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Getting in Line with the Office

The habitus—people’s dispositions of thinking, acting, feeling and desiring—is, according to Pierre Bourdieu, “socialized subjectivity” (Bourdieu and Wacquant 1992: 126). This chapter is about how (new) decision-makers are socialised in the SEM and thereby acquire an institutional habitus or, in other words, “socialised subjectivity”. It looks at how decision-makers learn the appropriate ways of fulfilling their role and how they learn to “properly” interpret the law.

In their famous article “*Toward a theory of organizational socialization*”, John Van Maanen and Edgar Schein define organisational socialisation as “the process by which one is taught and learns ‘the ropes’ of a particular organizational role. In its most general sense, organizational socialization is then the process by which an individual acquires the social knowledge and skills necessary to assume an organizational role” (1979: 211).¹ Moreover, in a more general sense, Christina Toren describes socialisation as “the process through which people [...] are made to take on the ideas and behaviour appropriate to life in a particular society” (2002: 512). Hence, socialisation stands for the process through which people, particularly novices, appropriate “acceptable”

¹For further theoretical approaches to “organisational socialisation” see Blake Ashforth et al. (2007), Sue Ashford and Samir Nurmohamed (2012), Georgia Chao (2012), Roy Lewicki (1981), Peter Manning and John Van Maanen (1978) as well as Connie Wanberg (2012). Several authors, such as Julia Dahlvik (2018), Josiah Heyman (1995), Olga Jubany (2011, 2017), Tone Liodden (2016), Jonathan Miaz (2017a, b), Zachary Oberfield (2014), Johanna Probst (2012) Stephanie Schneider (2019) as well as Stephanie Schneider and Kristina Wottrich (2017) have also dealt with officials’ socialisation in asylum administrations and street-level bureaucracies in more empirical terms. These authors’ work has been crucial to informing my way of approaching institutional socialisation in the SEM in this chapter.

ways of acting, thinking and desiring. If we want to understand how novices come to appropriate such ways, we thus need to look closely at three crucial points, salient in the definitions above.

First, the definitions show that socialisation is essentially about learning. Novices must learn the necessary skills and (social) knowledge for fulfilling their role within the organisation and they must learn the acceptable and appropriate ways to behave within their “society”. Thus, we must concern ourselves with how new decision-makers learn to do their job and what is expected from them. Second, Toren writes that people are made to take on certain ideas and behaviours. This does not necessarily mean that novices are intentionally and explicitly forced to adopt particular ideas and behaviours, but rather that the appropriation of these ideas and behaviours may also be the outcome of the powerful influence which some actors have over others. Hence, we must pay attention to the influence the different actors involved in asylum decision-making have over each other. Third, the definitions show that socialisation is necessarily linked to belonging. Thus, in order for novices to learn the acceptable and appropriate ideas and the behaviours of their “society”, there must be a “society” they affiliate themselves with (or are affiliated with) and are trying to fit into. Consequently, we need to explore what belonging means for decision-makers in the SEM. The chapter is structured around these three different aspects. In the first part, I explore how people become members of the office; the different affiliations and allegiances they develop within the office; as well as what this means in terms of “belonging”. The second part of the chapter then sets out how newcomers to the office acquire the necessary knowledge and skills to fulfil their roles as decision-makers. And in the third part, I show how accountability towards superiors and peers, but also beyond that towards politicians, media and “the public”, shapes what decision-makers do. Finally, I argue that only by looking at these above-mentioned processes together can we come to understand how certain things become self-evident for decision-makers to do, think and want.

Becoming a Member of the Office

In order to become socialised in the office, decision-makers must first become part of it. This section of the chapter explores who the people working in the asylum units of the SEM are and what their motives for doing the job are. I set forth patterns in decision-makers’ profiles that I observed and link them to recruitment procedures in the SEM. I thereby show what qualities the (different) heads of asylum units look out for in new recruits. This

provides a first image of what, in the eyes of superiors, constitutes a “good decision-maker” and what is, therefore, expected from new caseworkers once they have joined the office. Because it is mainly the heads of the individual asylum units themselves (together with the deputy heads) that recruit new decision-makers, this has a substantial impact on the composition of their teams, which, in turn, leads to the consolidation of ideas on “how to [best] interpret the law” and best fulfil the role of decision-maker, and to the development of “shared repertoires’ of knowledge” within the different units, as I will show in the last part of this section (Affolter et al. 2019: 265; see Wenger 2003). Thus, “belonging” may mean different things to different decision-makers working in the SEM. At least in part, this has to do with the different “groups”, or what elsewhere—building on Wenger (2003)—we have called “communities of interpretation” that co-exist within the office (Affolter et al. 2019).

Who Are the Decision-Makers?

Gabriel is a political scientist who works as a decision-maker at the headquarters. This is his first “proper job”. During his studies, he worked as a social aid representative and therefore already knows the asylum proceedings quite well. I met him on the first day of the training session, which was his first day at his new job. Two months later I interviewed him and asked about his motivations for applying for the job at the SEM. He replied: “I am interested in foreigners, other cultures. The basic idea is to help these people, even if we do – of course – reject many of them”.²

Claire is a jurist. When I met her she had been working at one of the reception and processing centres (RPCs) for slightly more than a year. Prior to this she had worked as a clerk at a regional court for many years. She had considered taking her bar exams before joining the SEM, but then decided instead to look for a job in which she could do “something social”, while still practising law.³

Patricia is a social anthropologist. After completing her studies she was an intern with UNHCR in an African country. In the long term her ambition is to work for a renowned international NGO, but, at the moment, she thinks that she needs more work experience for which the job at the SEM “proved to be a good opportunity”. “I mean, the job does interest me”, she told me in an

²Gabriel, caseworker, headquarters, interview transcript, my own translation.

³Claire, caseworker, reception and processing centre, field notes, my own translation.

interview, “but it’s mainly just an entry point”. When I met her she had been working in one of the units at the headquarters for a couple of months.⁴

Helen is a lawyer. She applied to the SEM after a friend of hers told her about an employment opportunity. At the job interview she told the employers that she could not promise that she would stay for more than a year. But now, 15 years later, she is still doing the same job. She thinks it is too late for her to change jobs now. “I have probably become too specialised in asylum law to be able to work elsewhere”, she told me.⁵

The four profiles above exemplify the main patterns I found amongst decision-makers in the SEM’s asylum units.⁶ First, with the exception of one person, all the decision-makers I spoke to in the SEM held a degree from university, which is hardly surprising since having a university degree is nowadays a formal requisite for becoming a caseworker in the SEM. Out of the thirty-one decision-makers from my sample, thirteen had a law degree. The same number had a background in humanities, with more than half of those being social anthropologists. Thus, social anthropology was second to law as the most common educational background in my sample. A second salient point is that for half of my interaction partners, the job at the SEM is their first “proper job” (see also Miaz 2017a: 187–188). However, many of them had done one or several internships previously, mostly “in the field of migration”. This connects with the third pattern I observed, namely that prior to working in the SEM, many decision-makers had already gained experience in the “field of migration and asylum”. Several had worked part-time in some capacity in the asylum process while they were still at university: as social aid representatives, minute-takers or “poolies”. Others had worked for the UNHCR, the International Organization for Migration (IOM) or different cantonal migration offices. And others had come into contact with asylum proceedings through internships in Swiss embassies. My material shows that this is especially true for non-jurists. While several of my interaction partners with a legal background were employed as decision-makers without having any previous experience in the “field of migration”, this was only the case for very few non-jurists.

⁴Patricia, caseworker, headquarters, interview transcript, my own translation.

⁵Helen, caseworker, headquarters, interview transcript, my own translation.

⁶Similar patterns are also described by Jonathan Miaz who did research in the SEM between 2010 and 2012 (see Miaz 2017a: 188–190).

People apply for the job as a decision-maker for several different reasons.⁷ Many decision-makers stated a general interest in migrants and asylum seekers and in wanting to help them. A couple mentioned that this interest came from their personal experience: their parents had come to Switzerland as refugees. For most, however, this interest came from having worked with refugees (or migrants in general) previously. A main reason for applying for the job for those people was that they wanted to have a say in asylum decision-making and to not remain passive bystanders. Thus, they wanted to take on more responsibility themselves. Furthermore, several found the job appealing because it enabled face-to-face contact with people. The latter was especially often mentioned by decision-makers with a legal background. Many of whom had come to the SEM because they had wanted to do a job that contained not only legal but “social” aspects. Finally, for several, the job was a convenient entry-point into the professional world. For jurists in particular the job represents one of the few opportunities for directly going into practising law without taking the bar exams.

In my interviews with “old stagers” of the office, I would often ask them somewhat provocatively not why they had applied for the job, but why there were still there. Some of the reasons given for remaining closely resemble the initial motivations—or rather, as Jonathan Miaz has argued, the *ex post* rationalisations of motivations (2017a: 193, 201)—described above, but there are also others:

Because I think my job is great. Every job is monotonous in a way, no matter what you do. But the situation in the world keeps changing. There are always adjustments and so you must always make sure to keep yourself up to date. The situation in Kosovo isn't the same as it used to be 15 years ago, but instead we've got other “trouble spots” (*Krisenherde*) now. [...] And then every person is different. Even if you've heard the same story a hundred times, you're still always dealing with an individual being and I find this having to engage with people very interesting. If we didn't have this customer contact I don't think I'd be working here anymore. [...] And, of course, the working conditions are great. We've got a lot of holidays, which I think we really need and the salary is good.⁸

Like Klaus, many officials mentioned “contact with people” as one of the things they like most about their job and, therefore, as one of the main

⁷What I describe here closely matches Jonathan Miaz's findings from his research in the SEM (see Miaz 2017a: 192–201, 219). Furthermore, Johanna Probst shows that decision-makers in France have very similar motivations (2012: 226–227).

⁸Klaus, caseworker, reception and processing centre, interview transcript, my own translation.

reasons for remaining in the job. Another thing they enjoy is the variability and the changing nature of their job. Hence, they like that they do not just have various different tasks to fulfil, but that the situation in the world keeps changing and that, by being required to keep up to date, they learn so much about the current situation. Another reason that came up frequently in the discussions—particularly with jurists—was that, after a while, one could no longer really leave the job because the prospects of finding a job elsewhere were relatively low. Many jurists explained to me that once one had become too specialised in asylum law, it became difficult to gain a foothold in a different legal field. Furthermore, they said that asylum law had low status in the legal sphere and, hence, once one had got into it, it was difficult to get out of it again (see also Miaz 2017a: 203). Finally, the good working conditions were amongst the main reasons many of my interaction partners gave as to why they stay on the job. They thought that elsewhere—especially outside Federal administration—it would probably be difficult to encounter such good working conditions.

Recruiting New Decision-Makers

It being an attractive job for the above-mentioned reasons, many people usually apply for the role of asylum decision-maker when jobs are advertised. In the last ten to fifteen years, a large volume of new caseworkers have been employed in the SEM's asylum units as the sample of my interaction partners clearly indicates (see Chapter 2). On the one hand, this has to do with a relatively stable rate of turnover in the office. On the other hand, it has to do with recent reorganisations and with the fact that the SEM's asylum directorate has been growing constantly since 2007. Or, at least, that was the case between 2007 and 2017, with the number of decision-makers increasing every year in an attempt to reduce the number of pending 'cases'.⁹ As stated above, it is the heads and the deputy heads of the different asylum units who decide whom to employ. However, the final decision is not entirely up to them. The heads must provide their direct superiors with a justification of their reasoning for employing a particular person. Only if the latter agree is the applicant eventually employed.

Although the wording of the recruitment advertisement is consistent and always states that applicants with a law degree are preferred, in practice the individual heads have divergent preferences about educational background and previous experience. Thus, some heads told me that for them it was

⁹Hence, during that time the full-time equivalent of the directorate doubled from 254.0 in 2007 to 512.4 in 2017 (numbers given to me by the statistical service of the SEM, 15.06.2017).

essential that decision-makers have already gained some sort of experience working with migrants or asylum seekers. For others, in turn, it is central that decision-makers have travelled and know how “things work elsewhere”, while for others it is more important that decision-makers are experienced jurists:

Laura: What is important to you when employing new people? What do you look for?

Nadia: That is quite subjective. Every head of division has different preferences. For me it isn't mandatory that this person is a jurist and versed in law (*rechtlich sattelfest*). Maybe that they have a bit of an idea, but that is really secondary. I prefer someone with life experience, someone who knows how things work abroad and not just in Russia, America or France, but in Bangladesh or Uganda for example. [...] Someone who can free themselves from a euro-centric perception and who has life and people skills.¹⁰

Well, I try to evaluate their social competence. [...] I look at what kind of experience they have. I don't like taking people fresh from university. I think that for the work we do here it is important that someone has work experience. On the other hand, I don't find it important whether people have travelled around the world much or not. I like jurists, because we deal with juridical questions here and I think that someone with a legal background is better equipped for dealing with these things.¹¹

Job applicants that are shortlisted are not just invited to a job interview but also are required to do a test which consists of two parts. In the first part, applicants have to write an asylum decision within a limited time. For that they receive a copy of the Swiss Asylum Act (AsylA) and the Federal Act on Foreign Nationals (FNA) as well as the minutes from an initial short asylum interview and its corresponding second longer interview. In the second part, the job candidates are requested to write a letter in the name of the Federal Councillor in charge of the SEM (for instance, as a response to a letter “from the public”). These tests are used to assess what are perceived as essential qualities for the job. One such quality is “decisiveness”; a job applicant's ability to take a decision and to assume responsibility for it. The tests are also intended to reveal the ability of an applicant to make a decision in a particular direction and argue it through to a conclusion. Furthermore, an applicant's capacity to capture the aspects deemed crucial for taking a decision, to use

¹⁰Nadia, head of asylum unit, headquarters, interview transcript, my own translation.

¹¹Oliver, head of asylum unit, reception and processing centre, interview transcript, my own translation.

the law correctly and to write well and error-free (mistakes are counted) are qualities assessed through these tests. Moreover, the tests are about showing whether an applicant is capable of performing as the office and, thus, is able to speak in the name of the SEM. Finally, as Jonathan Miaz has argued, the tests are also perceived by the superiors as being a useful indicator of whether job applicants are able to reach a decision without letting their “ideological views interfere” and/or their “conscience getting in the way” (see Miaz 2017a: 204–206).¹²

When new decision-makers are employed, they first work on temporary contracts. Thus, during the first three years of their employment, caseworkers get fixed-term contracts, which have to be renewed annually. Only after three years do they receive an open-ended contract. This enables the office to flexibly react to rising and falling numbers of asylum seekers, with respect to pending ‘cases’. Furthermore, it has an impact on how new employees are disciplined in the office, as I will show later on in this chapter.

Communities of Interpretation

Socialisation is “the process through which people [...] are made to take on the ideas and behaviour appropriate to life in a particular society”, Cristina Toren argues (2002: 512). In this case, the “society” is the SEM. However, as we have shown elsewhere, “[i]t is important not to perceive the office solely as a unified whole. Rather, it appeared to us to be divided along complicated and evolving lines of affiliations and allegiances” (Affolter et al. 2019: 276). Building on Etienne Wenger (2003), we opted to call these lines of affiliation “communities of interpretation”. Such communities may arise situationally, but they can also take on a more permanent form. Furthermore, while different perceptions of what constitutes good decision-making might prevail in these communities, we should at the same time not overestimate such differences. There is also a lot of “mutual understanding” between these different communities of interpretation (Affolter et al. 2019: 276). Finally, these communities do not form dividing lines in an absolute sense. “Officials in the office are affiliated to multiple ‘communities’ and may ‘change sides’” (ibid.). In this part of the chapter, my focus is solely on the affiliation and identification with the specific divisions decision-makers work in: the headquarters or the RPCs as well as the subdivisions within these centres. These

¹²In connection to this, Jonathan Miaz argues that a quality they look out for in the recruitment process is that potential employees are neither too left- nor too right-wing (2017a: 205–206). While this never came up in my conversations with SEM officials with regard to recruitment, it was often mentioned as part of the ethos of being a good decision-maker (see Chapter 6).

affiliations seem to have the strongest influence on decision-makers' "sense of belonging" since they are official organisational units that are each lead by a superior and that have their own place within the SEM's organisational hierarchy. In addition, many of these divisions are located physically apart from each other. Thus, at the time of my research, the RPCs were situated in five different areas in Switzerland and, at the headquarters, the different units partly worked on different floors of the same building.

In my fieldwork, I found that most decision-makers tend to primarily identify themselves with the particular centre they work in: the headquarters or (one of) the RPCs. This shapes their view of what it means to work in line with the office. Both at the headquarters and in the RPCs, officials often complain about the respective others and the ways in which they conduct their work. Officials in the RPCs also make distinctions between the different RPCs (for instance, some are said to be much stricter than others). However, those differences were stressed much less in the conversations I had with officials. Mostly they spoke of "we in the RPCs and them up there in Bern", while, at the headquarters in Bern, talk was often of "us and the RPC-ians". The most common critique I observed at the headquarters about "RPC-ians" was that the latter conducted their work in a hurried and inaccurate (*busch busch*) way and that they did not stick to institutional practice. Mostly, in their critique of RPC caseworkers' so-called *busch busch* approach, the headquarters officials referred to the "RPC-ians" as not asking enough (relevant) questions in the first short interviews, as well as to the minutes of those interviews being sketchy and inaccurate. They complained that this made decision-making more difficult for them. First, because they then lacked a solid basis for making comparisons between asylum seekers' statements at different moments in the procedure. Second, they feared that because of the sketchy minutes, when appealing a negative decision, applicants could claim that they had not actually said what was recorded in the minutes and possibly win their case. Officially, decision-makers at the headquarters are in charge (through the *Federführungen*) of developing institutional practice. However, many decision-makers working at the headquarters complained about "RPC-ians" not sticking to the practice set by them. Furthermore, some of my interaction partners at the headquarters felt that their counterparts at the RPCs were too strict or "hardline". In that respect, one decision-maker once told me that when he had gone to do his one-week "internship" at one of the RPCs he had been really taken aback by the disrespectful language the people there used to speak about asylum seekers.¹³ As part of their "initial" training,

¹³Andrea, caseworker, headquarters, field notes, my own translation.

new decision-makers working at the headquarters go to work at one of the RPCs for a week and conversely new decision-makers from the RPCs spend a week at the headquarters. This usually happens after they have already been working at the SEM for a couple of months.

In many ways, the critiques I frequently heard at the RPCs about “the ones up there in Bern” were the obverse of the above-mentioned critiques. Headquarter officials are often criticised by the RPC-officials for “taking the easy way out”. By “taking the easy way out”, they mean that decision-makers try to avoid taking harsh, strict decisions. People at the RPCs, therefore, often make fun of the decision-makers who come from the headquarters to do their “internships” at the RPCs for being unable to look asylum seekers in the eye and inform them verbally of a negative decision¹⁴:

And sometimes we feel here, and maybe also in the other RPCs, that the people in Bern take the easy way out. [...] That they, how should I say, don't make very strict judgements. [...] Sometimes, people from Bern come here for a week and there I've realised that they often don't want to inform asylum seekers 'directly verbally' (*direkt eröffnen*) of a negative decision like we sometimes do here. [...] And that shows me that they prefer taking positive decisions. Good, I also like taking positive decisions better, but taking negative decisions is part of the job.¹⁵

A second common critique I often came across at the RPCs was that even though the caseworkers at the headquarters were those who supposedly set the institutional practice with their *Federführungen*, they were always “a bit behind”. The caseworkers at the RPCs felt that the “close contact” they had with asylum seekers, deriving from their offices being located on the premises where the asylum seekers lived, enabled them to pick up new trends, like, for instance, that “many Eritreans are not really Eritreans, but Ethiopians pretending to be Eritreans”,¹⁶ and adapt their practice accordingly much faster than the caseworkers at the headquarters could. To give an example, one RPC official once told me that they were soon going to be trained by someone from the headquarters on how to deal with applications by Tibetans,

¹⁴Occasionally, decision-makers verbally inform applicants of the decision immediately after the interview. At the headquarters this is very rarely done and then mostly only in “clear positive cases”. It is a bit more commonly done at the RPCs, however, more with “clear negative” and DAWES decisions.

¹⁵Daniel, caseworker, reception and processing centre, interview transcript, my own translation.

¹⁶Klaus, caseworker, reception and processing centre, interview transcript, my own translation.

because they “could” now in some cases also be rejected. He found this ridiculous because it had been his centre that had started “rejecting Tibetans” in the first place.¹⁷ What is at stake here are

different notions of “expertise” that are considered necessary for correct and fair decision-making. Officials in the reception centres perceive their expertise to derive from their “close contact” with asylum seekers and the vast number of conversations they have with them (since they conduct both the short and long asylum interviews, whilst the decision-makers in Bern only do the latter). Many decision-makers at the headquarters, on the other hand, consider their expertise to be greater and of more value, because they hold all the *Federführungen* and, therefore, have all the experts and their expertise “in house”. (Affolter et al. 2019: 277)

The following example illustrates how Daniel, a decision-maker at one of the RPCs, challenges the expertise and authority of the *Federführungen* at the headquarters:

Daniel: Those in the “country teams”, they’re supposed to be the specialists. But then someone who’s been working at the SEM for half a year or so tells you what to do. [...]

Laura: You mean that someone who’s new takes on a *Federführung*?

Daniel: Yes, exactly. [...] To give you a specific example; I once interviewed a woman from Somalia. She couldn’t [tell me] anything. So I asked the *Federführung* in Bern how this works with Somali women, whether I could give her a removal order. And then someone [from the *Federführung*] wrote back to me and said: “As a woman she [belongs to] a vulnerable group”. As a woman you’re not per se vulnerable! [...] I didn’t do it. I gave her a removal order anyway. And I was backed up.¹⁸

In this case, Daniel questions the *Federführung*’s expertise mainly because of her institutional age. Daniel has been working at the SEM for much longer and, thus, he feels that he knows better what “the right” decision to take is. He ends by saying that he was “backed up”. Unfortunately, at the time of the interview I did not ask him by whom. However, as will become apparent in this chapter, it can only mean two things. Either he was referring to his decision being approved by his superior or to his original decision being

¹⁷Susanne, caseworker, reception and processing centre, interview transcript, my own translation.

¹⁸Daniel, caseworker, reception and processing centre, interview transcript, my own translation.

confirmed by the Federal Administrative Court after it had been appealed against. Thus, for him, this means his practice was “right”.

While the strongest identification seems to be with the centre they work in, decision-makers, especially within the headquarters, also often affiliate themselves with their units and distance themselves from others. The individual sections have different reputations and there is a lot of internal gossip about this. There are the so-called “hardliner” and the so-called “softy” sections and those that are seen to be somewhere in-between. The same terminology is also applied to individual decision-makers. Thus, within a “hardliner” section there will again be decision-makers with a reputation of being either “softies” or “hardliners” and the same, of course, also applies to so-called “softy” sections. However, what it means in those sections to be a “softy” or a “hardliner” differs. Hence, decision-makers who are in their own “hardliner” section called a “softy” will often not be considered as such by decision-makers from a “softy” section. “Softies”, in a general sense, are defined as those who “want to save the world” and “would like to grant asylum to everyone”. They are criticised for not following the law strictly enough and for not “digging deep enough” when testing credibility. On the other hand, those decision-makers who “see contradictions everywhere”, follow the law “too strictly” and, thus, hardly ever take positive decisions are called “hardliners” or “no-sayers” (*Neinsager*, see also Miaz 2017a). They are criticised for being “cynical”. I often observed that decision-makers and units that were said to follow a “legalistic approach”—which were incidentally mostly people with a background in law and units in which many employees were jurists—were called “hardline” by people from other units. Decision-makers themselves mostly tend to position themselves and their units in the “neutral centre” and would not speak of themselves as either “hardliners” or “softies”, but they might well be called that by others (see also Miaz 2017a: 374–375).¹⁹ However, what I observed during fieldwork was that sections and individual decision-makers who had a reputation of being “hardliners” often criticised their co-workers and other sections for not following the law “strictly enough” whereas a common critique made by so-called “softy” decision-makers or decision-makers from “softy” sections was that their co-workers were cynics and behaved like the “Sherlock Holmes” of asylum. Hence, in some ways they seemed to self-identify themselves with the ascriptions made to their unit, mostly through discrediting other stances.

¹⁹There were very few exceptions to this. Only two of my interaction partners referred to themselves as being “a bit of a softy” and one decision-maker reluctantly “admitted” that if strictly following the law equated to being a “hardliner”, then, yes, he was one.

This frequent gossiping about other sections and decision-makers and their respective stances, I argue, has an impact on what it means for decision-makers to “belong” to their part of the office; on what it means for them to fit in and, therefore, on the practices and norms of good and professional decision-making that they adopt. From an analytical standpoint, the ways in which decision-makers dissociate themselves and their units from others, therefore, brings to light the values that are associated with “good decision-making”, which are discussed in Chapter 6. What is at stake here is less that different values subsist in different units, but rather that the importance given to different values may vary from one unit to another. Since it is the heads of the different units themselves that recruit new decision-makers and, as I will show in the following, institutional socialisation largely takes place within caseworkers’ “local communities” (see also Jubany 2017: 121), such tendencies tend to become reinforced. Furthermore, Ephraim Poertner, who did fieldwork in the SEM between 2012 and 2014, argues that “as the office went through a series of reorganisations and caseworkers had to apply for the ‘new’ sections with only the heads of sections appointed, they usually chose a head of section with a similar notion of ‘normalcy’. This led to a certain convergence of ‘views’ inside the sections, and arguably increased the divergence between the sections” (2018: 264).

What also comes out of the above discussed is that the demarcation from other decision-makers and units happens through affiliating these so-called others with certain “extremes”. These “extremes” are generally recognised as constituting “bad decision-making”. Thus, both “naively believing everybody” and “easily” granting asylum but also “seeing contradictions everywhere” and disbelieving nearly everybody are regarded as qualities of bad decision-making. As a consequence, such demarcations allude us to the kind of uncontested, self-evident understandings of good decision-making that are not associated with either “extreme” and that are generally—and often rather subconsciously—held by decision-makers in the SEM.

Belonging is important for many reasons. As I will show in the following parts of this chapter, novices learn a lot from their immediate surroundings, for instance by observing and imitating their co-workers as well as by listening to them tell work stories and criticise or make fun of other decision-makers’ practices. Furthermore, through the monitoring and trust they experience from their superiors, they learn what acceptable and unacceptable practices are. The different stances and reputations of superiors also influence which decisions are perceived by caseworkers as being “easy” or “difficult” to get past their superiors and, thus, how decision-makers, to some extent, also come to “auto-control” their practices.

Learning the Ropes of Asylum Decision-Making

Every practice is “first and foremost a knowledge-based activity” (Dahlvik 2018: 57). Institutional socialisation is, therefore, largely about how novices acquire the necessary skills and knowledge for fulfilling their new role within the organisation. In Chapter 4, I showed how knowledge that is developed on the job plays a crucial role in allowing decision-makers to overcome the “known unknowns” inherent in asylum decision-making and reaching clear-cut either/or decisions. Such knowledge can take on a verbalisable form, like country knowledge, or a non-verbalisable form, like the more “intuitive” professional-practical knowledge. Building on Max Weber, I argue that together these types of knowledge can be termed “*Dienstwissen*”. Thus, according to Weber, the main characteristic of *Dienstwissen* is that it is only accessible to “insiders”. It is a form of “specialist” and “official” knowledge (Lassman and Speirs 1994: 373) acquired through “experience in the service” (Weber 2013 [1978]: 225). This kind of knowledge shapes decision-making practices in three different ways: first, by allowing decision-makers to ascribe meanings to objects, persons and situations; second, by providing decision-makers with procedural know-how; and third, by enabling decision-makers to know what is appropriate and desirable (Dahlvik 2018: 58). Weber distinguishes *Dienstwissen* from *Fachwissen*, which, in turn, he defines as “technical knowledge” that decision-makers need in order to carry out their job (Weber 2013 [1978]: 225). Different to *Dienstwissen*, *Fachwissen* is publicly accessible.

This part of the chapter is about how decision-makers acquire the necessary *Dienstwissen* to carry out their job. Thus, as Olga Jubany argues, “[t]he ability to understand and distinguish elements only meaningful to the group [...] is core to the idea of becoming a ‘true’ group member” (2017: 155). Furthermore, Georgia Chao has called for scholars studying organisational socialisation to pay more attention to how novices acquire professional-practical knowledge (or what she refers to as “tacit knowledge”) when they enter the job (2012: 607; see also Ashford and Nurmohamed 2012: 14). This is challenging because professional-practical knowledge cannot be put into words and is therefore inherently difficult to determine. Moreover, learning too is, at least in part, an invisible mental process, which remains inaccessible to us as researchers and indeed, inaccessible even to the learners themselves (see Good 2011: 116). Therefore, I adopt a twofold approach to respond to Chao’s challenge. First, because it is difficult to show how decision-makers *learn* (particularly because I was not able to accompany my interaction partners over a long period of time, which would have allowed me to observe

changes in their everyday practices and possibly their ways of thinking²⁰), I focus instead on how the different forms of knowledge and skills are *taught* and *passed on* to the new decision-makers. Secondly, I explore how *Dienstwissen* in general (not just the non-verbalisable professional-practical knowledge) is imparted. I argue that we can infer much about the acquisition of professional-practical knowledge from analysing the passing on of verbalised *Dienstwissen* (such as when officials share “cultural knowledge” or their knowledge of questioning techniques) because *Dienstwissen* in its articulate form appears to partly become non-verbalisable professional-practical knowledge with the passage of time. To illustrate this I return to Theodor, quoted in Chapter 4. Theodor told me to go and ask someone newer about how to know whether a story was credible or not, because he just did it “out of intuition”, through the “common sense” he had developed, and therefore could not really tell me anymore how he knew. This example illustrates how Theodor believes that once he would have been able to articulate how he knows what he knows but now it is inexpressible. He directs me to a newcomer because he believes they will still have words to explain what has now become professional-practical knowledge to him.

“I mainly ‘learnt the trade’ (*Handwerk lernen*) through one-to-one coaching. The training courses are more general education; so you get an idea of the subject matter”.²¹ In this statement, Joe, a caseworker at one of the RPCs, differentiates between two types of learning he experienced as a newcomer. He identifies them as knowledge of the subject matter and knowledge of the trade. Both forms of knowledge are necessary for decision-making. Knowledge of the trade for Joe means that he knows how to carry out his job. Thus, that he knows, for instance, how to carry out an asylum interview, how to assess a claimant’s credibility, and how to write an asylum decision. Knowledge of the subject matter, in turn, refers to knowing what asylum decision-making is about or, in other words, knowing the legal basis of decision-making. To some extent, the two types of knowledge Joe identifies, therefore, resemble Max Weber’s distinction between *Fachwissen*—knowledge of the subject matter—and *Dienstwissen*—knowledge of the trade.

Joe says he learnt what he knows through training and one-to-one coaching. By “training”, Joe is referring to the 15 “A-module courses”, which form part of the initial three-week training for new decision-makers. All novices are required to take part in these courses, ideally within the first

²⁰However, I have privately known some decision-makers at the SEM for a few years. Our friendship and numerous conversations have given me some insights into their learning process.

²¹Joe, caseworker, reception and processing centre, interview transcript, my own translation.

month of their employment.²² The majority of the modules teach the legal basics for taking different parts of asylum decisions while the remainder teach the underlying skills involved in fulfilling a decision-maker's duties. Modules include topics such as “determining refugee status”, “credibility assessment”, “issuing removal orders”, “the roles of the different participants in asylum interviews”, “writing decisions” and “country of origin information”, for example. At a later stage of their training, new decision-makers attend B- and C-module courses. B-modules are organised internally in the individual asylum units and the content is largely administrative encompassing tasks such as how to file ‘cases’ and classify the different documents in the case files. C-modules (like the A-modules) are for decision-makers from all the different centres. They take place about a year after the initial A-module training and cover topics of more “advanced decision-making” such as the uses of LINGUA analyses and taking decisions on family reunification, for instance.²³ Most of the courses are taught by officials in senior positions, who have previously worked as decision-makers themselves.

The modular training is complemented by what Joe describes as “one to one coaching”. Every new recruit is allocated an individual coach who is an experienced decision-maker from the same unit. However, occasionally, the heads of the asylum units will also do the coaching themselves. In their first weeks or months on the job, new decision-makers spend a lot of time working with their coaches because, as Joe told me, this is how they learn to “think the right thoughts”.²⁴ They sit in on a coach's asylum interviews and often a coach will also organise for the novice to observe other experienced decision-makers' asylum interviews. Furthermore, it is common practice for new decision-makers and coaches in the early stages to prepare asylum interviews together and for coaches to sit in a novice's interview so that they can help out if necessary and to enable them to give the novice feedback. After the interview, the coach and novice review the interview together, discuss the potential decision and the coach checks the novice's written decision before it is passed on to the head of the section for checking and counter-signing.²⁵

Joe states that he learnt the skills of the trade—the necessary *Dienstwissen*—through the one-to-one coaching rather than in the initial training

²²When I attended the three-week training session, for roughly half of the participants the first day of training was also their first day at their new job. The other half had, at the time of the course, already been working at the SEM for a couple of weeks or months.

²³As part of my research, I participated in 10 A-module courses and one C-module course.

²⁴Joe, caseworker, reception and processing centre, interview transcript, my own translation.

²⁵Similar processes of institutional learning are also described for the Federal Asylum Office in Austria by Julia Dahlvik (2018: 55) and with regard to the training of immigration officers in the UK by Olga Jubany (2017: 112, 120).

courses. However, in the following, I show that *Dienstwissen* is not only acquired through the sharing of experiences in one to one coaching, as Joe identified, but also develops whenever novices imitate their more experienced colleagues and indeed, is also formed through the modular courses whenever instructors share their personal experiences with the novices (see also Jubany 2017: 113–120). All three components play a part in shaping a novice's *Dienstwissen* and therefore in their subsequent decision-making practice. This idea is explored on the basis of two examples. In the first I look at how new decision-makers gradually learn what questions to ask in asylum interviews, and in the latter, I examine how new decision-makers learn to assess the credibility of asylum claims.

Learning What Questions to Ask

Within the SEM there is a common image of good asylum interviewing. Good decision-makers conduct asylum interviews in a goal-oriented way, meaning their questioning produces on-file facts, which can then be used for arguing a certain decision. The good decision-maker does not follow a pre-defined set of questions but is able to engage with the applicants and question them with dexterity and spontaneity. This ideal was shared with me by many of my interaction partners: new and “old” ones alike. Thus, several fairly new decision-makers quite apologetically explained to me that they were still using questionnaires with pre-defined questions when I went to sit in in their interviews, but that they were working towards becoming more spontaneous in their interviews.

What questions to ask—or how to know what questions to ask—is not really addressed in the initial training courses. There newcomers learn the three-step-questioning technique of starting with open questions, then going on to ask wh-questions and finally to asking yes or no questions if necessary (see Chapter 4). And they are warned against posing leading questions. Moreover, in one of the courses I participated in, the newcomers practised developing questions to ask in a fictional interview, but the interaction itself was not actually practised—unlike the role-plays Olga Jubany describes soon-to-be asylum officials doing in training sessions in the UK (2017: 111–112). Whenever the novices asked in the training courses how they would know what questions to ask in the actual interviews, they were told by the instructors that this was something that they would just come to know with time. Hence, several decision-makers told me that the first time they had conducted an interview by themselves, they had felt as if they had been “thrown in at the deep end”. Nevertheless, by the time novices do their first interview, they have

already observed a few of their coaches' interviews and possibly interviews conducted by other experienced colleagues. Many of my interaction partners told me that they had "adopted the style" of their coaches or one of the other co-workers they had observed and had copied the type of questions they had asked. Some decision-makers explained to me that, in the beginning, they had read the minutes of interviews conducted by more experienced decision-makers with the express purpose of getting some ideas on what questions to ask. Finally, the way new decision-makers ask questions is also shaped by the feedback they receive from their coaches when preparing interviews together or discussing past interviews. Thus, one coach told me that, at the start, it was important not only to teach newcomers what to ask but also when to ask certain questions and when to "dig deeper". She explained this with the following example:

New [officials] often don't work with the criterion of "contradicts an inner logic" [for reasoning credibility decisions]. To give you an example: In one case, an applicant said that his father had asked him to deliver letters to another person. And he didn't just do that once, but more like four to five times a week for about half a year. Now the [new] decision-maker did not think to ask the applicant what was in those letters, so when we were preparing the interview together I told her she had to ask him that. When she did, the applicant said that he had never asked his father that out of respect. And that is just not logical. If I were your father and I gave you a letter to take to someone nearly every day, you would ask me, even if you respected [me]. You would say: "Of course I'll take the letter, father, but what are those letters you're asking me to deliver". That's the obvious thing to do. Now, say the applicant had asked his father and the father had said: "That's none of your business", that would have been relatively plausible. But that he didn't even ask his father is just not logical. And that's a strong argument [for the decision]. So that's what I mean when I say that [new caseworkers] need to learn to ask good and suitable questions.²⁶

This example shows how coaches teach newcomers when and how to ask questions. When preparing the interview with the trainee, Teresa felt that the novice had missed a crucial "detail" which, if probed, might provide useful information for taking the decision and producing a solid argument. Thus, Teresa sees her duty in training the new decision-maker as making her spot such important "details". Through this she is also teaching the novice to be sufficiently suspicious and alert towards indicators that there might be something "off" about the story (see also Jubany 2017: 155). Furthermore, she

²⁶Teresa, caseworker, headquarters, interview transcript, my own translation.

is conveying a clear idea of what merits suspicion and what assumptions are deemed common sense when defining behaviour as “normal” and “abnormal” or “logical” and “illogical”. The novice is taught that this particular common-sense assumption (of it being illogical to not ask about the letters) will make for a strong argument, but that coming up with such arguments is dependent upon the questions she asks. Hence, learning how to conduct asylum interviews is very much linked to learning how to assess credibility, the issue I turn to in the next subsection of this chapter. However, before doing so, I want to briefly explore Teresa’s example from another angle.

Common-sense assumptions (like the one of the letters) being used for taking decisions have received much criticism for being insensitive towards different cultural contexts (see, for instance, Good 2009; Kälén 1986; Rousseau et al. 2002; Shuman and Bohmer 2004; Spijkerboer 2000). This critique is well known and, to some extent, also shared by the decision-makers themselves. Thus, on several occasions during the training sessions for new employees, the decision-makers were warned against basing decisions on “eurocentric” assumptions. Furthermore, what exactly constitutes “normal” or “logical” behaviour is an issue that is often contested within the office. Hence, for example, while one caseworker told me that for her it was just not plausible that an applicant would stay hidden in a village where he knew his persecutors could come looking for him again at any time, another caseworker criticised precisely this kind of thinking of some of his colleagues. Moreover, I also observed different stories of how asylum seekers escaped from prison lead to discussions during coffee breaks of what were possible actions in a particular country (e.g. running out of a prison because there were only three walls) and what behaviours were normal or not (e.g. bribing a prison guard). Teresa, too, told me that as a decision-maker it was important not to base decisions on “eurocentric” common-sense assumptions. However, the example of the letters, for her, was not “eurocentric” common sense but general common sense. This shows that although decision-makers are aware of the critique of cultural insensitivity and often stress its importance, in practice they must still make use of such generally applicable pre-concepts in order to make ‘cases’ decidable. Furthermore, while some common-sense assumptions are highly contested within the office, there are also other common-sense assumptions which are never or only very rarely questioned by the decision-makers. One such widespread assumption is that all applicants want to tell their stories and another one is that traumatised people can to some degree also talk about their experiences (see also Good 2011: 102–103). I argue that these common-sense assumptions are widely held by the decision-makers and are rarely contested because otherwise it

would inhibit credibility assessment as it is usually done and would make ‘cases’ undecidable (see Chapter 4).

Learning to Test Credibility

Credibility assessment, my interaction partners told me, was something else that they had learnt more on the job than in the initial training course. Thus, in the feedback round at the end of the three-week training modules, a few newcomers doubted their readiness to assess the credibility of asylum claims properly. However, they hoped that they would learn to do so over time because that was something the instructors had told them at several points during the training courses. Hence, whenever the newcomers asked things like: “But how will we know which parts of the story are true if applicants mix the truth with lies?”, the instructors answered that these were things they would come to know with experience.²⁷

As I showed in Chapter 4, credibility assessment in practice works through officials probing for reasons to doubt the veracity of a claim and only, if no such reasons can be found, do they assume that it is credible (unless their “intuition” clearly tells them that the story is “true”). Hence, for carrying out credibility assessments in practice, it is such testing strategies that the new decision-makers must acquire. Furthermore, they must obtain “cultural knowledge” in order, for instance, to know whether something is possible or where it is especially important to “dig deeper”. And they must develop the necessary “intuition” (professional-practical knowledge), which guides their decision-making and gives them a feeling of certainty that they are taking the right decision. Once again novices develop this professional-practical knowledge by learning from the experienced decision-makers; by observing them work; by imitating them; by being coached by them and, as well, by the experienced decision-makers sharing their experiences and ideas with the novices. The views on what stories to be particularly suspicious of are frequently shared amongst co-workers. I show this with two examples.

My first example is a comment from an instructor during one of the initial training courses I took part in. We were discussing the different reasons for recognising applicants as refugees but excluding them from asylum—one of them being that “[r]efugees shall not be granted asylum if they became refugees in accordance with Article 3 only by leaving their native country

²⁷What the new decision-makers do learn in the initial training are the three methods from forensic psychology which can be used to assess credibility. Those methods are “criteria-based content analysis” after Max Steller and Günter Köhnken (1989), “consistency analysis” (*Konstananalyse*) and “structure comparison” (*Strukturvergleich*) (see, for instance, Greuel et al. 1998; Volbert and Steller 2009).

or country of origin or due to their conduct after their departure” (Art. 54, AsylA)—when the instructor said:

Lots of Iranians say that they have been politically active in Switzerland, participating in protest actions and rallies against their government. It’s like they’ve invented this becoming politically active in exile. [...] There are exile-political groups here that offer this kind of service. They help you create your ‘subjective post-flight grounds’. You just have to pay them a fee and then you become a member and can buy photos that you can hand in as evidence.²⁸

The second example occurred at one of the RPCs. One day, when I was sitting in the break room with some decision-makers, one of their colleagues walked in somewhat bemused by a Nigerian applicant he had just interviewed. He commented “This one had the full program: ghosts, voodoo, homosexuality...”, thus making it clear that he did not believe anything the applicant had told him, since the applicant’s story had consisted of what “all the Nigerians were saying”, for instance, that they were being persecuted on the grounds of their sexual orientation.²⁹

So, what can we make out of these examples? Both suggest pejoratively that there is a “typical story”. The implication is that the applicants have created stories they believe would lead to the granting of asylum. In the first example, the instructor’s comments were serving as a warning to novices whereas, in the second example, the decision-maker related his story with no specific purpose: the story was merely a brief moment of office banter. Nevertheless, in both examples we can see how *Dienstwissen* is passed on whether the intention was to instruct or not. New decision-makers listening to such stories will learn to expect and to anticipate “Iranians pretending to have become politically active in Switzerland” or “Nigerians pretending to be homosexuals” for example. The “typical stories” make them sceptical possibly even before they have dealt with their first ‘case’ of a Nigerian or Iranian applicant themselves. Furthermore, the undercurrent in these shared experiences is that decision-makers have to “dig deep” in these ‘cases’ in order not to come across as being naïve (see Chapter 6). Hence, this in a way pre-shapes the experiences the decision-makers have on the job and, thus, the *Dienstwissen* they acquire.

In addition to such stories about the content of asylum seekers’ narratives, decision-makers also tell each other about applicants’ typical and atypical ways of narrating their stories and behaviours. Hence, if Patricia (who I quoted in Chapter 4) after only two months of working at the SEM says

²⁸Training instructor, A-modules, field notes, my own translation.

²⁹Field notes, my own translation.

she knows how Asians, Africans and Persians behave and, thus, whether their way of performing in the interviews is “culturally driven” or an indication of something “simply not being true”, her knowledge should be understood in this context.

The examples have shown that knowledge and the requisite skills for decision-making are acquired by learning and copying from more experienced colleagues and through the informal sharing of ideas and experiences amongst co-workers. This is how decision-makers develop the knowledge and skills that make their ‘cases’ decidable. I have shown that the *Dienstwissen* growing out of this “experience in the service” (Weber 2013 [1978]: 225) is, therefore, knowledge which is collectively developed: through the sharing and imitation of ways in which to carry out tasks and ways of thinking about particular issues at stake. Of course, as already described in Chapter 4, this sharing is not something that simply stops after new decision-makers’ first months on the job. Rather, decision-makers continue to ask each other for advice on how to proceed with “difficult cases” and share stories with each other during breaks. Hence, all these moments of sharing contribute to certain normal behaviours becoming further consolidated over time. Therefore, this is one way in which decision-making practices are regulated without this regulation being the outcome of explicit orders or written rules.

Accountability

An important aspect of socialisation, as Christina Toren argues, is how people are made to take on certain ideas and behaviours as members of a specific group (2002: 512). This pressure to conform with certain ideas and behaviours can be strong and explicit, but often it is also very subtle and barely consciously noticeable for members of the group themselves (see also Dahlvik 2018: 59; Martinez 2009: 118). In this part of the chapter, I explore how pressure to conform shapes what decision-makers do. I argue that questions such as “What will others think?”, “How will others react?” and “What will or would others do?” substantially guide SEM officials’ everyday practices (see also Dahlvik 2018: 59; Liodden 2016: 228; Wagenaar 2004: 650). I thereby draw on Tone Liodden who argues that

[s]imply put, when people make a decision, they take into consideration how the social surroundings will react to it, and decisions are shaped by a desire to protect both one’s social image and self-image [...]. People are “generally motivated to maintain the approval and respect of those to whom they are accountable” (Tetlock 1985: 309). Accountability is thereby the “implicit or

explicit expectation that one may be called on to justify one's beliefs, feelings, and actions to others" (Lerner and Tetlock 1999: 225). (2016: 228)

As a consequence, I argue that decision-makers, on the one hand, orient their practices towards what their colleagues do—or what they expect them to do (see also Dahlvik 2018: 56, 59). On the other hand, when taking decisions, caseworkers try to anticipate the reactions of others—mainly their direct superiors and the Federal Administrative Court, but, to some extent, also their peers and the broader public—which leads them to auto-control their own decision-making behaviour, as Jonathan Miaz nicely shows in his work (see Miaz 2017a: 339–358; see also Liodden 2016: 231). In the first part of this chapter's section, I explore decision-makers' felt accountability towards their peers. The second part then analyses how accountability towards superiors, who are themselves tied into a chain of accountability (see Liodden 2016: 213–214), shapes caseworkers' everyday practices.

Peer Pressure

As J. Michael Martinez (2009: 118) argues, when “everyone is expected to perform certain chores or behave in certain ways, an individual is pressured, subtly and not so subtly, to conform” (cited in Dahlvik 2018: 59). To a considerable extent, pressure to conform is exerted by peers, as other authors working on asylum administrations have also argued (Liodden 2016: 293; Miaz 2017a: 340; 2017b: 274). This is exemplified in the following statement made by an interviewee in a study by Colin Campbell and Graham Wilson (1995: 225): “It's not necessarily the hierarchy, it's the peer group you account to... it's how you're seen in the eyes of your colleagues... it's actually how you're viewed by your colleagues is the thing that would drive me” (cited in Liodden 2016: 228).

My interaction partners were rarely as explicit as this. Helen's statement is an exception in this regard:

And then this case with *in dubio pro [refugio]* (“when in doubt, for the refugee”). Sometimes you feel really bad [doing this]. Because [...] people speak about you behind your back: “Oh, she chose the easy way out; just quickly taking a positive [decision]”. But maybe you really struggled with [the decision]. Because sometimes, even though the story is not at all convincing, but if you don't find any arguments – truly not and not just out of laziness – your only choice is to take a positive [decision]. Well, ok, maybe you could

show the case to someone else first. Luckily, this hasn't happened to me so often up to now.³⁰

In Helen's statement we can see that she is concerned about people—meaning her co-workers—talking badly about her decision-making behind her back. Furthermore, her statement indicates that this may have an influence on her decision-making practice. Her distress about what others might think of her clearly came across when we were having this conversation. Although other caseworkers did not share this concern with me as explicitly as Helen did, I observed that in their everyday practices they often appeared to be affected by what others might think of them.

During my fieldwork I observed decision-makers gossiping about others on numerous occasions, both about people from the same sections and about officials working in other sections and centres. Such talk often emanates from officials coming across decisions taken by colleagues and their corresponding case files. Furthermore, some decision-makers (and units) over time gain a certain reputation, which is continually reinforced through gossip. For instance, I once heard some decision-makers fret over the “juridical weakness” of decisions from another asylum unit and, on another occasion, I overheard some caseworkers' making fun of the “silly questions” some of their co-workers posed in interviews.³¹

In addition to gossip, which is something that decision-makers are well aware of, I argue that peer pressure is also exerted through decision-makers openly making fun of each other, mostly in a joking way, as Lucy's quote indicates:

We sometimes tease each other a bit. If one of us takes a rather strict decision: “Oh, what a hardliner”. And if someone says that they had to turn a blind eye or take an *in dubio pro [refugio]* decision: “Oh my (*oh jöh*), what a wimp you've become”. I think it's important to find a middle ground somewhere. So, that you don't slide towards one extreme, you see?³²

What decision-making behaviours or attitudes are more prone to be criticised or made fun of varies according to how certain decision-makers identify themselves and their unit's style of decision-making in comparison with that of others, or, in other words, according to the “communities of interpretation” they affiliate themselves or others with. Hence, regardless of whether

³⁰Helen, caseworker, headquarters, interview transcript, my own translation.

³¹Field notes, my own translation.

³²Lucy, caseworker, headquarters, interview transcript, my own translation.

it is through gossip or making fun of each other in a joking way, ideas are conveyed about what it means to behave in an appropriate way and, thus, to fit into the office. As Helen's statement above indicated, such ideas have an impact on decision-makers' practices, leading caseworkers to adopt certain norms of what it means to do one's job well.

Helen fears being judged by her colleagues for not adhering to an important norm: that of "digging deep"—and, hence, of taking the time and trying hard enough—to find arguments for reasoning the non-credibility of a claim. She is afraid of being pegged as "lazy"; as someone who likes choosing "the easy way out". Because of that she feels pressured not to take an *in dubio pro* decision for the above-mentioned reasons. It is not that she fears being judged by her colleagues for taking a positive decision per se. If she herself feels certain that a claim is credible, she does not have a problem with taking a positive decision. But with *in dubio pro* decisions, where she herself is unsure whether to believe the applicant or not, she fears being judged by her colleagues for not having put enough effort into decision-making in order to find out whether the story really can or cannot be believed. Moreover, Helen's quote shows that this pressure is not just something which is exerted through her co-workers; she has also internalised it. She knows that her co-workers are unlikely to read her decision: thus, so long as she does not tell them about her decision, they will not know about it. However, she still feels uneasy taking such a decision, because "lightly" taking a positive decision is not the right thing to do. And, while she might know that this was not the case, and that she had tried really hard to find reasons for rejecting the case, her fear is still that her colleagues will not.

Interestingly, Lucy too uses the example of *in dubio pro* decisions as an example of bad decision-making. Taking this kind of decisions makes case-workers "wimps" (even if it is only meant in a teasing way). Her expression "*Oh jöh*" indicates that she uses "wimp" in a belittling sense; for someone who does not have the courage to take strict decisions.³³ Since being belittled is not something the decision-makers want, here we can also see pressure not to take such decisions.

Accountability Towards Superiors and Beyond

Before final decisions are sent out to asylum seekers, they must be signed not only by the decision-maker in charge of the 'case' but also by the head of the

³³The Swiss German expression "*jöh*" is very difficult to translate. It is often used, for example, if small children do something cute (e.g. "*Oh jöh*, the baby has just smiled at me").

respective asylum unit. On the occasions when I observed superiors check and counter-sign decisions, I noted marked differences in the way the decisions were treated. With some, the superiors just glanced at the letter, checking to see who had written the decision and who it was for before signing them, with others they quickly read through the decision, checking the arguments and, in a few cases, they opened the case file and leafed through the documents inside it (including the minutes of the asylum interviews). If the heads agree with the decision and its reasoning, they sign it and it is sent out. If not, they take the decision back to the decision-maker to work on again. In general, this does not happen very often and, when it does, superiors usually just ask a decision-maker to work on particular arguments rather than change the decision. However, the latter does occasionally also happen as I show in Chapter 6.

It is difficult to discern general patterns of whose decisions are checked more closely. One superior, for instance, told me that he tended to check the decisions of some of his employees who granted positive decisions “too readily” more closely.³⁴ Another superior (himself a jurist) told me that he usually looked at his non-jurists’ decisions a bit more closely than those of his jurists³⁵ and yet another head said that he usually took a quick look at the decisions taken by a couple of his employees who tended to become quite cynical.³⁶ One pattern, however, I observed generally; namely that institutional age is a decisive factor in determining how thoroughly a caseworker’s decisions are checked.

With those who haven’t been here long I look a bit more closely. We monitor them carefully especially regarding credibility. There I do look at the minutes once in a while and check whether the arguments work, whether they are correct and whether they are really the best ones to use. Because I think you can still form these people; you can put certain principles through. [...] With experienced caseworkers who are three years away from retirement I don’t try to change the decision in such [...] things that they have always done like that.³⁷

³⁴Chris, head of asylum unit, reception and processing centre, interview transcript, my own translation.

³⁵Nora, head of asylum unit, headquarters, interview transcript, my own translation.

³⁶Jenny, head of asylum unit, reception and processing centre, interview transcript, my own translation.

³⁷Jenny, head of asylum unit, reception and processing centre, interview transcript, my own translation.

The quote shows that the less time decision-makers have been working at the office, the more often and thoroughly their decisions are checked because superiors believe that new employees have to (and still can) be formed. At the same time, the quote shows that experienced officials' decisions are often not checked. Here Jenny is saying that there is no point in checking them because it is no longer possible to change "old stagers'" ideas and behaviours. However, I argue that there is also another reason why experienced decision-makers' decisions are often not checked: not simply because their practices cannot be changed but also because there is no need for them to be changed because those decision-makers have already been sufficiently formed. As a consequence of this, instead of thoroughly checking experienced decision-makers' practices, superiors simply trust them to do the right thing. Chris, a head of section at one of the RPCs, explains that if experienced decision-makers say a story is credible in a positive decision, there is no need for him to check that against the minutes of the interview:

If you read a decision and you see from *the Sachverhalt* (the written 'facts' of the case noted in the final decision) that there was persecution and then it is written that the applicant's statements were coherent, realistic and without contradictions, [...] I don't go and check that in the minutes. I must trust my employees.³⁸

The following statement made by another head, Nora, that was already quoted at the very beginning of this book, is similar to that of Chris in that she too says that if experienced decision-makers claim that a story is credible, this assessment can be trusted. What is particularly interesting here is how she explains this:

All these terms [like "plausible", "comprehensible", "logical" and "realistic" for example] are used [for reasoning positive decisions]. For me that is ok. [...] I mean, if someone uses a word like that who only started [working here] three months ago, I might ask: "Hey, what does that mean for you?" But if [the decision] comes from someone whom I consider to be a valuable, serious, good employee, then I'll allow it, because I know, I can imagine what it means for them.³⁹

We can see from this that the reason Nora trusts (some of) her experienced employees is because she has known them for a long time and, thus, knows

³⁸Chris, head of asylum unit, reception and processing centre, interview transcript, my own translation.

³⁹Nora, head of asylum unit, headquarters, interview transcript, my own translation.

how they work. But Nora is saying more than that. “I can imagine what this means for them”, she claims. With this statement, Nora is indicating that she shares an understanding with those decision-makers of what it means for an asylum seeker’s story to be “realistic”, for example. Thus, what makes Nora (and her fellow superiors) trust their employees is that they have been sufficiently socialised by the office, which allows them to think and act in ways which are familiar to the heads and with which they agree. On the other hand, with new decision-makers, the superiors see it as their duty to form them and, thus, to make sure that they acquire an institutional habitus, so that they can eventually also be trusted.

Jonathan Miaz writes that over time decision-makers acquire “institutional capital”, meaning that their decisions are less frequently checked, leaving them with more *marge de manoeuvre* or “autonomy” for taking decisions (2017a: 396–397). I agree with Miaz that if “common institutional practice” is challenged (e.g. by granting asylum to an applicant from a country where the recognition rate is nearly zero per cent), then this will generally be done by experienced decision-makers who have acquired institutional capital. However, I would argue that not having their decisions checked, does not, per se, make decision-makers more “autonomous” in the sense that they (can) take decisions more independently from the office. Rather, by the time they have acquired this institutional capital, they will also have acquired an institutional habitus (the latter being the reason for gaining institutional capital in the first place). Hence, this makes their decisions (or choices) less “free” than it might at first seem. What are perceived as possible courses of action will already be pre-shaped by the institutional habitus they have developed (see Wacquant 1992: 19).

Apart from observing that new decision-makers’ decisions by tendency fall under closer scrutiny than those of their more experienced colleagues, I noticed two further common patterns. First, I found that, rather unsurprisingly, “unusual” decisions particularly drew superiors’ attention. Thus, if, at the time of my research, a decision-maker had issued a removal order for an applicant from Eritrea or had granted asylum to a Nigerian asylum seeker, these decisions would very likely have been prone to close scrutiny.⁴⁰ Second, I noticed that negative decisions based on non-credibility are usually less thoroughly checked than those based on non-eligibility to refugee status. When I

⁴⁰At the time of my research, the protection rate (thus, including asylum and subsidiary protection) was 3.1% for Nigerian applicants in 2014 and 2.3% in 2015, while for Eritrean claimants it was 70.3% in 2014 and 83.9% in 2015 (see <https://www.sem.admin.ch/sem/de/home/publiservice/statistik/asylstatistik/archiv.html>, last accessed 24.2.2020).

asked a superior who the previous day I had observed checking decisions in precisely that way about this, he explained:

Hmm, that's a good [question]. Article 7 is about credibility and the scope for discretion (*Ermessensspielraum*) is much bigger there. It's more a question of persuasion; it has more to do with [producing] convincing arguments. [...] There are these criteria (*Merkmale*) for non-credibility [listed in Article 7, AsylA; ...], which are quite vague. [But] there I know how my people reason, so I will often be more easily willing to just "wave [the decision] through". Article 3 arguments I tend to look at more closely, to see whether [my people] have really understood [the issue at stake], because [those arguments] must be legally trenchant. Article 7 arguments, on the other hand, depend more on the authors' writing style, their power of persuasion.⁴¹

The fact that Oliver, the head of an asylum unit, ascribes much bigger interpretative leeway to credibility assessments, yet does not check these decisions more closely, is telling in many ways. On the one hand, I argue that this is linked to superiors themselves also being accountable to those above them in the institutional hierarchy. The heads of the asylum units keep records of their employees' decisions that were quashed by the Federal Administrative Court. The asylum directorate, in turn, keeps statistics of the numbers of decisions quashed for each asylum unit. It is considered bad decision-making to have too many decisions quashed by the court. However, not all quashing is considered equally bad. Hence, at a team meeting I attended in one of the asylum units, the superior informed his employees that the institutional aim was to not receive more than two per cent of "avoidable quashings" from the courts and that every single decision-maker was expected to contribute to achieving this aim (see also Affolter et al. 2019: 270). He cited decisions quashed because of "formal mistakes", such as forgetting to grant the asylum seeker the proper right to be heard (*rechtliches Gehör*) or not sufficiently establishing the "facts of the case" (*Sachverhalt*), as examples of "avoidable quashings". Furthermore, he instructed that decision-makers should avoid their decisions being quashed for not adhering to the practice set by the Federal Administrative Court (unless they had good reasons for challenging the court's practice). In contrast, he considered diverging assessments of credibility to be unavoidable.⁴² This has to do with credibility assessment being to some extent seen as something "subjective". Thus, it is regarded as normal that what one person might find believable, another one might not. It is for

⁴¹Oliver, head of asylum unit, reception and processing centre, interview transcript, my own translation.

⁴²Field notes of asylum unit meeting, my own translation.

this reason that it makes sense for superiors to most thoroughly check those decisions that could potentially lead to so-called “avoidable quashings”, which credibility decisions are, as I have just shown, not.

On the other hand, another reason why negative Article 7 decisions fall under less scrutiny than Article 3 decisions is that Article 7 argumentations are by tendency more difficult to refute because of the way “facts” are created in credibility determination, as I showed in Chapter 4. Thus, the assessment of credibility depends largely on *how* the “facts” of the ‘case’ were generated which mainly happens in and through the asylum interview during which superiors are generally not present (see also Liodden 2016: 260). Superiors tend to trust that experienced decision-makers are capable of professionally conducting asylum interviews.

Patterns of how superiors check their employees’ decisions have an impact on the shaping of the latter’s practices. Over time, decision-makers learn what decisions are easier and which are more difficult to get past their superiors and come to anticipate their heads’ reactions. This may mean several different things. It can mean decision-makers taking a decision they think their superiors will probably not approve of but then putting a great deal of effort into the reasoning behind it in order to convince the superior that the decision can be justified (see also Miaz 2017b: 387–389). But it can also mean the opposite: decision-makers knowing that a particular decision and certain argument will most certainly be approved of and, therefore, putting less effort into it. Or it can mean decision-makers wanting to grant temporary protection, for example, but then deciding not to do it because they assume they would never “get it past” their superiors. Hence, knowing that superiors might check their decisions influences not only what decisions the caseworkers take, but also the arguments they use as well as the amount of time they put into taking those decisions. Furthermore, for experienced decision-makers that have gained the trust of their superiors and can, therefore, count on superiors generally not questioning their decisions, it is important to retain this trust. Hence, Claire a decision-maker working at the headquarters once told me that if she had several cases she wanted to decide positively, she would not give them to her superior all at once, but would keep some of them back for when she also had some negative decisions. This was important because she did not want her boss to think she took positive decisions easily and simply waved cases through without checking them properly.⁴³

Not having one’s decisions returned by the superiors is important in terms of efficiency. As discussed in Chapter 6, decision-makers work under a lot of

⁴³Claire, caseworker, headquarters, field notes, my own translation.

pressure to not only produce qualitatively “good decisions”, but also adequate quantities. But it is also about more than that. Every year, decision-makers’ performance is evaluated by the superiors of the individual asylum units. The evaluation forms are then passed up the institutional hierarchy and can have an effect on decision-makers’ salary. Hence, caseworkers’ salary can be either raised or remain the same as a consequence of these evaluations (see also Miaz 2017a: 346). Receiving good evaluations is, furthermore, particularly important for new employees working on fixed-term contracts if they want to ensure that their contracts are renewed at the end of the year. Thus, in one of the training modules I attended, the novices were told: “It is important that you work well, so that your contract will then be renewed”.⁴⁴ From what I observed and was told by SEM officials, contracts normally get renewed, and “it takes a lot to get fired” from the SEM. Nevertheless, the impact of this form of pressure should not be underestimated.

As stated above, decision-makers are not only accountable to their superiors, but are integrated into a chain of accountability that reaches up to the Federal Councillor in charge of the Federal Department of Justice and Police (FDJP). For example, at a division meeting I attended, in which the heads of several asylum units participated, the division head informed the heads of the units that he had randomly checked a few decisions from each unit. In general, he was pleased with the quality of decision-making, but he did instruct the heads of the units to make some changes in order to improve decision-making. In addition, as several authors have pointed out, accountability also reaches beyond the administration (see Jubany 2017: 212; Liodden 2016: 247–250; Miaz 2017a: 357; Poertner 2018: 288). SEM officials are, to some extent, also accountable to the general public. This became clearly apparent during my fieldwork when, in the run-up to the parliamentary elections in 2015, the handling of applicants by Eritreans became one of the major themes of several political parties’ election campaign. This led numerous members of parliament to demand a report from the Federal Councillor in charge of the FDJP, and, thus, of the SEM, which explained and justified the SEM’s “Eritrea practice”. Such requests by politicians are usually passed down the organisational hierarchy to the *Federführungen*⁴⁵ who draft a first response, which is then again passed up the hierarchical line with people working in different positions within the office adding to it

⁴⁴Training instructor, A-modules, field notes, my own translation.

⁴⁵*Federführungen* are decision-makers who are in charge of a particular “country of origin”. They are involved in setting the institution’s decision-making practice for dealing with ‘cases’ from “their” country and—to some extent—try to monitor other decision-makers’ practices regarding ‘cases’ by applicants from the country they are responsible for (see Chapter 4).

until it is ready to be sent out to the parliament. Furthermore, one SEM official told me that sometimes there were public events in which the practice of dealing with specific asylum applications had to be justified to a public audience. However, he said that such events were above his and even his direct superior's wage group. Hence, it was not up to people holding the *Federführung* for specific countries to go and defend the SEM's practice at such events. That was the responsibility of people further up in the organisation's hierarchy, he explained.⁴⁶

In 2015, the issue of how asylum applications by Eritreans were dealt with and decided on by the SEM also started to draw a lot of media attention. Criticism on the SEM's practice was voiced, which claimed that asylum was granted to Eritrean asylum seekers "too easily", and demanded that inquiries be made into whether, in some cases, removal orders could be issued for Eritrean applicants. This is something I was, unfortunately, unable to follow-up on systematically. However, it is important to note that following this considerable political pressure, at a "country situation assessment meeting" (Poertner 2018: 240), a new institutional practice for dealing with asylum applications by Eritreans was established in 2016. An order was given to decision-makers that from then on, all Eritrean applicants who had either never been drafted into the army or had been released from military service were no longer to be regarded as being eligible to refugee status and could therefore be issued a removal order as long as this was reasonable. Of course, this does not tell us what exactly this meant with regard to everyday decision-making practices; whether and/or why, for example, following this order decision-makers became more suspicious of asylum seekers saying that they had left Eritrea while still in active military service or whether this order had an effect on how, in practice, the decision-makers assessed the reasonableness of return and so on. Also, we do not know what other factors might also have influenced this change in practice. Nevertheless, what this example does point to, is how the SEM's accountability towards politics and the media contributes to the shaping of asylum decision-making practices.

A Brief Summary: Acquiring an Institutional Habitus

In this chapter, I have argued that how organisational socialisation works can only be understood if we take three crucial factors into account and see how

⁴⁶Nick, caseworker, headquarters, interview transcript, my own translation.

they interplay: how decision-makers learn to do their job; how they are made by other actors to take on certain ideas and behaviours; and what belonging to the office means for them. I have shown that decision-makers affiliate themselves to and are affiliated with different communities within the office. They either try hard to fit into these communities or not to be associated with them. Primarily, decision-makers identify themselves with the centre they work in—the headquarters or one of the RPCs—and with the specific asylum unit they belong to. It is important to take this sense of belonging into account because it has an influence on other aspects of socialisation; on what decision-makers learn from their co-workers; on how they are coached to take decisions; on why they are teased; on what it means to fit in; and on how superiors monitor their employees' work. Hence, it influences what decision-makers come to understand as normal and appropriate practices or, to put it differently, it influences the institutional habitus they acquire.

The concept of institutional habitus assumes that the dispositions to understand, act, think and desire in a particular way are shaped by the experiences the holders of the habitus have had on the job. Enquiring into how decision-makers acquire such an institutional habitus on the job is therefore crucial because it allows us to understand how decision-makers come to interpret law in practice—thereby shaping and making it—when fitting it with specific 'cases' or situations. In this book, I argue that we need to pay attention to the shaping and structuring of decision-makers' discretionary practices, since "applying" written law to specific situations requires discretion. However, when decision-makers use discretion to interpret written law and fit it to a 'case', we should not assume that their interpretations of written law are based on "free", "autonomous" choices; on what decision-makers "personally" see as fit. One reason for this—and this is what has come out of this chapter—is that what decision-makers come to "personally" see fit is shaped through the office; through them acquiring an institutional habitus through the socialisation processes I have described.

The chapter has set forth that SEM officials are disciplined, incentivised and at times also compelled to act in certain ways. At the same time, however, caseworkers are also "ideationally conditioned to conduct themselves" in those ways (Gill 2009: 219–220). Thus, in the words of Gill, they come to volitionally align themselves with the office (*ibid.*: 215). Hence, it is through this that the state officials—who through their daily actions make and shape the state—are governed by the institution (see also Affolter et al. 2019: 264; Gill 2016; Mountz 2010).

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