

Governing through Paperwork

Examining the Regulatory Effects of Documentary Practices
in a Refugee Settlement



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Introduction

Documents are a crucial part of any bureaucracy (Hull 2012), but only recently have scholars of anthropology taken an interest in the study of bureaucracy or documents (see Hull 2008, 2012; Riles 2006; more recently, see Horton and Heyman 2020). Sarah B. Horton posits that identity documents, in particular, expose ‘power dynamics between migrants and the state in traditional immigrant-receiving countries’ (Horton 2020: 1). Extending these scholars’ assertions, I argue that in refugee contexts, bureaucratic documents (beyond migrant identity cards) reveal the regulatory power between multiple actors at various levels within and beyond the state. Thus, in the context of resettlement programmes, documents are a crucial site for exploring how the mobility of refugees is governed and what ‘thought-work’ drives interactions between humanitarian street-level bureaucrats and refugees (Heyman, 1995, see also Burris, Drahos and Shearing 2005 on ‘mentalities’ or ‘ways of thinking’). Studies on bureaucracy that have examined documents have centred either on their organizational aspects – the extent to which they bring about order in organizations (Hull 2012) – or on ‘state governance as material practice’ (Hull 2008: 501).

Another body of scholarship, on the analysis of documents by anthropologists, has focused mainly on ‘their role as regulatory technologies that enact control and legibility over both citizens and “aliens”’ (Cabot 2012: 11). The regulatory effects of documents in the context of a humanitarian setting in the Global South is largely missing from these studies (for exceptions, see Sandvik 2008; Thomson 2018). This chapter shows how documents are mobilized by refugees seeking resettlement to countries in the Global North *and* the resulting regulatory effects. Thus, I consider documents as regulatory tools that, as Heath Cabot posits, ‘reinforce and undermine attempts to make persons governable’ (2012: 11). I focus on the production, procurement and circulation of documents such as letters, medical certificates, bureaucratic forms, decisions and reports through various forms to demonstrate the regulatory effects of documentary practices in a Ugandan refugee setting. In doing so, I reveal the conflicting ‘thought processes’ inscribed in humanitarian organizations’ forms and refugees’ use of these forms – thereby showing how documents function as sites of ‘struggle’ that contain contradictory worldviews that humanitarian organizations and refugees each hold about the other (Heyman 1995: 264).

This chapter, based on ethnographic data, argues ‘that documents are not simply instruments of bureaucratic organizations’ (Hull 2012: 253) but are also technologies of governance (Burris, Drahos and Shearing 2005), through which refugees seek to make themselves ‘legible’ (Scott 1998) to and within a humanitarian system – and through which mobility to third countries is regulated in the context of the resettlement programme. I posit that although the resettlement scheme is meant to protect the most vulnerable refugees by resettling them in countries outside the refugee settlements, documents themselves – as well as the processes through which refugees seeking resettlement go through to procure these documents – act as regulatory mechanisms which constrain rather than enable mobility outside their country of asylum. I consider a conceptualization of the manner in which papers are produced, deployed and circulated in the selection of vulnerable refugees using the bureaucratic machinery of a humanitarian setting as an example of ‘governance beyond the state’ or governance ‘at a distance’ (Rose and Miller 1992: 179; see also Burris, Drahos and Shearing 2005; Crawford 2003; Shearing and Stenning 1981). With such a conceptualization, I argue that humanitarian workers as implementors of resettlement policies should be viewed as the gatekeepers of mobility to resettlement countries (traditionally, developed countries in the Global North). This conceptualization becomes all the more important because humanitarian street-level bureaucrats (protection officers) exercise discretion on whether or not to act. Josiah Heyman’s work on how discretion and non-action function in the policing of the Mexico–US border is particularly important as it stresses

the effects of non-action at the initial stage of policing (2009: 368). In the context of resettlement, the exercise of discretion in deciding whether or not to forward a refugee's case at the first stage has important implications for human-rights protection generally and mobility specifically, as it constrains or enables resettlement applications to move forward. I consider the provision of aid services or the exercise of bureaucratic functions in Nakivale refugee settlement as 'fragmented' (Crawford 2003) or 'diffused', given that it is run under diverse auspices and by divergent providers (Bayley and Shearing 2001) of protection services (see also Burris, Drahos and Shearing 2005; Crawford 2003; Shearing and Stenning 1981). As I will show, refugees' efforts to procure documents attesting to diverse narratives of suffering (Sandvik 2008) subjects them to 'fragmented and plural forms of control' (Crawford 2003: 480).

Access through Paperwork

I came to understand the centrality of documentary practices not just by listening to accounts of interlocutors but also by reflecting on my personal dealings with the bureaucracy of Nakivale refugee settlement.¹ I had to follow a specific procedure which entailed submitting a copy of my research permit to the Office of the Prime Minister (OPM) at different governmental levels before commencing fieldwork. Thus, it is not just refugees' movements that are governed through documents but also researchers' mobility in and out of humanitarian spaces and bureaucracies. Horton and Heyman argue that documents are a great lens through which to understand 'the power dynamics between migrants and the state' (Horton and Heyman 2020: 4). I extend this argument to the state's role in governing researchers' entry into humanitarian spaces, thereby effectively regulating what type of research can be done and who can do it. Letters were submitted to the OPM, a state agency that oversees the affairs of refugee settlement alongside the United Nations High Commissioner for Refugees (UNHCR). I found that documents regulated the movement of those who moved within the settlement irrespective of whether they were refugees – especially if they sought to engage with the humanitarian bureaucratic system.

However, I also came to learn that my positionality as a Black researcher in the settlement meant I needed more than the 'right' documents to negotiate access to refugees. Racialized assumptions about the aid industry were prevalent, as refugees perceived anyone White as a 'saviour' and capable of influencing their resettlement case. What follows is a brief background of the location of the settlement and how it is constituted spatially and nationally, to provide some context on the great lengths that refugees who

live at a relative distance from aid agencies must travel just to procure and circulate documents.

Navigating the Settlement's Bureaucracy

The road to Nakivale refugee settlement is isolated and distant from urban areas. This road was as hard to navigate in the wet season (when vehicles often get stuck in the mud) as it was in the dry season (when the dust engulfs every part of passengers or pedestrians on this road). I equated navigating the road to Nakivale settlement on a rainy day to its bureaucratic system. Both impressions were conjured up by refugees' explanations of the resettlement process in terms of images or feelings of being stuck, frustrated and anxious. Located near the border of Tanzania and Uganda, Nakivale provides refuge to asylum seekers and refugees from Somalia, Eritrea, Ethiopia, the Democratic Republic of the Congo, Rwanda, Burundi, South Sudan, Sudan and other countries. Comprising seventy-nine villages, Nakivale is a vast space of constant flows of people. New arrivals from conflict-ridden countries seeking asylum and refugees seeking aid services, or those seeking resettlement in North America or Europe, means that agencies are abuzz with aid workers taking notes or filling in forms or taking a break from filling in forms. As Heyman argues, much of what street bureaucrats do is 'thought-work' (1995). In the case of humanitarian bureaucrats in Nakivale, thought-work entailed interpreting and documenting solutions or organizational responses to refugees' complaints or services they (the bureaucrats) had provided.

The overwhelmingly large number of refugees that aid workers attend to on a daily basis gradually led me to conclude that note taking or form filling were often routinized activities for some, and that such documentation did not always achieve the refugee-protection goals sought because of the large amount of paperwork that had to be filled in and circulated. This corroborates Heyman's assertion on how the concept of thought-work is valuable for investigating the ways in which 'bureaucracies generate chronic struggles and, indeed conduct violence' (1995: 278). However, I argue that in the context of Nakivale refugee settlement this was not a result of aid agencies' negligence but rather symptomatic of the limited resources available to follow up on each claim in a timely manner. Aid offices in the settlement were often understaffed, and aid workers had to attend to refugees all day long while manually filling in forms to record the particulars of numerous clients that came through their doors. Often, refugees had to retell their stories when files got lost, which was very common given the rudimentary storage systems of some agencies. For many aid workers (some of whom were themselves refugees), capturing the stories of refugees was as far as

their mandate went. Capturing stories of variegated suffering in the camp and recommending solutions that were all but satisfactory to those seeking resettlement could be interpreted as a routine to which many aid agencies had become accustomed.

In Uganda, refugees are, by law, granted freedom of movement – but in practice, they need written permission to leave the settlement. Therefore, documents play an important role in regulating the mobility of refugees within the country, whether it is for travel to the capital city for medical treatment or for verifying their status as refugees in Uganda. By examining the paperwork (official records from aid agencies, hospitals or other state institutions) of refugees seeking resettlement, I discovered they had acquired permission from the OPM to leave the settlement. This was specifically the case for refugees who were referred for medical services outside the settlement. However, it cannot be said that refugees who wanted to travel to the trading centres outside the settlement had sought or had the required documentation.

Governing Everyday Life through Paper

I arrived at the settlement in September 2017, when a second verification exercise was taking place for those who had missed the first one. Verification is a form of census that confirms one's status as a 'refugee'. Upon verification, a valid refugee attestation card is issued, which entitles the holder access to various aid services. This card lists the age, sex, family size and marital status of refugees (factors that are considered in resettlement cases). Without it, a refugee cannot interface with aid agencies. Thus, in the everyday lives of refugees, documents play an important role not only in accessing aid services but also, at a minimum, in their self-identification to aid officers. However, refugees perceive a bigger role for documents for the purposes of getting resettlement. On this basis, they collect as much paperwork or leave as many paper trails (Andreetta and Borrelli, this volume) as they can so as to qualify as vulnerable refugees. Resettlement, as my data showed, was one of the most discussed topics that intersected with many conversations in the daily lives of refugees. Many refugees I spoke to – irrespective of their country of origin – always raised the issue of resettlement in conversations or interviews. This was in the form of either complaints about being excluded from the resettlement process or indirect and outright requests for help to expedite their resettlement cases.

UNHCR (2016) regards resettlement as an important protection mechanism in countries of asylum where refugees' rights are at stake. It is against this backdrop that many refugees sought resettlement – mostly citing incidents of insecurity in the camp. For refugees in Nakivale, the quest for

resettlement was predominantly motivated by the wish to get away from what they described as a hard life and a place where they envisioned no future. Programmes aimed at providing durable solutions for refugees in protracted situations, and stories from refugees who had been resettled overseas about their great lives in these new places, fuelled the desire to leave.

Although many refugees are eligible for resettlement, only a few are resettled because few countries participate in the resettlement programme. Less than 1 per cent of refugees are actually resettled to a third country, so by focusing on resettlement many refugees get stuck in limbo or in what others describe as ‘permanent temporariness’ (Grayson 2017: 453; Sandvik 2008). Repatriation is often not a viable solution for refugees from countries experiencing ongoing conflict, while integration is often a solution some refugees do not consider – especially those who lived in cities or urban areas in their countries of origin.

Forum Shopping in the Quest for Resettlement

Many refugees I spoke to knew about the criteria for resettlement by observing trends of people who had been resettled or through aid workers, but they did not quite understand how the selection process worked. Refugees who were fixated on getting out of Nakivale resorted to using diverse strategies. One of them was engaging with the agencies that were most likely to refer them for resettlement or rephrasing their problems for other agencies when they did not achieve the desired result. Such actions were intended to increase the chances of their cases being submitted to the UNHCR for consideration for resettlement. These strategies represent instances of ‘forum shopping’ and ‘forum shifting’. These terms are used in law to describe a phenomenon whereby litigants choose jurisdictions that will be likely to grant them favourable decisions. Nakivale refugee settlement is structured in such a way that no agency works on its own. In total, seventeen agencies cater to diverse aspects of refugees’ needs. These agencies use UNHCR guidelines as well as their own. Each relies on referrals from other agencies, which identify refugees’ needs and direct them to the one best suited to handle the problem. Protection officers identify cases for referral to the UNHCR for resettlement.

The bureaucratic composition of aid agencies is so diverse that, within any one agency, aid workers exercise distinct but complementary tasks aimed at addressing refugees’ protection needs. For instance, several agencies have protection officers and/or psychosocial workers, or offer educational skills specific to their mandate. In executing these mandates, aid agencies generate a lot of paperwork. As Annelise Riles (2006) argues, bureaucrats at

times compete by displaying their 'knowledge practices'. As my findings demonstrated, this 'display of practical know-how' by diverse agencies in the settlement is often captured through documents (Pouliot 2016: 2). Paperwork generated by different aid agencies includes forms distributed to those refugees seeking their assistance. Most aid agencies had official forms on which refugees' problems were captured. Aid workers ticked predetermined boxes indicating how the problem was addressed. Explaining the effects of such documentation practices and how they take place in international organizations, Vincent Pouliot notes:

At heart, then, practice entails a politics of competence. This politics plays out in the clash of practices and the competing authority claims that come with them. Willingly or not, players fight to establish the competence of their ways of doing things over that of others. By the simple fact of playing the game, they jockey for position in and through practice. (2016: 55–56)

Without suggesting this as a deliberate practice on the part of aid agencies in Nakivale, I view this as problematic for refugee protection in a bureaucratic structure where aid agencies' performance is measured or audited through paperwork. My field data, based on participant observations and conversations with aid workers, showed that aid workers' performance or competence was measured not only by the content of these documents but also by the number of documents they produced. The emphasis on dispensing solutions and documenting them on paper, and the insistence on documentary evidence in every aspect of the daily affairs of the camp, have led to the proliferation of a paper regime in which both refugees and aid agencies produce and circulate paperwork for different and sometimes opposing purposes (Cabot 2012).

Because of the large number of refugees in the settlement who need basic services such as psychosocial support, medical attention or other forms of protection, the limited number of aid staff attending to such large populations may compromise the capacity of aid agencies to attend to refugee needs. Moreover, in the context of resettling the most vulnerable refugees, these documentary practices invariably constrain the mobility of refugees by stalling the very process meant to expedite their removal from the camp for their protection overseas. Refugees often expressed feeling 'stuck' (Nakueira 2019) in the process, because they were referred to different agencies but none of the agencies recommended resettlement. This lack of recommendation rested on how agencies exercised discretion in discerning whether refugees were telling the truth before offering a solution within their mandate. Marnie Jane Thomson argues that in the context of resettlement, this 'shifts humanitarian attention in the camp from refugee assistance to one of eval-

uation' (2018: 225). I refer to this process as gatekeeping: in doing so, aid agencies' decisions impact on who gets to *go further* in the process.

I noted that at times documents were mobilized for opposing goals by refugees and some aid agencies. Since their goals at times sit at opposing ends of the broad spectrum of protection, refugees were anxious about a system whose internal functioning they did not fully understand. For instance, not all agencies deal with resettlement matters. Thus, refugees spent valuable time collecting documents from agencies whose testimonies added little or no weight to the resettlement process. An examination of the different documents procured by various interlocutors suggested the humanitarian system produces two types of documents: bureaucratic documents (which are acquired formally) and non-bureaucratic imitations of the formal documents. The latter were often acquired informally (from brokers) by those trying to circumvent the arduous bureaucratic machinery. These imitations were sold by fellow refugees trying to capitalize on an abundant market of desperate refugees seeking to leave the settlement.

Criteria for Resettlement Eligibility

To qualify for resettlement, refugees must fit preconceived vulnerability UNHCR (2011) categories stipulated in the High Commissioner's *Resettlement Handbook*. A person must be 'determined to be a refugee by UNHCR'. All possibilities for durable solutions must have been exhausted, and resettlement determined by the assessors as 'the most appropriate durable solution'. A refugee must fall into one or more of the prescribed categories to be considered for resettlement: legal and/or physical protection needs, survivors of violence and/or torture, medical needs, women and girls at risk, family reunification or children and adolescents at risk. This demonstrates governance through documents, as one requires a valid attestation card to be considered a refugee by the UNHCR. Further, it helps explain why in evaluating refugees' cases aid workers recommend other solutions first as opposed to resettlement.

Many refugees easily fall into one or more of the vulnerability categories as they are survivors of violence and torture, or sexual violence. Because of the many conflicts, a great number of children and adolescents, as well as women and girls, fit the 'at risk' categories. Through these categories, the humanitarian system classifies who is deserving of resettlement. My data showed how specific bureaucratic actions create a situation where refugees try to fit into as many categories as possible to increase their chances for resettlement. This relates to Matthew Hull (2012: 259), who notes that eligibility criteria result in 'bureaucratic determinations of what sort of person fits into them'. Documents then become vital in efforts to construct or prove

claims of multiple forms of vulnerabilities. The assessment of vulnerability claims transforms the humanitarian system from a system of protection into what Hull has described as a 'bureaucracy of regulation' (Ibid.: 260). I argue that through their assessments, aid workers from diverse agencies become *de facto* regulators of an externalized border who screen and sort those who are more and less deserving for migration to third countries. The following example of a refugee, Nadine,² is only one of the many filing vulnerability claims, and illustrates the role of her collected documents in articulating or negating these claims.

Constructing Vulnerability

On a hot, dusty day in October 2018, I sat in one of the shelters at Base Camp as some refugees waited to show me their documents. I had come to learn that since I was often in the company of aid workers, some of the refugees thought I had the potential to influence their resettlement cases. On that particular day, several refugees explained, in harrowing detail, the traumatic events that had led to their fleeing the Democratic Republic of the Congo and the continuing persecution they faced in the camp, while many more waited on a bench. Each insisted that I take copies of their documents, which upon examination were testimonies of their vulnerability in the settlement. They held these documents like prized possessions. Refugees were visibly oblivious to the fact that many of the documents – like hostile witnesses – actually betrayed them because they contradicted their claims. This was the case for a large number of the refugees who were not yet in the resettlement process but were seeking to interface with the UNHCR to make a resettlement claim.

Nadine's story stood out. Unlike other refugees who claimed they were being persecuted by 'unknown persons' in the settlement, Nadine sought resettlement because, as a single woman, life in the camp was hard. She explained she had unknowingly had an affair with a married man and that his wife had threatened to kill her. She also complained of the medical complications she endured in the camp, and showed me a letter in broken English supposedly written by women from the DRC who were threatening to kill her. Nadine could speak only French and Lingala and, in our interview, the translator had relayed her story to me through these languages. Thus, I concluded that the letter, which was addressed to her in English, must have been written by a broker for the benefit of Ugandan aid workers who would assess her case. In the letter, Nadine was addressed as 'Dear Sir or Madam' and was accused of sleeping with married men whose wives threatened to kill her. There were inconsistencies in the letter and in other documents she gave me.

Accounts by several refugees of brokers who sell resettlement stories to new arrivals revealed not only a thriving industry of fake stories (on ‘crafted’ stories in Nyarugusu camp [Tanzania], see Thomson 2018) and fake supporting documents but also the agency of refugees, whose inability to get formal documents from aid agencies had not stopped them from resorting to informal means to support their claims. Horton argues that documents are a ‘potent site for resistance’ because they are prone to being fabricated, imitated or misused (Horton 2020: 4). Formal and illicitly acquired documents were often lumped together by refugees, who perceived any forms obtained from aid agencies or brokers as powerful testimonies to their vulnerability. These were unlike the ‘clean fake’ documents used by Kazakh migrants that were hard to differentiate from official ones, as Madeleine Reeves (2013: 508) has noted. Most of the supporting documents in Nakivale gave away the illicit nature of how they had been acquired. Since English is the official language of Uganda, it was easy to detect documents that were not written by native speakers based on the errors in the document.

Nadine’s formal medical report – which gave her a clean bill of health – was lumped in the same folder with other ‘fake’ testimonies on a medical form with no official letterhead, and signed by a doctor who could neither spell nor sign his name consistently on the pages of the medical letter recommending that she be referred for treatment ‘outside the country of asylum’. Along with other medical records, Nadine provided documents with the same diagnosis for the different illnesses she was supposedly inflicted with. Stipulated in these documents, riddled with typos and inconsistent spelling of the name of the national referral hospital, was the same recommendation that she be treated ‘outside the country of asylum’. Nadine was in fact vulnerable. She just was not vulnerable in accordance with the UNHCR categories, and had sought to circumvent the resettlement process by procuring fake documents to construct an identity that was legible to the vulnerability and documentary sensibilities of the humanitarian system. She was addressing a system in which a clean bill of health would render her immobile by providing fake documents which suggested the contrary.

In narrating their stories of persecution, refugees appeal to the emotive aspects in their tales in efforts to enlist pity, both orally and materially, through documents. This appeal to affects, as Hull notes, is intended to circumvent, ‘conventions of emotionally evacuated bureaucratic discourse’. However, as my data showed, it sometimes achieves the opposite effect. For instance, an examination of some files or documents submitted by refugees whose resettlement claims were rejected or who were seeking audience with aid agencies to make resettlement claims demonstrated that documents acted as hostile witnesses to that which was alleged, thus attesting to the

manner in which documents 'contradict one another on heterogenous institutional terrains' (Hull 2012: 255).

However, owing to language barriers, many of the refugees (who did not speak or read English) were unable to discern that some of the documents they had painstakingly acquired from aid agencies, or illicitly through brokers, most likely constituted the reason their resettlement claims had been rejected. Rejection letters were not always explicit, and were masked through checked boxes offering other alternatives to resettlement such as 'counselling'. Sometimes aid workers simply referred the claimant to other aid agencies, especially in matters outside their mandate. A noteworthy aspect of the formally acquired forms was that once a refugee's claim for resettlement was denied, the refugee in question had no way to appeal the decision. As Thomson (2012: 199) also notes in her work in Nyarugusu refugee camp in Tanzania, refugees seeking resettlement did not have a specific point of contact once their cases were rejected, arguing that there is an inherent contradiction in the performative aspects of the 'collective' (see also Boyer 2003). She notes that although the 'production, collection, storage, and sharing of files allow bureaucratic actors to garner a sense of collective agency', the paradox is that in executing their respective assignments every bureaucrat fulfils a particular duty for each file in a manner that denounces any appearance of unity (Thomson 2012: 199).

I argue that this diffusion of power in the execution of specific tasks has regulatory effects that constrain the achievement of specific goals for refugees seeking to make resettlement claims. In the context of a refugee setting, such 'silos' result in aid workers continuously referring refugees to another department or agency altogether – with frustrating effects for the refugees. For example, an examination of many of the documents that were formally acquired by refugees from diverse agencies showed that these forms recommended alternative solutions to resettlement or simply said the refugee in question had been attended to or that they had been referred to another agency. Rarely did the authors of the formal documents ever recommend the refugee be resettled, even though it was one of the solutions listed on some of the agency's forms. This suggests the aid worker, having assessed the refugee's claim, had not deemed them eligible for resettlement, or having attended to the refugee thought there were alternative solutions to resettlement as per the guidelines in the resettlement handbook. This was in sharp contrast to documents acquired illicitly, which often recommended that the only 'durable solution' for the refugee was to be taken 'outside the country of asylum' – using the grammar of the humanitarian system.

It is unsurprising, then, that aid workers mostly distrusted vulnerability claims by refugees seeking resettlement even when they presented supporting documents. Aid workers often said that refugees would do or say any-

thing to get resettled. Some aid workers refused to give out forms in cases where they distrusted refugees' narratives, or simply refused to acknowledge the legitimacy of the contents of documents provided by particular agencies, received from refugees as evidence of their vulnerabilities. Refuting the validity of documents presented is, as Tobias Kelly (2006) posits, a form of bureaucratic control. In Nakivale, certain documents (such as those provided by the police or medical records) were deemed by some aid agencies as easily acquired through bribery. The rampant distrust of refugees reveals the worldviews (Heyman 1995) of street-level humanitarian bureaucrats and the resulting impact of thought processes on refugee protection. My observation was that the worldviews of aid workers I spoke to were at once conflicting and paradoxical because, on the one hand, they exhibit 'publicly visible' (Ibid.: 261) service provision and attention to refugees while, on the other hand, distrust of refugees effectively enhances refugees' vulnerability as it prompts inaction (Heyman 2000: 641) on the part of aid workers on refugees' claims. In his research on policing the Mexico–US border, Heyman found that the longer border officials had been at the job, the less sympathetic they were towards illegal migrants. This prompted him to ask, 'why would tenure on the job lead to a more critical rather than sympathetic view?' (2000: 642). He found that the critical view of migrants was driven by extensive information about their techniques and aims as well as their weaknesses (Ibid). Many aid workers I spoke to confessed that the first few months on the job were difficult for them due to the secondary trauma of listening to refugees' experiences. However, the longer they stayed, the more they learned of refugees' strategies and illicit efforts to get into the resettlement process. The material lies refugees tell are akin to those told by migrants at the US border, thus constructing street-level humanitarian bureaucrats as a form of immigration police of an internally invisible border to countries in the Global North. A focus on the associations engendered by the 'production and circulation of documents can help us understand the contested processes that oscillate between the inside and the outside of offices' (Robert Oppenheim, cited in Hull 2012: 258).

In the context of Nakivale settlement, the apparent distrust associated with documents produced by some agencies is also telling of the distrust between these aid agencies. The contested processes of procuring valid documents must be considered in terms not so much of what these show about the relationship between these aid agencies but of how these processes draw attention to the likely effects of such contestations in the assessment and selection of vulnerable populations – this, in particular, for third-country resettlement and, in general, for refugee protection. Moreover, as Thomson (2018) notes, the humanitarian system positions aid workers as objective evaluators of vulnerability claims in the selection of resettlement candidates

that ‘responsibilises’ (O’Malley and Palmer 1996) the refugee to provide proof of vulnerability. However, as argued by Heyman, bureaucrats have their own worldviews and differing interpretations based on their own experiences and values, and therefore such assessments can never be objective and are often ‘embodied in organizational world views’ (Heyman 1995: 261). Thus, despite specific guidelines stipulated in the resettlement handbook on screening resettlement claims, the system implicitly favours those who can tell the most convincing narratives of persecution in ways that appeal to the emotions of protection officers and can provide credible documents, as well as those whose values do not contradict those of the street-level bureaucrat involved.

However, the ‘trust’ accorded to refugees is usually exercised discriminately and selectively in an environment where distrust not only is mutual but also represents the norm. My numerous conversations with local aid workers brought out the fact that refugees are the least trusted within humanitarian settings (see also Sandvik 2008). This suggests that to evaluate or assess vulnerability claims in such a context, the burden of proof shifts to refugees to prove their vulnerability. This is in sharp contrast to border police at the US–Mexico border, who were the subject of Heyman’s study and who rely on visual cues (such as race and class) to decide whether or not to act or enforce migration control (Heyman 2009). Without discounting the necessity of evaluating claims, the shifting of evidentiary burden to refugees in the context of a humanitarian setting whose very existence is premised on protecting vulnerable populations presents an interesting paradox. While refugees rely on documents and performative forms of suffering, some aid workers largely draw on their instincts or emotions in evaluating refugees’ vulnerability claims.

This may be related to Max Weber’s point that ‘bureaucracy develops more perfectly, the more it is “dehumanised”, the more completely it succeeds in eliminating from official business love, hatred, and all purely personal, irrational, and emotion elements’ (cited in Hull 2012: 255). This is paradoxical in the way the humanitarian system functions, particularly so regarding the successful selection of resettlement applicants. Given that the resettlement programme is intended to select the most vulnerable refugees (according to the UNHCR’s criteria), the bureaucratic system in practice mostly relies on one’s ability to appeal to the assessor’s or aid worker’s emotions. This is a key insight, as while many studies have centred on affect from the perspective of the subjects of documentation (i.e. those who are documented or undocumented), not much research exists on affect with respect to ‘those doing the documenting’ – particularly in the case of aid workers. Focusing solely on documents was not usual in this settlement, where attestations to suffering could easily be acquired illicitly. Refugees

and aid workers admitted that most of the people who were seeking resettlement were in possession of either fake documents or illicitly acquired bureaucratic documents. Refugees who were frustrated by the arduous procurement process associated with acquiring formal documents from the relevant agencies complained about the resettlement process even as they engaged with the bureaucratic aid system that produces these documents. Some refugees enlisted the help of brokers to bypass the formal process of production and circulation of documents. These document brokers claimed to have contacts within specific agencies. As observed elsewhere by Francis Cody, even in this refugee settlement, the production and circulation of documents engenders 'document brokers' (cited in Hull 2012: 258).

In the context of a humanitarian setting, this perpetuates a vicious cycle of mutual distrust between the producers of documents and the subjects of documents within the system in which these documents are circulated. Further, refugees notably often resorted to such tactics not because of prescribed ideas of vulnerability but because of views about it being more efficient to bypass the otherwise long process of procuring formal documents to support claims of 'accepted' forms of vulnerability. As the research discussed here shows, governance in the implementation of the resettlement programme engenders practices that shape the protection of refugees towards what Cabot describes as 'overlapping, conflicting or even unrelated ends' (2012: 22). At the centre of these governance practices are documents which play a vital role in refugees' efforts to prove eligibility for resettlement, thus exposing the regulatory nature of the bureaucratic aid system. In Nakivale, as in Nyarugusu refugee camp, refugees go to great lengths to procure them from aid agencies (Thomson 2018: 229).

'In Process' of Resettlement

While most of the documents I examined were from refugees who were waiting 'to get in process' or whose claims had been denied, I encountered many refugees whose documents showed they had already undergone the resettlement interviews and orientation and were waiting for their visas to be resettled to the United States, Canada or other developed countries. Those who had been accepted and were waiting to go to North America were just as fearful as those who were not 'in process'. Having undergone the resettlement interviews several years earlier, they were now nervous of having been forgotten. The documents they held no longer provided the initial relief and joy as first experienced when they became part of the selected few among many eligible refugees who had been submitted to the UNHCR. For many, such as those who had qualified on medical grounds, the problems for which the resettlement had been granted persisted. As one

elderly Congolese refugee asked me as I examined his file, 'But what about the sick child? I am worried that he will die while we are still here'. He had been approved for resettlement based on the medical needs of one of his dependents. Several years later, they were still waiting to get a US visa.

He was not the only one. Many of the refugees who had been approved for resettlement to the United States were in lengthy waiting processes which created uncertainty and ambiguity, and at times caused accusations of witchcraft (Nakueira 2019). The waiting processes from the time of approval to time of departure are often longer than that ideally recommended under UNHCR priority categories of 'emergency', 'urgent and 'normal'. Thus, refugees go to aid agencies repeatedly to find ways of expediting their departure, with very little success. Cabot notes the same about refugees in Greece who are seeking pink cards (a resident permit that temporarily allows holders to stay and work legally in Greece as well as free movement in the Schengen countries), and posits that the 'arbitrary, even mysterious qualities of procedures . . . increase anxiety and fear among those waiting, who come back week after week in the hopes (but never in the certainty) of acquiring the pink card' (2012: 16). This is not dissimilar to the anxiety experienced by refugees waiting for visas after gaining approval by third states for resettlement, obtained after first undergoing the strenuous screening processes by the aid bureaucrats. Some refugees awaited their visas for years (such as those waiting to go to the United States) and some for several months (such as those waiting for visas to Canada, Australia or some Schengen countries). This shows the 'temporal controls' (Anderson, 2020: 54) inscribed within mobility regimes in humanitarian contexts, and how they function to enhance the anxieties of those selected for resettlement and documented as being extremely vulnerable.

Considering that resettlement slots are granted to the most vulnerable refugees, some of whom having been approved based on medical needs, these long waiting periods inflicted more anxiety and sometimes fear that the sick person might die before being resettled. Interviews with the International Organization for Migration and the UNHCR revealed the limits of the aid bureaucratic system. While aid agencies conduct the initial processing, submission and orientation programmes, the final say on who is selected depends on the receiving countries. Through these processes, aid agencies become conduits of governance who facilitate third states screening vulnerable refugees eligible for resettlement. This 'governance at a distance' (Osborne and Gaebler 1992) by third-country states through the bureaucratic aid machinery positions aid workers as 'the new police' and documents as mediating objects (Hull 2012). Viewed from a governance perspective, resettlement countries are regulators that regulate the humanitarian regime at a global level (on meta-regulation, see Ayres and

Braithwaite 1992). The phenomena of new actors in migration governance have also been observed elsewhere outside refugee contexts. For instance, Horton notes that in the US, state officials are working with ‘new bureaucratic agents in immigration control’ such as police officers and workers in the Department of Motor Vehicles (2020:2). She also notes that in the United Kingdom, new actors such as ‘landlords, professors and truckdrivers’ have been enrolled in immigration control by the state (Ibid). What the enrolment of new actors within and outside humanitarian contexts reveals is a broader agenda manifesting itself in the intensification of migration control globally. This corroborates Heyman’s argument that ‘organisations employ techniques of power for specific ends in contexts wider than the bureaucracy itself’ (1995: 261).

‘Governance beyond the State’

Although some scholars have likened humanitarian governance to types of occupations (Fox 2008) in which global institutions exercise sovereign power on state territory, I argue the complexity of humanitarian governance remains to be further developed in the existing scholarship to better demonstrate the entanglement of interests at play in this governance network. Heyman argues that bureaucracies expose the political dynamics at play through ‘subtle means’ or ‘hidden evidence’ (1995: 264). He proposes an examination of key decisions, what issues bureaucrats focus on and the financial resources allocated in order to understand the politics at play. At the time of data collection, the emphasis was on expediting the resettlement of LGBTQIA+ refugees – illustrating the current power of the LGBTQIA+ movement and contemporary politics. The operation of the resettlement scheme rests on participating third states, whereby refugees seek to become legible to a system based on specified vulnerability categories. As a UNHCR representative explained to me, the UNHCR can advocate for more refugee slots but cannot force resettlement countries in the issue of which refugees to take.³ Controlling migration through the resettlement scheme has been a successful endeavour from a purely governance perspective, but at great cost to achieving the protection goals of the resettlement programme. As the data showed, an inherent design principle of the humanitarian bureaucratic system in Nakivale is the collaborative execution of tasks.

This follows up on Clifford Shearing’s (2015) point about how such tasks can steer governance functions through diverse nodes. Through documentary practices, diverse agencies such as ‘auspices’ and ‘providers’ (see also Bayley and Shearing 2001) execute different but complementary protection mandates. In the nodal governance lexicon, aid agencies are ‘sites of capacity, knowledge and resources relevant to “shaping the flow of events”’

(Holley and Shearing 2017: 165; Parker and Braithwaite 2003: 119). In a humanitarian context, this means keeping refugees from moving by fulfilling their protection needs inside the current country of asylum. This is corroborated by Alexander Betts and James Milner (2006), who argue that African countries have cautioned about this externalization process: instead of ‘burden sharing’, Western states were engaged in ‘burden shifting’ by offering paltry sums of money to keep refugees in Africa and limiting their migration to the Global North at the cost of protection goals.

Conclusion

This chapter has examined how refugees seeking to make themselves legible to the resettlement process are regulated through the documents and discretionary practices of aid bureaucrats. This involves a type of governance whose bureaucratic procedures for delivering humanitarian goals relies more on conforming to the processes of issuance than on achieving those goals (see also Reeves 2013: 508). I have argued that bureaucratic practices effectively constrain the mobility of refugees through processes that run counter to the aims of the resettlement process, illustrating through my data how a heavy reliance on documents and discretionary practices runs the risk of excluding vulnerable refugees who lack persuasive performative emotions of suffering. However, I have shown that documentary practices constraining resettlement also stem from the procurement of fake documents by refugees, as this makes aid workers suspicious of the validity of their claims. Paradoxically, the same system that values documentary evidence also renders some formal documents worthless because of suspicion over how they were acquired. In effect, the humanitarian-aid bureaucratic machine in practice performs regulatory functions for external governments by redirecting the resources of humanitarian bureaucracy towards specific governance objectives (Nakueira 2014). The result is that discretionary processes and documentary practices further constrain the migration or mobility of refugees from the Global South to the Global North.

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Notes

1. I chose to conduct my research in Nakivale because of its greater composition of refugees from diverse countries around the region in comparison with other settlements. Access was gained through a recommended legal-aid agency following my interest in understanding the implementation of law/policies in refugee settings. I carried out an ethnographic study which included engaging in sensitization programmes, community meetings and workshops organized by various aid agencies. I closely observed how aid workers executed their mandates and how refugees reacted to or interacted with aid programmes. Semi-structured interviews with aid workers brought out their understanding of their roles within the broad protection goals of the settlement without confining them to strict responses. Un-structured interviews in some instances often occurred where an aid worker or refugee initiated a conversation.

In conducting interviews with refugees, I spoke English and used the services of interpreters. Some refugees insisted on using their own interpreters, who were often not fluent in English. Language limitations were addressed through data triangulation: for instance, I cross-checked the verbal responses with the documents refugees had given me to see if they were consistent. I clarified ambiguities by conducting follow-up questions. I noticed a pattern in the answers of refugees from diverse countries – for instance, in the procedure of procuring certain documents or accessing certain aid agencies.

Documentary analysis of photos, letters and official records from state and non-state agencies, such as forms that were given to me by refugees, were usefully assessed in my work. An analysis of agencies' forms enabled follow-up questions on trends which followed in the solutions dispensed. For security reasons, I was advised not to reside in the camp and therefore drove to the settlement on various field visits. On these trips, aid workers and refugees requested lifts to the nearest town, adding to the spaces for informal conversations. During these conversations, aid workers or refugees recommended other people I could interview. This snow-balling exercise led to access to key interlocutors as well as to high-profile meetings with key agencies.

2. For confidentiality purposes, I do not mention the names of the aid agencies. All names of interlocutors are pseudonyms.
3. However, it should be noted that while states cannot be forced to receive refugees, they have legal obligations in accordance with international law and the refugee conventions. These obligations are not discretionary for states, which allows for a breach of international humanitarian law where such international obligations are unfulfilled.

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