

# Chapter 8

## Conclusion



Having or not having a legal immigration status matters in many situations, though certainly not in all, and never in the exact same way. The concrete meaning and practical implications that irregularity has – for the person who lacks status and the people s/he interacts with – are the momentary outcome of ongoing negotiations about rights, rules, autonomy, and control. What is at stake in these negotiations is not only the inclusion and/or exclusion of irregular migrants but also the ability of a whole range of institutions, such as those providing public services, to fulfil their actual functions for society. For Michael Bommers and Giuseppe Sciortino (2011, p. 218) it is “an old sociological truth” that “modern society does not provide societal inclusion on the basis of a totalising social status, but rather a bundle of differentiated conditions for participation in a variety of social contexts structured by different modes of inclusion”. Throughout this book I have shown that the same can be said about irregular residents’ exclusion from society: It is neither absolute nor uniform, nor does it happen automatically. A lack of status or official documentation often complicates the practice of public service provision but does not immediately trigger exclusion. In order to become effective, internalised immigration control has to be specifically enacted by someone working within the corresponding institutions. The intrinsic logics and guiding principles of these institutions thereby often tend to conflict, but can also partly converge, with the logic of immigration control. My close and comparative analysis of these various intersections and underlying negotiations shows that what I conceptualise as micro-management of irregular migration plays a decisive role within contemporary processes of border internalisation.

## 8.1 The Role of Local Contexts, Public Institutions, and Street-Level Bureaucrats in the Micro-management of Irregular Migration

The novelty of my approach is that I draw systematic comparisons between and across distinct legal-political environments, different spheres of public service provision, as well as different categories of welfare workers. Overall, my analysis portrays Barcelona and London as rather distinct contexts for local service provision to irregular migrants, but I also identify striking similarities between both locations. This shows that although formal legal frameworks and official framings of the underlying problem are reflected in local practices, they never fully determine the outcome of street-level bureaucrats' interactions with irregular residents. The latter form part of the local population but lack formal residence rights and from the perspective of the immigration regime should therefore be either regularised or deported.

### 8.1.1 *Public Service Provision Between Regularisation and Deportation*

What most fundamentally sets the two environments apart is that in the British context the sometimes overlapping aims and interests of the immigration agency on one hand and welfare institutions on the other tend to be geared towards irregular residents' return or deportation rather than their regularisation. In Sect. 4.1 I highlighted the clear lack of political support for the latter, as well as the very limited opportunities provided by the British immigration regime. In addition, explicit 'hostile environment' policies and rhetoric significantly helped to undermine the necessary firewalls separating the various parts and levels of the public administration and instead command or at least encourage and incentivise active cooperation with the immigration authority. A government official quoted at the time of my research by *The Telegraph* put it this way:

It is important for every government department to play their part in tackling immigration [...]. As we have a cross-governmental focus on reducing immigration and tackling illegal immigration, it is right that we look at what role the education system is playing (cit. in Ross, 2015).

In order for not only the education system but all sectors to effectively work together and towards the same goal, the immigration regime needs to impose its own functional logic and codes upon several other societal subsystems and spheres of everyday life (as argued in Sect. 2.3). This is easier within what Robert Merton (1973, p. 265/6) called 'totalitarian structures' than it is in 'liberal structures':

The differences in the mechanisms through which integration [of different spheres, logics, etc.] is typically effected permit a greater latitude for self-determination and autonomy to

various institutions, including science, in the liberal than the totalitarian structure. [...] Incompatible sentiments must be insulated from one another or integrated with each other if there is to be social stability. But such insulation becomes virtually impossible when there exists centralised control under the aegis of any one sector of social life, which imposes, and attempts to enforce, the *obligation of adherence to its values and sentiments as a condition of continued existence*. In liberal structures, the absence of such centralization permits the necessary degree of insulation by guaranteeing to each sphere restricted rights of autonomy and thus enables the *gradual integration of temporarily inconsistent elements* (emphasis added).

It is precisely in this sense, that the case of Spain represents a more ‘liberal structure’, within which migrant irregularity can be institutionalised as a temporary inconsistency that might eventually be resolved through regularisation. In principle, this is possible after three years of officially registered residence in the country. An important finding of my study is that regularisation thereby appears as a solution not only for migrants themselves but also the people and institutions that (have to) deal with them on a more or less regular basis, since it is ultimately their *interaction* that becomes regular. Both the more liberal Spanish immigration law and the more pragmatic framing of irregular migration and residence make it easier for individual and institutional actors at the local level to deal with at least some of irregular migrants’ claims. These actors are thereby enabled to temporarily resolve some of the underlying ethical conflicts and legal or practical contradictions that otherwise complicate their work and keep them from fulfilling their function for society.

As I have shown, it is both easier and more common for public institutions and individual workers in Barcelona – compared to those working in London – to ‘micro-regularise’ the situation of irregular residents in order to facilitate at least their own specific interactions with them. For example, the Catalan healthcare system found a way to treat all residents who need medical assistance and fulfil certain documentary requirements as regular patients without depending on the immigration regime to formally ‘sort out’ their status, as a senior healthcare official (1) and a family doctor (2) explained to me:

(1) Regularisation is a policy of the state; but here [at the local level] it is *us* who have to act, that is, to address the reality that exists. [...] And what I think the [healthcare system] is doing is to say ‘well, the [immigration] policies will be applied whenever they will be applied, but as long as we have people here who are in an irregular situation but *who are here*, we are going to care for them. So, *the healthcare system has no responsibility to regulate immigration, but its role is to provide assistance to the people who are here* (bcnA17).

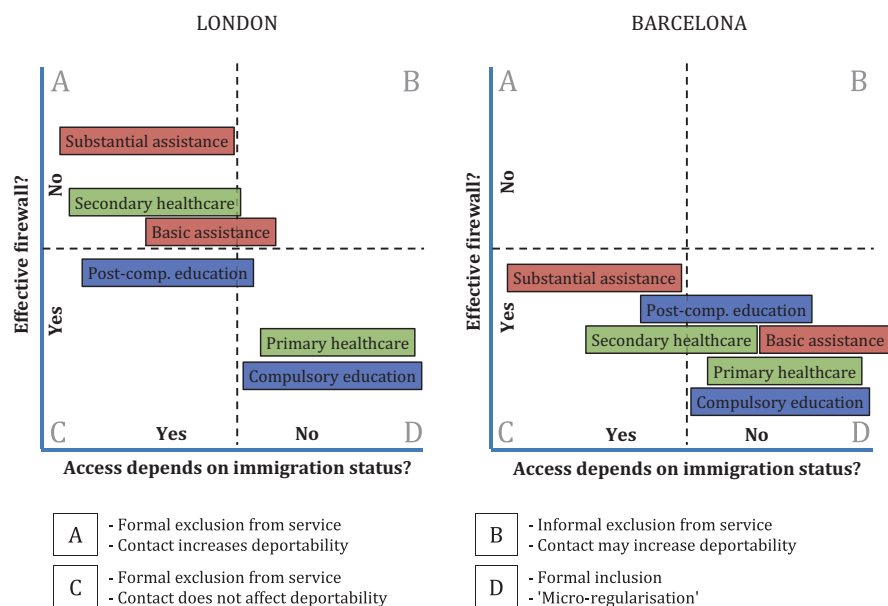
(2) In the case of Catalonia [...] it was decided to give them [health] cards with different levels: [...] A first level that gives access to the general practitioner, certain specialists and some concrete analyses; and a second level in which *the patient is not anymore irregular*, and therefore can, in principle, access any type of health treatment, whether specialised or not, and all kinds of examinations (bcnA12).

In this case, the healthcare system successfully converts irregular residents into regular patients. More often than not, however, the legal frameworks, formal policies and official discourses through which governments try to manage irregular migration and residence significantly limit or undermine the ability of public

institutions to ‘micro-regularise’ unlawful residents. This generally happens at two different levels:

At the institutional level, law and policy determine whether or not migrants in irregular situations are formally entitled to access any particular service for free and can approach the relevant institutions without thereby increasing their risk of deportation. Based on the two-dimensional analytical framework I introduced in Sect. 2.4, Fig. 8.1 illustrates how the two environments differ in both of these respects: Access to the kinds and levels of services that appear on the left side of each diagram is formally linked to immigration status, whereas those on the right can, at least in principle, be accessed irrespectively. Their positions along the vertical axis indicate the likelihood of the corresponding institutions thereby exchanging information with the immigration regime: The more systematic this institutional link the closer they appear to the top; the more effective the firewall the closer they are to the bottom.

Both kinds of linkages have direct implications for irregular migrants’ ability and likelihood to access a service they think they need: Where access hinges on legal residence (sectors ‘A’ and ‘C’) they are formally excluded, but only if there is no firewall in place (‘A’) will even an attempt to access the service also increase their deportability. Where access is formally independent on immigration status (‘B’ and ‘D’), the lack of a firewall (‘B’) still acts as a deterrent and can effectively lead to informal exclusion, whereas the existence of such firewall (‘D’) ultimately permits irregular migrants’ formal inclusion through ‘micro-regularisation’.



**Fig. 8.1** The positions of different kinds of services provided in London and Barcelona, in relation to migrant irregularity and its control

Overall, the chances that migrant irregularity not only precludes service provision but also triggers immigration enforcement are significantly higher in London than they are in Barcelona.

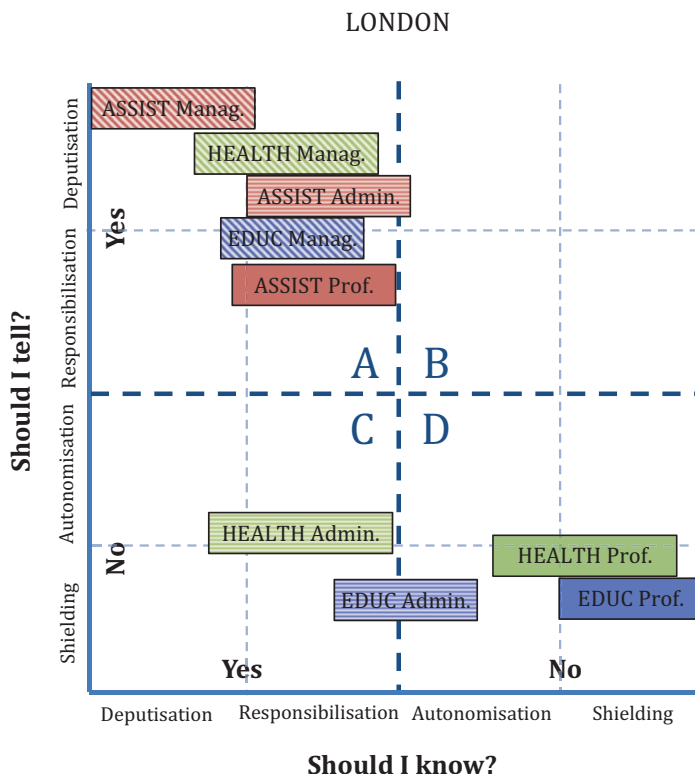
At ‘street-level’, the same legal frameworks and policies also circumscribe how individual public employees perceive and deal with migrant irregularity within their respective institutional spheres, such as primary schools or health centres. At the end of each of the chapters on healthcare, education and social assistance I summarised the main differences between the two environments in terms of how they position various categories of workers in relation to migrant irregularity and its control. Figures 8.2 and 8.3 aggregate the findings from all three sectors of service provision for each environment, in order to better illustrate not only the overall differences between these, but also variations between the three sectors as well as the three role-categories (different patterns). Overall, the positions of most street-level bureaucrats range from segments ‘D’ to ‘C’ of the framework, and only in London also into segment ‘A’. The latter represents the closest cooperation of individual workers with the immigration regime, whereas ‘D’ represents the greatest distance. As I explained in Sect. 2.4, the stronger the concrete incentive, legal obligation or practical necessity for someone to know the immigration status of potential service users, the further they are placed towards the left side of the framework. The relative position along the vertical axis indicates the degree to which someone is expected or obliged to notify the immigration authority of any suspicion, encounter or dealings with irregular migrants. Across both environments and all role-categories, those actors involved in the provision of social assistance generally appear closer to sector ‘A’, whereas healthcare and education workers tend to be closer to ‘D’. Across all three spheres of provision, the so-called ‘managers of irregularity’ are – unsurprisingly – closest to ‘A’, followed by administrative roles, whereas professionals tend to be closest to ‘D’.<sup>1</sup> It is important to note that their various positions within the framework not only reflect the contextual differences between the two environments, but also the distinctive nature of each welfare sector as well as the concrete responsibilities and level of autonomy attached to different organisational roles, like that of a receptionist, doctor or school administrator.

### ***8.1.2 Different Kinds and Categories of Street-Level Bureaucrats***

The patterns that appear in Figs. 8.2 and 8.3 illustrate another important finding of my study: that within both environments some sectors of welfare provision and certain categories of workers generally seem more likely to internalise the logic of

---

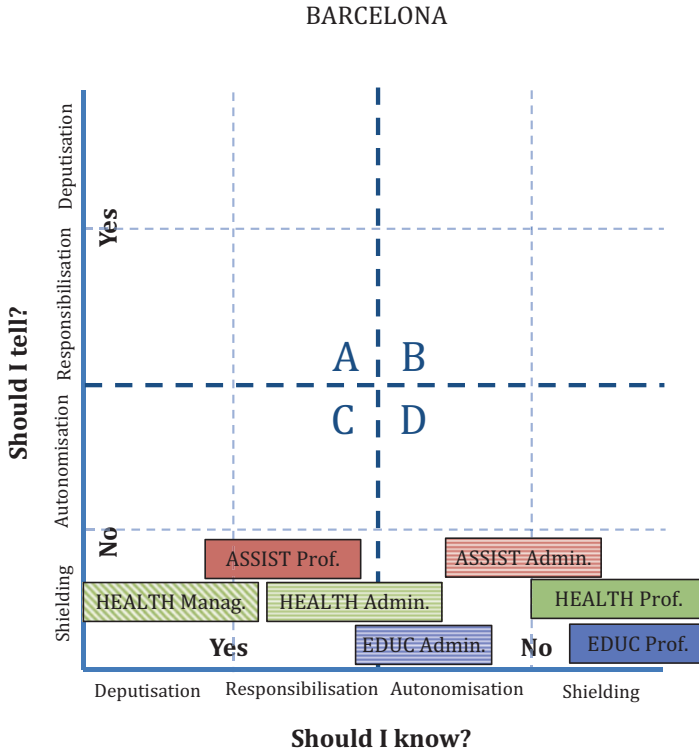
<sup>1</sup>This is true for all but the case of social assistance in Barcelona, where the access to particular services that require legal status (like the RMI) can only be granted or denied by social workers who therefore – unlike administrative staff – *have to know* the immigration status of a client.



**Fig. 8.2** The positions of different kinds and categories of street-level bureaucrats working in London, in relation to migrant irregularity and its control

immigration control than others. This is in line with the results of research conducted in other countries, particularly van der Leun's (2003, 2006) analysis of the Dutch context. At least four aspects explain these variations:

First of all, depending on the kind of service and the level of provision, the inclusion or exclusion of irregular residents is underpinned by a **distinctive mix of rationales**: International human rights norms, for instance, are more powerful in the spheres of (compulsory) education and (primary or urgent) healthcare than with regard to (even basic) social assistance. While access to any of the three presupposes local residence, especially the last is also linked to national conceptions of membership, belonging or deservingness, which tend to favour the exclusion of formal non-members (see Chap. 7). The closely related claim that unlawful residents simply should not benefit from welfare provisions that are financed with taxpayers' money is more or less effectively counterbalanced by other pragmatic arguments such as the negative long-term effects that their rigorous exclusion would have for public health and safety, individual integration



**Fig. 8.3** The positions of different kinds and categories of street-level bureaucrats working in Barcelona, in relation to migrant irregularity and its control

or overall social cohesion. The idea that ‘integration’ necessarily implies or even presupposes lawful residence is particularly salient in the UK, where irregular migrants are therefore explicitly excluded not only from official ‘integration’ policies but also more and more spheres of everyday interaction.

Secondly, each sector of welfare provision is characterised by its **own functional and organisational logics**. Potential service users are included or excluded primarily on the basis of intrinsically relevant aspects of their circumstances rather than their immigration status: A comprehensive healthcare system must be accessible for anyone exhibiting pathological symptoms and be able to offer the corresponding treatment, including regular preventive care, to any member of the public. The education system generally accepts pupils on the basis of their age and/or previous educational qualifications and is committed to providing equal opportunities to all students. Social assistance is provided precisely with the aim of compensating existing socio-economic inequalities and is thus normally triggered by symptoms of marginalisation and exclusion – which is exactly what internal immigration control creates for irregular migrants. The resulting

contradictions are thus often sector-specific and tend to become most evident in the case of professionals, who as a result of their specific training and experience in a way ‘embody’ the functional logics of their respective institution. For example, one of my interviewees insisted that “it’s in the DNA of a teacher” (bcnA26) that students should regularly attend and participate in class, which is also a good example for how certain internal logics can converge with external logics of control: As discussed in Chap. 6, school or university records officially certifying students’ attendance, home address or other personal information can also be (ab)used for the purpose of immigration control. Since the individual teachers or lecturers who compile these records are thereby ‘only doing their job’, no additional incentive or obligation might be needed to ensure their (often unconscious) participation.

Thirdly, different organisational roles involve **different kinds and degrees of power and control**, which the individuals occupying them routinely exercise over service users. A high level of administrative or professional discretion thereby generally reflects a significant degree of specialisation and often goes hand in hand with a particularly strong standing within society and vis-à-vis certain aspects of the law. The doctor who told me that he “can decide that everyone who comes through this door is an urgent case” (bcnA14) and can thus be treated without regard to immigration law is a good example for this. Across both environments and all three sectors I have compared, it is the administration of public services, rather than their actual provision, that is rendered more complicated by migrant irregularity and more likely to overlap with its control. This is because migrant irregularity only manifests itself in the lack of specific documents, like a national identity card or social insurance number, while someone’s health condition, educational achievement or social needs may well be affected by a lack of immigration status but certainly cannot prove it. Whereas welfare administrators thus routinely handle potential evidence of irregularity, welfare professionals tend to be more explicitly shielded from dealing with immigration issues. This shielding ensures their close attachment to the dominant functional logic of their institution and is necessary because their roles require a trustful relationship with service users. After all, neither doctors nor teachers nor social workers can successfully do their job without the trust of their patients, students or clients.

Fourthly, the kind and degree of control that street-level bureaucrats exercise over service users as part of their role not only sets professionals apart from administrators but also varies across **different professions**: As my data suggests, doctors and nurses can themselves hardly be expected to control aspects of a patient’s life that have no direct bearing on their health, whereas teachers typically control their students’ presence and behaviour to ensure their educational success. Both of them tend to resist any abuse of the resulting records for other purposes, particularly immigration enforcement. Social workers, on the other hand, routinely exercise control over significantly more aspects of their clients’ economic, private and family life and thereby have to deal with more complex eligibility criteria that are often directly linked to legal residence. This



arguably helps to explain why the social workers I interviewed generally seemed less reluctant than most doctors and teachers to be seen as helping to control not only immigration but also other ‘irregularities’, like informal employment, tax evasion or benefit fraud.

It was also in relation to welfare programmes that Goodin (1986, p. 240) not only highlighted the general inevitability of bureaucratic discretion but also provided examples of “discretion serving as a source of illicit power” (p. 240). But what is it that renders such control efforts a legitimate or illegitimate exercise of discretionary power? For Goodin (1986, p. 241) himself, the problem lies in “taking advantage of the situation in which your discretion gives you power over others to realize benefits (or to pursue projects, more generally) in some other sphere”. Arguably, internal immigration control often relies on people taking advantage of their discretion in this way. As a general rule, gatekeeping and other practices of inclusion or exclusion can only constitute a legitimate exercise of discretionary power as long as they are based on the internal logic(s) of the very subsystem that – in order to effectively fulfil its function for society – requires this particular power to be vested in a particular role. No one but the doctor can decide what medical treatment is necessary, and how urgently it needs to be provided to a patient. The discretionary power that doctors’ thereby exercise over their patients becomes problematic, however, where it exceeds the realm of their profession. This is the case when they also (have to) take into account the external logic of immigration control and thereby become deputies of the immigration regime.

### ***8.1.3 The Difference Between, and Varying Degrees of, ‘Having to Know’ and ‘Having to Tell’***

A third significant finding of my study is that the internalisation of immigration control works quite differently for each of the two dimensions of my analytical framework: Compelling or encouraging welfare workers to notify the immigration authority of any interaction with irregular migrants (*‘having to tell’*) involves the removal or undermining of some sort of firewall and is thus primarily a legal and/or technical matter. Particularly in the British context it is thereby quite often the welfare institution that requests immigration-related information about individual service users from the Home Office in order to be able to correctly assess their eligibility. As the programme director of *Doctors of the World UK* emphasised in an interview, however, it is difficult to allow one side of this exchange while effectively preventing the other:

*In order to see whether people are eligible or not for free care they want to connect the NHS IT system with the Home Office IT system, and the idea would be [to] simply pull data to see what your immigration status is [...]; but our biggest concern is that the Home Office will use that connection to have a two-way stream of information and use that for immigration enforcement (lonA03).*

Notably, also the Catalan health service relies on an automatic digital link to the National Institute of Social Security in order to verify claimants' insufficient income or other economic means and thus their eligibility for receiving free healthcare; but no information is thereby exchanged for the purpose of immigration control (see Chap. 5).

The analytically more interesting question is whether or not (and for what reason) individual street-level bureaucrats should even obtain this kind of knowledge about potential service users. My study shows that their reasons for '*having to know*' can often be traced to some functional overlap between certain aspects of their own job within the public welfare system and the government's efforts to more effectively control immigration. Many service administrators, for example, almost automatically become involved in immigration control as soon as immigration status becomes part of the basis for their assessment of potential service users' eligibility. In order for immigration status to be taken into account, however, it first of all has to be determined by someone working within the corresponding institution. My findings suggest that individual workers are thereby often led to believe that what they are controlling – by checking someone's passport, for example – is not immigration, but rather the person's identity, place of residence or previous tax or other financial contribution to the welfare system.

Both kinds of participation are thereby not always a matter of straightforward *deputisation*, but sometimes rather the result of *responsibilisation* or *autonomisation*. This means that in fact there are four possible answers to each of the two basic questions ('*Should I know?*' and '*Should I tell?*') that underlie my framework; (1) '*No, you absolutely should not*' (shielding), (2) '*No, but you can if you want*' (potential autonomisation), (3) '*Yes, you should*' (responsibilisation), and (4) '*Yes, you have to*' (deputisation). The second and third answers reflect not just the individual discretion that public welfare workers often have, but also the governmental nature of the power relation between them and the government. Since the latter is unable to fully control many aspects of their dealings with the population, it has to exercise its power by modifying the environment in which these dealings take place *and* by adapting eligibility rules in ways that facilitate or create more overlap with immigration control. The former is mostly achieved via discursive means and provides street-level bureaucrats with moral arguments for internalising certain aspects of this external logic into their work routines. The latter usually requires legislative changes and provides more practical reasons for such internalisation. Either way, individual workers become more likely to exercise some form of immigration control.

That they often seemingly 'do it in an innocent way' or 'without even realising it', as one of my interviewees had put it, particularly highlights the importance of autonomisation. In fact, my data suggest that they sometimes 'do it' simply because it makes their own work easier or helps them to reduce their workload or other pressure they face (including expectations from other service users or the wider public). Administrators working in either of the two environments and across all three sectors of service provision described rather similar instances where allowing or facilitating irregular residents' access to a service tended to increase or complicate

their own work, often as a result of having to accept and deal with incomplete or unofficial documentation. The work of most professional providers of welfare services, in contrast, is not immediately rendered more difficult or complex by a service user's lack of immigration status; nor does the latter automatically warrant any special treatment. This is particularly true for doctors and teachers, who in both contexts tend to be most effectively shielded from having to deal with immigration issues, as shown in Figs. 8.2 and 8.3. That said, also some of the medical professionals mentioned instances – like a change in immigration law (in the UK) or the introduction of a computerised system for managing patient referrals and prescriptions (in Catalonia) – that suddenly limited their own individual discretion and thus also their possibility to fully disregard their patients' immigration status (see Chap. 5). Across both environments it was most common among social workers to describe migrant irregularity as a significant obstacle to their own work, partly because it interferes with two crucial aspects of it: the social worker's ability to develop a close, trustful and ideally longer-term relationship with the client, and the client's possibility to eventually (re)enter the formal labour market (see Chap. 7).

It is also important to keep in mind, however, that all street-level bureaucrats almost inevitably employ some form of what Lipsky (1980, p. 152) called 'client differentiation', whereby "unsanctioned distinctions between worthy and unworthy clients narrow the range of clients for whom street-level bureaucrats must provide their best efforts". Seen from this perspective, immigration status can also be 'helpful' in providing a distinction that is not only unsanctioned, but very often has "the sanction of the state behind [it]", as Bowen et al. (2013, p. 3) have argued. My own analysis shows that the systematic incorporation of this distinction into the various parts of the welfare system requires not only individual workers to adjust their actions towards certain service users but has also prompted responses at the institutional level.

#### ***8.1.4 Organisational Responses to Internalised Control***

A last crucial finding of my study is that the sometimes rather unconscious or at least not fully intentional collaboration between local welfare workers and the immigration agency can be further encouraged through incentive mechanisms that operate at the organisational rather than individual level and often trigger a certain institutionalisation of this overlap. The most obvious example for such mechanisms is the financial pressure put on organisations that seem particularly 'well placed' to exercise some kind of immigration control but are not sufficiently 'interested' in assuming this responsibility. Particularly in the UK, this kind of leverage is quite openly used against organisations that directly depend on central government funding, like NHS hospitals (Chap. 5) and local welfare departments (Chap. 7): The more their funding is cut, the bigger the incentive to identify those patients who can be charged privately or those claimants who can legally be denied support because of their immigration status. The same mechanism works slightly differently in the

case of UK universities, which financially depend on being allowed to ‘sponsor’ foreign students who they can charge significantly higher tuition fees. The government only renews a university’s sponsor licence, however, if the university’s own admission system not only takes into account prospective students’ academic credentials but also their likelihood of being granted a student visa or other residence right (Chap. 6). In all three cases the responsibility for immigration control has been partly transferred to the local level, where it created the need for specific ‘managers’ of potential irregularity to work within the corresponding organisations. As I have shown in Chaps. 5, 6, and 7, these managers not only perceive it as (part of) their role to *know* the immigration status of their clients, but also tend to be obliged or at least more inclined to *tell* the immigration authority about it. Hence, it is precisely through so-called ‘Overseas Visitors Managers’, ‘Student Immigration Advisors’ and ‘NRPF-teams’ that the UK government has been able to not only raise but also quite effectively patrol the “protective wall [...] around the key institutions of the welfare state”, as Broeders and Engbersen (2007, p. 1595) called it. As a result, and other than in Catalonia, this wall does not anymore just surround these institutions but increasingly runs right through them.

According to organisation theory, such structural adjustments to a new set of external requirements represent a common way for organisations to avoid internal conflicts between the dominant and other logics that compete to guide their actions (as I discussed in Sect. 2.3). Precisely in order to more effectively deal with contradictory external demands it arguably makes sense for local welfare institutions to develop what Besharov and Smith (2013, p. 376) called “a cadre of organisational members who are less strongly attached to particular logics”. While the various ‘managers of irregularity’ have certainly come to play an important role within the UK government’s ‘hostile environment’ approach, their creation has not been explicitly demanded by central government. Instead, it was the need to ensure their own (cost-) effective functioning that encouraged the various organisations themselves to introduce a certain element of immigration control into their own institutional structures and operations. These structural adjustments have also helped to systematically undermine the necessary firewall between immigration enforcement and public service provision, and arguably rendered this overlap less visible to the general public and less exposed to internal and external resistance and contestation.

## 8.2 Problematising Migrant Irregularity Together with Its Control

From a historical perspective, Park (2013, p. 10) argued that the “problems of illegality [...] tell us a great deal about how law might be viewed from the bottom up, from the perspective of people who were *subject* to the law and then resisted it in complex, disquieting ways”. The increasing internalisation of immigration control

ultimately means that ever more people – who in numerous ways interact with potentially irregular migrants on a more or less regular basis – will themselves become subject to immigration law. This, in turn, might increase the potential for resistance. My findings show that while street-level bureaucrats quite often prefer not to know and sometimes effectively refuse to know service users' immigration status, they are often given other reasons for checking documentation that – like a passport – ‘happens’ to not only certify their identity, age or local residence but also the legality of their presence on the national territory. Once street-level bureaucracies have agreed to know and more or less systematically incorporated immigration checks into their own work, the outcome of their involvement becomes a matter of how migrant irregularity is officially framed and how effectively it is being addressed through measures of regularisation and/or deportation. If it is presented as a serious breach of law that can (and will) only be ‘corrected’ through deportation or return, as in the British case, street-level bureaucrats are given a strong argument for also sharing immigration-related information (that is already ‘available’ to them) with the relevant authority in order to help ‘resolve’ the problem of irregular migration. If instead depicted and institutionalised as a temporary administrative irregularity that is more likely to be resolved through eventual regularisation, as in Spain, there is less need for street-level bureaucrats to put in jeopardy the trust and confidence of parts of their clientele by helping the immigration regime to exclude, detect or even deport irregular residents.

McDonald (2012, p. 133) argued that “a challenge to these governmentalised borders can also pose a challenge to processes of migrant illegalisation, and thus to the production of migrant illegality itself”. I certainly hope that the insights that this book provides will contribute to a better understanding and more comprehensive problematisation of not only migrant irregularity itself, but also its control. The underlying argument can be summarised in the following way:

**Firstly**, the concrete challenges that irregular migration poses for receiving societies are provoked by the condition of irregularity itself, not the person that has been assigned the irregular status. The expiry of a residence permit, for example, does not make its holder a different person nor does it immediately change that person's behaviour. What it does, however, is render many of his or her ordinary activities and interactions suddenly unlawful and thus subject to state control. Irregularity is thus first of all a social rather than a legal problem; and its consequences are not only felt by the person lacking the permit, but also those who even potentially come in contact with her.

**Secondly**, these consequences become particularly apparent and often most problematic at the local level, where the implementation of national immigration law intervenes in many different areas of social policy and spheres of everyday interaction, including the provision of public services. What thereby complicates these fundamental social relations is not that some local residents are foreigners or that some foreigners live in the country without the government's permission, but that other people have to translate this lack of permission into everyday exclusion. The problem with this translation is that the underlying legal distinction

is too simplistic to match a social reality where irregular migrants are also neighbours, patients, students and so on.

**Thirdly**, the moral and practical contradictions caused by this mismatch are particularly profound for those individuals and institutions on which the health, education and social security of the entire population depends to a very large degree. In order to detect and exclude irregular migrants they have to adapt at least some of the rules and established practices according to which they normally provide these services. The more effective a public welfare system thereby becomes at controlling immigration the less effective it tends to become at providing public welfare.

Most of the street-level bureaucrats I interviewed in London and Barcelona were aware of this danger, although many of them also supported the idea that ‘immigration should be controlled better’. Extending immigration control to ever more spheres of everyday life will almost certainly increase its overall effectiveness, but also create significant costs for the corresponding institutions and the people who work there. My analysis shows that instances where the logic of immigration control thereby converges with internal logics are the exception but can play a significant role in undermining internal resistance. For most of my respondents, however, the internalisation of immigration control constituted part of the underlying problem rather than its solution.

Just like certain recreational drugs continue to be used widely although they have long been declared ‘illegal’ and put under stricter state control than others, some irregularity will always accompany state efforts to regulate the cross-border mobility of people. Both are efforts to enforce certain limits on human behaviour that in liberal societies cannot be fully controlled; and both are based on artificial distinctions that are relatively easy to put in law but difficult to uphold in everyday practice. Any successful management of the actual consequences that ir/regular migration and drug ab/use can have for individuals and society as a whole necessarily involves a whole range of specialised institutions and professional services, including those providing education, healthcare and social assistance. It is precisely their effective collaboration in this management that ultimately requires a clear limitation of government control rather than its further expansion and diffusion.

## References

- Besharov, M. L., & Smith, W. K. (2013). Multiple institutional logics in organizations: Explaining their varied nature and implications. *Academy of Management Review*. Academy of Management, 39(3), 364–381. <https://doi.org/10.5465/amr.2011.0431>
- Bommes, M., & Sciortino, G. (2011). In lieu of a conclusion: Steps towards a conceptual framework for the study of irregular migration. In M. Bommes & G. Sciortino (Eds.), *Foggy social structures: Irregular migration, European labour markets and the welfare state* (pp. 213–228). Amsterdam University Press/IMISCOE.
- Bowen, J. R., et al. (2013). An institutional approach to framing Muslims in Europe. In J. R. Bowen et al. (Eds.), *European states and their Muslim citizens. The impact of institutions on per-*

- ceptions and boundaries* (pp. 1–26). Cambridge University Press. <https://doi.org/10.1017/CBO9781139839174>
- Broeders, D., & Engbersen, G. (2007). The fight against illegal migration: Identification policies and immigrants' counterstrategies. *American Behavioral Scientist*, 50, 1592–1609. <https://doi.org/10.1177/0002764207302470>
- Goodin, R. E. (1986). Welfare, rights and discretion. *Oxford Journal of Legal Studies*. Oxford University Press, 6(2), 232–261. Available at: <http://www.jstor.org/stable/764205>
- Lipsky, M. (1980). *Street-level bureaucracy: The dilemmas of the individual in public service*. Russell Sage Foundation.
- McDonald, J. (2012). Building a sanctuary city municipal migrant rights in the city of Toronto. In P. Nyers & K. Rygiel (Eds.), *Citizenship, migrant activism and the politics of movement* (pp. 129–145). Taylor & Francis.
- Merton, R. K. (1973). *The sociology of science: Theoretical and empirical investigations*. University of Chicago Press.
- Park, J. S. W. (2013). *Illegal migrations and the huckleberry Finn problem*. Temple University Press.
- Ross, T. (2015). Nicky Morgan orders immigration review to examine “education tourism”. *The Telegraph*, 16 August. Available at: <http://www.telegraph.co.uk/news/uknews/immigration/11805477/Nicky-Morgan-orders-immigration-review-to-examine-education-tourism.html>
- van der Leun, J. (2003). *Looking for loopholes*. Amsterdam University Press. <https://doi.org/10.2307/j.ctt46n2vd>
- van Der Leun, J. (2006) Excluding illegal migrants in The Netherlands: Between national policies and local implementation. *West European Politics* 29(2), 310–326. <https://doi.org/10.1080/01402380500512650>

**Open Access** This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

