998, the number of undocumented migrants receiving social benefits was negligible (Havinga, Groenendijk and Clermonts 1991, Minderhoud 1993). Nevertheless, the Linking Act was introduced and as a result "entitlement of immigrants to a whole range of public and semi-public provisions such as social benefits, health care, housing and education, is systematically made conditional on their residence status" (Van der Leun 2003, 115).

Denied asylum seekers are those individuals that do not fit into categories of 'legal foreigners', and neither do they have the necessary residence status to be allowed to benefit from the Dutch welfare state. Moreover, this type of categorization shows that only 'legitimate', legal members of Dutch society are constructed as deserving of its benefits and protections, and denied asylum seekers – 'illegal' migrants – are deemed to be undeserving. Denied asylum seekers do not have the right to legal employment, and employers who hire denied asylum seekers risk receiving high fines, whereas for denied asylum seekers working illegally means running the risk of being arrested and consequently detention. Additionally, besides not having the right to engage in legal paid labor, denied asylum seekers are also not allowed to do volunteer work. This shows a crack in the line of reasoning for legitimizing the Linking Act. For denying denied asylum seekers the right to work – including volunteer work – is thus about more than an alleged fear that they might stay if they can generate the financial means to support themselves. The denial of the right to engage in volunteer work – something that is often seen as a great contribution to society – suggests that these policies are aimed at excluding denied asylum seekers from society and preventing them from making

social ties to local communities and building social networks. There are a few exceptions to these strict rules laid down in the Linking Act namely, “imperative medical care, education for people under the age of 18, and publicly financed legal assistance” (Van der Leun 2003, 125). In the case of access to health care, there is no clear definition of what imperative medical care entails, which gives medical practitioners a great deal of leeway through which to interpret this measure.

The Dutch government policies with regards to denied asylum seekers rest on two large assumptions, which, as I will explain, are often not valid. First, it assumes that any asylum request that is rejected is done so rightfully. In other words, it assumes that denied asylum seekers in fact don't have the right to asylum and that the decision-officer's judgment is always correct. Asylum requests can be denied mainly on one of the following two grounds: the decision-officer argues that the request does not fit the categories available to obtain asylum, or the decision-officer doesn't believe the asylum seekers' accounts are truthful. Once a person is denied asylum they are ordered to leave the country and return to their 'home' country. This leads me to the second assumption: Dutch policies assume that people who have been denied asylum can in fact return to their 'home' country. In this case it assumes that these people have a home country to return to, that they have the necessary travel documents to return, and are allowed to come back or gain recognition as citizens by their 'home' country. In short, the line of reasoning is as follows: denied asylum seekers are not in need of protection, not truly in danger, therefore they should return to their country of origin, which is not seen as problematic. Using this line of reasoning, the Dutch government argues that the regulations set out in the Linking Act are legitimate.

Research on asylum procedures, decisions, and the question of determining the credibility of asylum seekers' stories suggests that there is no straightforward way of determining someone's refugee status (Doornbos 2005; Herlihy et al. 2010; Kagan 2002;

Rousseau et al. 2002; Sweeney 2009; Thomas 2006). The burden of proof for requesting asylum lies with the person who is seeking asylum. They have the responsibility of proving their asylum claims fit the categories of refugeehood set out in the Geneva Convention and that their accounts are truthful. The 1999 'Undocumented Aliens Act' laid down a major focus on documentation in the asylum application procedure; a lack of documentation immediately undermines the credibility of the asylum request. Amnesty International has repeatedly reported that obtaining asylum in the Netherlands without the necessary documentation is extremely difficult, and argued that the Netherlands should reconsider its policies.²⁰ There are many reasons why asylum seekers are not in possession of legal documentation; for example, not all individuals across the world have access to legal documents and many people live their lives without ever having this form of personal documentation (Torpey 1998). However, the Dutch Integration and Naturalization Service (IND) rarely take these factors into consideration.²¹ Due to the fact that asylum seekers often lack the proper documentation and other forms of 'hard' proof or evidence to back up their asylum claims, a big part of the decision-making rests on the individual officers' own interpretation or the impression the asylum seeker in question makes on them, and it is apparent that gendered and racialized stereotypes play an important role in shaping these decisions (McKinnon 2009).

If we consider these difficulties and inconsistencies in determining whether someone is entitled to receive refugee status or not, then we see there is extensive inconsistency in the first assumption on which Dutch government policies regarding denied asylum seekers are based. Additionally, asylum denials do not always or necessarily reflect a lack of basis for an asylum claim. Rather, cases can fail due to a variety of factors and some applicants are

²⁰ Amnesty International, *The Netherlands: The Detention of Irregular Migrants and Asylum-Seekers*, June 2008, EUR 35/02/2008, available at: <http://www.refworld.org/docid/4875bc882.html> (Last accessed May 14, 2017).

²¹ *ibid*

eventually granted asylum on the second, third or even fourth try. Refugee Assistance has a 40% success rate in such subsequent asylum claims that they help to prepare. The Dutch Integration and Naturalization Service had previously denied these people asylum; they were seen as undeserving of protection by the Dutch state. However, the positive outcome of their subsequent asylum claims, assisted by Refugee Assistance, shows that there is a significant number of denied asylum seekers who in fact do fit the criteria to exercise the right to asylum. The high rate of rejected asylum requests does not mean that all these denied asylum seekers are 'bogus' refugees. Rather, the incredible speed at which the Dutch asylum process takes place means that asylum seekers do not have enough time to prepare a complete and well-founded asylum claim. Moreover, asylum seekers who, when entering the Netherlands, do not have the proper documentation at hand are additionally disadvantaged by the speed of the Dutch asylum process. Often these asylum seekers do not have the capital, network or capabilities to obtain the needed documentation. When given more time, and with proper assistance from organizations such as Refugee Assistance, asylum seekers are able to gather different forms of documentation that proves their nationality, identity and make a strong case for themselves and receive asylum status. The assumption that denied asylum seekers' asylum requests are always rightfully rejected is thus clearly too simplistic and doesn't reflect reality. Furthermore, many denied asylum seekers are not able to return to their home country, and only a few manage to be granted subsidiary protection – a form of protection granted to people who do not qualify as refugees but would face a real risk of serious harm if they would return to their country of origin. Often this inability to return is due to lack of documentation. In these cases, the Dutch state is not able to establish a person's identity and nationality, and this person can therefore not return voluntarily and cannot be deported. In the Netherlands half of the undocumented migrants and denied asylum seekers cannot be deported because they don't have the necessary documentation or because they are not

accepted to return to their countries of origin.²² Furthermore, due to the Dublin Regulation and the Schengen Agreement denied asylum seekers cannot travel to another European Union member state. This leaves us with the reality that many denied asylum seekers stay in the Netherlands in an ambiguous state of being and are denied their rights.

There is often a discrepancy between national government level policies and municipal level practices. From the perspective of the Dutch national government, municipalities are expected to cooperate in implementing and enforcing national policies regarding migration, asylum, and expulsion. This means municipalities are expected to deny denied asylum seekers access to facilities, such as shelter, and expected to report denied asylum seekers and assist in cases of deportation. However, many municipalities don't just comply with these expectations straightforwardly, often because of the belief that national policies are too harsh (Kos et al 2015, 9). Municipalities often justify their decisions and practices by calling on issues like public safety and order, or public health as key to their mandate (ibid, 10). Due to the fact that denied asylum seekers are responsible for their own return, the 28-day period for leaving the Netherlands after being denied asylum and the measure that asylum seekers cannot await the answer of a second asylum request in an asylum center within the Netherlands means that municipalities are increasingly confronted with the presence of denied asylum seekers in need of assistance and shelter, which the national government denies to them (ibid, 8). In response to the state's actions, municipal governments have started cooperating with NGOs like Refugee Assistance. The commencement of these alternative social networks is a way of undermining the authority of national government policies and undermining the government's objective to introduce a strict migration and asylum control policy (ibid, 8). Additionally, it shows a gap in the line of reasoning and legitimacy of the national policies that I will be analyzing and criticizing in

²² Amnesty International, *The Netherlands: The Detention of Irregular Migrants and Asylum-Seekers*, June 2008, EUR 35/02/2008, available at: <http://www.refworld.org/docid/4875bc882.html> (Last accessed 21 May 2017)

this study.

2. Theoretical Framework

Terminology:

Before starting a discussion about denied asylum seekers in the Netherlands it is important to address the existing terminology in scholarship on 'illegal migration', and the terms I will be using throughout this thesis. There is a large amount of scholarship written on the topic of 'illegal migration', in this field the concept of 'illegality' to describe immigrants is not uncontested to say the least. One of the reasons scholars strongly voice their criticism against talking about 'illegal' migrants is, as Peter Nyers (2010) argues, because migrants, as people, can never be illegal, only their practices can be thought of as such. Marlou Schrover et al. (2008) argue that talking about 'illegal' migrants often bears with it the connotation of criminality, contributing to the perception of 'illegal' migrants as criminals and non-humans. In his work on 'illegal migration' in the US, Nicholas De Genova (2002) argues against the use of the term 'illegal' migrant and instead proposes the term 'undocumented' migrant. However, as Schrover et al. argue, when using the term 'undocumented' migrant it remains unclear whether these migrants lack documentation or have not been documented yet by authorities, and not all 'illegal' migrants are undocumented (2008, 10). Additionally, not all undocumented migrants are 'illegal' migrants, for example undocumented asylum seekers.

Schrover et al. argue for the use of the term 'illegal' migrant despite of its negative connotations and argue that any other term would quickly acquire the same negative associations (2008, 10). I agree with this to the extent that the concept of 'illegality' is most apt at describing the lived experiences of these migrants and how their lives are shaped by laws and policies. However, using the term 'illegal' migrant risks seeing this 'illegality' as something that is fixed, and pre-given, and obscures the processes that produce this realm of 'illegality'; in other words, obscuring what De Genova calls the process of 'illegalization'

and the role of governmental practices in these processes (De Genova 2002; 2013). To highlight the processes of illegalization at play, I will use the concept of “illegalized” migrants. Foucault argues, “the existence of a legal prohibition creates around it a field of illegal practices” (cited in De Genova 2002, 422). This points at the productive power of the law in producing spaces of ‘legality’ and ‘illegality’ and shaping migrant subjectivities. Using the term “illegalized” migrant forces us to continuously be aware that “illegalized” migrant subjects are produced by laws and policies, by their exclusion from the realm of legality, and that qualities deemed characteristic of this space of ‘illegality’ and its subjects are not innate or fixed, but similarly produced by state practices (Bauder 2013; Casas-Cortes et al. 2015; Dauvergne 2008; De Genova 2013; Wright 2013).

In general, I will use the term ‘denied asylum seekers’ to address the migrants I have spoken with and whose lived experiences I will discuss in this thesis. I choose to use this term because it most aptly addresses the process through which this group of migrants has become illegalized. Other scholars have used the term ‘rejected refugee’ or ‘rejected asylum seeker’ to refer to asylum seekers whose asylum request has been rejected, I choose to use the words ‘denied’ or ‘denial’ instead. I believe the terms ‘denied’ or ‘denial’ better emphasize the fact that many asylum requests are denied because they are not believed to be true, because their trustworthiness and credibility are denied. Additionally, I will use the term ‘illegalized migrants’ whenever I’m talking about the socio-legal production of migrant illegality. Lastly, I will use the term ‘illegal’ migrants only when referring to the use of it in political and public discourse, when doing so I will always put this term between quotation marks to highlight that this is by no means my choice of words.

State practices of illegalization:

Schrover et al. describe the three different grounds on which migrants are illegalized in Western states: 1. for cross-border migration without authorization from the nation-states in question; 2. for crossing a border through legal routes but with false documents or by using legal documents in a false way; 3. by staying in a country after one's legal status has expired (2008, 10). Though a combination of these three grounds for illegalization might be at play in each individual denied asylum seeker's migration history, predominantly denied asylum seekers are illegalized on the basis that they have overstayed the time they were legally allowed to stay. In their modality of asylum seeker – when their asylum status is still being assessed – their presence in the Netherlands is considered legal. However, as soon as their asylum request has been denied, denied asylum seekers are told to leave the country within 28 days. When they overstay this period of 28 days they are considered 'illegal' migrants, this legislation thus illegalizes denied asylum seekers.

In tracing the history of the concept of illegality Schrover et al. show that historically it has been closely linked to governmental poor relief systems and the issue of labor (2008, 12-15). Even back in the Early Modern period, access to citizenship was predominantly granted to those with ample financial means to not become dependent on the poor relief systems. Poor immigrants often did not apply for poor relief out of fear of being detected and deported. Instead they took low-paid jobs under precarious working conditions and tried to remain unnoticed by authorities (ibid, 14). The logics of illegality continue to operate this way, as contemporary illegalized migrants are excluded from services provided by the welfare state and lack the possibility to gain secure, legal employment, whereas the expat or 'knowledge worker' (*kenniswerker* in Dutch) is welcomed as a contribution to society. De Genova argues that it is these kinds of structural inequalities in access to the benefits of legality that produce an exploitable labor force of 'illegalized' migrants (2002, 422). The

expansive labor migration of the 1960s and 1970s was thus more than welcomed as long as these migrants' stay would be temporary and they would not make claims to social benefits, rights or citizenship of Dutch society. Additionally, the differentiation between the categories of the 'unwanted' illegalized migrant and the welcomed expat occurs along the axes of gender, class, race and religion.

De Genova (2002; 2013; 2106) argues that 'illegality' is a legal status that is defined by its relation to the state. As such, questions of 'illegality' are intimately connected to questions of citizenship. Nyers argues that citizenship is often celebrated as being a political category that ensures liberty, equality, rights, and autonomy to the people who fit the category (2004, 203). This immediately implies the problematic aspect of citizenship, namely that it is always exclusionary, and access to different citizenships is highly unequal along axes of race, gender, sexual orientation, religion and region (ibid, 203). A way in which states have historically gained legitimacy is through guaranteeing protection to their citizenry from insecurity. Over time the targeted source of insecurity has taken on different forms, within contemporary Western states immigration being the predominant subject of control (ibid, 205). De Genova highlights this by arguing, "the politics of citizenship is transposed into an essentialist politics of difference. The unequal and invidious politics of citizenship, which is institutionalized in immigration law, produces migrant 'illegality'." (2013, 1191). He further argues that with Europe's postcolonial politics of race these processes function to maintain a "racial formation of whiteness" (2016, 45). This explains why the labor power of white expats is welcomed, but that of the racialized refugee is not, or at least not in the realm of legal employment.

Fekete argues that to protect the nation and its citizenry from alleged security threats, states engage in acts of securitization, both discursively as in policies and practices (2004, 7-9). Particularly since 9/11, though also already before that, Muslims – particularly men –

have become the object of securitization, contributing to an increasing level of Islamophobia in most modern Western states, and the Netherlands is no exception (ibid, 6). Constructing a male Muslim migrant Other as the object of practices of securitization does not only result in their physical and symbolic exclusion from society, it also contributes to keeping up the appearance that states are in control of their borders and can protect the nation while exacerbating the production of fear and anxiety and increased sense of insecurity in need of further practices of securitization (De Genova 2010; Fekete 2004; Lorey 2015; Nyers 2004; Schrover et al. 2008). De Genova argues that states are never able to exert full control over their territorial borders and over who crosses them; nevertheless, nation-states keep up the image that they are in control over their borders (2002). In his discussion on migration control practices in the US, De Genova calls this the 'border spectacle', highlighting the 'illegitimate' entry of 'illegal aliens' at the borders and the necessary enforcement of their expulsion, while contributing to the invisibility of illegalized migrants within the state's territory and obscuring the laws that produce this illegality (De Genova 2013).

Fears of having such 'unwanted' or 'dangerous' foreigners within the national territory sparked increased efforts at practices of documentation and identification. John Torpey argues that states have sought to monopolize the legitimate means of movement of persons into and across their borders (1998, 241). Practices of documentation play a crucial role in this as it allows the state to produce knowable subjects within state boundaries. Expansive administrative networks – based on elaborate bureaucracies and modern technologies – in which people's identities can be registered are created to structure and facilitate the desired means of regulation and control (ibid, 242). Important to note here is that this bureaucratic process of identification doesn't merely register pre-existing identities. Rather it delineates categories – of desired and undesired, Self and Other – and produces the identities that can fit those categories. Moreover, Torpey argues, the politics of

documentation makes it possible for modern states to make choices regarding the inclusion and exclusion of foreigners based on their identities, which in turn is based on discourses of nationalism that are infused with racism, sexism and Islamophobia (ibid, 245). What is important to highlight for this study is that there is no equal access to these modern forms of documentation across the world. Nevertheless, within modern asylum regimes the presumption remains that legal documentation is available to everyone, and as I will argue, the lack thereof plays an important role in credibility assessments of asylum requests.

Racism and Islamophobia:

The term Islamophobia is used to describe “a fear or hatred against Islam and Muslims” (Rana 2007, 149). Junaid Rana argues that religion can be seen as a racialized category. Instead of making an argument similar to cultural racism – which is premised on the idea that cultural differences are essentialized to the extent that they become seen as natural differences – Rana argues that the concepts of culture and religion, in particular Islam, play a key role in the historical development of the concept of race (ibid, 149). “A notion of race is at work in profiling Muslims” (ibid, 149) and “the figure of Muslim became racialized through social and cultural signifiers across national, racial and ethnic boundaries” (ibid, 150). He traces the process of racialization back to the construction of “Muslims and Jews as a racial and religious Other compared to the Christian” (ibid, 158) supremacy in fifteenth and sixteenth century colonial Europe. As such Rana thus argues that Islamophobia and anti-Black racism are shaped by the same processes of racialization rooted in their deviation from a white norm. Moreover, Sara Farris argues that simultaneously processes of “sexualization of racism” and “racialization of sexism” play a role in constructing Othered men as oppressors and sexual threats, and portraying the (non-white, non-Western and Muslim) Other as the archetype of sexism and patriarchy (2017, 73-74).

Gloria Wekker, in her elaborate work on racism in the Netherlands, sees race as a social construct that is linked to relations of power, and the meaning of which is historically and context dependent (2016, 23). She argues that the Dutch like to think that they are color blind, and that race place no role in Dutch society. For this reason, after World War II, the Netherlands has adopted the language of ethnicity, which is deemed more neutral and innocent than the language of race. However, Wekker argues, ethnicity – referring to place of origin, appearance, history, culture, language and religion – has been used in such an essentializing way that it functions in a similar way as the concept of race (ibid, 22). A consequence of using the language of ethnicity is that it obscures racism, both individual acts of racism as institutionalized racism, and creates an image of innocence (ibid, 23). Additionally, it becomes harder to argue and prove that practices such as ethnic profiling are a violation of a person's constitutional right to freedom from discrimination. Monika Bobako argues that the basic premise in Islamophobic discourses is the binary distinction between "Islam" and "Europe", and this "makes it possible to construct Muslims as aliens and "outsiders" even when they are citizens of European countries" (2015, 44). Bobako argues that despite the fact that there are too many differences between Muslims to speak of a "Muslim culture", the image of "Muslims" as a category persists in public discourse in contemporary Europe and is the object of Islamophobia (ibid, 45). According to Raymond Taras, modern anti-Muslim racism takes shape in the form of anti-Arabism (2013, 420) and cannot be understood outside of the context of anti-immigration and anti-minority narratives, with an emphasis on anti-terrorism and securitization (ibid, 422).

Precarity and governmentality:

In defining the concepts of 'precarity' and 'precariousness' I rely on Isabell Lorey's work *State of insecurity: Government of the precarious* (2015). Central to Lorey's argument is that

the process of precarization is not marginal, but rather a central aspect in politics and governmentalities of contemporary Western states (ibid, 1). She sees precarious as essentially meaning “insecurity and vulnerability, destabilization and endangerment” (ibid, 10), and she argues protection from insecurity has been the role of the welfare state (ibid, 11). Important in her theorization on the precarious is her distinction between the following three dimensions: precariousness, precarity and governmental precarization (ibid, 11).

Precariousness, following Butler's conceptualization, is the “existential state [that] designates what constitutes life in general” (ibid, 18). Historically and context specific conditions shape life and make life possible. Additionally, precisely these conditions are what threatens life. Lorey argues that precarious life is essentially social, since life, from birth, is grounded in codependence and survival requires social networks and support (ibid, 19). As such precariousness is also experienced relationally, always in comparison to others' relative precariousness. Though all life is precarious, Lorey argues that there is a hierarchy of precarity. Again following Butler, she argues that the common experience of precariousness is what leads to the desire to control and alleviate one's own precariousness. Such domination often takes shape through practices of domination, and preventively keeping those dangerously precarious out of reach (ibid, 21). Only some can enjoy the privilege of protection, while others are deemed undeserving of such protection (ibid, 22). As Lorey argues: “the threatening precariousness can be turned into the construction of dangerous others, positioned respectively within and outside the political and social community as ‘abnormal’ and ‘alien’.” (ibid, 14). Understanding precariousness as relational and hierarchical with different ‘categories’ of people having unequal access to protection, will be central to my argument that denied asylum seekers' exclusion from the welfare state produces their lives as marked by precariousness and (re)produces their alienation.

Furthermore, following Foucault's notion of governmentality, Lorey argues that individuals are encouraged to engage in practices of self-governing in order to alleviate their own precariousness. Similarly, Thomas Lemke, in his discussion of Foucault's concept of governmentality and neoliberalism, explains how neoliberal forms of government render individual subjects responsible for risks in their lives – regarding illness or unemployment for example – and transforms these issues into problems of 'self-care' (2002, 12). Often this goes hand in hand with the crumbling down of the welfare state, and citizens are made to rely predominantly on their own labor capacity to sustain themselves. This belief that people have control over their bodies and their lives, and that they can influence their own precariousness is premised on the advanced individualization of western societies (Lorey 2015, 26). Lemke argues: "as the choice of options for action is, or so the neo-liberal notion of rationality would have it, the expression of free will on the basis of self-determined decision, the consequences of the action are born by the subject alone, who is solely responsible for them" (2002, 12). The premise for such a notion of 'self-care' or processes of precarization is that labor power is a commodity that can be used to create a life and alleviate precariousness (Lorey 2015, 28). Lorey takes into account the role of axes of difference – such as class, gender, ethnicity, race, sexuality and religion – play in producing unequal access to protection from precariousness – though this protection is always partial and fictitious – in relation to a nation specific heterosexual male norm (ibid, 29). Historically, all those who did not fit the norm of the "free, white, bourgeois subject" (ibid, 36) were precaritized. This includes those groups of people who are outside of the legal boundaries of the nation-state. This process of governmental precarization involves economic, social and legal relations of inequality. Lorey argues that the negative connotations of precarity cause obsessive practices of control and securitization, and contributes to a process of 'othering'. Lorey's understanding of self-governing techniques in relation to precarity is of importance for this research in

understanding how exclusionary policies and practices of securitization targeting denied asylum seekers produces passivity as a technique of self-governmentality. Additionally, Lemke's conceptualization of practices of 'self-care' in neoliberal societies will help me bring to the fore how the Dutch government renounces any form of responsibility over denied asylum seekers' lives.

Time and Liminality:

In order to develop an understanding of the centrality of experiences of time and waiting in the lives of denied asylum seekers and how they exacerbate precariousness, I will use migration scholarship that centers around the concept of time. As Melanie Griffiths (2013, 2014) argues time is a central aspect of experiences related to migration. Griffiths studies the different ways time can be experienced in different contexts, what she calls "experiential temporalities" (Griffiths 2014). She differentiates between four such temporalities; "a long, slowing time of waiting (sticky time), one that can decelerate into complete stagnation (suspended time), a fast time rushing out of control (frenzied time) and tears in people's imagined time frames (temporal ruptures)" (ibid, 1994). These different experiential temporalities are shaped by different aspects of the bureaucratic and administrative processes related to asylum and result in different vulnerabilities for denied asylum seekers and immigration detainees. In this research I will specifically use her conceptualizations of the concepts 'sticky time' and 'suspended time' to discuss what I call the experience of "endless waiting" in denied asylum seekers' lives.

Another field of scholarship on time and migration uses the concept of liminality, which is characterized as an ambiguous phase of being "betwixt and between" two stages of life. Sutton et al. (2011, 30) argue that waiting is central to liminality. Arnold van Gennep (1960) coined the term liminality in his work on rites of passage. Victor Turner further

developed the concept of liminality and used it to describe a phase or stage of life characterized by transition or transformation, as a “betwixt and between”. Examples of rites of passages often revolve around coming of age rituals in which the liminal phase marks the transition from childhood to adult life. In this conceptualization liminality is characterized by its temporariness, it's a phase that you pass through. In my use of liminality, I see the liminal as both a temporal phase as well as a social space. The liminal phase is supposed to be bound temporally, so having a known endpoint in future time. Additionally, as a social space it is not meant to be inhabited permanently, the temporal endpoint of the phase of liminality is supposed to mark the realization of social transformation. Moreover, as Mary Douglas (1969) argues, the liminal is often associated with pollution and danger, and as such is a social space that produces social stratification. Rites of passages were often described as rituals that mark the transition from boyhood to manhood or girlhood to womanhood, and as such I see liminality as inherently linked to issues of gender. This relation between gender and liminality will help me understand the gendered expectations of masculinity and femininity denied asylum seekers experience in relation to their exclusion from partaking in Dutch society.

As Pierre Bourdieu argues, there is power in making people wait (2000). Shahram Koshravi argues being made to wait contributes to a process of ‘othering’, because the waiting subject cannot partake in the speed, mobility and temporalities of modern (2014). Furthermore, Javier Auyero argues that the power of waiting lies in the production of “subjective effects of dependency and subordination” (2012, 28). These effects unequally impact different groups of people, and this difference is stratified and mirrors larger power dynamics in societies (ibid, 27). As such waiting can result in the non-belonging, not being part of the larger society, of those who are subjected to wait. It is then interesting to look at why people persevere under such violent and exclusionary circumstances of waiting. Rebecca Sutton et al. argue that both hope and despair is what makes people endure waiting (2011,

30). Hope is what makes the powerless persevere and makes waiting socially productive (ibid, 31). Stef Jansen argues that for people to have an object of hope, seeing oneself as potentially having a future is crucial (2016, 454). Barbara Adams also highlights the importance of having imagined futures, and argues that “to be human is to be future oriented, that futurity characterizes individual and social action” (2009, 10). The argument that to make wait constitutes productive power will contribute to my analysis of how the dimension of time contributes to the productive process of precarization.

3. Methods and research design

This research is based on ethnographic insights gathered during a 4-month long internship, from April until July 2016, with the NGO Refugee Assistance in the Netherlands. I conducted participant observation during my day-to-day work at Refugee Assistance focusing on my contact with denied asylum seekers and the operations of the NGO in general. Additionally, I conducted individual interviews with denied asylum seekers and some of the professionals working at Refugee Assistance.

Methods:

One of my tasks at Refugee Assistance was offering group trainings to the denied asylum seekers that received aid from the organization. During these trainings we discussed the different grounds for asylum in the Netherlands, the rights and access to services denied asylum seekers have in the Netherlands, and the difficulties of living as a denied asylum seeker in the Netherlands as well as strategies to cope with those difficulties. Furthermore, we had elaborate conversations about what life is like for denied asylum seekers in the Netherlands. I offered this training to three different groups of participants, one in Dutch and two in English. In total 20 people participated in these sessions, 2 women and 18 men. My participant observation in these group trainings is one of the main sources for my analysis in this study, and I quote fragments of these conversations in my analytical chapters.

A second task consisted of conducting individual interviews with denied asylum seekers as part of an evaluation of one of Refugee Assistance's aid projects. In consultation with Refugee Assistance I established a list of topics, and based on these topics constructed a structured interview guide. To gain insight into the daily experiences of denied asylum seekers with regard to their living conditions, I addressed multiple topics such as accommodation, living conditions, social network, informal work, experiences of exploitation

and their day or week schedule (with regards to activities). I started by asking them about their social network; if they had family, friends and acquaintances in the city they lived in, how many people they had regular contact with, how they had met and how they would describe their relationships with these people. Then I asked them about their living situation; whether they had a stable living situation or moved around a lot, with whom they lived and what their relationship to these people was like, and if their hosts had any conditions or requirements for their stay and what these conditions were. With both these questions I paid particular attention to signs of possible exploitative or abusive relations. I further asked about any kind of problems or difficulties the denied asylum seekers experienced with regards to their living situation specifically, and their lives in the Netherlands more generally. This was an open question and different answers followed; however, the inability to work was the most often mentioned difficulty amongst the men I interviewed. Lastly, I asked them how they spent their time, if they had any activities to engage with and what these activities were, and whom they spent their time with.

Unfortunately, I did not have the opportunity to conduct extra interviews with denied asylum seekers besides these interviews for the evaluation of one of Refugee Assistance's aid projects. Though I had to stick to the interview guide for the evaluation, there was ample space for me to ask follow-up questions to get as deep of an understanding as possible of the lived experiences of denied asylum seekers. I had already offered the training to two groups before I started conducting these individual interviews and knew that exclusion from employment opportunities and boredom were two pressing difficulties many denied asylum seekers experienced. For example, five men answered to the question about their housing situation that they could only stay at their friends or acquaintances' place during the evening and had to leave the house during the day. This answer would have been sufficient for the evaluation, but in light of my own research interests I further enquired about how they spent

their time when they were forced to leave the house, how they experienced this, what kind of difficulties it caused for them. With regards to the question about the problems and difficulties they experienced in their lives in the Netherlands, I followed-up with questions about their exclusion from employment opportunities. These men gave me detailed accounts on how not being allowed to work affected their lives. They addressed how it affected their personal lives, their ideas about themselves as men and how they saw themselves vis-à-vis a society they felt they could not participate in. In these follow-up questions, I focused on the ways in which diverse power relations – for example in their personal relations, between them and people that help them, and during their daily experiences with Dutch society in general – shape denied asylum seekers' lives. The vast majority of the participants in the training were men, whereas in the individual interviews I spoke with eight women and thirteen men. Seeing that I hadn't been able to talk to many women during the training sessions, in the interviews with women I tried to gain as much insight as possible in their gendered experiences of living as denied asylum seekers in the Netherlands. However, I only spoke to these women once and had difficulty gaining the trust necessary to discuss these topics in depth. Nevertheless, these interviews highlighted some interesting differences between the experiences of women and men with regards to receiving aid from individuals or organizations and employment opportunities. I conducted the interviews in either Dutch or English and sometimes a combination of both. I use pseudonyms whenever I'm quoting denied asylum seekers I spoke with in these interviews or in the training sessions.

Additionally, I conducted three interviews with the permanent staff to gather information about rules, regulations and national policies affecting denied asylum seekers. They serve as background information to contextualize my research findings in the larger scope of aspects effecting denied asylum seekers' lives. For the same purpose I analyzed Dutch policies, laws, rules and regulations that shape the structural position of denied asylum

seekers in the Netherlands. This secondary material is of central importance to this research project because it informs under which conditions the organization can do its work, under which conditions denied asylum seekers live their lives, and by what kind of restrictions their lives are shaped.

None of the interviews or conversations were recorded. First, the training sessions were not suited for recordings, with so many people present and talking at the same time it would have been very difficult to transcribe the conversations. Additionally, my role in these trainings was predominantly that of co-trainer, and the sessions were confidential. Therefore, I only wrote down short, quick notes in my diary and never wrote down names of the participants in relation to what was said. I wrote these short notes out into more elaborate field notes as soon as possible in my breaks and when the trainings would end at 3.30 pm, and I used pseudonyms to indicate who said what. Because anonymity and confidentiality were of great importance, I did not record certain details such as country of origin, exact age, the exact years someone has been in the Netherlands. Additionally, we did not talk much about fleeing to the Netherlands or the lives denied asylum seekers lived in their countries of origin. This limits my interpretations and circumscribes the kinds of insights I have been able to gather. For example, insights relating to country of origin or reasons for fleeing are missing dimensions in my discussions on denied asylum seeker men's experiences regarding notions of masculinity and social status. Secondly, for the individual interviews, my colleagues deemed it inappropriate to record the conversations because this might lead to associations with denied asylum seekers' experiences of interrogations at the Immigration and Naturalization Service (IND). I thus wrote down as many notes as possible and wrote them out into a full report of the interview immediately afterwards. In both instances, this means that my notes do not always reflect the exact words denied asylum seekers used to describe their experiences. However, some of the remarks they made were so striking that I

remembered them vividly and could reproduce them word for word. I am aware of the automatic selection of material that took place because of this, and this influences the insights I have gathered and the interpretations I have made. On this note, I want to make clear that the research I am presenting is by no means an 'objective' or complete 'representation' of the lived realities of denied asylum seekers. As Donna Haraway has aptly argued in her discussion on 'situated knowledge', "knowledge and truth are partial, situated, subjective, power imbued and relational" (Haraway 1988, as quoted in Hesse-Biber 2007, 9). The research that I present is thus an outcome of my personal situated knowledge and interpretation.

Positionality:

My research and my findings are to a large extent influenced by the kind of tasks I was assigned during my internship at Refugee Assistance, and the kind of access I was granted in observing and participating in the day-to-day work of my colleagues. When I reached out to Refugee Assistance and asked them for the possibility of conducting research in combination of doing an internship with their organization, I did not request to play a specific role in the organization but let my colleagues at Refugee Assistance decide in what way I could be of most value to them and best contribute to their work. Therefore, before starting my internship/fieldwork, I did not know what my tasks at the organization would be. Conducting ethnographic research within this organization thus meant for me that I was not an independent researcher – though arguable one never is – and I had only limited control over my research design. Because so many elements of the fieldwork were unknown to me before starting, I did not have specific research questions in mind at the outset of this study. I approached Refugee Assistance with the question to combine research with an internship because I wanted to learn more about the practices of NGOs working with refugees, and the complexities such NGOs might encounter regarding working within the system of migration

and asylum law and policies, while simultaneously criticizing this body of laws and policies. And I wanted to learn more about how the work of such NGOs impacts the lives of refugees, or in this case denied asylum seekers. These interests shaped my initial choice for conducting this research while working at Refugee Assistance. However, I chose the specific focus of this study based on what issues or experiences were most prominent in the conversations I had with denied asylum seekers. Furthermore, in order to protect Refugee Assistance as well as the denied asylum seekers they work with from any scrutiny, I have promised the NGO anonymity. This is the reason I have given the organization a pseudonym and do not mention the town or city in which they are located. More importantly, the promise of anonymity limits my ability to discuss certain details about the work of the organization that could have added insights or nuance to my argumentation in this study. Nevertheless, my conversations with denied asylum seekers offered me a lot of insight and understanding into how their lives are shaped by state laws and policies in the Netherlands, which I will discuss in this thesis.

During my fieldwork at Refugee Assistance my main position was that of an intern. In my daily activities, my relation to the professionals working in the NGO was similar to that of a colleague. My relation to the denied asylum seekers I held interviews with and who were participants in the training could predominantly be regarded as that of a professional working for the NGO. My relationship with the denied asylum seekers I interviewed was predominantly formal, shaped by the fact that I asked them to engage in the formality of a consent agreement – required by my supervisor at Refugee Assistance for conducting the interviews – and that I only met them once for the sake of that interview – with the exception of five people who I had already met during the training sessions. In all the interviews I emphasized my interviewees' anonymity – with regards this research project, as well as vis-à-vis my colleagues at the NGO – and made clear that they could tell me what I could or could not include in the research, whether or not they wanted to answer a question, and when

they wanted the interview to stop. Of course, in these interactions, as in the training sessions – unequal power relations were at play – mainly based on me being a white woman with Dutch citizenship and them being people of color without legal status in the Netherlands – which shaped these interactions and to what extent the interviewees would voice their needs and worries to me.

From the perspective of the denied asylum seekers I had contact with through the training sessions, I seemed to hold more of an ambiguous position within the NGO. All the denied asylum seekers I worked with in the training sessions knew I was only temporarily working for Refugee Assistance, they knew I was studying abroad and using my experiences in working with them for a research project for my studies. Additionally, seeing that my colleagues mostly worked on preparing subsequent asylum claims and the denied asylum seekers I had contact with were not in such processes, many of them had little contact with my colleagues. In contrast, on the training days they spent 6 consecutive hours with my colleague and me, which allowed me to build close contact with them. All the people who participated in the training were people of color, coming from Central and Eastern African countries or Middle Eastern countries. Moreover, almost all of them were straight men²³ – with the exception of two women and one gay man – whereas my colleague and I were both white Dutch women perceived as straight. I mention this because it shaped the dynamics in the training sessions and the contact I had with the participants, like the exceptional case in which one of the participant men sent me a picture of his penis, which happened approximately halfway through my research period. On the one hand, these men's interest made it easier to make contact with them during the training sessions and they were eager to engage in conversations with my colleague and me. On the other hand, after the picture incident I kept some distance in my one-on-one contact with the men in the training groups,

²³ I base this on my conversations with them in which they expressed their desires to have a girlfriend

particularly the ones who seemed more dominant or flirtatious. In this study I wanted to refrain from reproducing the trope of men of color as 'aggressive' and 'hypersexual' and white woman as victim. Therefore, I felt uncomfortable about keeping a distance from these men because unwittingly and in order to protect myself from further incidents it reinscribed exactly this image. Whether these men noticed this change in my approach to them I cannot know, but this dynamic definitely influenced the kind of one-on-one contact I had with these men after this incident. However, much of the material that is the focus for this study derives from the conversations we had as a group in the training sessions in which my colleague often took the lead, not from the one-on-one contact that took place in this context.

Before starting the analytical part of this study I want to note that, though I might sometimes come across as critical of Refugee Assistance, I recognize that they often found themselves in a double bind, wanting to create positive change in the lives of denied asylum seekers while being limited by Dutch laws and policies. Refugee Assistance advocates for the right to work – at least volunteer work – and broadening the opportunities for education for denied asylum seekers, and they raise public awareness in their city about the difficulties denied asylum seekers face. However, Refugee Assistance does not operate in a vacuum. So while advocating for political and institutional change, they have to work within the existing reality, and they try to find strategies that can help make the lives of denied asylum seekers a little less difficult.

4. Exclusionary politics: producing passive, dependent waiting subjects

In this chapter I will discuss how Dutch policies regarding denied asylum seekers, with a particular focus on the 1998 'Linking Act', produce precariousness in the lives of denied asylum seekers. I rely upon Isabell Lorey's definition of 'precariousness', and argue that these exclusionary laws and policies are part of biopolitical language and practice of governmental precaritization of 'undeserving immigrants' (Lorey 2015). Dutch policies are aimed at excluding 'unwanted' Others from the territory of the Dutch nation. However, I will show how these policies are more specifically aimed at excluding denied asylum seekers from participation in the Dutch welfare state. Denied asylum seekers are not only denied the right to stay in the Netherlands legally, but they are also denied the possibility to participate in the Dutch state due to their structural exclusion from employment opportunities – including volunteer work – social housing, education and welfare benefits (Van der Leun 2003). I will argue that these exclusionary practices and policies produce passive and dependent waiting subjects; a category of people that the Dutch government finds so undesirable that exclusion is deemed necessary. I will be using the category of 'precarity' to discuss the dire living conditions and mode of being marked by vulnerability, risk and uncertainty that this forced passivity and dependency produces for denied asylum seekers.

4.1 The gendered (in)accessibility of informal labor

Since the introduction of the Linking Act, a social security number is now necessary to be legally eligible for employment in the formal labor market. Denied asylum seekers do not have a social security number and so cannot legally be employed. The only option available to them is informal labor, which is illegal in the Netherlands, and can result in high fines for the employer and employee, and for illegalized migrants, can result in arrest or even

detention with the goal of deportation (Engbersen and Broeders 2009, 876). One of the men I spoke with, Hassan who is in his early thirties, shared the following:

I have tried looking for jobs but no one will hire me. I've been at restaurants but no one will allow me to work because I don't have papers, not even for small jobs. For cleaning for example, no one will hire me, they only want women. I wouldn't mind cleaning but if I would ring the doorbell at someone's house and they see a man standing there to come clean their house then they will say no anyway.

For Hassan, and all but one of the other men I spoke with, the lack of legal residence, what they call "not having papers", is the most limiting factor in finding legal employment opportunities. US-based research suggests that there are ample employment opportunities for undocumented migrants in the American informal labor economy (Coutin 2003; De Genova 2002; Menjivar 2006), which is not the case in the Netherlands. Multiple organizations have raised attention about the problems and difficulties of the illegalization of employment for undocumented migrants. A collective of organizations working with undocumented migrants called "*Iedereen aan de Slag*" – which roughly translates to 'everyone get going' or 'everyone get to work' – has started an advocacy motion for the right to work and education for undocumented migrants.²⁴ The general lack of employment for undocumented migrants is voiced as the most pressing problem, with the accompanying issues of boredom, passivity and dependency. In the political sphere, the social democratic party Democrats 66 (D66) has accepted a motion to expand the possibilities for undocumented migrants to engage in meaningful daily activities such as courses and volunteer work. Moreover, municipal level governments, such as those in Eindhoven and Wageningen, and youth divisions of political parties have advocated on behalf of the '*Iedereen aan de Slag*' motion. My research with denied asylum seekers suggests that in the Netherlands, informal labor for denied asylum seekers is an exception rather than the rule.

²⁴ <http://iedereen-aandeslag.nl/>

The experiences of denied asylum seeker men and women are rather different with regards to informal employment, not only between the numbers of women or men who hold or have held informal jobs, but, as previous research suggests, also in how women or men experience the lack of employment possibilities (Farahani 2012; Jaji 2009; Jansen 2008). In the above-mentioned remark, Hassan suggests that gender roles play an important part in what opportunities denied asylum seekers can access in the informal labor market. From the eight women I have spoken with during individual interviews, seven of them, or 87%, have or at one point had informal jobs in the Netherlands. Of the 13 men I have interviewed individually, and the 18 men I have spoken with during training sessions, only four have or at one point have held informal jobs, or only 13%. This shows a remarkable difference in numbers of men and women able to find informal paid work and suggests a noteworthy difference in informal employment opportunities for women and men. The men I spoke with argued that this had to do with ideas about what kind of jobs are suitable for men or women.

Due to the feminization of reproductive labor, domestic work, in general, is deemed suitable for women in ways it is often not seen for men (Duffy 2007). Of the seven women I interviewed who have or have had informal jobs, all of them work(ed) as a domestic worker. They found these jobs through their social networks or through advertisements posted on bulletin boards in supermarkets.²⁵ The kind of informal jobs the denied asylum seeker men I spoke with talked about were predominantly in the agricultural sector. The division of visible and invisible labor in agricultural work and domestic work carry with them different vulnerabilities for women and men. Domestic work – invisible labor – takes place within the private sphere of someone's home. Women who work in the domestic sphere are more likely to experience exploitation, sexual harassment or any other form of abuse (Anderson 1997;

²⁵ All big chain supermarkets in the Netherlands have a place in the store where they hang a board where customers can place their offers and demands for products or services. Often individuals who are looking for an employer or employee in the informal labor market advertise it on these boards. Examples of services offered are, tutoring, domestic work and yoga.

Anderson 2007; Cox 2006). As Anderson discusses in her work on domestic workers in the UK, these risks of abuse are exacerbated by the fact that these women are illegalized and cannot easily go to the police to report any wrong doings, giving people in positions of power free rein to continue their abuse (Anderson 1997, 2007 and 2010). Fortunately, the seven women I spoke with who worked as domestic workers did not report having experienced this type of violence or abuse. Of course, I have no certainty that these women did not experience abuse. There are many reasons why illegalized migrant women would refrain from sharing their experiences of abuse with others. They may also tolerate certain exploitative conditions for the sake of having continued employment. Seeing that I had only limited contact with these women, I was not able to build the kind of rapport necessary for talking about such a complex and sensitive topic.

What my contact with these women did indicate, however, was the contrast with the experiences of men. Illegalized women who engage in domestic labor work in the private sphere of someone's home are less likely to be discovered by the authorities and run less risk of being fined or arrested. In contrast, illegalized men working in agriculture work outside, in public, where they run the risk of being detected by police officers (Engbersen and Broeders 2009, 877). Three men reported that in the past they did this kind of work until they got arrested and were held in detention. The division of 'visible' and 'invisible' labor in informal job opportunities makes men more vulnerable to altercations with the police, and consequently at higher risk for detention and deportation.

In addition to gender roles, racialized stereotypes of refugees, particularly refugee men, affect the kinds of job opportunities denied asylum seeker women and men have. Most of the denied asylum seekers I have spoken with are from Central or West African countries – such as Sierra Leone, Nigeria, Mauritania, Somalia and Sudan – and from Iraq, Iran and Afghanistan, and are visibly not 'white'. As I have argued before, the Netherlands is very

much affected by wide-spread Islamophobic and racist sentiments against migrants in general and asylum seekers in particular. In public and political discourse asylum seekers have been called fortune seekers²⁶, fake refugees and even “Muslim testosterone bombs.”²⁷

Additionally, it has been said that asylum seekers come to the Netherlands to “steal our jobs”, “abuse our welfare system”, and “are after our wives and daughters.”²⁸ It is important to note here that highly-educated, upper or middle class expatriate migrants, or ‘knowledge workers’ as they are called in Dutch, are not charged with these accusations. These expatriates are often immigrants from ‘Western’ countries and are perceived as white. This supports my following claim that the fears towards this particular category of immigrants, denied asylum seekers, are influenced by gender assumptions, class discrimination, as well as infused with racism and Islamophobia. Discourses around asylum seekers are instilled with sentiments of fear and threat, and these fears particularly revolve around men (Butler 1993; hooks 2006; Garner 2014; Puar 2005; Van der Valk 2012; Wekker 2016). As Gloria Wekker puts it, men of color “*become the canvas on which the civilized white man projects his fears*” (2016, 34). Crime is associated with people of color, particularly men - who are almost always assumed to be Muslim, as heated debates on racial profiling in the Dutch police force exemplify.²⁹

Denied asylum seekers are furthermore often called ‘illegal’ migrants and associated with criminality. Dutch criminal law differentiates between two types of offences: a criminal offence and a violation. Criminal offences are of a more severe nature, tried in criminal court

²⁶ “Wie zijn de vluchtelingen die naar Europa komen?” NOS, 15 August 2015 <http://nos.nl/nieuwsuur/artikel/2052186-wie-zijn-de-vluchtelingen-die-naar-europa-komen.html> (Last accessed May 8, 2017)

²⁷ “Wilders: mannelijke moslimvluchtelingen opsluiten in azc's”, NOS, 18 January 2016 <http://nos.nl/artikel/2081246-wilders-mannelijke-moslimvluchtelingen-opsluiten-in-azc-s.html> (Last accessed May 8, 2017)

²⁸ “De testosteronbom bestaat niet, Wilders”, Vrij Nederland, 16 September 2015 <https://www.vn.nl/de-testosteronbom-bestaat-niet-wilders/> (Last accessed May 8, 2017)

²⁹ “Etnisch profileren”, Amnesty International Nederland <https://www.amnesty.nl/wat-we-doen/themas/discriminatie/etnisch-profileren> (Last accessed May 8, 2017)
“Ervaren discriminatie in Nederland”, The Netherlands Institute for Social Research (SCP), January 24 2014 https://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2014/Ervaren_discriminatie_in_Nederland (Last accessed May 8, 2017)

and result in a criminal record, whereas violations are less severe offences, tried in civil court and do not result in a criminal record.³⁰ Denied asylum seekers are in violation of Dutch laws but do not commit a criminal offence by staying in the Netherlands without legal recognition. However, they can become subject to a criminal conviction in the case they are declared an 'undesirable alien', or when they have been ordered to leave and have not complied with this order (Provera 2015, 17). Nevertheless, the language with which in public and political discourse is spoken about denied asylum seekers is that of 'illegality'. As Foucault argues, "the existence of legal prohibition creates around it a field of illegal practices" (Cited in De Genova 2002, 422). The legislative production of a realm of 'illegality' by the Dutch state thus contributes to the illegalization and criminalization of undocumented migrants, such as denied asylum seekers, and the practices they engage in. Additionally, Muslims – or as I've argued before, those who are perceived as Muslim – are increasingly subject to processes of securitization, seen as a threat to the nation and deemed in need of close surveillance (Fekete 2004). In 2015, almost 90% of the people in immigration detention were men, and the most common countries of origin of detainees were Albania, Morocco, Algeria, Nigeria and Iraq and Afghanistan.³¹ Leerkes and Broeders argue that in the current xenophobic and restrictive policy climate, male 'illegal' migrants will most probably be criminalized even further, both in practice as well as in law (Leerkes and Broeders 2010, 846). Furthermore, they argue that local non-governmental support organizations often have limited capacities to help illegalized migrants, and that their aid is often based on a distinction between the 'deserving' and 'undeserving' 'illegal' migrant, causing women and children to have more access to social, financial or legal support than men (Leerkes and Broeders 2010, 840). I would argue that

³⁰ <https://www.rijksoverheid.nl/onderwerpen/straffen-en-maatregelen/vraag-en-antwoord/wanneer-krijg-ik-een-strafblad> (Last accessed June 11, 2017)

³¹ "DJI in getal 2011-2015" Custodial Institutions Agency (DJI), April 2016, https://www.dji.nl/binaries/dji-in-getal-2011-2015-definitief_tcm41-121762.pdf (Last accessed May 20, 2017)

these same intersections of gendered and racialized stereotypes relating denied asylum seeker men and their 'deservingness' of help results in a reluctance to hire men for informal labor.

4.2 Categories of precarity

Precarity is not an exception: all life is precarious, full of vulnerabilities, and no one is able to lead autonomous, independent lives. To be able to survive, therefore, everyone depends on others, on social networks and the work and effort of others (Lorey 2015, 19). The Linking Act is designed to prevent denied asylum seekers from building connections with Dutch society. Social segregation, denial of access to education, work and even volunteer work all contribute to hampering denied asylum seekers' attempts to make ties with people legally residing in the Dutch state. Mostly, the connections denied asylum seekers had were to people who had also been denied asylum, or asylum seekers who had gained residence but with limited socio-economic means. So while labor exclusion and the denial of rights and services in the Linking Act forces denied asylum seekers into passivity and dependency, it simultaneously limited their possibilities to build social networks that could care for them and alleviate their precariousness. Lorey uses Butler's concept of precarity to emphasize the hierarchy of precariousness; how precariousness is distributed along relations of inequality to contribute to a process of 'othering' (ibid, 12). I argue that denied asylum seekers are at the bottom of this hierarchy and are therefore deemed as the least entitled to basic rights and services as a form of protection from precarious lives. As Lorey argues: "The threatening precariousness can be turned into the construction of dangerous others, positioned respectively within and outside the political and social community as 'abnormal' and 'alien'." (ibid, 14). Denied asylum seekers are constructed as those 'illegal aliens' whose precariousness is marked as dangerous and in need of expulsion. In the remainder of this chapter I will show how Dutch government policies and practices produce this precarity

through forcing denied asylum seekers into dependency and passivity, and how this state of precarity defines the lives of denied asylum seekers.

Creating dependency:

Self-governing techniques to alleviate precariousness are based on the premise that labor power is a commodity that can be used to make a life, a living, and an increasingly better life at that (Lorey 2015, 28). However, because denied asylum seekers, and particularly men, are denied the right to work legally and have limited options for paid labor in the informal labor market, they cannot use their labor potential as a commodity to reduce the precariousness in their lives. Historically, all those who did not fit the norm of the “free, white, bourgeois subject” (ibid, 36) were precaritized. This includes those groups of people who are outside of the legal boundaries of the nation-state. This process of governmental precarization involves economic, social and legal relations of inequality. Many denied asylum seekers become dependent on others as a result of not having access to legal job opportunities and only very limited access to informal jobs. My conversation with Hassan clearly illustrates his frustration regarding this dependency:

I don't want to get aid, I want to be able to take care of myself. Having papers is not even that important, if only I could work. (...) Not being able to work is the biggest problem, money is the biggest problem.

Hassan makes clear in his narrative that he does not want to take aid from the state. This means that Hassan does not want to be in a position where he is dependent on the state or charitable organizations, but instead wants to be able to take care of himself and build a life for himself, and he is denied that possibility in the Netherlands. Lemke, in his discussion of Foucault's concept of governmentality and neoliberalism, explains how neoliberal forms of

government render individual subjects responsible for risks in their lives – regarding illness or unemployment for example – and transforms these issues into problems of 'self-care' (Lemke 2002, 12). Often this goes hand in hand with the crumbling down of the welfare state, and citizens are made to rely predominantly on their own labor capacity to sustain themselves. The commodification of labor power is thus crucial for a person to be able to engage in practices of 'self-care'. As a result of government policies – excluding them from social services and denying them the right to legal employment opportunities – denied asylum seekers are not able to engage in practices of 'self-care'. As a result of these policies Hassan and many other denied asylum seekers become dependent subjects. Lemke argues: "as the choice of options for action is, or so the neo-liberal notion of rationality would have it, the expression of free will on the basis of self-determined decision, the consequences of the action are born by the subject alone, who is solely responsible for them." (ibid, 12). Therefore, the 'failure' of denied asylum seekers is that they lack the capacity to take care of themselves, and this is seen as a direct result of their 'choice' to stay in the Netherlands despite the refusal of their asylum claims, thus releasing the Dutch state from any blame. This is the exact premise on which the Linking Act, also known as 'Discouragement Policy', is based.

Hassan's statement also highlights the politics of documentation, and the relative importance denied asylum seekers like Hassan attach to "having papers". What makes the situation so hard for denied asylum seekers in the Netherlands is the arbitrariness of who does and does not have papers. Omar, who is in his early thirties, has had a relationship with a Dutch woman for a few years. When we spoke, he had been living together with this woman for about 6 months, and had a secure housing situation and did not need to worry about subsistence. He told me that besides not being allowed to work, his life did not differ much from legal Dutch citizens. If he had to choose between living in the Netherlands without

papers or returning to his home country he said he would stay in the Netherlands. Omar said: “for me it [not having papers] isn’t so much a problem. This situation is much better than where I come from.” In the Netherlands having papers would immediately imply having the right to work, together with a set of other rights such as social benefits, access to social housing, healthcare and the right to education. It is not that these men don’t see value in having papers. However, these denied asylum seeker men were not in the process of starting a new asylum procedure and had little prospect of receiving residence status in the near future, which might lead them to emphasize the limited possibilities in creating their own livelihoods in the present.

Hassan and Omar also experienced life as a denied asylum seeker differently in the Netherlands. It is interesting, for example, that the issues Hassan, who is in his early thirties, mentions that he misses, are part of what might be considered heteronormative notions of normalcy. He tells me:

I have no money, no house, no holiday, no wife, no kids. I have nothing. If I could work I would have money and then I can do everything for myself. (...) I need to be able to take a girl out, buy her a drink, but I can’t without money. I should be able to take a girl home, but I don’t have a home.

Not being able to make money and be self-sufficient affects these men’s experiences of social status and “ability to conform to cultural definitions of masculinity” (Jaji 2009, 182).

Normative notions of masculinity involve being in control, being able to give direction to one’s life (ibid, 181). Forced displacement, the asylum process and being denied asylum already diminish the control these men have over their lives. This loss of control is exacerbated by the inability to find employment opportunities and the dependency that results from this, causing difficulties for both denied asylum seeker men and women. But as widespread normative notions of femininity and masculinity mark women as dependent

subjects and men as independent agents, this loss of control causes more conflict in terms of gender identity for men than for women (Jansen 2008, 188). In general, financial independence, employment and being able to start a family are important factors in approaching desired notions of masculinity, as researchers have established for migrant men in a variety of contexts (Farahani 2012 for Iranian men in Australia, the UK and Sweden; Jaji 2009 on refugee men from the Great Lakes region in Kenya; Jansen 2008 on Bosnian refugee men in the Netherlands and Australia; Sinatti 2014 for Senegalese men in Italy). In my research, it was clear that denied asylum seekers' exclusion from legal employment makes it incredibly difficult for these men to find job opportunities and become financially independent. And as a result of that, as Hassan argues, these men are not able to start a family either. To start a relationship with a woman, or even gain her interest, a man needs money, was their reasoning. Moreover, studies suggest that refugee men – more so than women – have difficulty coping with the drop in wealth and social status after forced displacement (Farahani 2012; Jaji 2009; Jansen 2008; Sinatti 2014). Before fleeing, most of these men were students or held jobs, and derived a sense of personhood or social status from these occupations (Jansen 2008, 190). However, as denied asylum seekers in the Netherlands are excluded from education and employment opportunities, their sense of personhood might be derived more from their social relations, exacerbating the already existing difficulties to live up to their ideal notions of masculinity.

Two of the men in our training group had children with their Dutch partners; and for them this experience of forced dependency seemed to be even more problematic. Aron is in his mid-thirties and has a Dutch girlfriend and two Dutch children.³² He said:

³² During the period that the workshop took place Aron and my coworkers were working on a new asylum request for him on the basis of "family life". I am pleased to share that, at the moment of writing, he has been granted asylum, can stay with his family and work towards naturalization.

A good father provides for his children and gives gifts, now I'm just a burden. Shame on me! The mother has to do everything. Sometimes when she gets mad she will say like: "When have you bought diapers, or when have you bought milk for the children?!" And that hurts a lot. The woman does 85% for the family, as a man you only do 15%. Are you a real man? The woman is the husband now, I am the wife!!

Melannie Griffiths (2015) argues that being made to wait while having been denied asylum has emasculating and infantilizing effects on male denied asylum seekers, specifically when the waiting is marked by passivity and dependency. Based on my research, I would take her argument one step further since this experience of emasculation and infantilization inflicts even more violence on those men who have children. As men, these denied asylum seekers are expected – and moreover expect themselves – to be active members of society, to work and to be independent. So the privileges bestowed on men by patriarchy also instill pressing expectations and obligations on them as partners and fathers (Jaji 2009, 183). Therefore, for those men who are fathers, being financially independent was even more important because they didn't only feel the need to provide for themselves but also for their children. Aron expressed feelings of shame at being a burden to those he felt he should provide for, and he also remarked "I am the wife!!" which indicates feelings of anger, frustration and powerlessness. Patriarchal gender roles prescribe the role of breadwinner to men, but these men could not live up to these ideals. Moreover, when their female partners were able to take on the role of provider, this caused feelings of shame and anger. They said they were not real men and had failed at fatherhood. One woman I spoke with who is also a parent – Dayo lives together with her male partner and their child³³ – had a quite different experience. Her partner worked full-time and she stayed at home to take care of their child and the household. She told me she would like to have a little job during the hours that her child goes to school, to

³³ Like Dayo, her partner had come to the Netherlands as a refugee. They met when he already had a residence permit for the Netherlands. Dayo and her partner have one child together. Dayo also has two children who are still in her country of origin and she hasn't seen them since she came to the Netherlands between 10 and 15 years ago.

stay busy and be out of the house. But unlike the fathers I spoke with, she did not feel like she was less of a mother or a bad partner because she didn't earn money. Her lived reality was more in line with the normative gender role of women as mothers, whose place is in the house, whilst the men couldn't live up to these norms and were marked as deviants.

When my co-worker told the denied asylum seeker men that they don't need money to be good fathers because being a good father is about love and attention Rayan responded:

There is no love without money. You need money to make sure that someone keeps loving you, otherwise she [his girlfriend] will just become fed up with you.

Rayan's experience is influenced and shaped by heteronormative gender roles in which the man should provide for the woman, not the other way around. He says his girlfriend's love is conditional on money. Like in my conversation with Hassan, the central point for Rayan is the lack of money – as a result of not being allowed to work – and the dependency on other people that is forced upon him because of this.

The emasculation and infantilization denied asylum seeker men experience shows that they are stripped from certain kinds of power that they associate with masculinity. Their emasculation can be seen as a process that marks denied asylum seeker men as inferior vis-à-vis men who legally reside in the Netherlands. However, I do not mean to suggest that denied asylum seeker men are powerless, dependent victims of the precariousness in their lives. The question of power is more complex and nuanced, as power relations are always context specific. Looking at these denied asylum seeker men's position in a gendered regime of power shows that these men still hold certain forms of power derived from patriarchal gender roles. The ways in which denied asylum seeker men are in a position of power in relation to women – whether Dutch women or denied asylum seeker women – did not clearly come to the fore in this research. However, the flirtations I experienced from denied asylum seeker

men in the group trainings, and specifically the incident of the penis picture, suggest that these men still consider or hope that their masculinity and sexuality are a possible object of desire, and do not consider themselves as inferior to women.

Producing passivity:

Another way of framing the impact of precarity on the lives of denied asylum seekers in the Netherlands is through the lens of forced passivity. The lack of permission to work legally in the Netherlands results in denied asylum seekers not having activities to be engaged with, and not knowing how to spend the ample time they have on their hands. In addition to not being allowed to engage in formal paid labor, denied asylum seekers are also not allowed to do volunteer work or partake in public education after the age of 18. There are organizations in the Netherlands that organize activities and courses for undocumented migrants, such as Dutch language classes, welding classes or sewing classes. And there are community centers in several cities where both homeless people and undocumented migrants can go to pass the time. These are important initiatives, and especially the courses seem to have a positive effect on the lives of denied asylum seekers. However, these activities are not accessible to everyone and have a relatively small reach. This leaves the majority of denied asylum seekers without any of these kinds of activities to fill their week with.³⁴

My conversation with Osman, a man in his late thirties who has lived in the Netherlands for almost 15 years, clearly highlights some of the difficulties denied asylum seekers experience regarding forced passivity.

³⁴ So far I have mentioned experiences of time in a few times in passing, for example “to have ample time”, “to pass the time” or “to fill their week”. As I will discuss in the following chapter, the experience of forced passivity and the abundance of time are very much related in the lives of denied asylum seekers in the Netherlands.

I want to have something to do. If I can do something then I will think and worry less. I want to learn something or work without being afraid of the police. (...). I want to do something, like other people. I want to live a life even without papers, I'm not a criminal!

When Osman said; "I want to have something to do", I interpret that as a yearning to leave this state of passiveness that the Dutch state forces upon denied asylum seekers. In the training I gave to multiple groups of denied asylum seekers, the emphasis lay on what they themselves can do to remove themselves from this passivity; an aim of the training was to activate them and for them to take back control over their own lives. However, such an approach lays the responsibility for the structural and institutional problems with the individual affected. As Osman's statement indicates, a personal desire or drive is not enough to become 'active' because this doesn't take away the barriers denied asylum seekers experience in regard to seeking activities to be engaged with, and specifically their worries and fears about the police. Additionally, without money and whilst experiencing segregation (Engbersen & Broeders 2009; Leerkes et al. 2007) from Dutch society, it's quite difficult to find activities to engage in and activate oneself.

The lack of activities, of responsibilities and plans forces denied asylum seekers into an almost inescapable idleness (Griffiths 2015, 475). This is not merely about not having anything to be engaged with in the present but also about knowing that you cannot make plans or prospects in the future. During one of the training sessions the participants clearly said they might have certain qualities or talents but that their position in society without papers and the accompanied limitations, really restricts the possibilities that they have to express or develop those qualities and talents. One of the participants said: "It [the limitations prescribed by Dutch policies] makes the incentive to do something with those talents less because you cannot achieve something with it." Only if they have papers would they be able to achieve something, was the dominant sentiment. The uncertainty of their situation and the

fear of deportation, what Genova calls deportability (2002), makes them feel that anything they do in the present time in the Netherlands might be for nothing. If they get deported, the lives they have built in the Netherlands will have been for nothing. So they are waiting to start their lives, and this life starts once they have papers. In the meantime, this waiting is marked by passivity.

Osman's remark, "I want to live a life even without papers, I'm not a criminal", carries a lot of meaning. First, it suggests that he feels he's not allowed to live a life. The phrase "to live a life" suggests more than just being alive, but having a *life*, something which carries meaning or has a purpose. Like Osman says: "Every day you wake up and you know you have nothing to do". Like Osman, most of the denied asylum seekers I spoke were rejected for asylum ten to fifteen years ago, which means that they have been living in the Netherlands on the margins of society and excluded from social services and job opportunities for ten to fifteen years. Part of this forced passivity also creates categories of illegality. Osman's remark "I'm not a criminal!" raises the question of why he makes this comparison to being a criminal, while according to the law unauthorized stay in the Netherlands is not a criminal offence. Because denied asylum seekers, particularly men, run the risk of being arrested by the police, they furthermore risk being held in detention for up to 18 months.³⁵ Though immigrant detention in the Netherlands is officially merely 'administrative detention' – a means to ensure illegalized migrants can be located and not disappear in the process their expulsion is being prepared – immigrant detention is remarkably similar to penal detention and is often experienced as a punishment. The living conditions in immigration detention are harsher than in penal detention, and the detention regime is more restrictive for men detainees than for women – for example, women stay in single cells and have their own shower, whereas men have to share these facilities and thus

³⁵ "*Vreemdelingenbewaring*", Rijksoverheid, <https://www.rijksoverheid.nl/onderwerpen/terugkeer-vreemdelingen/inhoud/vreemdelingenbewaring> (Last accessed May 22, 2017).

don't have much privacy (Leerkes and Broeders 2010, 383). Just as the Linking Act, the use of immigrant detention has the goal to pressure illegalized migrants to leave the Netherlands and cooperate with the return procedure (ibid, 836). The harsher detention circumstances for men thus targets them even more for expulsion – besides the fact that they are at higher risk of being arrested and put in detention in the first place.

Immigration and penal detention are much alike except for the fact that prisoners know the end of their sentence and are released after that, while for denied asylum seekers this remains uncertain. During one of the training sessions, one participant said: “When I wake up in the morning the first thing I think is, I’m illegal!” He said that every day he would walk around with the fear of being checked by the police and the risk of being arrested. This experience of deportability makes denied asylum seekers become passive in their day-to-day lives. Often after first encounters with the police, denied asylum seeker men start engaging in practices of self-governing. For denied asylum seekers this means “behaving correctly and knowing that you never do something wrong, then you don’t have to be afraid”, Osman remarks. However, the category of ‘illegal migrant’ is a racialized category that inscribes ‘illegality’ and ‘criminality’ on the bodies of people of color, particularly men of color. “Behaving correctly” is therefore not enough to protect oneself from vulnerability, because ‘illegality’ and ‘criminality’ are assumed a priori. Nevertheless, the dominant rhetoric is that of personal responsibility. And while the training sessions were intended to activate denied asylum seekers and empower them through making them knowledgeable about their rights, these sessions also reproduced a narrative of risk management. For example, one of my coworkers advised denied asylum seekers not to go to crowded squares on King’s Day – a national holiday that is widely celebrated and important in Dutch tradition – because there would be heightened police surveillance and they run the risk of getting checked. This well-

meant advice contributed to reproducing denied asylum seekers' passivity, and excluding them from the social imaginary of the Dutch nation.

The self-governing that Lorey argues individuals are encouraged to engage in—the belief that people have control over their bodies and their lives, and that they can influence their own precariousness—is premised on the advanced individualization of Western societies (Lorey 2015, 26). When Osman said that as long as he behaves well he doesn't need to worry about the police, this shows his belief that he can control his own vulnerabilities. As I've argued before, he and other denied asylum seekers live their lives within a context of institutionalized racism and Islamophobia, and are often subject to racial profiling by police officers. But each individual denied asylum seeker might not be aware of these systemic problems, and seeing that they have limited social networks they might not know that many others experience the same acts of violence and discrimination. The segregation and individualization of denied asylum seekers is what makes possible the belief that they can have some influence on their own precariousness. This individualization of denied asylum seekers' experiences also further depoliticizes their situation. Refugees who are stuck in camps or asylum centers – whose waiting is also marked by passivity and dependency – are to some extent able to organize themselves in protests or demonstrations and as such have a visible, political potential.³⁶ However, as the denied asylum seekers I have spoken with barely know each other or each other's experiences, and are not organized; there is very limited political potential. This further contributes to the individualization and depoliticisation of denied asylum seekers' experiences and their precarity, and confines them to a realm of invisibility and 'illegality'.

³⁶ For example, *Wij Zijn Hier* (We Are Here) is a group of denied asylum seekers in Amsterdam, the Netherlands, who live together and have organized themselves to no longer hide the inhumane conditions under which they are forced to live their lives in the Netherlands. They organize protests and have gained attention in Dutch politics. See, <http://wijzijnhier.org/who-we-are/> Another example is the protests that took place in the Spanish refugee camps in Ceuta and Melilla on the North coast of Morocco.

This realm of 'illegality' that is produced by Dutch laws and policies thus creates "a space of forced invisibility, exclusion, subjugation, and repression" that affects the 'illegal' subject, whatever they do and wherever they go (De Genova 2002, 427). I have aimed to show how Dutch laws and policies, particularly the "Linking Act", are aimed at creating passive and dependent "illegal" subjects and producing precarious lives. Excluding denied asylum seekers from the realm of legality, excluding them from participation in the welfare state, not allowing them to study or work, turns them into passive and dependent subjects and marks them as a dangerous precarious Other. Their alleged passivity, dependency and their inability to be productive participants of society – unable to commodify their labor – then becomes constructed as primordial, given and fixed qualities, characteristic of denied asylum seekers to mark them as 'undesirable' and 'undeserving' in the social body of the nation. This rationale then becomes the very justification for excluding denied asylum seekers from participating in the first place. The 'Linking Act' excludes those passive, dependent, unproductive subjects that the law itself produces. As such, laws not only produce the different categories of legality and 'illegality' but also the conditions under which the people inhabiting these different categories live (Coutin 2003). As I've shown, these conditions are marked by extreme forms of precariousness. This precarity is so far reaching that two denied asylum seeker men I spoke with even said they would prefer a life in detention, where they would have a roof above their head and food to eat, rather than to worry about these basic needs every day. Immigration detention staff members have also observed that some detainees prefer life in detention than to live on the streets (Leerkes and Broeders 2010, 482). In the following chapter I will be taking into consideration the dimension of time in order to discuss how the experience of endless waiting exacerbates this precariousness in denied asylum seekers' lives.

5. Waiting for What? Denied asylum seekers' experiences of time

In this chapter I will discuss the ways in which time, particularly the experience of waiting, shapes denied asylum seekers' subjectivities. The experience of waiting is common and widely embedded in the quotidian aspects of life, one might deem it insignificant but to do so would be a mistake. As Pierre Bourdieu argues, waiting is intertwined with power, "Making people wait... delaying without destroying hope is part of the domination" (Bourdieu 2000, 228). As I have argued in the theoretical framework of this study, the powerful have the ability and capacity to make those with less of it wait, it's a central aspect of state bureaucracy and tool for regulation and control (Koshravi 2014). Waiting is a common experience in travel and migration. We wait in line at the airport, are stuck in traffic jams before crossing a border, and we wait to have our documents and identities checked. The experience of waiting was mentioned often and with a lot of weight by the denied asylum seekers I spoke with. In contrast to the examples of waiting given just now, for denied asylum seekers, waiting is not just something one does in a particular moment, in a particular setting with a clearly defined endpoint of the waiting. Denied asylum seekers that I spoke with were confronted with, what I call, an experience of "endless waiting". This particular experience of endless waiting has consequences for their daily lives, marks a state of being, shapes notions of social personhood and positions them in larger systems of unequal power relations.

Denied asylum seekers that I spoke with have a strong hope and belief that one day the Dutch government will grant them permission to stay in the Netherlands. They are waiting for the permission to stay in the Netherlands, with all the possibilities and privileges that come with it, while living in the reality of staying without such permission and accompanying limitations and 'illegalization'. Nevertheless, the experience of waiting is

open-ended, meaning that the end result of this waiting period is unknown. The uncertainty that accompanies this experience of waiting forces denied asylum seekers to live in a precarious absolute present. Many consider planning for the future impossible in this space of liminality, "the future starts once I have my papers" one man told me. Living in this liminal space shapes denied asylum seekers' subjectivities and marks them as different/deviant from the 'normal' citizen. They are marked as liminal subjects, with its connotations of danger and pollution (Douglas 1969; Turner 1967; Van Gennep 1977). They are legally excluded, yet physically present, therefore challenging the legitimacy of Dutch laws. Additionally, experiences of time and waiting are embedded in unequal power relations in which those who wait are considered and constructed as inferior.

5.1 Endless waiting: a forced orientation to the present

Most denied asylum seekers whom I spoke with had been in the Netherlands between 10 and 15 years. Most of them had their first asylum request denied in the first three years of their stay in the Netherlands, after that they became illegalized migrants. Both these periods – during the asylum process, and after asylum had been denied – were marked by time spent waiting. The first years, asylum seekers waited for the outcome of their asylum request, was spent in an asylum center, which facilitates asylum seekers' basic needs. By no means will I argue that life in an asylum center is not precarious; life in an asylum center is also characterized by dependency and passivity, as are the lives of denied asylum seekers. However, asylum seekers in an asylum center do not need to worry about accommodation, and further receive a weekly allowance, something denied asylum seekers don't have access to. Though the period spent waiting during one's asylum procedure was often much longer than asylum seekers anticipated, this waiting had a goal; it was not arbitrary or idle. Most of the denied asylum seekers I spoke with were not preparing a subsequent asylum application,

combined with their forced dependency and passivity this created a rather aimless experience of waiting. Furthermore, this waiting did not have a fixed endpoint and seemed to never come to an end. While experiencing this extensive, seemingly endless, period of waiting, denied asylum seekers often felt that they were stuck in the present, and felt that they could not exert control over their own lives. Past and present become conflated – marked by a lack of opportunities, possibilities and achievements – and the future becomes fiction; a very uncertain possibility.

One of my tasks at Refugee Assistance was offering group trainings to the denied asylum seekers that received aid from the organization. Together with a colleague, I participated in offering denied asylum seekers a workshop aimed at giving participants insight into their possibilities for the future and activating them to “take control over their lives”. Three topics were discussed, first they received information about asylum law and policies, we specifically examined whether or not they could make a claim to different options for legalizing their stay in the Netherlands. Secondly, we discussed the basic rights for undocumented or ‘illegal’ migrants and the services that are available to them. For example, access to healthcare, their rights regarding housing, and the rights and risks related to reporting unlawful behavior against them to the police. The last and major part of the workshop – which gives important insights in denied asylum seekers’ experiences of time and its influence on their self-understanding – was about reflecting on their current reality, living in ‘illegality’, and finding ways to better cope with the difficulties that characterize their situation. One of the modules was called “*More than a rejected refugee*”. It aimed at highlighting the strengths and qualities of the participants and asked them to look beyond their lack of papers – lack of residence permit. Participants were asked about the things they have achieved since they have been in the Netherlands; the goal was to strengthen their self-esteem and feelings of self-worth. Another module called “*The Life Line*” asked the

participants to visualize the time in their lives – taken in the most literal sense. The participants were asked to draw a line from zero to one hundred, then mark the part of that line that resembles their age in red, then mark the part of that red line that they've spend in the Netherlands blue, and lastly mark the part that they still “expect to live” green, see the example below.



This man is 40 years old, has spend 15 years in the Netherlands after having been denied asylum and thinks that he will live to be 90 years old.

The aim of this exercise was formulated as follows:

The participants learn that their common day-to-day lives quickly turn into months and years. S/he will learn to let go of the perspective of living day-to-day lives and learns to see their lives as a whole. Additionally, the participants learn to reflect on their past, present and future in order to become active. Looking at the entire life line encourages people to start planning for their future now, in the present.

After responses in which the participants³⁷ focused on the time they had “wasted” – the blue and red line – my coworker added:

Your lives are not wasted, look at the long green line you still have ahead of you. There is still so much time and possibilities, let's try to focus on your futures.

Rayan³⁸ was very outspoken about this subject, responding:

We have no future, we can't plan for a future. Our future starts when we have papers, before there is not future. You can't do anything.

Vince³⁹, one of the participants, said:

³⁷ In this particular training session a group participated that consisted of only men.

³⁸ Rayan is in his late thirties and has been in the Netherlands ‘illegally’ for almost 20 years. He has a Dutch girlfriend with whom he has two children who have Dutch citizenship.

³⁹ Vince is in his late thirties and in the Netherlands ‘illegally’ for approximately 13 years.

The problem with this exercise is that the green line is uncertain, we don't have that, we don't know, it's fiction.

Again Rayan was outspoken and added:

But these lines are not equal. After the age of 35 you are not so strong anymore. The period in strength you have spent waiting without papers, without possibilities. When can we start building our future? We are stuck in the prime time of our lives. The time we have spent in the Netherlands is wasted time. I call it wasted time because I don't have anything to show for it. A person who can work has a target but we don't. We don't have something to work towards, we don't have anything we can keep. And with the system of this country age is not on our side.⁴⁰ Best case scenario I get asylum tomorrow, then I'm 40 when I start studying, I have to pay everything myself. When I finish I'm 45 and I have already wasted the biggest and most productive part of my life.

The aim of the life line exercise acknowledges the idleness and aimlessness denied asylum seekers experience in their everyday lives, and how this alters the ways in which they experience time. Moreover, it acknowledges the feeling of having lost control over their lives that many denied asylum seekers experience – and particularly affects men. The goal is then to encourage denied asylum seekers to take back control over their lives; thinking, planning and working towards the future is seen as an important factor in this. The reactions during the training, however, show that to engage in this conversation was difficult and problematic for most of the participants, and parts of the conversation in this module were characterized by frustration.

The denied asylum seeker men I spoke with felt that they were stuck in this forced dependency and passivity in a period in their lives they thought they would be shaping their lives. Most of men I spoke with had come to the Netherlands when they were in their early twenties, some were still minors when they sought asylum in the Netherlands. With the exception of three men, these men never had any form of residence permit and thus had never

⁴⁰ He's referring to the educational system in which after the age of 30 you have to pay for your higher education yourself without any government aid.

been allowed to work. The men that came to the Netherlands as minors enjoyed education until the age of 18, but the men who came to the Netherlands when they were older than 18 were never granted this opportunity. From the moment in their lives that they were supposed to reach adulthood, they were excluded from exactly those opportunities that would allow them to shape their adult lives. What becomes clear from Rayan's comments is that age matters. A dominant view amongst the participants was that they are running out of time, particularly so-called "productive time". Young adulthood is often a period of change, in which people might start studying or find a job. However, for the majority of the denied asylum seeker men I spoke with such change did not occur. In capitalist societies, such as the Netherlands, productivity is of central importance. Society runs on the premise that every member of society – literally every *body* – can and will be productive, and that productivity can be commodified (Lorey 2015, 28). With productive time Rayan meant the period in his life he could have been the most productive, and accumulate experience and wealth. Other participants added that this was the period of physical strength, ability to learn fast and develop their thinking. These men had expectations of their futures and themselves as strong, able-bodied men. Their anxiety over wasting the period of physical strength highlights the gendered nature of these expectations denied asylum seeker men had of themselves. For example, Derek, a man in his late thirties, mentioned he wanted to work in construction and architecture, however, he believed that by the time he would have residence he would not be strong enough anymore to start working in construction and gain the necessary experience to get into architecture before being 'too old'. Furthermore, age matters in questions of employment and productivity, and ageism occurs in education and employment (Branine and Glover 1997, 239). This ageism often targets people who are deemed 'too old'. According to Rayan, even if he could legalize his stay immediately, he would be too old to participate in the Dutch education system – which only offers financial support for people under the age of

30 – and too old and inexperienced to find a job. And again, because of patriarchal gender role expectations this inability to live up to normative ideals about productivity and physical strength particularly affected these men and their feelings of masculinity.

Additionally, one of the most pressing difficulties for denied asylum seekers seemed to be the inability to plan for a future. Since most of the denied asylum seekers I spoke with were not in the process of preparing a subsequent asylum request, their waiting was undirected, they were not waiting for a known moment of decision to come. Questions about whether or not their waiting will end by obtaining the right to legally stay in the Netherlands are thus all the more uncertain. Vince's remark that the future is fiction exemplifies this uncertainty, which causes anxiety, insecurity, and fear, and contributes to a life marked by precariousness. Because people are future oriented (Adam cited in Griffiths et al. 2013, 6), not being able to plan for the future marks denied asylum seekers as deviant others in relation to citizens or legal foreigners who are – though of course always to a limited extent – able to exert control and give direction to their futures. Additionally, an imagined notion of a future often helps to make distressing and difficult situations more bearable (ibid). As the frustrations in the above mentioned conversations shows, the inability to orient oneself towards the future causes suffering for denied asylum seekers. Moreover, the Dutch laws and policies that revoke the possibilities to plan for the future can thus be seen as an act of violence inflicted upon denied asylum seekers. De Genova (2002) draws on Carter's conceptualization of precariousness as "the revocability of the promise of future" (1997, 196) to highlight the influence of the possibility of deportation in causing 'illegal' migrants to refrain from making plans for the future. With few exceptions, almost all the denied asylum seekers I spoke with expressed the sentiment that their future will start once they have papers – the right to legally stay in the Netherlands – until then they can't do anything. My co-worker tried to point out that there might be things they could do, like going to the public

library or studying a new language – Dutch for those who don't speak it yet. However, the participants showed little interest in this because, as Rayan said, they wouldn't "have anything to show for it". As Griffiths et al. (2013, 28) argue, "Without a time-frame or known future to work towards, people tend to be unable to plan, progress or invest in themselves." Denied asylum seekers thus considered that any efforts made in the present would not contribute to their livelihoods; they would still be excluded from legal employment opportunities, have difficulty finding informal labor, have no income and be dependent on others. It would thus not alleviate the precariousness that characterizes their lives. Additionally, their efforts to do something would not materialize into contributions to their future. This "revocability of the promise of future" further passifies and paralyzes denied asylum seekers, which exacerbates their precariousness.

The uncertainty denied asylum seekers experience about the future often led them to live "day-to-day lives". The premise for the life line exercise is a recognition of the paralyzing effect living "day-to-day lives" can have on denied asylum seekers, and its aim is to help participants in finding strategies to activate themselves and start thinking about the future. Adam argues that having imagined futures is extremely important, which she describes as the 'not yet' (Adam 2009). 'Not yet', implies a possibility, a prospect or potential for the future. Since the participants in the training did not have a conceptualization of a possible future to work towards – at least not outside the framework of legalizing their stay in the Netherlands – being asked to think about their future and imagine it as full of potential was awfully frustrating for most participants. This inability to imagine and materialize a future, while feeling stuck in a period of endless waiting, is referred to by one of Coutin's informants as "a forced orientation to the present" (Coutin 1993, 98). In the lives of denied asylum seekers this present is marked by precariousness. Griffiths refers to this way of experiencing time as "suspended time", "an experience of directionless stasis. (...) with no

purpose, fairness or progression” (Griffiths 2014, 1996-1997). Most denied asylum seekers I spoke with felt that their lives had stopped after having been denied asylum, and as Rayan argued, their future would only start once they receive a residence permit. Taking into account the dimension of time shows that the lives of denied asylum seekers lack the kind of progress or development they long for. Additionally, the aspect of ‘fairness’ mentioned by Griffiths clearly came to the fore when denied asylum seekers compared themselves to friends they had met when they lived in an asylum center together, and who have received refugee status and are thus legally allowed to stay in the Netherlands. These friends have been able to build a life for themselves in the Netherlands; they have a job, a house, maybe a partner and a family. And when comparing themselves to these people they feel they have been stuck in time, stuck in a permanent temporariness. They experienced this difference as unfair and painful, and it highlighted their lack of purpose and progression in their lives. Denied asylum seeker men’s loss of control and inability to plan a future caused conflicts when seeing other men live up to the expectations of masculinity as active agents giving direction to their lives – for example, in relation to starting a family, as I’ve discussed in the previous chapter. The belief that they had no future to work towards, that they were unable to materialize progress and development, and moreover, did not have control over their futures exacerbates their feelings of emasculation.

When talking about the absence of an imagined future, the denied asylum seekers I spoke with even said that their past and present were the same, both marked by insecurity and precarious living circumstances. They couldn’t live in their countries of origin because their lives were in danger, and they can’t live in the Netherlands because the system of Dutch laws and policies doesn’t allow them to lead a meaningful life. I do not mean to say that the denied asylum seekers I spoke with did not see any difference in their situation in their country of origin and their situation in the Netherlands. With the exception of two people, none of the

denied asylum seekers I spoke with considered the possibility of return to their countries of origin. Despite the difficulties, denied asylum seekers in the Netherlands could at least obtain emergency medical care, and they did not fear for their lives. As one participant said, “here at least I can sit on a chair in the garden without having to worry that a bomb will drop on my head or that someone will kidnap and torture me.” With regards to their physical safety, they considered their lives in the Netherlands often more secure compared to if they hadn’t fled their countries of origin. Nevertheless, overall, they thought their lives carried little meaning, and felt like they hadn’t made progression in their lives. And though none of the denied asylum seekers considered themselves ‘economic migrants’ – they fled their countries of origin out of fear for their lives – they did expect to realize a better life for themselves beyond merely achieving physical safety.

5.2 Stuck in liminality

When my coworker, in the module “*More than a rejected refugee*”, asked the participants to reflect on the things they had achieved in their lives, the dominant responses were of frustration and disappointment. Particularly the men were of the opinion that they hadn’t achieved anything. As Rayan expressed, they felt like they had wasted their time doing nothing. Age played an important role in this frustration. Arnold van Gennep (1960), in his work on rites of passage, used the concept of liminality to describe a phase or stage of life characterized by transition or transformation. Common examples of rites of passage are coming of age rituals, in which the liminal phase marked the transition from childhood to adult life. In this conceptualization, liminality is characterized by its temporariness, it’s a phase that you pass through. This liminal space – here I mean both social and physical space – is not meant to be inhabited permanently; it is supposed to have an endpoint, even if this endpoint is only imagined. The hope and belief that eventually they would be granted

residence in the Netherlands was the endpoint that denied asylum seekers waited for.

However, seeing that most denied asylum seekers were not in the process of preparing a subsequent asylum claim, their waiting did not have a moment in time to live towards that could have the potential to end this waiting. Therefore, for these men this liminal phase was so much prolonged, to the point where it seemed to never end, as if denied asylum seekers' coming of age would never happen. Even when denied asylum seekers would finally be granted residence, and transition out of this liminal phase, the old age at which they would start adulthood would mark them as deviant and underdeveloped.

Van Gennep explains that the first step of rites of passage is the stage of separation, in this stage the individual is stripped of the social status they had before initiation and admitted into the liminal space (Van Gennep 1960, 11). Forced displacement can be seen as this stage of separation. As soon as people flee their countries of origin and seek asylum elsewhere they are stripped of their social status – often resulting in feelings of emasculation, as I've argued in the previous chapter. Their relations and families, their jobs, their role and place within their communities or their political affiliations become irrelevant and absent once they have fled. Some of these factors might be relevant in their asylum request – although asylum seekers are rarely able to 'prove', for example, political affiliations – but rarely do they play a role in their new social life in the Netherlands. One of the denied asylum seekers I spoke with during the group training told me he had been a journalist in his country of origin, for which he said he received admiration from people around him (though the IND did not believe this and therefore rejected his asylum request). However, here in the Netherlands he was not a journalist, he was merely a denied asylum seeker waiting for his life to start. As such, denied asylum seekers in liminality lose their social identities and have nothing that distinguishes them from their fellow liminal subjects (Turner 1969, 95). Denied asylum seekers are 'betwixt and between' (Turner 1987), they are not members of their country of origin

anymore, but they are also not yet accepted in the Netherlands where they are physically present. This leaves them in a state of ambiguity, not allowed to stay but not able to leave either, again attributing to their liminality.

Furthermore, Turner, in his discussion on rites of passages into adulthood, argued that in order to transition from childhood into adulthood people had to pass a 'test' to prove they were fit for adulthood (Turner 1969, 155). If we take the asylum procedure to be this 'test', then denied asylum seekers did not pass it, they were unable to 'prove' the credibility of their asylum request or deemed not to fit the categories of refugeehood, and as a result they are deemed not to 'fit' in the Dutch society. The asylum procedure is of course not literally a test to be allowed to enter adulthood. But as I've highlighted in the previous chapter, denial of asylum forces denied asylum seekers to lead a life under restrictive and precarious circumstances that prevents them from being able to start an adult life. Moreover, they are for an extensive amount of time held captive in this liminal phase, this phase of childhood or boyhood. Those men who were considered adults, who studied or held jobs, are even forced back into this phase of childhood, which severely affects their sense of personhood, social identity and masculinity. Furthermore, the precariousness that characterizes denied asylum seekers' lives is thus not simply lived in the present but has defined their lives for a substantial period of their lives, often the majority of their adult lives.

Liminality is often associated with pollution and danger (Douglas 1969). The transformative potential of liminality does not only take place at the individual level of those who are subjected to it. Rather, it also holds the potential for change for society as a whole. Relationships and social status are negotiated at the threshold of the liminal and as such are productive of social order in society. This is often valued negatively when seen as a disturbance or destruction of pre-existing order or structure, but can also be seen as having the positive potential of subversion (Bhaba as cited in Charkaborty 2016, 146). The

ambiguity of the presence of denied asylum seekers in the Netherlands – as legally excluded, yet physically present – disturbs the order of Dutch immigration laws, and undermines the authority of the Dutch state. The attempts to deport denied asylum seekers and the implementation of the Linking Act – as a discouragement policy producing precarious lives with the goal of making denied asylum seekers leave the Netherlands – are thus not surprising. Though the presence of denied asylum seekers in the Netherlands as liminal subjects is what has the potential to expose the false assumptions and inconsistencies in Dutch immigration and asylum laws and policies, and thus challenges the structure and social order of Dutch society, it is their precariousness that is constructed as dangerous. As I've argued before, gendered and sexed notions of racism and Islamophobia already construct denied asylum seeker men as a threatening Other. The construction of denied asylum seekers as dangerously precarious – marked by dependency and passivity– contributes to this process of 'othering', and is a means for legitimizing their exclusion from the nation and physical expulsion from the state. How threatening or destructive the state might perceive the liminal presence of denied asylum seekers to be, their presence also allows the state to restate the alleged importance of structure and order, which is then used to legitimize more restrictive policies and practices of internal and external border control to prevent 'illegal' migration.

5.3 The Powers of waiting

Denied asylum seekers' experience of waiting shapes their position vis-à-vis society. Dutch society is shaped by neoliberalism, ordered by industrial time, the progress of time in neoliberal societies is associated with linearity, progression, development, achievements and results (Griffiths et al. 2013, 5). Rayan – and the same goes for the majority of denied asylum seekers I spoke with – clearly stated that in his life the progression of time does not coalesce with a development of skills, knowledge or accumulation of wealth. The divergence between

the speed of time in modern societies, and the slow time denied asylum seekers experience when forced into a prolonged waiting, marks denied asylum seekers as deviants. Though in general, making people wait produces “subjective effects of dependency and subordination” (Auyero 2012, 28), there is power in making people wait, which influences people unequally. The fact that denied asylum seekers are made to wait for an extensive period of time is not a surprise when we consider that the time people spend waiting and the consequences of being forced to wait are socially stratified and mirror larger power dynamics in societies (Auyero 2012, 27). The waiting, the time wasted, results in a sense of non-belonging, not being part of the larger society. This occurs on a personal level in the ways denied asylum seekers conceive of themselves as well as in their interactions and relations with people whose mobility – both spatially and temporally – does fit the normative framework of time in society.

As a result of being excluded from legal employment opportunities and education, Denied asylum seekers experience a sense of purposelessness on a daily basis; they do not have a plan or a schedule for the week. With this lack of something to do denied asylum seekers try to ‘kill time’. In an individual interview with Hassan about his living conditions, he said: “Mostly I just want to sleep, to escape from all the negative thoughts and worries. To feel some rest and to make the time go faster.” In his daily experience of temporality, time is going too slow. Griffiths discusses two temporalities that are characterized by the slowing down of time. “Sticky time” refers to the slowness of time asylum seekers experience while waiting for a decision on their asylum request (Griffiths 2014, 1994). “Suspended time” refers to a similar experience of slow time in the process of waiting, but unlike the experience of “sticky time”, the experience of “suspended time” does not have a tangible goal or objective, a point in the future – an asylum decision – that they can look forward to (ibid, 1997). The suspension of the progression of time, characteristic of the experience of endless

waiting becomes a source of suffering. Hassan preferred to pass the time sleeping, further adding to his experience of forced passivity. However this was not always possible because – like many others – he did not have a stable housing situation. Hassan found an acquaintance who would let him sleep on his couch. This man worked full time and in the morning when he would leave for work Hassan had to leave the house too. On these days Hassan walked around the city. He said he would be walking all day just waiting for it to become evening. This walking had no purpose, no goal, he wasn't walking to arrive at some place, he wasn't walking to exercise, he wasn't walking to enjoy himself, he was just walking to kill time. Amir had a similar housing situation and had to leave the house at 8.30 in the morning and was allowed to come back after 9.30 in the evening. During the day, he would sometimes meet up with friends for a coffee. But those friends could never stay long, they would always have to go to work or go home for dinner. Amir said: "I know I still have to wait some hours until I can go home". Every day Hassan and Amir experienced how they had an abundance of time on their hands, too much, and they didn't know what to do with it. This abundance of time was a source of suffering for them.

The experience of waiting, for Hassan and Amir, not only refers to the extensive and long period of waiting with the hope of legalizing their stay in the Netherlands. For them it was also a daily-lived experience, they suffered daily from having to wait until they could go 'home' and be able to rest both physically and mentally. Additionally, Hassan and Amir experienced daily how they deviated from the norm in Dutch society. The well-known saying "time is money" reflects the commodification of time as a scarce good, that is scarce to neoliberal subjects. As Adam argues, "it is always desirable to have more time when one has not got any; yet having time decreases its value (...) time abundance is accorded a low social value and scarcity a high one" (Adam, cited in Griffiths et al. 2013, 4). So if the value of time is defined by its scarcity, what does that mean for people who have a surplus of time, who are

not driven by the logics of planning, scheduling and organizing, but rather 'kill' or 'waste' time? These people are devalued, considered a surplus to society and thus dispensable. Seeing that denied asylum seekers already inhabit a space of liminality – characterized by being in a childlike state of unproductivity, and a potential for danger and pollution – this contributes to a process of 'othering' that marks denied asylum seekers as inferior, useless and undeserving. The experience of extensive waiting and prolonged liminality is often accompanied with not knowing one's place in the social system, marginalization and exclusion, and lacking a source of identity (Chakraborty 2016, 146). I have made clear how denied asylum seekers are structurally excluded from partaking in the realm of social life in Dutch society, and become marginalized subjects. Furthermore, Gonzales and Chavez argue that 'illegal' migrants "inhabit a liminal space where the boundary between their everyday lives *in* the nation and their lives as *part of* the nation is maintained as a way of ensuring their control and social regulation" (Gonzales and Chavez 2012, 256, emphasis in original). Excluding denied asylum seekers from participating in important social spheres in society – i.e. employment and education – thus produces and confirms this demarcation of denied asylum seekers belonging 'outside' of the imagination of the Dutch nation, while being physically present – and many of them confined – within the territory of the Dutch nation-state.

Time – specifically this prolonged liminality in the form of waiting – is used as a tool for migration control. With regards to denied asylum seekers – who are already present in the territory of the nation-state – this migration control takes place in the form of internal border control. The Linking Act is considered a discouragement policy, and is aimed at literally discouraging 'illegal' migrants from staying in the Netherlands unauthorized. The exclusion from legal employment and participating in the welfare state – which produces precariousness – is meant to motivate 'illegal' migrants to leave the Netherlands. Add to this

the temporal dimension of endless waiting, and a far-reaching internal border regime is created. Andersson talks about an “economics of illegality” to highlight the logics of consumption and production in what she calls the “illegality industry” (Andersson 2014, 806). The waiting that is intrinsic to modern border regimes usurps migrants’ time and productivity and strips them of their economic value and potential. Andersson describes this as Western states “colonizing the future” of migrants – particularly refugees – trying to enter Europe (Andersson 2014, 805). The Dutch government clearly takes part in this “economics of illegality” and “colonizes the futures” of denied asylum seekers by taking away their potential for productivity for an unknown and seemingly unlimited amount of time.

In their work on migrants’ experiences of waiting for residence and asylum in South Africa, Sutton et al. (2011) observed, “waiting can be an active process throughout which they constantly contested and resisted the prospect of expulsion. They refused to accept that deportation was the only way their waiting experience could end.” (Sutton et al. 2011, 35). As I’ve mentioned, most denied asylum seekers had a very strong and persistent hope and belief that at some point in the future they would receive permission to stay in the Netherlands. However, only few of the denied asylum seekers who received aid from Refugee Assistance were in the process of preparing a subsequent asylum request with the help of the legal aid professionals. The rest, the vast majority, did not receive this guidance in starting a new asylum request, mostly because the legal aid professionals who reviewed their case did not see any opportunities within the legal framework to successfully file a subsequent asylum request. However, many of the denied asylum seekers I spoke with didn’t understand why they did not receive this kind of help and experienced this differentiation as arbitrary and unfair. They thought that, at some point in the future, they would receive this aid and be able to get a residence permit. Additionally, many of the denied asylum seekers I spoke with knew about the 2007 amnesties that took place in the Netherlands – in Dutch

called *Generaal Pardon* – in which the majority of denied asylum seekers who had formally requested asylum in the Netherlands before April 1st 2001, as a collective received residence permits. The relative arbitrariness of such large-scale amnesties created, for many of the denied asylum seekers I spoke with, the hope that they would also be granted residence at some point in the future, even if they were not in the process of preparing a subsequent asylum request. The only strategy denied asylum seekers have left is to wait, and Andersson argues this can be seen as an act of defiance (Andersson 2014, 802). In this sense, the most significant commodity that denied asylum seekers have is that of time, and time can be seen as a weapon of the weak (Scott 1985; Sutton et al. 2011, 31).

I have argued before how for denied asylum seekers waiting is a source of suffering. What makes denied asylum seekers persevere in waiting is hope, “a longing for and expectation of a new status or identity at the end of the waiting period” (Sutton et al. 2011, 30). Hope is grounded in the anticipation for action that realizes possibilities for the future that have already occurred in other people’s lives in the past (Jansen 2016, 452). In the case of the group of denied asylum seekers who were granted amnesty in 2007, this act of waiting turned out to be productive, and their object of hope materialized. Consequently, this increases hope for denied asylum seekers currently living in ‘illegality’, and inspires them to persevere in waiting. Though hope often carries positive connotations, it is not solely a positive affect (ibid, 454). Amongst the denied asylum seekers I spoke with, their expressions of hope were often met with expressions of despair and feelings of injustice, as they had to keep on waiting and hoping while others’ hopes for residence were already realized. People can have many different objects of hope; they can hold a multiplicity of hopes. And sentiments of hope are inextricably connected to notions of futurity and imagined possible futures. As I’ve argued before, due to the extensive limitations and all-embracing precariousness that shapes and characterizes denied asylum seekers lives, they are often not

able to construct imagined futures. Denied asylum seekers predominantly held only one object of hope, that is legalizing their stay in the Netherlands – all other hopes and dreams were conditional on this one object of hope and desire. Some of the denied asylum seekers I spoke with, like Hassan and Amir, whose lives differed so much from any kind of 'normalcy' as they saw it, did not talk about such a tangible and lively affect as hope. Although they still longed for legal residence, they had lost the conviction that their hope could become materialized. Jansen refers to this as 'yearning', which is similar to hope but with an increased awareness that their hopes would remain unfulfilled, causing a feeling of dread (ibid, 458). While hopefulness seemed to mobilize positivity and perseverance amongst denied asylum seekers, and can thus be seen as a form of power, a "weapon of the weak", those who yearned for "having papers" seemed to be paralyzed by the dread and fear of their hopes remaining unfulfilled.

Conclusion

Throughout this thesis, I have shown how increasing restrictive policies targeting illegalized migrants in the Netherlands produce precarity, with particular attention to the role of the 1998 Linking Act. Following De Genova's work on migrant 'illegality', I have shown that a critical examination of laws and policies is crucial for an understanding of the lived experiences of denied asylum seekers, and how the circumstances and conditions under which denied asylum seekers live come into being. As such I have aimed to deconstruct the assumed neutrality or legitimacy of Dutch laws and policies, and show how these policies – particularly the Linking Act – produce the very categories of migrant 'illegality' that they construct as so 'undesirable', 'undeserving' and dangerous that they need to be expelled. I have argued that these policies have become increasingly exclusionary, unequally targeting non-white, non-Western migrants, and are aimed at both physically and symbolically excluding the non-white, non Western migrant from the Dutch nation. Paying special attention to denied asylum seekers' lived experiences in this realm of migrant 'illegality' has allowed me to show how gender and race intersect in state practices of securitization and illegalization – unequally targeting denied asylum seeker men – and how this shapes denied asylum seeker men's experiences of precariousness over a seemingly endless period of waiting.

I have aimed to show how different levels of state practices come together in producing a realm of 'illegality' that is characterized by far-reaching precariousness and suffering, and how gender and race intersect in producing differentiated vulnerabilities. I have shown how denied asylum seekers' exclusion from participating in the welfare state, and the prohibition on legal employment opportunities produces experiences of precarious waiting in the lives of denied asylum seekers. Denied asylum seeker men are forced in to a

mode of dependency and passivity, which cause conflicts for their experienced gender identity. Furthermore, I have shown how institutionalized racism and Islamophobia, and the securitization of men of color, causes denied asylum seeker men to be less attractive on the informal labor market and at higher risk of detention and deportation. Following Isabell Lorey's conceptualization of precarity as hierarchy of precariousness, I have argued that in the Netherlands denied asylum seekers occupy the bottom of this hierarchy, and are seen as undeserving of state-offered protection from precariousness. Denied asylum seekers as liminal subjects are perceived to threaten the social order of Dutch society, and in order to legitimize their expulsion they are constructed as dangerously precarious 'illegal aliens'. I have shown how normative gender roles – of women as victims and men as active agents – cause men to be less likely to receive aid and protection, which exacerbates their precariousness. Moreover, as I've argued, it is the Dutch state that is the cause, and in control of this process of precarization.

Additionally, with studying the dimension of time I have aimed to show that lived experiences in a 'present-time' of fieldwork have a history. In this study this history of denied asylum seekers' lived experiences is marked by experiences of waiting. Taking into consideration the dimension of time thus allowed me to see how the experience of prolonged and endless waiting blurs experiences of time, almost merging past and present and making a future seem absent or impossible. This perspective has shown how this prolonged period of waiting actually exacerbates the precariousness in denied asylum seekers lives, especially when they don't have an imagined future to look forward to. This lack of an imagined future proved to be a central element of this experience of endless waiting, contributed to the passivity of denied asylum seekers and became a central element of denied asylum seekers' precariousness and suffering. Moreover, states use time and waiting as a tool for migration

control. I have shown how time, and particularly waiting, is used as a tool for exerting power, creating dependency and subordination and contributing to a process of 'othering'.

The scope of this study has been limited in that it does not include the experiences of illegalized migrants who are not denied asylum seekers. This group of people has a different migration history, entered 'illegality' for different reasons, and often has less access to aid from NGOs. Most probably, this causes different experiences of precariousness, a different experience of time and waiting and it is worthwhile to explore these different experiences. Additionally, this study is based on the experiences of denied asylum seekers as narrated by them while visiting Refugee Assistance. Their *raison d'être* at Refugee Assistance is being a denied asylum seeker, and their struggles as denied asylum seekers were the central topic of our conversations. Therefore, denied asylum seekers might have thought it was unnecessary or unimportant to mention experiences in their lives in which being a denied asylum seeker was irrelevant to them, which might be experiences that are less precarious. Research on the lived experience of denied asylum seekers in their own everyday environments and communities could thus make an incredible contribution in gaining a wider and deeper understanding of the lives of illegalized migrants.

With this study I have aimed to add to the scholarship on 'illegal' migration, particularly on 'illegal' migration in the Netherlands, an analysis combining a critical examination of laws and policies and the lived experience these laws and policies produce. Moreover, I have aimed to contribute to the study of 'illegal' migration an approach of how gender and race intersect in causing laws and policies to target people unequally, and how the ways in which people experience the effects of such laws are gendered. Additionally, I have aimed to underscore the importance of studying the dimension of time in studies of migration because it highlights dimensions of power, and provides a better understanding into migrants' lived experiences. Though I have not been able to do so, for future research, it would be

interesting to examine in what ways denied asylum seeker men experience a sense of cultural difference regarding their sense of masculinity and their expectations about gender roles and relations. This could contribute to the study of homonationalism and femonationalism in dominant media discourses about migrants in general and refugees in particular. Another important focus for future research would be a more nuanced understanding of a gendered regime of power, and how illegality influences women and men's access to different kinds of privileges and power.

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