

The Temporalities of Non-deportability. Rejected Asylum-Seekers Trapped Between Labor Market Forces, Control, and Integration Policies

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Abstract

This paper focuses on the experiences of rejected asylum-seekers (RAS) caught in their everyday lives between deportation threat and mechanisms of irregularization. We analyze their everyday lives in Italy and Germany, two EU member states facing the non-deportability of RAS in different ways according to the specificity of their labour market forces, integration policies, and democratic institutional culture. Furthermore, this paper aims to focus on the temporality as a crucial dimension to grasp the power relations between the technologies implemented to govern migrants on the move, and the everyday struggles put in place to face and overcome the barriers raised to deter their integration. The dialogue between the two case-studies contributes to a better understanding on how post-arrival migration enforcement regimes and their different underlying rationales produce temporal regimes strongly affecting the everyday lives of RAS. From one side, we look at time as technology to govern population in different manner according to the different types of “migration enforcement regimes” (Leerkes and Van Houte, 2020). From the other side, we explore how RAS deal with the politics of time (Low, 2003) that run within asylum and deportation policies, and their (non)-implementation, while struggling to make their life into the host society.

Keywords: deportation regime, labour-market, time, refugees.

1. Introduction

In recent decades, European national governments have adopted increasingly restrictive measures aimed at restricting the entrance of

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“unwanted” migrants in Europe and reducing the space of rights of those who currently reside there. In the aftermath of the so-called “refugee crisis” of 2015, enforcement on the European Union (EU)’s external and internal borders increased (Hess & Kasparek, 2017), with new technologies and structures such as *hotspots* being introduced (Caprioglio et al., 2018; Tazzioli & Garelli, 2018). Moreover, new asylum policies have been implemented within the national territories, so growing numbers of refused asylum seekers have faced the risk of deportation (Ataç et al., 2020, Dimitriadis & Ambrosini, 2023a). However, difficulties in implementing deportation policies (Leerkes & Van Houte, 2020) because of legal issues, financial and procedural obstacles, the right to reiterate asylum applications, the role of civil society, and the persistence of economic interests (e.g., the need of labour markets for cheap and flexible labour forces) generate a high number of *non-deportable* and *irregularised* migrants who struggle to get by in the host society.

The present study focuses on the experiences of rejected asylum-seekers (RAS) caught between the threat of deportation and mechanisms of irregularisation. We examine their everyday lives in Italy and Germany, EU Member States that approach the issue of the non-deportability of RAS in relation to the specificity of labour market forces, integration policies, and the countries’ institutional cultures. We use the crucial dimension of temporality to reveal the power relations between the technologies implemented to govern migrants on the move and their everyday struggles to face and overcome the barriers to their integration. On the one hand, we consider how time is employed as a technology to govern populations in different ways according to the different types of “migration enforcement regimes” (Leerkes & Van Houte, 2020); on the other hand, we explore how RAS deal with the politics of time while struggling to become part of the host society.

2. Literature review

The present study investigates how RAS cope with temporal regimes produced by the intersection of the politics of asylum with neoliberal policies in the German and Italian labour markets. It addresses the centrality of time in the analysis of migration and internal/external borders that underpin the intrinsic relations between the structures of power and the management of individuals’ time. It also sheds light on the labour market as a field of tension where different forces interact in definitions of the (non-)integration of migrant populations. We refer to the literature on border studies and neoliberalism, focusing on migrants’ experiences of time at the intersection of mechanisms of

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inclusion/exclusion – or differential inclusion (Mezzadra and Neilson, 2013) – that are embedded in the host societies.

Time is a crucial dimension of power in both migration and border studies and in critical approaches to neoliberal policies. Michel Foucault, in early works such as *The Punitive Society* (2016), showed how the capitalist mode of production has always managed and organised workers' lives, becoming a form of control of time. Accordingly, people's time had to be fitted and subjected to the temporal system of the cycle of capitalist production; the exercise of power over individuals' lives emerged, therefore, as a form of domination over their time. Consequently, different forms of resistance were employed as part of the struggle against capitalist production, undermining the use of body and time as labour power: different forms of the dissipation of time were interpreted by the author as the active refusal of industrial labour.

Following Foucault, several border studies scholars have stressed the relevance of time as a tool of governmental mechanisms deployed for regulating migrant mobility at the global level (Griffiths, 2014; Hyndman & Giles, 2011; Khosravi, 2021; Mezzadra & Neilson, 2013). Others have underlined the significance of time as a technique for regulating interactions between individuals and the state in capitalist economies (Ogle, 2019; Snyder, 2016; Thompson, 2017). Accordingly, time is often associated with financial and occupational success; by contrast, waiting is perceived as a waste of time and is related to (economic) uselessness. Thus, analysing time allows us to comprehend the relationship between everyday life and capitalism, as precarity studies have highlighted. Some scholars have focused on precarity as a phenomenon produced by contemporary processes of neo-liberalisation and globalisation (Standing, 2011; Wilson & Yochim, 2015), while others have concentrated on the realm of affective life, examining precarity as the subjective experience of those who no longer have control over their time (Cruz-Del Rosario & Rigg, 2019). Some studies have examined precarity as a common condition amongst vulnerable individuals (Butler, 2004) and as a multiple form of dispossession (Han, 2018), where time is the embodied subjective experience of power struggles. Likewise, migration scholars have analysed the everyday lives of people on the move through a temporal lens, looking at subjective experiences of border-crossing (Coutin, 2005), waiting (Bissell, 2007), being stuck (Brekke & Brochmann, 2014), and indefinite confinement (Anderson, 2014). They have pointed out that These literatures highlight time is a technology used to govern populations and contain migratory movements, that is, the im/mobility regime (Glick-Schiller & Salazar, 2013). The concept of "migration enforcement regimes" (Leerkes & Van Houte, 2020) is a useful tool to amalgamate dimensions such as the role of the state in immigration policies (rejectionist or integrationist), economic forces relating to labour markets, and

specific political interests embedded in democratic values. Viewing migration control as a complex mix of policy interests and differential capacities, Leerkes and Van Houte (2020) investigated the various ways countries deal with the presence of migrants who lack a legal right to stay. Post-arrival enforcement regimes approach the *non-deportability* of specific categories of migrants by following various institutional logics, welfare and economic growth, and the general values of liberal democracies. Post-arrival enforcement regimes are not only the outcome of states negotiating competing interests in context-specific ways; they are also determined by what they are able to do – namely, their enforcement capacities.

3. Methods: dialogue between two ethnographic case studies

The present study is based on two qualitative research projects exploring the life experiences and trajectories of refugees and asylum-seekers in Italy and Germany. The first draws on a multi-sited ethnographic study of a group of refugees moving from Italy to Germany and back between 2011 and 2021 (Fontanari, 2018; 2021). The second draws on semi-structured interviews with key informants (professionals and volunteers in reception facilities, trade unionists, and immigration lawyers) and RAS in Northern Italy, along with non-participant observations at a help desk migration service and an informal reception facility. The research was conducted from October 2019 to May 2021 (Dimitriadis and Ambrosini, 2023b). We examine the everyday experiences of RAS in both countries, underlining differences and similarities based on the different socioeconomic and political structures of each.

4. Two migration enforcement regimes at the entrance to and within the EU

According to Leerkes and Van Houte (2020), Germany implements a targeted enforcement regime characterised by relatively strong enforcement capabilities that are used selectively; certain categories of migrants are deliberately exempt from enforcement through track switching and formal toleration policies. Italy, on the other hand, has weak enforcement capabilities given the dependence on migrant labour in the informal sector, and a limited capacity to enforce admission requirements. An analysis of different migration enforcement regimes allows us to carry out different levels of analysis of interactions between labour market forces, integration policies, and deportation regimes.

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In the aftermath of the 2015 refugee crisis, Germany and Italy reorganised their territorial borders in relation to migration processes, following the EU's restrictive guidelines but also remaining cognisant of their specific geo-political positions within the union. Indeed, if Italy has been at the forefront of the recent refugee crises (dealing primarily with the irregularised entrance of transiting migrants heading towards Northern Europe), Germany has faced largely secondary movements and has had to deal with the irregularised presence of migrants on account of the "Dublin Regime" (Picozza, 2017).

In 2016, the German government, in line with its status as a selective enforcement regime, introduced the Integration Act, combining it with restrictive asylum packages that were implemented in 2015 and 2016 (Fontanari, 2022a; 2022b). The act addressed newcomer asylum-seekers categorized as having "good prospects of staying", RAS, and migrants holding a *Duldung* (in English, toleration). The *Duldung* gives the possessor a very precarious legal status; it is not a legally valid residence permit because it decrees that the possessor is obliged to leave the country but cannot leave or be deported presently because there is an obstacle to deportation (Paragraph 60a AufenthG [Residence Act]). Thus, the document formalises the non-deportability of RAS as a suspension of deportation and not a residence permit: as soon as the obstacle to deportation is removed, the person can be deported. The rationale behind the Integration Act was to connect the spheres of asylum, the labour market, and vocational training for the first time in German history (the prohibition to work traditionally representing a cornerstone of asylum policy; Bojadzije, 2008). The *3+2 regulation* was introduced as part of the Integration Act to integrate RAS into the labour market via vocational training: the *Ausbildungsduldung* (Paragraph 60a II 4 AufenthG [Residence Act]). The 3 + 2 regulation opens up pathways to residency for RAS who complete 3 years of vocational training (*Ausbildung*) and 2 years of related work. While training, RAS are entitled to the *Duldung*, and in the subsequent 2 years, they are supplied with a residence permit anchored to the job contract. The 3 + 2 regulation highlights how Germany deals with non-deportability, combining formal toleration policies (the *Duldung*) with a track-switching mechanism (the *Ausbildungsduldung*). After 5 years, RAS can be regularised through job contract switching; hence the integration track extends from the realm of asylum to the labour market. Economic performance is crucial for the regularisation of RAS who have to demonstrate they deserve integration in line with a European tendency to permit integration via the moral economy of deservingness (Marchetti, 2020; Ravn et al., 2020; Dimitriadis and Ambrosini, 2023a). The moral economy is deeply embedded in the wider neoliberal governmental paradigm that compels individuals to perform and demonstrate that they

deserve their integration (Filippi, 2021), both into specific sectors of the labour market and the host society in general.

While Germany instituted a strong policy of regulation channelling RAS into the labour market, in Italy the situation had largely remained the same since 2015. Law no. 132/2018 (the so-called Salvini or security decree) substantially reduced the provision for asylum seeker integration, namely language courses, orientation towards the labour market, and vocational training, amongst others. The rationale behind the amendment was that most asylum seekers were considered “economic migrants” who would not access international protection or refugee status, so no resources should be wasted on those who were likely to be deported after their applications were examined. But in 2019, a change in government was accompanied by the implementation of two new legislative initiatives that smoothed the way to legal status for thousands of irregularised migrants, including RAS, thus formalising non-deportability.

At the same time, a new security decree (no. 130/2020) reinstated a broader framework of conditions under which people could apply for humanitarian protection, making reference to migrants’ *effettivo inserimento sociale* (in English, actual social insertion) as a criterion of *deservingness* when examining repeated asylum applications. The rationale behind the decree was to ensure Italy’s fulfilment of its international and constitutional obligations in the sphere of international protection. However, it did not reinstate funds for migrants’ integration, and waiting for application decisions made their situation even more precarious. In June 2020, the government introduced a regularisation scheme, collecting around 200,000 applications from employers of migrants (85%) and migrants themselves (15%) who had previously worked in the agriculture, fishing, and care and domestic sectors (the latter comprising almost 85% of the total number of applications). According to the government, the sector-based amnesty was a response to labour shortages. Although it allowed asylum seekers to apply for work permits, this was not made clear. Bonizzoni and Hajer (2022) argued that it was uncertain whether asylum seekers could apply for regularisation, and whether this would mean they had to renounce their asylum applications (and, if so, when). Once again, employment was a key element in defining deservingness of legal status.

These different integration policies represented both the variety of enforcement regimes and the specific characteristics of labour market forces. In Germany, for example, the Integration Act, which had framed asylum seekers as individuals with “good prospects of staying” and RAS as “potential skilled workers”, mirrored the wider changes that had affected the national economy since the early 2000s. Public debates at the time focused on the narrative of future labour shortages arising from demographic shifts (Schultz, 2018). Between 2005 and 2013, several reforms were implemented relating to

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integration and labour migration, giving rise to a “liberal re-orientation of German immigration policies” (Laubenthal, 2019) towards a connection between asylum and labour market spheres, despite ongoing restrictive tendencies in the asylum field. A large number of economic actors—for instance, those in the crafts sector, employers’ associations, single firms, and regional chambers of crafts (Mayer, 2015)—strongly supported Chancellor Merkel and pushed the government to target refugees as potential workers. The Integration Act, hence, was the outcome of labour market requirements and economic interests, a need to manage the high number of refugees arriving in Germany after the summer of 2015, and a tradition of political struggle and migrants’ rights protests that was entrenched in civil society.

It could be argued that the two aforementioned legislative initiatives in Italy characterised aspects of the country’s long-standing enforcement regime (and, more generally, immigration policies), such as (a) scarce and a posteriori institutional regulations reflecting the political orientation of governments; (b) the continuous demand for foreign labour in the secondary segment of the labour market; and (c) the concession of legal status through (informal) employment relations. The establishment of the social insertion criterion and the reintroduction of international protection were indicative of a greater openness (or less closure) towards migration on the part of Italian governments in the period between September 2019 and January 2021. The demand for migrant workers in the domestic sector was due primarily to the expansion of welfare (e.g., child- and elderly care), the entrance of native women into the labour market, and the demand for cheap, flexible, and docile employees (Ambrosini, 2013). Agricultural labour shortages were a manifestation of the rejection of demanding, dirty, and dangerous (3D) jobs amongst the native population, which was accentuated during the pandemic due to the closure of national borders. The ineffectiveness of the amnesty (e.g., a scarcity of submitted applications) during the pandemic demonstrated that national economic policies in Italy encouraged exploitative practices to the detriment of migrants and their further marginalisation, rather than recognising their importance to the Italian economy (Dal Zotto et al., 2021; Sanò, 2022). Overall, both migration enforcement regimes governed RAS through time, producing temporal landscapes (Anderson, 2014) where RAS had to cope with socio-economic and juridical structures that made it difficult to live a dignified life in the host society.

5. The temporalities of non-deportable RAS

Migration enforcement regimes structure the everyday lives of RAS by framing the asylum reception system and its relationship with the host society, notably the labour market, using time. Below, we analyse RASs' everyday temporalities in terms of the legal dimension and border control and the socio-economic dimension in terms of the labour market.

5.1 Time and legal status: a postponed and administratively blurred integration

5.1.1. Germany

The closely regulated integration policy of the *Ausbildungsduldung* is embedded in a labour market traditionally characterised by strict regulation (and a supply and demand mismatch) through state agencies such as the *Agentur für Arbeit* (Federal Agency for Jobs) and the *Jobcenter*.¹ The rationale behind the *Ausbildungsduldung* was to deal with the present and near-future labour shortages in low-wage sectors of the German economy by framing RAS as *potential* skilled workers. Notwithstanding the needs of the German economy, the integration of RAS into the labour market is managed through a temporal dilation of 5 years, during which RAS have to demonstrate that they deserve a residence permit (i.e., through their economic performance). Meanwhile, the *Duldung*, which is not so much a residence permit but a suspension of deportation symbolises the temporariness and suspension of the RAS's legal status. The possibility of being regular in the German territory is therefore postponed for at least 5 years. Iyasu, a RAS from Nigeria undertaking vocational training as a builder of sanitary facilities, explained how he perceived time under the *Ausbildungsduldung*:

Freiheit [Freedom] Nothing more. I only desire freedom. The sensation when I will finish the *Ausbildung* [vocational training] and they will give me the document will be to go out from prison. You know how are those people who were many years in prison? I think I am like them. Since my arrival in Europe, I feel in prison; doesn't matter how much I move, and I have moved a lot [we laugh] I will be finally free when I will choose my life, where to live,

¹ The *Jobcenter* is the public authority that has the responsibility for the payment of a minimum income called "*Arbeitslosengeld II*" and for the reintegration of recipients into the labour market.

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which kind of job, oh... I can smell the happiness of this condition! (Interview with Iyasu, Berlin, August 2019)

Researchers have also stressed how the *Ausbildungsduldung* functions as a technique of “future giving” (Drangsdland, 2020); what is more, it is accompanied by control mechanisms that make RAS uncomfortable and psychologically pressured. First, an element of border control is embedded in the crucial role of the Foreign Office—the *Ausländerbehörde*—in issuing the permission to be employed (*Beschäftigungserlaubnis*) as a prerequisite for accessing vocational training. Thus, local foreign offices have the discretionary power to decide whether RAS should be allowed to participate in the *Ausbildungsduldung* programme, as Kwaku—an RAS from Mali—told us:

We are sitting in the park and Kwaku brings me a lemonade. “We have to celebrate—he exclaims—finally the *Ausländerbehörde* gives me the possibility to work!” I know that Kwaku had found a vocational training as carpenter but the foreign office didn’t gave him the permission; so I ask him what has changed. Kwaku looks at the sky and replays: “maybe God helped me! I was fighting since 8 months with the *Ausländerbehörde* and they always told me that I couldn’t work. The boss of this enterprise really wanted me... so he was even waiting for me all this time, and he was writing many letters to the *Ausländerbehörde*, but nothing happened. Then, last week I went there with no hope, and incredibly they gave me the permission. (Ethnographic notes for Kwaku, Berlin, September 2017)

As was mentioned previously, the *Duldung* frames RAS’ temporalities as suspended and uncertain legally speaking; it formalises only the *temporariness* of non-deportability. This is also apparent in the second element of border control, namely, the conditionality of the right to stay linked to performance on the vocational training path, as Theo, a social worker for unaccompanied minors explained:

The real problem is that if a person failed the *Ausbildung* [vocational training], (s)he risks the deportation. Can you imagine the stress people are going through? [...] The mentality is that if you don’t perform well then you are not really motivated to get integrated into the German society. This creates much pressure and frustration over the individuals, which lets me consider this mechanism not good for a good integration. (Interview with Theo, Berlin, May 2018)

Individual performance is the key element for a future residency. It is framed in such a way that only “good” skilled workers are given the right to

remain. Another aspect of border control is the mobility restriction enshrined in the administrative measure of the *Residenzpflicht*;² RAS are not allowed to leave or move within Germany for the entire period of their vocational training. Mobility restrictions had serious consequences for RAS' everyday lives, as Kwaku's story illustrates. Kwaku wanted to visit his father in his country of origin because he was very ill but the Foreign Office would not give him a permit. After some weeks, Kwaku's father died, so he did not have the opportunity to say goodbye to him. The present time is, hence, lived like a sort of "integration limbo" (Kurki and Brunila, 2014), describing their wait for their rights – despite the fact that they were working and participating in their host society).

The point is that with the Duldung you cannot go out from Germany. You can do the Ausbildung, but you cannot move, you are in prison within the German territory. *Ich will raus!* [I want to get out] I want to travel around. [...] Travel helps to maintain the mind open. If they continue to keep me stuck here, it will be very bad. My head is like shut in a small place with a low roof, like this [he mimics going under the table] it is like if I have a cap on my head that doesn't let the thoughts to be free and fly. [...] Now I am feeling I am more like you, with a job... or I will be soon like you, if I will pass the Ausbildung exam [he smiles]. But still I am not like you, because I am blocked in Germany. (Interview with Olufemi, Berlin, April 2019)

Olufemi, a RAS from Nigeria, was undertaking vocational training as an electrician. His words underlined the psychological pressure RAS experience during the vocational training path, a time ruled by the Duldung that reminds them that they could still be deported. Furthermore, the *Ausbildungsduldung* allows entrants to re-sit the final exam only once. The *concrete* non-deportability experienced by RAS in Germany is thus deeply interconnected with their *potential* deportability, and highlights how the deportation mechanism works in reality (De Genova, 2009): some migrants are deported, while others remain as precarious workers facing legal vulnerability for a protracted time.

² The regulation called *Residenzpflicht* (residence obligation) affecting asylum-seekers and people entitled to the Duldung, issues a residence obligation: the restriction of mobility and the confinement to the administrative district where they have applied for asylum (Paragraph 56 AsylG. [Asylum Act], Paragraph 61 AufenthG.).

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5.1.2. *Italy*

In the absence of labour market integration policies that provide paths for regular employment and permanent residence, the reintroduction of integration as a criterion for the acceptance of a repeated asylum application according to the Lamorgese Decree (Law no. 130/2020) enables access to, renewal, or transformation of certain types of stay permits. According to our interviews, many people turned to civil society actors (or lawyers) for help to do so. As is the case in Germany, obtaining legal status requires a temporal dimension inherent in the asylum system (Griffiths, 2014) and passes through frames of deservingness based on economic and social requirements. In other words, applicants have to wait, once again, for a decision that will allow them temporary legal status, and they have to demonstrate their economic and social performance.

I arrived here (the reception structure) in 2019 [...]. I keep going to the school to learn Italian, I'm also doing vocational training so that he (responsible of the reception structure) can help me. I have already done an assistant cook course. The virus (COVID-19 pandemic) came and I did not take exams. Then, I took the exam, but I'm still waiting for the certificate. I've done another course on gardening, to collect fruit and vegetable. In the meantime, I'm waiting the decision upon the appeal; what's else to do? (Interview with Zerdad, RAS from Pakistan, Como, April 2021)

The above extract indicates that RAS need to demonstrate continually that they are deserving workers through language courses and vocational training. Continuity of effort in providing proof of deservingness determines the suspension of deportation. At the same time, uncertainty about the future is a central part of people's lives as the wait time for application can range from several months to years. The COVID-19 pandemic suspended deportability and created more uncertainty amongst asylum applicants. It is interesting to note that civil society actors can facilitate or obstruct deportation for RAS based on criteria of deservingness that are informally established by the former (Dimitriadis and Ambrosini, 2023a).

Civil society actors who assist migrants in submitting new applications for legal status can also engage in re-bordering practices. Pro-migrant actors, social workers, volunteers, and pro bono lawyers may control who receives helps. In the words of Abdel, a RAS from Palestine who was advised to leave Italy instead of applying for legal status:

I am pissed off with that lawyer. Volunteer or not volunteer, you [the lawyer] have to proceed with my application. You are not my mom to tell me

what is better for me. I know that the situation is not good in Italy and that there's no jobs, but let me deal with it on my own. (Informal conversation with Abdel, Como, April 2021)

In a similar vein:

[...] another rejected asylum seeker from Gambia arrived to ask for help, and the lawyer said me “here we are. His case is very good because he learnt Italian, he has a good job. He's a good guy.” The lawyer claims that this man has chances to hold regular status thanks to the new decree. (Ethnographic notes from the immigration office in Como, April 2021)

Previous research has confirmed how humanitarian actors control migrants and reproduce bordering practices on the basis of the deserving/undeserving distinction (Kaşlı, 2016; Toğral Koca, 2019) and become complicit with the state (Fleischmann & Steinhilper, 2017). Civil society attitudes can also engender a paternalism that generates psychological distress and anxiety amongst RAS. A further element of control can be detected in mobility restrictions imposed by the law, namely the requirement not to leave Italy while an application is being processed, as the following ethnographic notes revealed:

Lawyer: “If you cannot demonstrate that you have always been in Italy, your application has no chance of being accepted.”

Refused asylum seeker: “I went to (name of European country) just for work. I have a cousin there and I went to earn some money.” (Ethnographic notes from the migration service help desk in Como, 9 April 2021)

As with mobility restrictions at the local level in Germany, control of international mobility can also have a negative impact on asylum-seekers' lives. Rejected asylum seekers may forfeit the chance of accessing money and moving to a third country (Dimitriadis, 2023a) while they wait for a decision regarding their applications. Border policies can, therefore, cause protracted immobility among RAS that may be translated into marginalization and impoverishment (Sanò & Della Puppa, 2021; Sanò & Zanotelli, 2022).

A final point regarding access to legal status concerns the possibility that RAS may be regularised through the 2020 amnesty programme. Despite the limited number of asylum seekers who applied for regularisation relative to other migrants with no legal status, some RAS applied for a stay permit while their asylum application was in progress. But it is not a straightforward process, as a volunteer and a manager of a reception facility explained:

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A network facilitating coordination among volunteer organisations and helpdesks that helped people to proceed with the application was created in Milan during the summer [2020]. There were contradictions in this regularisation scheme; it was not clear whether asylum seekers had to renounce their asylum applications. There has been a noteworthy to this issue; there have been lawyers who followed people's application case by case.» (Interview with Irene, volunteer, Milan, October 2020)

Some of our guys (guests) asked for access to this amnesty through their employer willing to regularise the working relationship. However, all of them are still waiting to be called by the Policy Headquarters; we don't know what the outcome will be. (Interview with Maria, reception facility manager, Como, November 2020)

In short, bureaucratic mechanisms and the blurred nature of administrative procedures were a tool of control and exclusion. At the same time, uncertainty regarding those procedures caused distress amongst potential applicants who were unsure about whether they had to abandon reception facilities in cases where they had to forego their asylum applications. Waiting for a response to requests for legal status also places people in limbo (Griffiths, 2014). The position of RAS is further weakened as a result of features intrinsic to the regularisation scheme, for example, difficulties in retrieving personal documents, language barriers, and relations with employers. Some have argued that the scheme increases the dependency of workers on their bosses and can lead to exploitation and abuse (Bonizzoni & Hajer, 2022; Simoncini, 2004).

As has been pointed out, legal status shapes the temporalities of RAS in both countries. In Germany, it postpones integration and the present is put on hold: RAS can work but they have to demonstrate that they merit integration at a future point, but until then they have to submit to testing and control. In Italy, RAS' time is shaped by the vagueries of the administrative criteria for legal status, which is determined primarily by economic performance. Informality and legal blurriness are also apparent in the ambiguous role played by social workers and volunteers from civil society, who sometimes act as gatekeepers or monitors. The following section on RASs' everyday experiences in the labour market completes our analysis on time as a governmental tool deployed at the intersection of migration enforcement and neoliberal regimes.

5.2 The temporalities of RAS workers: informal mobilities and cage jobs

5.2.1. Germany

The everyday lives of RAS in Germany during the vocational training programme of the *Ausbildungsduldung* is characterised by a present time spent working long hours while learning German in compulsory German classes. The legal condition of *not-yet* regular migrants but *potentially* in the future is in contradiction with the real daily life of workers in low-wage jobs. Olufemi narrates how his job as an electrician has difficult work conditions for less income, and that makes his life hard but he cannot choose to change jobs:

I have to wake up every morning at 5 o'clock, it is hard! And I work so many hours a day ... for little money [...] *Arbeit ist schwer, gibt es kein Arbeitsparadies* [the job is difficult, there is no work paradise]. The *Chef* [employer] of my company really wants me, because I am working well and I am one of the few that remain. All the other people doing the *Ausbildung* with me left! They were Germans, some Europeans, but also foreigners with long residence permits. They were all complaining that this job was too hard and with little money, so they look for something else. They don't need that job for the *Aufenthalt* [residence permit], but I need it, otherwise deportation. (Interview with Olufemi, Berlin, April, 2019)

The high level of abandonment of vocational training by workers who do not need it to reside legally in Germany highlights the element of constraint embedded in the *Ausbildungsduldung*. Rejected asylum seekers have to take the first vocational training that they are offered, which most of the time is training people for the low-wage and 3D sectors. They are forced into low-wage jobs that became “cages” from which it becomes difficult to move away. Moreover, their present time is lived as workers with full-time jobs, but this does not correspond to appropriate socio-economic conditions because they are poorly remunerated. Anja, a social worker supporting refugees, explained us how *Ausbildungsduldung* RAS do not always enjoy economic self-sufficiency:

Another big problem is that refugees didn't manage to really become economically self-sufficient. They are mostly attending low-paid vocational training finding a free place only in vocational training where Germans and Europeans don't want to go. [...] Refugees earn around €400 a month, but you cannot live with that little money. [...] and they are excluded from the *Jobcenter*, which usually supports citizens with low incomes economically. (Interview with Anja, Berlin, December 2019)

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Experiencing a disconnected temporality because there is no correspondence between the everyday lives of RAS and the acknowledgment by the host society deeply affects their subjectivities and the perception of themselves in the socioeconomic hierarchy. They are real workers participating in the host society but are still perceived and juridically threatened as migrants, as Babukar, an RAS from Mali carrying out vocational training as a glass-maker told us:

I don't feel to be treated like you, I am still a migrant here. They give me €200 per month [he laughs] it is a joke. I cannot live like this! [...] There is this association XXX that supports people doing Ausbildung with little money. They cover the rest of money to reach the minimum wage like €400–450, and then they also help you to pay your room. (Interview with Bubakar, Berlin, June 2019)

Babukar and other research protagonists often stressed the crucial role played by solidarity groups and NGOs in legally and economically supporting them, as well as their frustration in being dependent on the help of civil society actors, even though they were working full-time. Their observations also highlighted the ambivalent position of the state towards them; they were potential workers but at the same time “suspicious” migrants who were under surveillance. The regularisation of RAS was therefore not only legally but also materially postponed to an as-yet-unknown future point in time. They have to show that they deserve integration through their economic performance, as with their counterparts in Italy.

The woman who signs my Ausbildung contract as a nurse told me: “now you have to really work hard, I don't know if you understand that?! It will be hard for you, every months exams in German language. Here we like people that work hard, not lazy ones.” I was upset, why should I be lazy? I was already a nurse in my country, I know this job! Why she was treating me like this? They let you feel the pressure, every day. And they also indirectly tell that you start a step backwards in comparison to all the others. (Interview with Roho, Berlin, October 2019)

Roho, an RAS from Niger carrying out vocational training as a nurse, provided an insight into how front desk employees in Germany and social workers in Italy, based their decision on whether to support or deter integration according to their personal beliefs and moral judgements. That is RAS behaviour determined whether they were to be regarded as deserving or undeserving workers.

5.2.2. *Italy*

A central element of Italian immigration policies is the close link between work and regular status (Dimitriadis, 2023b). This applies both to those who intend to regularise for the first time and those who aim to renew their stay permits. This association also generates an entanglement in the temporalities that affect RAS' lives. A volunteer engaged in vocational training programmes for refugees and asylum-seekers stated:

We are now conducting an integration programme for 15 young people hosted in CAS reception centres. Despite having found some companies available (to hire these people), we are dealing with the fact that they are all asylum-seekers whose requests are in the appeal process and they're waiting for the response to the appeal, so the companies halted: even though they have been available (to hire people), now they are taking a step back because they are afraid of investing in people to whom (legal status) may be denied. (Interview with Mario, volunteer, Milan, October 2020)

This shows how delays in administrative procedures regulating access to legal status can have serious effects on the possibility of accessing stable employment. Despite employers' preparedness to hire RAS and the latter's dedication to vocational training and language courses, time governing asylum can push RAS into precarious situations. They can undertake a series of mobility practices to cope with uncertainties produced by temporal regimes and precarious conditions offered within integration programmes that last 3–6 months. In particular, they can access jobs in precarious and informal sectors of the economy if they are prepared to commute daily from small to big cities, for example, from Busto Arsizio and Como to Milan, take circular routes across Italy, or even occasionally, internationally.

You cannot see refugees and asylum-seekers anymore in the city. You can only see them go out and enter their homes. They work as riders with those big square-shaped backpacks; they get the train, go to Milan and work. (Interview with Paolo, volunteer, Busto Arsizio, October 2019)

Unfortunately, many of these guys spend all their day shut up at home doing anything. [...] He (an asylum-seeker) is not in Como this period. He often goes to France, where there are some friends of his. He is not stable in the city, but he usually returns here. He follows some job opportunities and his life is like this. [...] Two (other) guys went to work in Verona for a couple of weeks. Another guy went to Caserta (Southern Italy) to find a job through a cousin of his. However, they often turn back to Como (in winter) because they realise that moving to another place is not that easy if you do not know

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anybody. Here, they can at least find a roof under which to stay and food.
(Interview with Renzo, volunteer, Como, January 2021)

Everyday mobility in the absence of legal status and stable employment is a way to get by and cover actual needs (e.g., survival and remittances to send home). Among some RAS, this kind of employment generates higher income compared with the allowances earned through integration programmes (ranging from €400 to 500 per month). In addition, these movements can be repeated on a daily or seasonal basis, that is, undertaking journeys of various durations is a way of coping with the temporalities of bordering processes (Filippi, 2022). In terms of the enforcement regime, such practices confirm the interconnectivity between non-deportability and the demand for informal migrant labour (Dimitriadis, 2023a).

Overall, it may be argued that the COVID-19 pandemic both accelerated and halted migrants' efforts to access labour markets. In the case of those who decided to find jobs in the food delivery sector, the pandemic boosted mobility, despite exposing them to risk (e.g., they did not have access to paid sick leave or other sickness benefits; International Labour Organisation, 2021). However, fear of COVID-19 transmission and protective measures suspended integration programmes, forcing people to be immobile and experience feelings of loneliness, stress, and uncertainty about the future (Sanò, 2022; Dal Zotto et al., 2021).

6. Conclusions

The present study has explored the everyday experiences of RAS in dealing with temporalities under two types of migration enforcement regimes (Leerkes & Van Houte, 2020). It has investigated technologies and the processes of control involved in (non-)deportation policies – thus adding to the discussion on temporalities produced by border and neoliberal regimes – through a comparative analysis.

The element of deservingness was identified as a tool of control is present in both migration enforcement regimes. Rejected asylum seekers had to continually demonstrate that they were deserving individuals through their economic performance, their willingness to accept any job, access vocational training, and acquire local language skills. This constituted an important criterion for legal status in both countries. Furthermore, deservingness entailed a temporality that produced a condition of limbo in the present and, therefore, precariousness and uncertainty, postponing integration into an undefined future. However, these effects were produced within different institutional

settings interacting with diverse socio-economic forces comprising various social actors. While German employers and local foreign offices (Ausländerbehörde) monitored and evaluated RASs' performance within specific integration programmes designed from above (i.e., by the state), Italian civil society actors and social workers in migration governance played an active role in facilitating access to legal status and labour market opportunities in ad hoc and improvised integration programmes from below. Focusing on the legal dimension, characterised by the element of control, and on the socio-economic dimensions of the labour market allowed us to observe the interaction between the border regime and the countries' neoliberal economies. In Germany, RAS were trapped in an open-air prison in which they were compelled to accept low-paid and 3D jobs from which they could not extricate themselves; they experienced a disrupted temporality as workers but they were not formally integrated and were still being tested. By contrast, in Italy the absence of legal status – during the period RAS were waiting for the results of their appeals – intertwined with the demand for labour in the informal economy and the individuals' struggles to enter the host society. This interaction confined them in a hyper-mobility in the shadow of the informal economy, which caused high levels of precariousness and discomfort.

Although legal status (and regular employment) in Italy was highly dependent on extraordinary integration policies, regularisation processes in Germany forced RAS into a socio-economic, legal, and existential limbo. They experienced a present time characterised by administrative blurriness in reference to their perspectives on regularisation (which was postponed until a future time). The differences between the two migration enforcement regimes were not directly translated into strongly differentiated effects on RAS' lives but rather the ways they experienced time. Either “targeted” with a strong enforcement capacity or “thin” with loose enforcement of admission requirements, the regimes produced similar temporalities that undermined and/or protracted people's future plans while benefiting from their economic performance in that they filled posts in low-wage sectors.

Future research might compare our findings with empirical evidence of other types of enforcement regimes (Leerkes & Van Houte, 2020), namely “thick” (those with strong enforcement interests and extensive enforcement capacities) and “hampered” (those with strong enforcement interests and weaker enforcement capacities).

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