

# Working for Protection? Precarious Legal Inclusion of Afghan Nationals in Germany and Switzerland

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**Abstract:** This paper engages with the violent conditions deriving from neoliberal trends in European migration and asylum governance. We explore how continuous precarity, in conjunction with an integration imperative, affects the lives of recently arrived Afghan refugees in Germany and Switzerland. Drawing on critical engagements with the politics of integration and theories of violence, we argue that, in both European countries, Afghans are increasingly forced to earn their right to remain on the basis of labour-market performance instead of obtaining humanitarian protection. Based on qualitative interview data, we show that persons with a precarious legal status are urged to fulfil neoliberal integration requirements to avoid being deported to their country of citizenship. Employing the “continuum of violence” as an analytical entry point, we specify how the interplay and consequences of structural and cultural violence manifest in the way those affected navigate precarious living conditions and uncertain futures in receiving countries.

**Keywords:** asylum, legal precarity, integration, violence, neoliberalism, Afghan refugees

## Introduction

Ibrahim is an Afghan national in his late twenties who had been living in Switzerland for three years when we met him in 2018. Like many Afghans, Ibrahim faced a high degree of personal insecurity in Afghanistan, and therefore endured a difficult journey to Europe in search of protection. Instead of obtaining the formal refugee status he hoped for, he received an F permit in Switzerland, meaning provisional admission. An F permit requires renewal every year and comes with several restrictions. For instance, Ibrahim faced great difficulties when trying to find work because employers are reluctant to hire someone who only holds a temporary permit to remain in Switzerland. To turn an F permit into a more secure B permit, an applicant must have lived in Switzerland for at least five years, and must prove successful “integration” into Swiss society. Criteria for the latter

include language skills, economic independence and respect for public safety and order. Ibrahim recalled being unable to simultaneously work and learn German. To secure his status as quickly as possible, and to gain the necessary independence from social welfare, he took a job in a warehouse. Yet because he was working mainly at night, and because his co-workers were not fluent in German either, he could not improve his language skills or do any other professional training. He explained, “When you look into the future you have to have an education in Switzerland. [Otherwise] you have no protection here. For instance, you don’t have a father, no mother, no relatives, no good friends helping you”. Ibrahim thus draws attention to a twofold lack of protection in Switzerland: on the one hand, his residence permit could be withdrawn, which would result in an amplified risk of deportation to Afghanistan; on the other, his precarious working conditions and lack of supportive social network promote a constant sense of unprotectedness in Switzerland.

A recent TV documentary about the trajectories of several Afghan nationals who were deported from Germany, but readmitted for professional purposes, exposes a parallel trend. It features an interview with a spokesperson of the Free Democratic Party, who refers to such deportations as:

... a slap in the face of all those on the side of the receiving society—for instance, entrepreneurs—who make an effort to integrate these people and who are sometimes desperately looking for trainees. That’s why there needs to be the possibility for a so-called track change from refugee to immigrant [status], so that people do not get deported straight from the workbench. (Panorama 2021, our translation)

It is telling that the spokesperson problematises employers’ unsuccessful efforts to keep their workers, rather than the harm caused by deportations to Afghanistan, which involve a considerable degree of physical violence. The readmission of forcefully deported persons for professional training, and thus with the prospect of contributing to the country’s labour force, results from a recent legislative shift: the so-called *Spurwechsel* (track change). This enables rejected asylum seekers to exit the asylum track and apply for a residency based on employment or enrolment for an apprenticeship. Hence, the *Spurwechsel* further substantiates the link between professional performance and legal protection.

Both Ibrahim’s situation in Switzerland and the German politics of *Spurwechsel* exemplify some of the central issues we engage with in this article. First, in line with other scholars (e.g. O’Sullivan 2019), we observe a trend to grant refugees a temporary residence permit—and thus a precarious legal status—instead of long-term legal protection. At the same time, states offer limited opportunities to obtain a more secure legal status, which is conditional on employment contracts and state-determined economic self-sufficiency (e.g. Matejskova 2013; Rytter 2018). Second, we argue that such neoliberal<sup>1</sup> framing of integration, which ties legal inclusion to individual efforts to support the labour force of host countries, obscures both the structural constraints preventing refugees from entering the labour market (Kalbermatter 2020) and racialised instances of exclusion, which are integral to the politics of refugee reception (e.g. Davies and Isakjee 2019). Third, we illustrate how refugees relate to this neoliberal understanding of

integration requirements as they simultaneously navigate the pressure to work and a high degree of insecurity.

This article thus engages with the contemporary integration imperative, shaped by neoliberal and individualist principles, that is central to migration policies across Europe (e.g. Rytter and Ghandchi 2020; Houdt et al. 2011). We explore how given integration requirements affect persons with a precarious legal status—in our specific case, Afghan nationals in Germany and Switzerland. Theoretically, we draw on critical engagements with the politics of integration (Rytter 2019; Schinkel 2018) and theories of violence (Davies 2019; Galtung 1969, 1990; Laurie and Shaw 2018; Scheper-Hughes and Bourgois 2004a; Tyner 2016).

That violence is not a purely physical phenomenon but can be subtle and invisible, while still having severe effects on those concerned, is now well established in the social sciences (Scheper-Hughes and Bourgois 2004b). Although violence is a widely recognised cause of forced migration, the concept is rarely employed to analyse the reception conditions of refugees once they arrive at a destination and apply for asylum (for exceptions, see Canning 2017; Davies et al. 2017; Mayblin et al. 2020; Menjívar and Abrego 2012). If we consider violence as a continuum (Scheper-Hughes and Bourgois 2004a), we can grasp its multiple articulations and show how those articulations affect the lives of refugees at different times and in different geographical localities (Springer and Le Billon 2016).

Those arriving in a country in search of protection are increasingly required to “earn” their right to remain (Scherschel 2016). This interplay of legal precarity and integration requirements is inextricably connected to neoliberal governance, and yields coercive effects on the persons subjected to it. Therefore, we theoretically frame this interplay as “violent conditions”: “violence is the condition of truncated life, of restricted life potential, of a ‘permanent, unwanted state of misery’ (Galtung 1990:293)” (Laurie and Shaw 2018:12). Race is an inextricable part of these conditions. As a strongly politicised social construction, race fundamentally shapes modes and politics of refugee reception (Davies and Isakjee 2019) and has deep imprints on concomitant public discourse (Danewid 2017).

We focus on the case of Afghan refugees, whose country of citizenship has been a scene of war, insecurity and extreme poverty for decades. As a result of this ongoing situation, Afghan nationals used to enjoy favourable access to protection in many countries across the Western industrialised world (Fischer 2015, 2019). Recently, however, Afghan refugees’ residence status in Europe has become increasingly precarious (NOAS 2018; ProAsyl 2018a). Afghan asylum seekers like Ibrahim are rarely recognised as refugees; instead, they tend to either hold a temporary legal status or be denied protection altogether.

Legal precarity yields disciplinary effects, in that refugees feel urged to achieve economic success to fulfil their host country’s requirements and prove their deservingness. Given their temporary legal status, however, people face significant difficulties in accessing the labour market, which makes it hard—sometimes impossible—for them to become economically successful (Wyss and Fischer 2021). At the same time, our interviews with Afghan refugees reveal that individuals with a precarious legal status feel forced to navigate (Vigh 2010) the pressure to “integrate”, while they experience “integration” largely as an individual effort

(cf. Schinkel 2018). As Ibrahim's example poignantly demonstrates, the pressure to fulfil integration requirements, in conjunction with legal restrictions and the insecurity resulting from the threat of deportation (Sökefeld 2019), cause great anxiety among our interlocutors. This substantiates racialised social inequalities that consolidate in, and are obfuscated by, differential legal statuses.

Against the backdrop of previous engagements with different forms of violence that occur in contexts of flight and refugee reception, our contribution illuminates how spaces marked by physical safety can be inherently violent. Theories of structural (Farmer 2004; Galtung 1969) and cultural (Galtung 1990) violence have been particularly insightful to uncover the workings of violent conditions produced by the neoliberal underpinnings of contemporary asylum governance, the systemic normalisation of unequal life chances (Laurie and Shaw 2018; Springer 2015; Tyner 2016) and the effects of these on protection seekers.

## Methods, Data, and Analysis

Empirically, this article is based on interviews we conducted for a project, funded by the Swiss Network for International Studies, entitled "Engendering Migration, Development, and Belonging: The Experiences of Recently Arrived Afghans in Europe". The project explored how gender shapes understandings of home, belonging and the self among recently arrived Afghan nationals in Europe. While the overarching project covers four European countries—Denmark, Germany, Switzerland and the United Kingdom—this article is exclusively based on the data we generated in Germany and Switzerland, and exemplifies important trends in contemporary European migration governance.

Since 2011, Germany has registered more than 200,000 asylum requests from Afghan nationals (BAMF 2019:12). At 18,000, the number of asylum requests from Afghan nationals in Switzerland for the same period is much lower. Nonetheless, Afghanistan is among the three most important countries of citizenship for asylum seekers in Switzerland. Many Afghan refugees are men who travel to Europe on their own (Abbasi and Monsutti 2017:3; NOAS 2018:11).

In 2018 and 2019, we conducted semi-structured interviews with 23 Afghan nationals in Switzerland and 14 in Germany. Interlocutors held different legal statuses; some were still in the process of applying for asylum, some had been granted refugee or temporary protection status and others had had their applications rejected. On average, the interviews lasted 90 minutes, and were conducted in either German, English or French, sometimes assisted by a person translating from Dari into English. Our questions addressed interlocutors' legal and socio-economic situation in Switzerland or Germany, their experiences upon arrival, their social networks and their future aspirations. Additionally, we interviewed eight experts in each country, most of whom worked in refugee support, as legal counsellors or as government integration-support employees.

One considerable limitation to fieldwork was our inability to accompany interlocutors over a longer period of time, which would have enabled us to gain deeper and more far-reaching insights into their experiences and opinions. Given our one-off encounters, it might have been challenging for our interlocutors to read

our positionalities. Hence, further, longitudinal ethnographic research to develop a deeper understanding of refugees' perceptions of neoliberal integration politics is needed.

However, the narratives captured during these mostly first-time encounters revealed key dimensions of the pressures asylum seekers face while navigating the system. Given the high degree of uncertainty and the "culture of suspicion" (Bohmer and Shuman 2018) surrounding the everyday lives of refugees, we assume this also impacted our interviews. Instead of claiming our interlocutors openly shared criticism of the "hostile environments" (Suárez-Krabbe and Lindberg 2019) they are exposed to, we analyse their narratives as instances of navigating the migration regime. This includes not only open expressions of anger but also narratives fraught with suspicion towards us, as white researchers holding European citizenship. One way for persons with precarious legal status to negotiate the manifold restrictions of asylum and migration law is, indeed, to comply with official expectations, which contribute to shaping the highly asymmetrical power relations between researchers and researched.

We countered these limitations by approaching our research participants through gatekeepers, who supported them in different ways, and by making explicit our critical understanding of the migration regime. To protect interlocutors' identities, we assigned pseudonyms and withheld their ethnic background, region of origin and current place of residence.

## **Violence, Precarious Inclusion, and the Integration Imperative**

The notion of "integration" figures prominently in contemporary public and political discourses on migration, and it also played a central role in our interviews. The imperative to find work, learn the local language and blend into a new social context—as required by integration policies—caused much stress and uncertainty for our interlocutors. This pressure coincided with past experiences of trauma, constant worries about and responsibilities towards family members abroad (Wyss and Fischer 2021), "precarious inclusion" (Rytter and Ghandchi 2020) and fears of deportation. These violent conditions derive from the denial of rights, as well as the pressure of integration laws and policies. They simultaneously reflect and contribute to reproducing the overarching conditions of neoliberal governance, which underpin such restrictions to "the potential for life to flourish and actualise" (Laurie and Shaw 2018:8).

### ***Tacit Violence in the Context of Precarious Migration***

Roughly speaking, violence is the act of doing harm. However, it is difficult to add further catch-all nuances to its definition. This is why Scheper-Hughes and Bourgois (2004a:1) refer to it as a "slippery concept". In lieu of a conclusive definition, the authors propose regarding violence as a continuum that includes manifold articulations: "Violence can never be understood solely in terms of its physicality—force, assault or the infliction of pain alone. Violence also includes

assaults on the personhood, dignity, sense of worth or value of the victim" (ibid.). Similarly, Tyner and Inwood (2014:771) hold that "violence must be theorised as not having a universal quality—but as being produced by, and producing, socio-spatially contingent modes of production. In other words, violence has no material reality". Understanding violence as a continuum whose articulations depend on the modes of production in place enables us to explore how different forms of violence are mutually intertwined and often co-constitutive: "Violence gives birth to itself" (Scheper-Hughes and Bourgois 2004a:1). Any given articulation of violence not only reproduces itself but also often promotes other forms of violence, which involve different actors and have different consequences for those affected.

For this article, we focus mainly on invisible and non-physical structural (Farmer 2004; Galtung 1969) and cultural violence. The concept of "structural violence" allows us to understand integration laws and policies, in conjunction with precarious living conditions, as a form of violence imposed on marginalised persons. According to Galtung (1969), violence is built into social structures and manifests itself in unequal power relations—and, consequently, as unequal life chances—without exposing actors to physical harm. Farmer (2004) underlines the historicity of structural violence as rooted in, and helping to reproduce, long-term global inequalities. Similarly, Tyner and Inwood (2014:774) offer a Foucauldian view of violence as "neither transhistorical nor transgeographical; it has no pre-social existence but comes into being through political practice".

To uncover instances of structural violence in contemporary migration governance in the UK, Canning (2017:47) explores forms of violence that cause "physical, social, or emotional harm", and argues that in "policy and practice relating to destitution, detention, housing and deportation ... violence is structural, intentional and deliberate" (2017:48). Structural violence also manifests in state strategies to deter "unwanted" migrants by making their lives as intolerable as possible (Suárez-Krabbe and Lindberg 2019; Weber and Pickering 2011). Examples include the denial of protection statuses and the withdrawal of rights and entitlements from specific legal statuses (Rytter 2018). Structural violence is often legally legitimised. Therefore, Menjívar and Abrego (2012:1387) speak of legal violence that is "seen as 'normal' and natural because it 'is the law'"—ergo, difficult to object to. At the same time, such forms of violence are inherently racialised; they are based on, and contribute to reproducing, what Mayblin et al. (2020) refer to as a "human hierarchy". Differential legal statuses not only exemplify this human hierarchy but also normalise it, in terms of being perceived as legitimate outcomes of the law and jurisdiction.

Contributions from critical geography add crucial facets to theorising and empirically substantiating articulations of violence that tend to remain hidden. Davies (2019:1), for instance, highlights "intimate connections between structural and slow forms of harm". Likewise, Isakjee et al. (2020) discuss the non-physical nature of liberal violence observed in the EU's governance of persons seeking protection. Being delivered through the legal infrastructure of liberal democracies, legal violence contributes to reducing or justifying societal violence (Isakjee et al. 2020:1755).

In Europe, many Afghan refugees are kept in tenuous legal situations. Their rights are severely curtailed, and their futures remain uncertain. Such legally imposed “facilitation of suffering” (Canning 2017:48) is intended to urge “unwanted” migrants to leave—or discourage them from coming to Europe altogether. Thus, Afghan refugees are exposed to a violence that not only results from global inequalities and decades-long wars in Afghanistan but is also a direct effect of European migration policies (Canning 2017:86; see also Isakjee et al. 2020). Precarious inclusion and “violent inaction in the form of minimalist welfareism or formal abandonment” (Suárez-Krabbe and Lindberg 2019:93, in reference to Davies et al. 2017) can thus aggravate the structural violence refugees are subjected to. Instances of both precarious inclusion and violent inaction are manifestations of what Mbembe (2003) calls “necropolitics”. A concept that has recently been introduced to the critical study of refugee and asylum governance, necropolitics draws attention to forms of harmful abandonment that result from the everyday functioning of the democratic state (Davies et al. 2017; Mayblin and Turner 2021; Mayblin et al. 2020).

Such harmful modes of “democratic” functioning and their widely accepted legitimacy form the basis upon which structural violence comes to operate. Galtung (1990:291–292) conceptualises these underpinnings as cultural violence, meaning “those aspects of culture, the symbolic sphere of our existence ... that can be used to justify or legitimise direct or structural violence”. The notion of cultural violence highlights important dimensions of the conditions that underlie and enable structural violence. While this is crucial to a fuller understanding of the violence refugees encounter even in situations of physical safety, we find the designation “cultural” problematic because it bears essentialising underpinnings. We therefore use Galtung’s notion in a narrower sense to uncover the harmful effects of political ideologies such as neoliberalism and its repercussions on refugee and asylum governance in our specific case.

Hence, whereas structural violence is the process, cultural violence is the permanence—the justification that underpins instances of non-physical harm caused by refugees’ experiences of precarious inclusion and the neoliberal integration policies they are subjected to. What is conceptually understood as structural and cultural violence relies on both political practice (Tyner 2016) and concomitant normalising ideologies (Galtung 1990). These, in turn, are inextricably tied to the overarching conditions that derive from the interplay of neoliberal capitalism and a hierarchical social order.

### ***Precarious Inclusion as a Form of Violence***

The attribution of legal status is an important element of migration control because it defines individual rights and duties (Landolt and Goldring 2015). The more temporary someone’s legal status, and the more it restricts access to work, education and support, the more precarious it is. Ellermann (2020:2470) observes an increasing “spread of legal precarity and temporariness [that] has been facilitated by the proliferation of new immigration categories” in the global North. Legal categories promote significant inequalities among refugees, and between

citizens and non-citizens more generally. Precarious legal statuses are an expression of structural violence. They limit persons' access to resources, as the narratives of our research participants demonstrate.<sup>2</sup>

Afghan refugees tend to live in precarious legal conditions in both case-study countries. In Germany, many Afghan nationals receive a so-called *Duldung*—a suspension of deportation, subject to regular renewal and revocation, based on the authorities' assessment of the situation in the holder's country of citizenship. Access to work or education is restricted for individuals with a *Duldung*. In Switzerland, most Afghan asylum seekers receive an F permit granting them temporary admission. Compared to persons with a refugee status, access to work, social welfare and family reunification is more difficult for holders of an F permit (Schweizerische Flüchtlingshilfe 2015:394; see also Kurt 2019). Whether Afghan nationals deserve legal protection in the first place is often called into question, and both countries—especially Germany—carry out deportations to Afghanistan (Sökefeld 2019; Stahlmann 2019). As a result, many Afghan nationals experience constant fear of deportation. Precarious inclusion hence not only promotes structural violence by causing stress and insecurity (Rytter and Ghandchi 2020; Wyss 2019) but also reflects elements of cultural violence, in that those affected are represented, perceived and governed as potentially undeserving. As a result of such—progressively normalised—representations, perceptions and modes of governance, refugees carry a burden of proof that requires them to demonstrate why they deserve protection and the right to remain in their receiving country.

Obviously, the forms of violence sketched above are very different from threats or experiences of physical assault and damage that often lead people to flee their country of origin. However, violence continues once refugees arrive in Europe, where they do not always find the safe haven they were seeking but instead confront other forms of tacit violence. Violence thus emerges as a continuum whose multiple articulations may occur to the same person, sometimes at different times and in different geographical locations (Springer and Le Billon 2016). In our research in Germany and Switzerland, we identify multiple instances of structural violence resulting from a neoliberalisation of migration policies, in combination with legal precarity, which prevent those concerned from realising their full potential.

### ***Neoliberalisation of Integration Policies as a Form of Violence***

The European discourse of “integration” “promotes specific imaginaries of culture, race, and belonging” (Rytter 2019:680) and builds on the expectation that newcomers need to earn their belonging to a supposedly homogenous community. These expectations are not only tied to culturalist ideas of nation-states but also, as recent publications show, permeated by neoliberal rationales that see integration as a matter of individual responsibility (Green 2011; Matejskova 2013; Rytter and Ghandchi 2020; Schinkel 2018; Sparke 2006). The “identification of problems among (especially Muslim) immigrants—and with immigration as such” is at the heart of integration as a principle and policy goal (Rytter 2019:679). Consequently, persons identified as “migrants” bear the burden of proving they deserve



to belong. Hence, “access to entry, permanent residence, and citizenship has become conditional on foreign nationals’ demonstrated willingness and capacity for integration” (Ellermann 2020:2467). “Civic performance” as individual self-determination and agency via language skills, civic knowledge, economic resources and full-time employment serves as a yardstick for measuring capacity for “integration”—and thus deservingness of membership (*ibid.*). This trend follows the general shift towards an activating welfare state, which addresses individuals as entrepreneurial subjects who are responsible for their good fortune (Lanz 2009:112; also see Rytter 2018). As a result, refugees are expected to start working as soon as possible after arrival, and can confront repressive enforcement measures to take on certain jobs (Lanz 2009:112).

The prevailing integration imperative is felt particularly acutely by individuals holding a precarious legal status and thus constantly risking deportation. These individuals are urged to prove their labour-market performance and economic utility to obtain a more secure status. In Germany, Scherschel (2016:246) observes a shift towards rewarding refugees’ successful integration in the labour market with better chances of obtaining a more secure residence status. As states lure migrants with the promise of more rights if they perform well enough in professional and economic terms, paid employment can take on existential significance (for findings in Sweden, see Wernesjö 2020). We similarly find a shift from obtaining residence papers based on individuals’ acknowledged need for protection to being granted a legal status contingent on successful performance in the labour market, and in the host society more generally. Conditions of general insecurity thus foster exploitative work conditions (Harrison and Lloyd 2012:366). Ultimately, integration policies support the trend towards granting a secure legal status to not only individuals whose vulnerability is judged to be credible but also those assessed to be fit, gainfully employed and thus economically beneficial (see also Basok et al. 2014).

The issuance of precarious legal status seeks to produce docile subjects who become a useful workforce for their host states (Rytter and Ghandchi 2020). Like Hiemstra (2010:95), we hold that precarity:

... turns immigrants into receptors of blame for neoliberal dislocations. It circumvents the conceptual inconsistency within neoliberalism between the idealised neoliberal worker and the marginalisation of hard-working immigrants by twisting the neoliberal emphasis on personal responsibility against immigrants. Immigrants are thus deemed blameworthy for social instability caused by neoliberal deregulation and reduction in social programs.

These trends, in turn, are firmly embedded in “the complex conditions and discontents of capitalism”, which “forcefully constrain, traumatise, and poison the very resources of our becoming” (Laurie and Shaw 2018:15). Based on our empirical data, we demonstrate how the insecure conditions imposed on Afghan nationals in Germany and Switzerland push them to prove their deservingness and work hard to earn their right to remain (Chauvin et al. 2013)—and how, in some cases, refugees resist externally imposed undeservingness by claiming deservingness. We do so by, first, drawing on recent policy developments to

explore how employment or enrolment in vocational training opens possibilities for migrants with a precarious legal status to stay in their host country.

## Work in Order to Stay

Encarnación Rodríguez's (2018:25) observation that, in "the current asylum-migration nexus, the 'refugee' has been reduced to a potential worker", sets the scene for our presentation of empirical findings. Because they hold a precarious temporary legal status, many of our research participants feel forced to secure their stay in Europe, and the perceived pressure to work was a salient theme in our interviews.

In Germany and Switzerland, two different bodies of law regulate the admission and residence entitlements of non-citizens. On the one hand, both countries' asylum legislation stipulates who deserves state protection, based on the Geneva Refugee Convention and other national and international instruments. On the other hand, Switzerland's Federal Act on Foreign Nationals and Integration, and Germany's Residence Act, regulate whether non-citizens have the right to enter and remain in the given country. Under these laws, residence permits are mostly issued to satisfy the country's need for foreign labour, but also for reasons of family reunification or educational purposes.

The ability of persons seeking protection to secure legal residence increasingly depends on their performance in the labour market. It is therefore regulated by the Act on Foreign Nationals and Integration, and by the Residence Act. However, all research participants had previously applied for asylum in either Germany or Switzerland, and their cases were therefore considered under the asylum legislation. If asylum claims are denied, applicants either receive an order to leave the country or are granted a temporary and thus precarious status. Both outcomes are unsatisfactory for our interlocutors, which is why many of them explore ways to secure their residency via alternative legal channels that regulate foreign nationals' residence entitlements. In the following, we zoom in on two policies through which persons with a precarious legal status can potentially secure a residence permit. These examples also demonstrate how participants navigate the restrictive European migration regime.

In Germany, rejected asylum seekers have two employment-based avenues through which they can obtain a more secure legal status, both of which are constitutive to the aforementioned *Spurwechsel*. The first is the *Ausbildungsduldung*, introduced in 2016, granting leave to remain for the duration of vocational training (ProAsyl 2018b). Rejected asylum seekers can obtain this status, which allows them to complete an apprenticeship—if they manage to find a placement. If, after completing their apprenticeship, they work in their field of training for two years, they qualify for a temporary residence permit. After working for five years in total, they can "earn" the right to stay. Second, the *Beschäftigungsduldung*, introduced in 2020 (AufenthG § 60d), is a temporary suspension of deportation for employment purposes. It allows rejected asylum seekers—under certain conditions—to stay for 30 months, if they work for at least 35 hours per week and are able to cover their living expenses. They must also prove their ability to speak

German and pass an integration course. Through these two avenues, Germany responds to both asylum claims and the prevailing shortage of skilled labour (Scherschel 2016; see also Bauder 2008). Additionally, as a representative of the Berlin Municipality told us, authorities try to find solutions for rejected asylum seekers. The State of Berlin actively supports people with a *Duldung* who want to enrol in vocational training. Such state strategies are geared towards turning undesired migrants into desirable members of the national labour force.

In Switzerland, so-called hardship regulations make it possible to change the widely issued F permit into a B permit, which grants greater security. However, this transition is tied to a set of conditions, including proof that the individual either has paid employment or pursues an education, respects the public order and has language competencies (AIG Art. 58a Sec. 1). The assessment of these requirements is subject to the discretion of the cantonal authorities, and varies from canton to canton. Thus, in both countries, Afghans with a precarious legal status are urged to explore alternative legal means to obtain a secure residence status, but some of the integration requirements are extremely hard to meet (Kurt 2017, 2019). While they were meant to be enabling, there are strings attached to the regulations in place. This becomes explicit if we turn to concomitant integration policies and the inherent cultural and structural violence.

## **How Current Integration Policies Manifest in People's Lives**

The following examples illuminate how persons seeking protection navigate legal requirements that substantiate social inequalities—and thus inflict structural violence. We demonstrate that responses to violence are as manifold as articulations of violence themselves. Focusing on the violent, disempowering conditions our interlocutors face, we risk reifying the images of powerless victims of almighty border regimes. Refugees are often pushed to “perform as the depoliticised suffering subject incapable of action and necessitating rescue” to emphasise their “victimhood” and prove their deservingness of protection (Mainwaring 2016:290). We therefore acknowledge acts of resistance and resilience, such as the persistence with which marginalised persons navigate the disadvantageous position they inhabit. This persistence needs to be seen as a struggle against political forces seeking to render their presence unwanted—if not illegal—and, ultimately, to expel them from the respective state territory (Hasselberg 2016; Topak 2020). Our interlocutors constantly assessed their present circumstances and made efforts to improve them, especially regarding the possibility to remain in either Germany or Switzerland. We speak of navigation to capture how people need to move through and deal with constantly changing circumstances, anticipating what might (or might not) happen while remaining flexible and able to attune and adjust to their environment (Fischer and van Houte 2020; Vigh 2010). “Navigation” lends itself as analytical frame for migrants' struggles amid violent conditions. Navigation can also include compliance with these given circumstances (Hasselberg 2016), such as restrictive migration laws, as a matter of survival to avoid even more harmful law enforcement, such as deportation. Importantly,

navigation captures interactivity between people's agency and the social forces or pressures surrounding them (see Tsianos and Karakayali 2010).

### *Navigating the Integration Imperative*

Jahed (26 years old) is one of the few Afghan men we interviewed who had been recognised as a refugee in Switzerland. Since his arrival in 2014, he has established a stable social network, found an apprenticeship and became fluent in Swiss German. When Anna asked Jahed to compare his seemingly good situation with that of other Afghan refugees in Switzerland, he replied:

I think it depends on the person ... For example, some Afghans have been here in Switzerland for five years and they've accomplished a lot and have a very good life. They've tried to do something. But others might have been here even longer and they have problems, because they haven't tried [hard enough] ... They don't speak German well, and they barely speak Swiss German. And a lot of them just haven't tried. Like if you just stay at home, in bed, nothing happens. And if you really look for it and knock on the door, you'll find something for sure ... I just tried to find contacts or looked for opportunities, to learn something, do something. (Interview, 2018)

This quote exemplifies how Jahed seeks to navigate the integration imperative he is subjected to. The way he refers to the necessity to continuously try and make efforts to do things as required strongly resembles the predominant discourse, according to which integration is an individual responsibility. This pushes migrants into the role of entrepreneurial subjects who work hard to earn permission to stay in the receiving country. At the same time, this discourse side-lines state-imposed structural violence, which manifests in differentiated legal statuses that limit access to rights and render efforts to "integrate" very challenging.

Said (30 years old) had received a deportation ban—the most precarious protection status in Germany. Yet he seemed to be content with his life in Germany. He found work as a mechanic, which had also been his profession in Afghanistan. Said emphasised the effort he had made to learn German, and proudly told us he received the highest grade possible in his integration-course exam. He reflected on the importance of making an effort to meet the needs of the labour market:

My opinion is that before one receives a negative, ... one really needs to push oneself to learn the language. This can be a chance to stay. The government can easily say that there are so many people here and they don't see a need to have someone who only sleeps and eats. That's just my opinion. (Interview, 2018)

The way Said relates the necessity to learn German to his residency, rather than his interest in partaking in social life, is telling. According to Said, receiving a residence permit is a matter of personal effort and the host country's need for a skilled labour force. At the same time, he highlighted how people push themselves without any guarantee that their efforts will be rewarded with a right to remain; the threat of "a negative"—and of expulsion—looms continuously. During the interview, Said also criticised Germany's assessment of the situation in Afghanistan and implicitly claimed moral deservingness, meaning that people's

right to asylum and assistance should be more tightly connected to their vulnerability. As he also told us, he considered it highly problematic that Germany started deporting Afghan nationals, but he did not criticise Germany for nudging people to prove their economic usefulness regardless of their precarious living conditions. Yet, such acts of self-positioning can also be understood as a form of strategic action; Said successfully navigated given restrictions and was able to create an environment where he felt at home—despite Germany's efforts to deter Afghan refugees.

The examples of Jahed and Said not only illustrate how individuals comply with the dominant integration imperative but also expose interlocking articulations of structural and cultural violence that derive from the coercive effects and normalised existence of the regulations in place. Both participants make efforts to meet the expectations imposed on them by learning German, finding vocational training and being sure to generally behave well. Like other interlocutors, they distance themselves from co-nationals, whom they call lazy. In turn, they implicitly highlight their deservingness, and express the necessity of working hard for the right to stay in Germany.

Many Afghan nationals we interviewed underlined their compliance with integration requirements without addressing structural inequalities. The repeated emphasis on the need to be hard-working could also be interpreted as proactive examples of counteracting prevailing stereotypes. By drawing attention to acts of compliance, interlocutors distance themselves from hostile representations of refugees as opportunistic fortune seekers (Wernesjö 2020).

The interlocutors introduced so far successfully fulfilled their host countries' requirements. For others, however, the unpredictability and insecurity of a temporary legal status promoted a sense of being lost in limbo.

### ***Discipline through the Precarisation of Legal Status***

In Germany, we interviewed a woman working for an NGO that supports refugees, including Afghan nationals. She told us about a workshop in which her clients received advice on how to successfully remain in Germany:

And then [the workshop instructor] said: ... "Just get an apprenticeship, even if you hate it! ... You should get one because it's your guarantee! Even if it's nursing or elderly care, it's required." ... So, he was really realistic with them. He said: "It's good to dream, but your dream now is to work hard." He always went on like that: "Work hard, hard, hard. Push yourself." ... He opened their eyes to some things, like that the most important thing now is to secure your status, work hard. And it doesn't come so easily. That's the problem ... Because there are no deportations [from Berlin] right now, but if there are, they're in danger. So, you have to be fast to save your ass. (Interview, 2019)

This example epitomises how neoliberal rationales shape contemporary migration governance. The workshop instructor stressed the link between hard work and the right to security, building on the narrative that our societies do not need dreamers—they need hard workers who are willing to push themselves. He told

the participants they had no choice but to perform well in the eyes of the authorities. This example demonstrates how not only state-led integration programmes but also services offered by NGOs contribute to shaping and reinforcing the integration imperative, which intensifies refugees' amplified exposure to this paradigm. Although such programmes may be based on good intentions and aim to save persons with a precarious legal status from deportation, they also perpetuate the neglect of people's individual competencies and aspirations (Kalir and Wissink 2016).

A staff member of an association supporting Afghan refugees in Germany highlighted the paradoxes deriving from the looming danger of deportation and the pressure to work or enrol in educational programmes. On the one hand, he explained, their clients are under pressure to remit money to members of their family; on the other, their legal status prevents them from applying for family reunification. The urgent necessity to earn money, in turn, promotes exploitative working conditions, in which people end up "in a kebab shack and work as a cleaner" rather than trying to fulfil their actual aspirations.

Like many other refugees, Esmat (28 years old) arrived in Europe in 2015. Being young, healthy and male, he was denied refugee protection, similarly to many other male Afghan nationals (Sökefeld 2019; Wyss and Fischer 2021). Esmat appealed the decision. While awaiting the decision on his appeal, he was exploring alternative ways to obtain a residence permit. Esmat had established many contacts in his city of residence, worked in a restaurant and volunteered in an advice office for refugees. He told us:

I believe I'll be able to stay, and I'll try hard to do so ... I don't have any minus points so far. Everything I've done is positive. I've never taken the bus without a ticket. I've never taken the metro without a ticket ... When I took the German courses ... I've got all my degrees here. When I've worked ... the work certificates are here. Everything! I've done everything right ... I'll keep on doing positive things until I see ... positive is right, isn't it? ... Positive needs to win! Yes! Positive ... I've done nothing wrong. I've gotten to know a lot of Germans. (Interview, 2019)

Esmat showed remarkable endurance, given the uncertainties he had to sustain and navigate. He hoped to stabilise his insecure situation by doing his utmost to meet integration requirements. At the same time, it remained uncertain whether this would have the desired impact on the possibility of him staying in Germany. Other interlocutors showed how they went beyond official integration requirements; for instance, collecting proof of their good behaviour—including bus tickets. Several emphasised that they always make sure to stop at red lights, make efforts to learn German and, when they have been able to find a job, are extremely hard-working. We find it striking how our interlocutors continuously emphasise these particular details of their everyday lives. The efforts they draw attention to illuminate how a precarious legal status contributes to disciplining the migrant population and workforce (Basok et al. 2014; Kalbermatter 2020).

Similarly, Mukhtar (28 years old), whom we also met in Germany, appealed the rejection of his asylum claim. While waiting for the decision, Mukhtar continued to look for ways to obtain a residence permit in Germany:

But I have to work better. But I want to work a little more, eight hours. Now I'm working six hours [a day, but] I want to work eight hours. Full-time. If you work full-time for five years, ... it's possible. Or do an apprenticeship for three years and then work for two years. (Interview, 2019)

While Mukhtar first turned to asylum law, he was now exploring possibilities under the Residence Act. His example illustrates how access to residence papers is becoming increasingly contingent on persons' economic usefulness, rather than their vulnerability. In this quote, Mukhtar clearly referred to the possibility of obtaining a *Beschäftigungsduldung*, through which he hopes to improve his status. Such limited opportunities for improving one's legal situation are a constant and structuring element in the everyday lives of persons grappling with legal precarity. During our interviews, participants repeatedly mentioned the political programmes that channel their present and future lives in Germany and Switzerland.

State-led assessments of deservingness in economic terms confront participants with a form of structural violence. They reinforce structural inequalities, and put pressure on certain groups of people to perform in a way that satisfies economic demands but disregards the particular needs and vulnerabilities of individuals in precarious conditions. Yet, such experiences of structural violence also trigger acts of self-positioning, including claims of performance-based deservingness (Chauvin et al. 2013).

### ***Perpetuation of Social Inequalities***

Parwin, a woman in her mid-fifties, had been living in Switzerland with her husband and three children since 2015. Like other members of her family, Parwin held an F permit, which she was very unsatisfied with, partly because this status made it difficult for her to find a job:

P: With an F permit, it's hard to find a job, and with this permit you normally need to [wait] five years. And after that, it will change [to a B permit], but only if you're working. Otherwise, they won't change it. So, I'm trying to find a job somewhere, ... but it's impossible. This is also hurtful. My husband also has a permit F, but he's old, he can't work ...

A: And what would you like to do for work?

P: I don't care. I've devoted my life to hard work. I'll do whatever I find to change my permit. (Interview, 2018)

Parwin reiterated that a precarious legal status may push refugees to try finding any kind of job, regardless of their personal aspirations, skills or experience. Concurring with Canning (2017), we consider this coercive effect of policies an expression of structural violence.

Parwin's quote also exemplifies the inherent paradox of her situation: The F permit restricted her access to the labour market, but F permit holders are required to have a job in order to get a stable B permit. Such precarious conditions make it almost impossible to fulfil integration requirements, and can be interpreted as part of states' deterrence strategies.

This example also highlights that a secure status is only available to fit persons. Parwin's devotion to hard work, and her willingness to do anything for a stable situation, illuminate how she navigated the mechanisms that rendered her life in Switzerland difficult. She intended to remain in the country and overcome the precariousness resulting from her temporary permit. At the same time, Parwin's case demonstrates that global inequalities are perpetuated by how newcomers are pushed into situations with little prospect for upward social mobility, and by the severe inequalities produced by their uncertain residence conditions in host countries. Again, these observations need to be interpreted in the context of legally induced violence, which contributes to cementing inequalities between people of different origins.

Such findings reflect "logics of human hierarchy" (Mayblin et al. 2020:111) that determine how states define who matters and who does not—and how they act upon such definitions. Consequently, states fulfil their legal obligation towards persons seeking asylum "to an absolute minimum, to a point where asylum seekers are merely prevented from physically dying, though often with long-lasting consequences" (ibid.).

As a result of the difficulty of meeting integration requirements, persons like Parwin remain in highly precarious, marginalised positions for a long time. They are deemed as "not fit enough" because they lack cultural capital or suffer from lasting consequences of trauma. Topak (2020) describes such lasting situations of precarious inclusion as a state of limbo that derives from continuing uncertainty and enforced waiting, and that produces a sense of not being able to really "start life" (see also Eule et al. 2019; Jacobsen et al. 2021). This is further exacerbated in the case of Ferdaws, who was in his mid-forties and had lived in Switzerland for almost 18 years with his family at the time of our interview. So far, however, he had been unable to get a B permit due to continued dependency on social welfare. He experienced his situation as extremely constraining, and blamed Swiss legislation for creating harmful conditions for refugees:

These laws give us suffering, they disturb us ... Why has this country made me small? Made sick? ... It is a shame; I had a good head I had many ideas, many things in my head. Now I have forgotten myself. I have pain every day.

To improve his legal situation, Ferdaws unsuccessfully applied for numerous jobs. Against this backdrop, he criticised the restrictions connected to an F permit, including a cross-border travel ban and the requirement to stay in one municipality while receiving welfare benefits. The very restrictions that are tied to the F permit thus make it almost impossible to escape the violent conditions of legal precarity. Above all, Ferdaws and his wife suffered from physical and mental health problems, which he explicitly related to his precarious situation in Switzerland—and which made it even more difficult to find employment. In our interview, Ferdaws repeatedly expressed the frustration and exhaustion that derive from a situation he considered fundamentally harmful.

Accounts like those of Parwin and Ferdaws exemplify what Nixon (2011) and Davies (2019) conceptualise as slow violence—"a violence of delayed destruction that is dispersed across time and space" (Davies 2019:2)—and that results from



protracted conditions of structural violence. Ferdaws's description of his precarious circumstances as painful and unhealthy reflects the necropolitical implications of his situation in Switzerland (cf. Mayblin et al. 2020; Mbembe 2003).

## Conclusion

This article illuminates important trends in contemporary asylum governance based on our interlocutions with Afghan refugees in Germany and Switzerland. Employing theories of violence enables us to unpack the harmful effects of continuous precarity and the integration imperative on the everyday lives and self-positionings of Afghan refugees in both countries. We argue that contemporary trends in migration governance illustrate the indirect and diffused impacts of neoliberalism. In an era that is heavily marked by anti-immigrant politics across Europe, the governance of refugees increasingly builds on granting temporary—and therefore precarious—legal statuses. For those affected, this trend implies the continuous pressure to earn a more secure status through successful economic performance. Persons seeking protection therefore seem to be increasingly channelled from asylum legislation to legislation regulating labour migration. What they thus need to prove is deservingness based on economic performance, rather than deservingness as a result of their vulnerability.

Such conditions and conditionalities of deservingness are strongly shaped by the neoliberal integration imperative and its impact on the modes of reception that refugees confront. These social forces in conjunction not only reflect but also contribute to reproducing racialised human hierarchies, which are tacitly inherent to multiple forms of state action and inaction. Our findings also reveal that, despite desiring a secure residence as an outcome of their individual efforts, it is simply impossible for many refugees to meet bureaucratic or performance-based requirements. Many find themselves in a vicious circle that results from the structural violence they are exposed to. Individuals' ability to identify and comply with the prevailing integration imperative can become a matter of survival.

The emphasis on the centrality of integration, and individual responsibility to "integrate", downplays the importance of immigrant labour in the contemporary economy. It also normalises individual responsibility and hard work as a yardstick for receiving protection. These trends are rooted in cultural violence, conducive to structural violence and inseparable from neoliberal modes of governance and the complex conditions of capitalism as a key source of injustice. Integration programmes often aim to keep refugees in low-paid jobs, while their certificates from prior education in their countries of origin remain unrecognised to fill labour-shortage gaps. Holding migrants with precarious legal statuses accountable for their own fate in the receiving society effectively diverts attention from the intrinsic violence of neoliberalism. Consequently, the discourse and emphasis on integration simultaneously masks and legitimises the precarious situation many of our interlocutors find themselves in. While arriving in Germany or Switzerland generally saves refugees from physical violence, they remain exposed to violence in a broader sense. We have shown how the pressure deriving from a precarious legal

status, looming deportability and integration requirements produces conditions of structural violence.

The discourse on integration was very present in the narratives of our interlocutors, and significantly contributes to structuring their everyday lives. Given their highly circumscribed room to manoeuvre, migrants with precarious legal status exercise caution—but they also use the available legal channels to contest their temporary status. Although they endure precarious living conditions, some of them successfully navigate the pressures created by receiving countries. Our interlocutors are not mere victims of violence; rather, they exercise agency by countering dominant representations of the undeserving, fortune-seeking refugee. They presented us with different framings of the system—from identification to opposition. However, their efforts do not necessarily have a transformative effect on the unspoken perpetuation and reproduction of social inequalities.

Analysing violence as a continuum facilitates our understanding of the coercive effects of contemporary asylum governance on its subjects. Although a principal aim of asylum legislation is protection from violence in terms of persecution and physical harm, we find that the way asylum legislation is employed and transformed contributes to other—often tacit—forms of violence. Our interview data reveal how nation-states induce violence by declining responsibility towards asylum seekers and actively producing hostile conditions to deter unwanted migrants via temporary protection schemes, “unattractive” reception conditions and minimum rights policies. Though our findings may be limited in scope, they elucidate the need for continued research on lasting conditions of violence and their detrimental effects on individual chances of living and becoming.

## Acknowledgements

Our particular gratitude goes to those who shared their time, experiences and opinions with us in Germany and Switzerland. We are indebted to Stefan Ouma and three reviewers for their valuable thoughts, critique and encouragement. Many thanks also to Narges Ghandchi, Esra Kaytaz and Mikkel Rytter, as well as our colleagues at the Laboratoire d'études des processus sociaux at the University of Neuchâtel, who offered useful feedback at different stages of research and writing. Research for this paper was funded by the Swiss Network for International Studies, and we benefited from additional support from the National Center of Competence in Research nccr – on the move funded by the Swiss National Science Foundation.

## Endnotes

<sup>1</sup> We follow Ferguson (2010:171) in considering neoliberalism as a type of rationality that is “linked less to economic dogmas or class projects than to specific mechanisms of government, and recognisable modes of creating subjects”. Neoliberalism, in this sense, involves “the deployment of new, market-based techniques of government within the terrain of the state itself” (2010:172). A central objective of such government techniques is to produce “responsibilised” citizens, who not only respond to incentives but also invest labour and other resources in their individual good fortune.

<sup>2</sup> Precarious legal conditions are not unique to people who have applied for asylum; they are also experienced by, for instance, students holding a short-term visa. However, in the

case of Afghan nationals, the precarity is aggravated, as they face a very insecure life in their country of citizenship.

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