Chapter 3
The Organization: Structure, Environment and Socialization

This chapter explores the structural framework of the organization and caseworkers' working conditions at the Federal Asylum Office. Familiarization with the organization and its key processes provides the background for an in-depth examination of decision makers' practices in administering asylum claims and how they are influenced by organizational structures. The findings are categorized into three main topics. First, the formal structure and organization of the FAO is explained, including the institutional environment and embedding. The chapter also includes a reconstructive process-oriented analysis of an asylum record, providing a network perspective on actors, processes and practices. This analysis is followed by an excursus on the importance of materiality in the asylum procedure. After describing the formal and informal requirements for the job, the second section addresses organizational socialization, explaining how decision-making officials begin the new job and eventually develop routines. The third section explores what it means to work as a member of the organization in the context of New Public Management. Issues such as hierarchy and management as well as productivity and time pressure are discussed, followed by a focus on control and the measurement of quantity instead of quality. Finally, organizational development and change are briefly covered. The last section illustrates the identified ideal-typical workflow from the distribution of files and the organization of summons to making and writing the decision.

3.1 The Formal Structure and Environment of the Organization

The creation of the FAO by the Asylum Act in 1991 led to the separation of asylum and security matters, although both would remain within the Ministry of the Interior. On January 1, 2014, the FAO was integrated into the new FOIA, which still reports to

the same Ministry. In the following, the structure of the FAO will be explained as it was when field research at the office was conducted for this study (from 2010 to 2012).

To understand the functioning and the internal logic of an organization, it is necessary know how it is embedded in a broader institutional structure, especially in a field where most actions by individuals are based on orders "from above," such as in the state administration. Until 2014, the FAO was a subdivision of Directorate-General III of the Interior Ministry, which was divided into two directorates dealing with legislative and legal affairs and with asylum, migration and integration issues. The FAO was included in one of the four departments of Directorate III B, labeled "Department III/5 Asylum and Care," while the other three departments dealt with "residence and citizenship affairs," "integration," and "electoral affairs." The department addressing asylum and care was again divided into two units: one for "asylum affairs and care and basic care" and one for "controlling asylum and aliens issues." The FAO, headed by a director, was divided into a central department, seven regional offices and three IRCs. The central department included a registry, a secretariat, a human resources department, an economic department and the Policy and Dublin Department, which included the COI Unit (Bundesministerium für Inneres n.d.).

Similar to the former FAO, the current FOIA has two main units: (i) "Resources," which is divided into "Human Resources and Quality Development" and "Economic Matters and Control," and (ii) "Legal and International Affairs" divided into three subunits: "Policy and Legal Matters," "Dublin and International Relations," and "Country of Origin Information." The FOIA includes the headquarters in Vienna as well as nine regional directorates, one in every province, and seven branch offices. There are also three IRCs (East, West, and Vienna Airport) where asylum claimants can be accommodated when Austria is not deemed responsible for the asylum procedure (Dublin III) (Bundesamt für Fremdenwesen und Asyl n.d.a, b).

In 2009, 341 persons were employed at the FAO (Bundesministerium für Inneres 2009). By the end of 2016, 3 years after the organizational reform, the number of employees had tripled to 1,284 staff members working at the FOIA, including administrative interns, apprentices and men rendering their civilian service. In the scope of this organizational development, which mirrors the growing importance of the asylum issue, a training course for decision makers uniform throughout Austria was established.[1] The course with 23 modules lasts 4 months and covers technical as well as social and personality competences.[2] Since this course did not exist when this study was conducted, certain processes within the organization may have changed since then.

The FAO, like every other organization, is embedded in a broader organizational environment. First, for officials working at an FAO branch, the other FAO branches can be regarded as points of reference. However, most caseworkers in this study admitted that they did not know much about the other branches or their colleagues there. Nevertheless, officials' assessments of other branches were generally not very positive. These lackluster assessments might be related to institutional myths and

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[1] http://www.bfa.gv.at/presse/news/detail.aspx?nwid=567156585A6B42756274383D.

[2] http://bmi.gv.at/news.aspx?id=694F766C74572F39522F593D.

stories spread within the organization over time (Gabriel 2000; Hallett 2010). Second, there are institutions that precede or follow the asylum procedure at the FAO, such as the IRCs and the former Asylum Court described in the introduction. Established in 2006, the COI Unit, a department of the FAO that claims to cover a comprehensive collection of all relevant and recent documents on countries of origin, is another important actor in the asylum procedure.[3] In trying to assess an asylum application, caseworkers can send inquiries to the COI Unit, which is tasked with collecting facts that are considered relevant to the asylum procedure. According to Austrian law, the purpose of the Unit is "in particular, the collection of facts that are relevant (1) for assessing whether facts support the conclusion that the danger of persecution exists in the sense of the federal law in a certain state, (2) for assessing the credibility of the assertions of asylum seekers and (3) for determining whether a certain state is a safe country of origin or a safe third country in the sense of the asylum law" (Article 60 Abs. 2 AsylG 2005, own translation). The COI Unit operates a database in cooperation with ecoi.net, the European Country of Origin Information Network, which is a public source for country of origin information. This network is operated by ACCORD (Austrian Centre for Country of Origin and Asylum Research and Documentation), a department of the Austrian Red Cross, in cooperation with the German Informationsverbund Asyl & Migration e.V. Ecoi.net claims to make an important contribution to fair and efficient asylum procedures.[4]

3.1.1   A Network Perspective: Reconstructing Social Practices Through an Asylum Record

The FAO environment includes far more organizations than those mentioned (FAO branches, ICRs, the COI Unit, the Asylum Court). Figure 3.1, which illustrates the result of a reconstructive process-oriented file analysis, demonstrates that interactions within the administrative asylum procedure are manifold and multidirected. The analysis also shows that processes of organizing usually transcend the boundaries of individual organizations, while interorganizational networks gain importance. In administering asylum claims, decision makers at the FAO interact with and depend on many other actors – whether governmental, non-governmental, national, international or supranational (at the EU level). The analysis of a file reveals important information concerning the institutional environment and the actors involved in the processing of an application. The identified social practices, which include the circulation of texts and documents, not only delimit social networks and their borders but also illustrate power relations and mutual dependencies in officials' everyday work.

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[3] http://www.staatendokumentation.at.

[4] http://www.ecoi.net.

Fig. 3.1 Reconstructive process-oriented file analysis. (Source: Own production)

The figure shows at which point in the procedure information is transferred as well as from whom and to whom it is transferred; however, it includes only interactions with external actors (individuals and institutions). Internal communications – such as conversations with a superior or other consultations concerning a case – occur simultaneously but are masked in the file, thus becoming invisible. The partly oral, partly written internal communications, which could make institutional procedures and decision-making processes more transparent, are hardly legible from the file. On the one hand, only documents that are assessed as relevant for documentation by the file managers are added to the file (Nüsken 2008:117); on the other hand, certain documents, such as excerpts from the register of residents, are excluded from the inspection of files and can thus be seen only by actors of the FAO. The exchange between actors internal to the system, such as the Dublin Unit or the COI Unit, can thus only be partly reconstructed on the basis of the existing documents and context knowledge.

In the figure, the FAO is located at the center since all documents concerning the specific "case" are compiled in a file at the FAO, as are documents such as transcripts from earlier interviews in other organizational units.[5] In this particular

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[5] It would be interesting to analyze the procedure and its reliance on textual documents from a different point of view, such as from a perspective that places the asylum claimant at the center of such a network analysis.

file, the institutional and non-institutional actors include the asylum claimants, the IRC, the Dublin Unit, the police, the Asylum Court, an NGO and interpreters. Other important actors not visible in this file are experts (producing reports) and the COI Unit. The analysis reveals interaction patterns regarding the exchange of information among the different actors. What becomes visible is a sort of "game of Ping-Pong" (Latour 2010:79) between the involved parties. The analysis allows the involved actors as well as the quality of the interaction, that is, its direction and topic, to be identified. This analysis reveals how central the circulation of documents and the contained information is in the asylum procedure.

The analyzed file begins with a summons for an interview sent to the asylum claimant by the IRC. The claimant has two interviews. One document is the transcript of the claimant's short first interview at the FAO, concerning nine standard topics.[6] The second transcript documents the claimant's interview with the police at the IRC; it contains a battery of fifteen standard questions, including several sub-questions. Since these two interviews were conducted with the support of an interpreter (the same in both interviews), it is evident – albeit not visible in the file – that the FAO and the police were in contact with the interpreter, who had to be appointed beforehand. The asylum claimant then receives a procedure card and signs a form confirming the reception of the card (according to article 50 Asylum Law).

The next step is undertaken by the Austrian Dublin Unit, which sends a standard form for requests for "taking back or taking charge of" the asylum claimant, including a photo and the Eurodac information, to the Dublin Unit of Country X, another EU country. In the interview, the asylum claimant states that he has been in this country before but that he was sent back to his home country and entered Europe again; however, he did not know through which country had entered. In the comments section of the form, the representative of the Austrian institution notes, "We don't believe his statements." The Dublin Unit of Country X sends back an automatic reply serving as proof of delivery.

The IRC then issues an order of procedure to the claimant, a notification initiating the deportation procedure. The claimant is notified that the FAO intends to reject the application since Dublin consultations have been conducted with Country X. As a resident in a reception center, he is also reminded that he has the duty to report every 48 h and that he will receive legal advice before his hearing. The notification is supplemented by an instruction sheet and an information sheet regarding Dublin II. Subsequently, a form signed by the claimant confirms the reception of the notification.

The Dublin Unit from Country X then informs the FAO of its refusal to take back the asylum claimant; it states that the person "was removed from Country X" and that the request to take back the person is denied. The Austrian Dublin Unit forwards the refusal notification to the IRC, which is responsible for further processing the asylum application. The charge filed by the police regarding the claimant's violation of his reporting obligation is also forwarded to the IRC by the FAO receiv-

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[6] These are identity, documents, entry, parents/accompanying persons, education, languages, occupation, last address in home country, and military service.

ing center. In addition, the police send a notification to the FAO concerning the violation of the reporting obligation, which is also forwarded to the IRC.

The police then send a notification to an NGO requesting that the NGO forward that notification to the asylum claimant, saying, "Please send the person to the police station X to sign a document." This request is also forwarded to the FAO. The police subsequently inform the FAO that the person has fulfilled the obligation to report for the first time. The notification is forwarded to the IRC.

As a result, the FAO requests that the IRC executive forces produce a residence card and deliver it to the FAO. Via the police, the FAO sends a summons to the asylum claimant, including a confirmation of receipt. The police are asked to convey the summons and return the confirmation. There is a note explaining that delivery is not necessary and that the document only needs to be kept for collection provided that the person fulfills the obligation to report. The document has to be returned to the FAO within 3 weeks. Next, the police send a report to the FAO stating that the summons was conveyed in exchange for the confirmation of receipt. The signed confirmation is attached to the report.

A new summons is later handed to the claimant personally at the FAO. What follows is an interview of the asylum claimant at the FAO, for which an interpreter needs to be appointed (again not visible from the file). During the interview, the claimant introduces photographs, which are included in the file, as evidence. Attached to the interview transcript are also the names of persons known to the claimant in the claimant's handwriting. After the interview, the official responsible sends a request for information relating to the person's legal status, travel document, visa, asylum application and decision to the abovementioned EU Country (based on Council Regulation 343/2003 article 21). The claimant's fingerprints are attached to the request. A note is also included explaining that the asylum claimant expressly agrees that the FAO will send a request to Country X regarding the claimant's application to that country. The caseworker forwards the request for information, including fingerprints and a photo, to the Austrian Dublin Unit. Consequently, the Dublin Unit informs the FAO of the results of the request: data are available. The Dublin Unit of Country X answers the request for information by providing the following documents: the transcripts of the screening interview and of the asylum interview, two state of evidence forms from different dates, and the reasons for refusal.

The FAO then sends a summons via the police to the asylum claimant, including a confirmation of receipt. As before, the police are asked to convey the summons and return the confirmation to the FAO or to return the document if it is not collected within 3 weeks. The police send a report to the FAO stating that the summons was conveyed in exchange for the confirmation of receipt, including the signed confirmation. Again, an interpreter needs to be appointed for the interview. The subsequent interview takes place at the FAO and is documented in a transcript. The FAO then issues the decision regarding the asylum application to the claimant, again via the police; the application for asylum and subsidiary protection is refused, and the claimant will be expelled from Austrian territory and returned to his home country. The same instructions are given to the police as with the earlier summons: the person must collect the decision from the police within 3 weeks.

The police file a charge against the asylum claimant because he did not fulfill the obligation to report and excused himself due to a stomachache without a medical certificate. The charge is forwarded to the IRC. Following this charge, the police send a notification to the FAO with the same information; this is also forwarded to the IRC. Consequently, the FAO makes a public announcement (according to article 25 of the Delivery of Official Documents Act). It states that a decision has been presented for this person and that this decision has until a certain date to be collected; after 2 weeks, the announcement is considered to be delivered. The police then send a short report to the FAO stating that the asylum decision was conveyed in exchange for the confirmation of receipt, with the signed confirmation attached. The police later send a notification to the FAO with the information that the person (again) did not fulfill the obligation to report and excused himself due to stomachache without a medical certificate. The notification is forwarded to the IRC.

In response to the decision, the asylum claimant files a complaint against the FAO, which is forwarded to the Asylum Court, the (former) second instance in the asylum procedure. The police then notify the FAO that the claimant is now registered, indicating the new address and that the obligation to report is no longer necessary. This notification is forwarded from the general receiving center of the FAO to the caseworker at the relevant FAO branch through the receiving center of that branch. It is also forwarded to the Asylum Court, which is now handling the case.

Next, the Asylum Court sends its judgment regarding the application to the asylum claimant: the complaint is dismissed as unfounded. The Court informs the FAO about the settlement of the procedure and that the decision was delivered; the attachment includes the administrative act and the copy of the delivery receipt as well as the signed confirmation of receipt. In the last document of this file, the municipality informs the FAO of the person's marriage. A handwritten note on the document informs the reader that there has been a legally binding negative decision regarding the person's asylum application.

3.1.1.1   What the Asylum Record Tells Us About the Organization

As an artifact, the file represents the materialization of communication and manifests decision-making processes in the organization. The file also represents an objectivation of the organization's social relations (Froschauer 2009). The reconstructive file analysis illustrates how texts coordinate activities within the organization, emphasizing the fact that administrative work is organized around a set of documents. According to Smith (2002:161), it is

> in particular the formality, the designed, planned and organized character of formal organization [that] depends heavily on documentary practices which coordinate, order, provide continuity, monitor and organize relations between different segments and phases of organizational courses of action.

The analysis reveals the multitude of actors involved in processing a single asylum application and shows how central the circulation of documents and their contained information is in the asylum procedure. In addition to governmental

institutions – the FAO, the IRC, the police, the Dublin Unit, and the Asylum Court – the municipality and an NGO interact in this "case." Both the claimant and the interpreter are non-institutional actors, and many more actors are imaginable, such as language experts, friends of the claimant and organizations providing reference letters, or hospitals issuing a diagnosis. In this case, the involvement of the Dublin Unit in the other European countries hints at the international scope of cooperation in the asylum procedure.

At the macro-level, the relations between network organizations are typically complex and reciprocal, cooperative rather than competitive and relatively stable (Ortmann et al. 2000:350). Interorganizational relations are well institutionalized and allow for a quick and open exchange of information while also requiring trust and loyalty. This process is also valid for the asylum procedure, where diverse institutions depend on cooperation and exchange. From the perspective of structuration theory, networks or network relations are the consequence of intended or non-intended interorganizational practices, that is, of reorganization and/or evolution (Ortmann et al. 2000:351). Allocative and authoritative resources that exist within the network and the society as well as the prevailing rules of signification and legitimation are vital to the reproduction of these relations. However, these structures and network relations extend (and simultaneously restrict) the action possibilities of organizational and individual actors, such as making possible the use of interorganizational resources by offering an appropriate way to arrange relations. Being embedded in a network of national and international organizations can also result in the FAO facing contradictory requirements produced by practices directed toward the organization by different institutions. However, these practices often need to transcend the organization and instead relate to interorganizational networks as reference points. This relationship can be illustrated by the influence of the European Union and its institutions on the national asylum systems of its member states.

On a more micro- or meso-level, the findings demonstrate the prevailing patterns of contact and communication, providing insight into the organizational network and power relations such as hierarchies and dependencies (Prior 2004). The processes of generating and organizing knowledge in the institution as well as the prevalence of intertextuality become evident, particularly when evidence or sources, such as expert reports or newspaper clippings, are included in the file (which was not the case in the present analysis). In the asylum procedure, authors borrow from and transform prior texts, and texts are translated, quoted and used in other ways. As Barthes (1998:385) notes, "we know that a text does not consist of a line of words … but [is] a multi-dimensional space, in which a variety of writings, none of them original, blend and clash. The text is a tissue of quotations drawn from the innumerable centres of culture." This interrelatedness of texts not only holds true for literary texts but also is visible in the bureaucratic context and the asylum procedure. "A text is made of multiple writings, drawn from many cultures and entering into mutual relations of dialogue, parody, contestation" (ibid). Thus, the knowledgeable reader has the task of understanding the text, interpreting it and taking action on its basis.

The high density of written communication (mostly email), including the forwarding of the same information to different units, is a characteristic of bureaucracy. The need for every step to be confirmed and the importance of deadlines

highlight the legal character of the procedure, as do the many references to specific articles throughout the written communication. Although informal interaction can reveal social practices as well as values systems within the institution (Drew and Heritage 1992) and oral interaction also plays a vital role in the asylum procedure (especially in the asylum interview), what is eventually important is what is "spatialized and rendered visual: recorded, filed, and placed on a docket" and what is "embodied 'by the paper'" (Ewick and Silbey 1998:8). Administration is an example of a whole complex of practices, which would not exist without such artifacts (Reckwitz 2003:291). As Hartland puts it with regard to his ethnomethodology of state documents,

> social organization that extends beyond face-to-face interaction usually relies on practices of writing and reading. Documents, lists, files, contracts, instruction manuals, timetables, reports, statutes, forms, catalogues, fixtures and tables are vitally involved in the coordination of activities in time-space (Hartland 1989:398).

In the institutional ethnography approach, work processes are investigated "by following a chain of action, typically organized around a set of documents because it is texts that coordinate people's activities across time and place with institutional relations" (DeVault and McCoy 2002:756). In Smith's (2006) understanding of institutional relations, the form of coordination and power generation is increasingly textual. Institutions can be understood as "clusters of text-mediated relations organized around specific ruling relations" (ibid:753). Texts play a particularly crucial role in administrative and legal procedures such as the asylum procedure. The record, one of many documents, is the pivotal element around which officials' work is organized and structured; however, it is also constantly modified through officials' work. The analysis of asylum files can provide insight into translocal relations and the chains of action involved in processing an asylum application. This approach allows the textual coordination of work processes to be analyzed across different sites and levels of administration.

The personal file, which includes all information available on a specific asylum claimant and her application, represents the key artifact structuring practices at the FAO. By marking the beginning and end of a procedure and by including all main action between those points, the file can be understood as the embodiment of the asylum procedure. All documents regarded as relevant to the procedure are collected and chronologically and combined in this bundle of papers. The file – available as a hard copy as well as in an electronic database[7] – thus documents all work steps and the course of action routinely involved in the processing of an application. As seen above, the reconstructive analysis is not primarily interested in the content of the "case" but focuses instead on the materiality of the file and how it comes into existence. In the context of a legal procedure, research on this materiality and the related practices can be regarded as a way "[to] begin law at the beginning" (Latour

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[7] It is interesting to note that the hardcopy file contains more detailed information than the one in the electronic database. When the original file is sent to the appellate instance because a complaint has been filed, the FAO can only refer to the reduced information in the electronic file.

2010:71). However, in analyzing the record as an artifact, even its outer appearance reveals something about its content. The thickness and weight of a file can indicate the duration of a procedure; the cover of a file contains essential information concerning the applicant and the case. According to a judge, at the Asylum Court, "the data are as a rule clearly summarized on the cover side of the jacket." These data include the claimant's gender and age as well as information on whether she has a legal representative in the procedure and whether the appeal was filed on time. The date of the contested decision and the reference number are also indicated on the cover. Since not every decision is appealed, the reference number at the Asylum Court differs from the number at the FAO; the latter corresponds with the claimant's entry into the Interior Ministry's asylum applicant information system.

The color of a cover also conveys certain information regarding the case. The color "strikes the eye and points to the legal layer to which the contested decision notification belongs; that's a way to facilitate the handling here; attention shall be directed to urgent procedures," the judge explains. Thus, it matters whether the cover is red, blue or yellow (or differently colored); a specific color can even "with a certain probability imply an expulsion decision" (Stephan). A color can also "catch the eye" because the examination of a case is urgent due to a legal deadline (Stephan). The ability to convey detailed the information through the cover color can be best illustrated with a certain color that is used for "procedures regarding the suspension of the de facto deportation protection in subsequent applications" (Stephan). In addition to a file's thickness and its cover, its physical location and position play a role in officials' work. In a telephone inquiry, an official explains that the decision notification will be issued in the following 14 days, putting forward the argument that the file is already at the top of the order – "it's now the uppermost" – and that she will shortly address that file (Sabine).

Following practice theory, artifacts such as records are neither solely things to be observed nor forces of physical constraint; instead, they are objects that are used meaningfully and thus represent a part of the social practice or the practice itself. The meaningful use of an object implies that actors use them by means of an appropriate understanding and know-how, which is not determined by the artifact itself. According to Latour (2005), objects become active mediators – as opposed to neutral intermediaries – when they acquire agency and are able to change actions; they can authorize, encourage, suggest, influence, forbid and so on. Although these non-human actants cannot determine or cause human action, they can, for example, "'express' power relations, 'symbolize' social hierarchies, 'reinforce' social inequalities" (ibid:72). Hence, artifacts need to be treated as social facts, and the notion of interaction has to be extended to exchanges between humans and non-humans.

3.2   The Formal and Informal Requirements for the Job

The positions at the FAO are divided into officials with a law degree and those without one, termed legal and non-legal caseworkers in this study. According to a job advertisement for the FAO, the official requirements for decision-making officials without a law degree include (1) in this case (but not always), a valid contract of employment with the federal government; (2) a higher school certificate or civil service exam; (3) a high level of organizational skills and readiness for duty; (4) good knowledge of the legislation that is applied in the area of work; (5) readiness for indispensable on- and off-duty self-improvement of information procurement (media, technical journals, literature, TV, etc.) regarding current asylum-specific topics; and (6) knowledge of the General Administrative Procedures Act. The tasks of a decision-making official are succinctly described in the advertisement (for officials at IRC and FAO branches)[8]: executing of asylum procedures and admission procedures at the IRCs and conducting asylum procedures after admission at the branches of the FAO. Decisions are to be made regarding the responsibility of Austria as well as regarding the applicability of a grant of protection. According to the advertisement, the interrogation work requires high respect for legal deadlines and the humanitarian consideration of problematic cases. In addition to flexibility and correct prioritization, a high level of self-organization and integration into the operational structure of the unit is expected.[9] As Meyers and Nielsen (2012) note, it is part of street-level bureaucrats' job characteristics that job responsibilities cannot be fully specified in advance and that work is part of processes that involve other actors, including policy targets. Therefore, they have to exercise discretion in performing their jobs, and their behaviors and performances emerge in interaction with these other actors, thereby introducing variability and unpredictability.

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[8] In 2013, a substantial number of post offices were closed in Austria, and former postal staff were recruited to work at the FAO. This measure underlines not only the low level of preconditions for working as an asylum decision maker but also the fact that this job is regarded as any other job that can be done by anyone regardless of interests, attitudes or previous knowledge. A brief account of a concerned staff member can be found in a newspaper article at http://kurier.at/chronik/wien/bundesasylamt-manche-muss-ich-zurueckschicken/113.866.521.

[9] The current job description for a "caseowner" at the FOIA has similar but also some differing requirements as the former job. The new requirements include more so-called soft skills, which were informally mentioned as necessary by the interviewed officials. The current requirements include Austrian citizenship; a higher school certificate or civil service exam; independent work, organizational skills and personal initiative; friendly, confident appearance, sociability and negotiation skills; communicative, cooperative and team skills; conflict skills and assertiveness; a high sense of responsibility; willingness to engage in necessary further training; high physical and mental resilience; readiness to engage in on-call and permanent duties; and knowledge of at least one living foreign language (preferably English). Nevertheless, the job is still described as relatively simple: conducting interviews, assessing evidence, gathering expert evidence and/or country of origin information, and making the decision notification (Bundesasylamt für Fremdenwesen und Asyl n.d.).

By contrast, the job requirements for the position as a legal official at the FAO contain somewhat more detail. In an interview, one of the caseworkers reads to me the required competences from an advertisement he finds on his computer: in addition to a university degree, the candidate must have extensive specialized knowledge concerning the relevant area of law. The required knowledge of legal documents is extensive and includes the following: the Aliens' Law Amendment Act; the Service of Documents Act; the Geneva Refugee Convention; the General *Administrative* Procedure Act; the ECHR; significant EU law; the Schengen Agreement; the Dublin II Regulation; recent judicial decisions of the Administrative Court, the Constitutional Court, and the ECHR; and the main features of the Law on Entitlement to Fees. The candidate also needs to have up-to-date knowledge of the political, social, economic and contemporary historical situation of crisis regions with asylum relevance. In addition, social and organizational skills are required for a position as legal official; job applicants need to prove oral and written articulateness and have initiative, a sense of responsibility, and be conscientious. Potential employees must demonstrate that they are extremely responsible regarding the examination of the existence/non-existence of possible legally relevant entitlements of foreigners in the broadest sense. The person must be able to cope with peak workloads in periods of high application numbers and possess the necessary communication skills and willingness to work. These requirements are also valid for non-legal positions, as a caseworker explains (Stephan). In addition, the legal position requires the clarification of particular legal questions regarding the individual procedure and the preparation of essential questions of law with complex case facts. Although the complete job description includes more details, those presented above represent the main requirements for working at the FAO.

By comparison, when asked about their personal assessments regarding the necessary skills for doing their job, the interviewed caseworkers mention a number of different types of know-how and skills. The main competences identified related to language, self-organization, categorization, empathy, self-confidence and mental resilience. The capability to work with language was referenced extensively in the interviews and included the ability to articulate both orally and in writing and to be secure in writing in general. As one official notes, creativity is needed not only for a good argumentation in the decision but also for knowing which questions to ask during the interview. Self-organization is also regarded as an important skill. An official is supposed to work independently, to organize herself and to manage the work processes by herself. Concerning the knowledge necessary for the job, officials seem to agree that knowing the details of the law is not essential. Instead, one needs "tactics … you have to know where to look something up" (Stephan). In addition, the ability to categorize is mentioned as vital since real, individual "cases" need to be made to fit the general laws. "To identify the crucial points, to see what can I categorize, what has to be categorized in which way" (Thomas) are seen as key required abilities. As Martinez (2009:117) states, "[A] street-level administrator may be so far down inside the hierarchy of an organization that few occasions arise when detailed knowledge of laws and regulations apply." In addition, administrators

"are unlikely to be as conscious of the importance of purely legal rules as they are of the rules and practices of the public authority itself" (Feldman 2012:349). This lack of consciousness is related to the fact that there are fewer incentives for caseworkers to internalize legal rules than administrative ones. According to Feldman, "law can never offer a complete, or even sufficient, set of standards to guide public administration" (ibid:350).

The data suggest that there are two main types of knowledge that can be identified with respect to work at the FAO. First, a caseworker needs to know what she is required to do and how. That is, she needs knowledge regarding everyday work processes such as the individual steps that are necessary when processing an asylum claim, their chronological order, and where to get information as well as alternative solutions. An official needs procedural, legal, and administrative-bureaucratic knowledge to deal properly with an asylum application. Second, she needs social, cultural, political and economic knowledge, particularly regarding asylum claimants' countries of origin. In addition to general knowledge regarding how to process an application, an official needs to have knowledge concerning the specific case at hand.

The formal sources of such knowledge, provided by the FAO or the Ministry of the Interior, include, for example, handbooks and guidelines on how to lead an interview, how to deal with interpreters, and how to interpret and apply certain important laws. However, instructions can also be given on a day-to-day basis by email to address issues such as certain temporary measures. Another method of acquiring knowledge about everyday work processes is participating in training seminars, which caseworkers are officially required to attend twice a year. In these seminars dedicated to specific subjects such as interviewing traumatized persons, knowledge (and values, etc.) is passed on to officials. Although the law itself also represents a source of information, most officials do not consult the law in their everyday work; due to the administrative handbooks and guidelines, they see no need to delve into legal texts.

At an informal level, caseworkers' personal networks play a role in everyday work. Exchanges with colleagues inside and outside the agency allow caseworkers to be updated on new developments in the organization and are useful for gaining other "insider" information. Daily routines are also discussed among colleagues; learning from colleagues' best practices or failures is essential for developing a personal work style and approach. As we will see in the following, a key method of knowledge transmission is learning by doing, such as managing concrete interactions or determining where to obtain relevant information. "Knowing," which refers to the embodiment and enactment of knowledge, is a condition for and consequence of acting (Wagenaar 2004:651) and is thus a vital element of everyday work and administrative practice; however, it is not explicitly taught. Essentially, knowledge is organized at the individual level (concepts and skills) as well as at the collective level (stories and genres), and it can be organized tacitly, that is, at the cognitive level (skills and genres), or explicitly (concepts and stories) (Cook and Brown 1999).

Another skill that caseworkers note as being important is the ability to deal with people in general – not only asylum claimants but also interpreters and other actors.

Some interviewees find that officials should possess a certain humaneness or sensitivity. Thomas, referring to the interview situation, emphasizes the capability "to step into the situation, into what is going on and to create a basis for conversation," whereas another colleague believes that one should be able to show interest in the person on the other side of the table. Being a neutral decision maker is also identified as important; officials also highlight that one needs to prove rigor to be able to make a decision. Although the asylum interview represents a routine activity for caseworkers, it is still a special situation in which the performance of each actor is under supervision. Officials thus attach importance to self-confidence and a reasonable appearance when entering into direct contact with an asylum claimant. As mentioned above, another vital feature for caseworkers to possess is mental resilience and the ability to distance oneself consciously from the emotional part of the work. Being a decision-making official can create psychological burdens, a fact that is highlighted by Gabi, who finds that "we're all the psychiatrists of the other."

Comparing the formal and informal job requirements reveals that in the formal advertisement, the interpersonal and emotional aspects of the work are completely omitted, hinting at the lack of significance given by the state employer to these so-called soft skills. Concerning the other skills, the formal and informal job requirements largely overlap, although caseworkers attach less importance to the detailed knowledge of the law than the employer, which is also reflected in the everyday practices analyzed in this study.

3.2.1 Socialization: How to Begin the New Job…

As mentioned above, non-legal officials, who make up the majority of caseworkers, do not require any specific education beyond A-levels, which means that they are introduced to the working procedure through "primarily learning by doing" (Roland).[10] Although exchange and comparison with their colleagues remains relevant throughout officials' careers, their orientation toward others' behavior is especially crucial in the first months or even years of the new job. By working alongside other caseworkers before doing the job alone, agents benefit from senior colleagues' experiences. (Dubois 2010) "In the beginning, you read decision notifications and watch – how does he write, how does the other one write," an official explains (Gabi). When they start the job, caseworkers also sit in and observe colleagues' interviews with asylum claimants, which allows newcomers to "pick something out everywhere, to learn by watching and then also to develop one's own strategy" (Gabi). Thus, every caseworker develops her own approach oriented toward observed best and worst practices. Non-legal officials mention that when they started their job, they faced difficulties in working with the law and first had to familiarize themselves with legal language. Although training is available on

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[10] As mentioned above, a uniform training course was introduced in 2016.

specific topics, practice and experience represent the main key to learning how to tackle everyday work tasks at the FAO. Additional knowledge that is regarded as relevant, such as that concerning claimants' countries of origin, is also accumulated with experience. As an official notes, beginners can rely only on the official information provided by the COI Unit. However, after several interviews with claimants from the same country of origin, caseworkers gain additional information. "Through the interviews, you gain background knowledge, which you can't find in the COI; thus, you simply gain a sense for it; in the beginning you really lack that" (Veronika). On the one hand, the caseworker refers to informal information; on the other hand she also asserts that one gains a certain feeling or sense about the interview and the claim over time, which a newcomer cannot have because she lacks the experience.

Although the official training phase for institutional approval takes approximately three to 6 months, Veronika, a non-legal official, thinks that it takes "surely half a year to over a year" before someone is fully acquainted with the tasks and can work freely. After an initial introduction phase, newcomers must conduct interviews and write decisions under supervision. Before a newcomer is allowed to sign her own decision notifications, she is trained by the head of the unit, who checks her initial decisions. If the head of the unit decides that the person is ready, the official's decisions are subsequently checked by the head of the department before being issued. Only when the head of the department can state, "Okay, you're now able to sign by yourself," is the decision on the approbation authorization made in consultation with the director, allowing a caseworker to work independently. After 5 years of experience, Roland thinks that he can now "work freely" and notes that "only now I'm really ready." When he started at the FAO, he could not believe that it would take several years to learn how to do the job. After some years of experience, he realized that apart from the basic skills an official needs, "everything else comes with time."

The learning by doing procedure provides officials with practical, implicit knowledge. From the praxeological perspective, every practice is first and foremost a knowledge-based activity in which a practical sense of know-how is employed. Thus, knowing refers to the embodiment and enactment of this knowledge (Wagenaar 2004:651). For an administrator, this means that she can understand a particular situation without necessarily having full knowledge of the details of the entire situation. Thus, the understanding is in the doing; the administrator "understands what is right or fitting to do in this particular situation by acting on it" (ibid:650). What she knows is not held in memory but embodied in action. However, this sense of rightness is not given in a priori but is collectively (re)produced in a dialectical interaction with the particular situation and its embedding in the wider organizational, social, and cultural context (ibid:644). These norms of what is right in a certain situation refer not only to formulated rules but also to unformulated, informal norms.

Both the informal job requirements and the socialization process hint at the implicit and informal logic of social practice, a key element of the theory of practice. Every practice is first and foremost a knowledge-based activity in which a

practical sense of know-how is employed. When a practice is carried out, implicit social criteria are applied, creating a symbolic world in which objects and persons have an implicitly known meaning in order to act appropriately in a routinized manner (Reckwitz 2003). This practical knowledge, which is mobilized in a social practice, includes several forms of knowledge that are not presupposed as universal but as historically specific and as contingent "local knowledge" (Geertz 1983). On the one hand, it involves knowledge in the sense of interpretive understanding, that is, a routinized ascription of meanings to objects, persons, etc. On the other hand, it involves methodical knowledge, which refers to script-shaped procedures of how a chain of action is competently produced. Another key component is the motivational-emotional knowledge of "what one actually wants," what is appropriate and what is not. These socially conventionalized implicit complexes of motives and emotions are inherent to practices and can be redefined into individual interests by the actors. However, the implicit normative criteria of what is appropriate within a complex of practices must be distinguished from possibly existing explicit and sometimes formalized norms that might also conflict with each other (Reckwitz 2003:293).

A key assumption of structuration theory is that social actors "have, as an inherent aspect of what they do, the capacity to understand what they do while they do it" (Giddens 2011:xxii). Agents are thus understood as reflexive, knowledgeable and purposive rather than as manipulable actors directed by supra-individual forces over which they have no control. Following Giddens, actors' knowledgeability and the routinized character of their day-to-day activities are established through continuous and interdependent processes of reflexive monitoring, rationalization, and motivation. The knowledgeability of actors is primarily based on the ongoing (tacit or express) reflexive monitoring of one's own actions, the actions of others, and the context of these actions; that is, the material and temporal aspects of (inter)action settings (ibid:4). The knowledgeable actor is not only fundamental to the constitution of human agency but is also central to the concept of structure. Actors' knowledgeability is thus the place in which structure and agency become mutually constitutive and from which regularized social conduct emerges.

Practical knowledge is acquired in the context of a socialization process within the organization, which is where new caseworkers learn how to reproduce the structure. As Giddens (2011) argues, knowledgeable agents always refer to structures – rules and resources – in interactions. The structural characteristics of the field of action, such as rigid confines between different departments or strict division of labor (e.g., between legal and non-legal officials or along different countries of origin), are produced by agents' structuring action. By repeatedly engaging with these structures, agents simultaneously reproduce entire social systems. The fact that actors always act reflexively implies that they relate to their own past, present and future expected behavior as well as to the behavior of others and structural features of the field of action in a (more or less) reflexive way. Nonetheless, knowledgeable agents can never fully control the processes of social reproduction. They often act on the basis of unknown preconditions and generate unintended consequences (Ortmann et al. 2000:318).

Within this socialization process, officials also internalize the organizational culture and ideology. Often, "the behaviors and actions of street-level bureaucrats can be explained more by the professional norms, work customs, and occupational culture of the workers than by management factors" (Riccucci 2005). Giddens's (2011) model of human action includes the interplay of three levels that are relevant in this context. First, individual and organizational forms of reflexive control provoke questions such as, "What will the others do?" These forms of control can be seen when decision makers orient their action toward colleagues' social practices in asylum administration. The values within an organization can be so powerful and influential that they "sometimes partially supplant individual values and norms" (Martinez 2009:118). When "everyone is expected to perform certain chores or behave in certain ways, an individual is pressured, subtly and not so subtly, to conform" (ibid).

Second, the rationalization of action requires the development of an understanding of the reasons for action. These reasons are mostly provided by the organization and its ideology. As Downs (1967:245) notes, bureaucratic organizations "engaged in highly controversial activities" particularly depend on ideologies "to justify their existence to their members and the outside world, since they are under constant attack." Considering the current developments and hot political debates in the field of asylum, this reasoning also seems to be valid for the asylum administration. Van der Leun (2003) stresses that public officials' work is generally surrounded by political conflict. Regarding the ideological orientation underlying the decision-making process in the asylum procedure, Morris (2010) identifies two leading paradigms, the national and the cosmopolitan, which are linked to the concepts of national or universal solidarity, respectively. Deliberation on asylum applications can thus be construed as a contest between the national, rather restrictive paradigm of interpretation and the more expansive, cosmopolitan paradigm that promotes thinking beyond codified rules (Morris 2010:105). These two paradigms address how the social norms of a certain national community and those of "a more distant world community of world citizens" relate to each other (ibid:98). Although both approaches can be debated and are partly based on established jurisprudence, they can certainly be regarded as ideological predispositions. With regard to the rationalization of action, especially in the bureaucratic context, responsibility is often handed "upwards" in the hierarchy; caseworkers tend to see themselves as executors of instructions, making it easy to not further question the rationale for one's action.

Third, action is motivated consciously or unconsciously through the need to satisfy a desire or avoid fear. Caseworkers might be motivated to meet the legal requirements to pass the check of the second instance and to meet the internally required workload quotas to avoid sanction by the head of the department. However, most human action is not motivated directly but occurs on the basis of routine (Ortmann et al. 2000:316).

3.2.2   …and Develop a Routine

In becoming acquainted with the organizational culture, caseworkers also learn with which categories the institution works, which differentiations are made and which schemes are used to classify and structure claimants and cases. In cases of uncertainty, they consult more experienced colleagues or, for example, their superior, a veteran with 17 years of experience at the FAO. The aim of the organization is to enable staff to discern that "in this and that situation, you just approach a case in this way" (Thomas). This socialization process, which allows new employees to learn how things are interpreted in the organization, how officials are to interpret laws and other regulations and how specific cases are to be treated, is essential for organizational reproduction. When confronted with difficulties in writing the decision notification and leading interviews, an official concludes that it is now "a matter of habit, it's a routine" (Thomas). Noting that despite the established routines, "you still have to take your time for every person, for each cause," he claims that this routine is not detrimental to the asylum claimant. Instead, according to the caseworkers, the main benefit of routinized practices such as knowing how to efficiently prepare for an interview or taking minutes during the interviews (which is not done by the typist) is facilitating the workflow.

The advantage of experience is particularly evident with regard to the interview situation; the official's experience and routine further increase the power asymmetry vis-à-vis the asylum claimant. The unequal relationship is reinforced by the contradiction between a claimant's perception of the asylum claim as an emergency and the official's perception of the claim as routine (Hughes 1984 [1971]; Dubois 2010). As Gabi notes, her self-confidence grew in interviews with men who "almost don't look at you for three hours," a behavior that she associates with the men's cultural background. In terms of content, caseworkers also seem to profit from experience over time. Country specialization in the sense of division of work is regarded as important because such knowledge is "so specific" and much of the "additional background knowledge [is gained] through the interviews" (Veronika). The official adds that due to her routine, she also knows to ask the right questions at particular points during the interview. A problematic aspect of such a routine when handling asylum applications by claimants from the same country of origin is that officials tend to believe that only a limited number of recurring assertions and arguments exist regarding the reasons for persecution and flight. By reaffirming the daily grind of the bureaucratic apparatus, officials risk losing sight of the procedure's original purpose, namely, to grant protection to individuals on the basis of their experiences.

Since time is valuable, especially in an organization that follows the logic of NPM, caseworkers are keen to develop time- and effort-saving practices. One of the tools used to reduce invested time and effort that is usually employed in bureaucratic organizations is the template. As Gabi explains, "When you make yourself a great template, it's again going faster; it's the templates that are lacking in the beginning." While providing stability, templates also cause reproduction and non-

reflective routines. However, reproduction within the organization is intended since both the form and the content of decision notifications need to follow a specific structure. "For each decision, there is a template with the boilerplates that should be in there between the individual passages" (Gabi). In addition to such formal templates, informal templates circulate among caseworkers that enhance reproduction. Potentially leading to the reproduction of routines, informal templates are used for such purposes as determining how a colleague has dealt with a similar case in the past.

Although routines provide advantages to officials such as saving time and effort, repetition and reproduction can also have a negative impact on decision making. Practices of categorization, for example, have many practical functions such as pragmatic utility, but the mental economy of categorization can cause mindlessness in its application (Amsterdam and Bruner 2002). Some officials think that routines need to be modified from time to time because those officials are aware of how routines can develop: "you do the same thing over and over" (Thomas), "you slide into a rut" (Veronika), and "you establish a jog trot" (Stephan). After a certain period of being in the job and repetitively executing the same tasks, officials tend to start working by default and become imprecise in their work. Training is described as potentially eye-opening and mentioned as an opportunity to try different possibilities for action. Another solution to the problem of developing a one-track mindset in the asylum procedure is the option of limiting the duration of work at the FAO. Some caseworkers find that a certain fluctuation of staff is good; "I think it's not good if you do that [job] forever" (Stephan) since one "gets dulled" after many years of working in the same environment (Thomas).

The observed habituation effect also has an emotional impact. Sabine thinks that "one gets 'vaccinated,'" that is, that experience makes caseworkers immune or resistant to potentially new situations, meaning that they have already experienced so much in this job that they are not easily troubled anymore. Nevertheless, some situations seem to go beyond the bearable limit to the point that she thinks "the skin can never become that thick." She is callous concerning claimants' behaviors in the interview, but she is more sensitive when she is personally addressed and affected. Gabi concludes that over time, one becomes accustomed to the fact that unpleasant things occur in people's lives; "someday then you accept it, then you say, that just also exists."

Despite or in parallel to these routines, caseworkers experience uncertainty. Ambiguity is inherent in many of the officials' accounts. On the one hand, they often mention that cases are repetitive and "you always have the same things" (Gabi); on the other hand, they tend to stress that "each assertion is different" and that in this job, "you can't lean back, no, that's impossible; you can't just do something by default" (Thomas). Officials report the difficulties of not knowing how to approach a case or of dealing with non-routine cases. The issue of uncertainty will be explored in more detail in Part III.

In addition to materiality and implicit, informal logic, the interplay of routinization and the unpredictability of social practices is the third key element of practice theory. The relative closedness of repetition and the relative openness for failure,

reinterpretation and potential conflictuality of everyday practices are conceived as two sides of the logic of practice (Bourdieu 1980). As soon as the social world is viewed as a network of social practices, it obtains the basic feature of routinization; this is true both for practice complexes such as formal institutions and for the individual. Routinization – a basic feature of day-to-day social activity and a vital concept to structuration theory – is understood as grounded in practical consciousness, which generally cannot be expressed discursively. The routinized action enabled by implicit practical knowledge and understanding is what makes the social world relatively structured, understandable and ordered. The routinized character of social life is essential for maintaining "ontological security" (confidence or trust), that is, a sense of order and continuity (Giddens 2011:50). Maintaining this security is a continuous accomplishment of the actor through habitual participation in routine activities, making routine conduct a vital element for the constitution of institutionalized forms of social life. Reproduction is therefore a key element; once practical knowledge is transferred and incorporated, it tends to be used by actors repeatedly and tends to produce repetitive patterns of practice (Reckwitz 2003:294f). In the asylum administration, everyday work is also concentrated on continuous action patterns and schemes. The sequence of steps to be taken is predefined by legal and administrative regulations, and standardization is prevalent in the asylum interview as well as in the different forms and documents.

However, the other side of the social world consists of an interpretive indefiniteness and uncertainty, requiring a context-specific reinterpretation of practices and enforcing and enabling an innovative application surpassing reproduction. Hence, from the praxeological perspective, deciding upon asylum applications means routine, uncertainty and mimesis. The unpredictability of practice and thus its openness for change is demonstrated by four main features of the logic of practice: context, temporality, loosely linked complexes of practices, and the overlapping of different forms of knowledge in actors and subjects (ibid). Although the contextuality and situativity of the realization of practices can often be managed through routine, actors are sometimes confronted with events, persons, acts or objects for which no or no clear routinized pattern of understanding, methodical knowledge and conventionalized complexes of motive and emotion are available as "tools." Under such circumstances, a practice may fail or be in danger of failing and hence must be modified or changed. An example of such a new context is the emergence of new artifacts, such as new laws or administrative regulations, provoking the development of partially new practices (ibid).

However, within everyday crises of routines, structures are "broken" and "shifted" "in constellations of interpretative interdeterminacy and of the inadequacy of knowledge with which the agent, carrying out a practice, is confronted in the face of a 'situation'" (Reckwitz 2005:255). Such a crisis can be encountered, for example, when an asylum application is difficult (or impossible) to manage on the basis of an established practice. In their everyday work, officials are regularly confronted with such situations of indeterminacy and inadequate knowledge; in these situations, actors' mimetic capability becomes important. Instead of strict "rule follow-

ing," caseworkers' practices can thus be understood as mimesis, a form of imitation and a situation- and context-related orientation guide (Ortmann 2003:153). Mimesis is a social competence; it allows an agent to make use of and simultaneously provide immediate action patterns. It is "a sort of helplessly-helpful orientation in mimetic attitude toward the acting of others" (ibid:146) with the special feature of reducing moral or technical complexity. To act mimetically in the context of processing asylum claims, for example, means to orient one's action toward colleagues' precedents in similar cases. Mimesis thus plays an essential role in the process of deciding upon asylum claims and justifying these decisions; at the same time, mimesis disburdens actors by providing action orientation. Although all action is pervaded by mimetic orientation, perfect imitation is a contradictio in adiecto since rules are constantly shifted and modified in and through their application. Repetition is thus constitutively dependent on difference; there can never be identical reproduction since there is always a differential moment of repetition (ibid:48).

3.3   New Public Management Logics at the FAO: Working as a Member of the Organization

To understand the dilemmas with which decision makers are confronted, it is important to know the context and circumstances under which they work and that play a role in causing the dilemmas. Some characteristics of the FAO as a workplace, such as its institutional framework and network, the common practice of learning by doing and the importance of routinization, have already been explored. In the following, I will focus on specific organizational aspects of the administration of asylum claims. The study findings reveal important issues concerning the management of the FAO branch, the relevance of productivity and time pressure, the prioritization of quantity over quality, and the effects of organizational development and change.

Much of what can be observed in this regard is related to the introduction of New Public Management to public services around the turn of the century. In the 1990s, NPM was designed as a strategy to modernize and render the public sector more effective (Hood 1991). This approach is based on the concept that market-oriented management of the public sector will lead to greater cost efficiency for governments without negative effects on other institutional objectives. It can thus be argued that with NPM, the "three Ms" were introduced into public services: markets, managers and measurement (Ferlie et al. 1996). Several authors have claimed that NPM had already peaked in the early 2000s and is in decline or even "dead" (Dunleavy et al. 2006), but the findings show that NPM logics still have an effect on daily routines and create particular contradictions and tensions. Eliminating the negative aspects of NPM from many areas of public administration, including the asylum procedure, will likely take some time.

3.3.1 Hierarchy and Management

A hierarchical structure is one of the main characteristics of a bureaucratic organization such as the FAO. The roles of the different actors as well as their positions in the hierarchical order are clearly defined from the director to the heads of each branch via the chambers to the unit heads. The legal and non-legal officials, who have differing job gradings and somewhat varying tasks, are under the supervision of the unit heads. The caseworkers are then superordinate to their assigned assistants, who mainly serve as typists. A few men who serve their civilian service[11] at the FAO and are thus only employed temporarily execute the work with the least responsibility. The power relations vis-à-vis the caseworkers are not as clear when interpreters or experts are involved (as we will see later in more detail). The organizational hierarchy becomes particularly visible when a person starts working at the FAO. Newcomers are first trained by the unit head, and later, the official's first independent decisions are checked by the head. Only then does the head of the branch decide together with the FAO director whether approbation authorization can eventually be conferred upon the official. While the head of the branch is not involved in direct interactions with asylum claimants, the deputy does conduct interviews in the present case study. Nevertheless, the head is regularly involved in decision making since officials have the ability to discuss "difficult" or complex cases with the head[12]; in many cases, it is even compulsory for officials to consult the head before making a definite decision.

There appears to be a good general working atmosphere in this specific branch, which caseworkers often attribute to the head's personality and managerial style. This head's attitude "is probably also reflected in the whole branch, with the whole atmosphere," Gabi explains. Expressing a similar view in a conversation, the head emphasizes that the current officials make a "good team" and that it would therefore be deplorable if jobs had to be cut (ob. 6).[13] This specific managerial style is also visible in the fact that the head is not necessarily present in official's everyday work; as Roland notes, probably in exaggeration, "if I aim for it, I don't see the head the whole year." It is also noted that the hierarchy is only explicitly manifest in the list of telephone numbers. Stephan has recently become a legal official, which has not produced much difference in everyday work thus far except for an update in the telephone list, as the official explains. If nothing else, this example emphasizes the importance of artifacts as actants in public administration. However, the different sub- and superordinations are clearly perceivable in the empirical data. The fact that even the head of branch is still subordinate to the director (and the vice directors) and ultimately to the Minister of the Interior is highlighted by the following quotation concerning pressure from "above:" "Of course, what matters for the head in the

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[11] Civilian service can be chosen by men as an alternative to compulsory military service and is often work in the NGO or public sector.

[12] Thomas (2011:159) identifies three categories of "hard cases" in the asylum procedure: age disputes, religious conversion, and disputed ethnicity or clan membership.

[13] Ob. is short for observation.

first place are the numbers. Probably not even because the head personally doesn't care what's written in there [in the decisions], but there is yet another boss above the head and this person exerts pressure" (Gabi). The vital issue of numbers and pressure will be discussed in the following section.

3.3.2   Productivity and Time Pressure

Public officials work in an environment ruled by instructions from "above," that is, by the management, which then controls whether these instructions are realized as intended. Similar to the business administration of private companies, and thus following the approach of NPM, the FAO places a particular focus on output, that is, on the number of completed cases. Caseworkers are confronted with requirements regarding the quantity of completed decision notifications and their quality, with more weight is put on the former than on the latter. Officials also feel pressure regarding the completion of these instructions; time and productivity pressure therefore characterize caseworkers' everyday work (see Fig. 3.2).

Although, or because, the administration is often confronted with complaints regarding the duration of the procedure – in certain cases, it can take several years until a final decision is made – efficiency is a major priority at the FAO. Here, efficiency refers to processing asylum applications without wasting time and productive energy. Quick case settlements mean that more completed cases can be registered in less time. The importance of efficiency is also emphasized – in the context of the recent introduction of a global budget – by the head of the branch in a conversation. "We want to improve," the head explains in relation to efficacy and efficiency (ob. 2). This positioning implies that the management is oriented toward a business model comparable to other companies, making productivity a central aim of the administrative agency, which makes decisions regarding human rights issues and international protection.
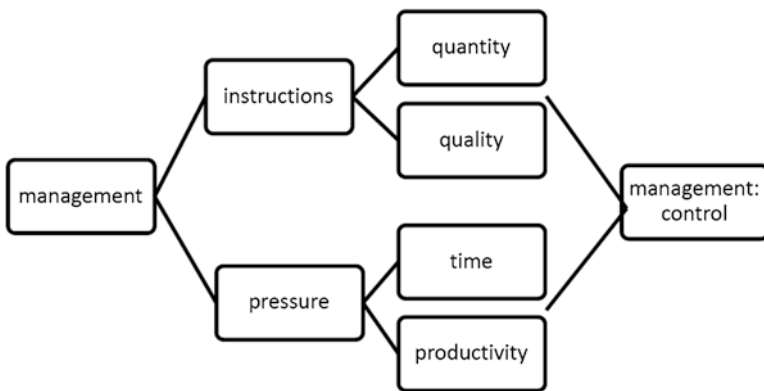

Fig. 3.2 Output/completed cases. (Source: Own production)

The distribution of tasks through the division of work can traditionally be seen as a step toward efficient organization. The FAO presents itself as being strongly oriented toward guaranteeing "an efficient and target-oriented division of work" (Pretterebner 2009). Division of work occurs between caseworkers and typists/assistants as well as among caseworkers, for example, along claimants' countries of origin. Certain officials are primarily concerned with processing applications where it is assumed that the claimant does not have "asylum-relevant" reasons for flight. Roland, who is mainly concerned with these special cases, explains that there was a month during which one-third of all completed cases were part of the so-called fast procedure. At his peak, he wrote 74 decision notifications in 1 month, more than the output of an entire small FAO branch. This extreme example illustrates not only the strong focus on time-efficient operating structures but also that time pressure is related to the expected productivity. Time pressure thus also impacts the search for information regarding a single case. Only a small number of alternatives will be considered, and the more complex the decision is, the smaller the number. In addition, "the decision makers involved will try to restrict the number of persons participating in the decision and the diversity of views among them" (Downs 1967).

It is important for the officials to save time in every aspect of their work and to relinquish additional work if it is dispensable. Gabi, for example, notes that writing a decision notification goes faster "if one makes a great template." Another official reports that he has a particularly efficient method for writing the decision notifications. He saves time and effort by overwriting old decisions in his word processing program. Although he admits that errors sometimes occur and that he happens to overlook things, he highlights that this method is "hard to beat for efficiency" (ob. 3). Although the caseworker notes that the length of time it takes to write a decision notification differs according to the respective official, he estimates that he finishes a notification for a "run-of-the-mill case" in 1 h (ibid). If the content of the case is new to him, it takes him "a bit longer"; for a "family" – asylum applications that concern a whole family – he explains that he needs 3 h (ibid). This official's representation reveals a competitive culture, focusing on quantity rather than quality. Caseworkers are also aware that there are differences in colleagues' output numbers.

> In the end, quantity counts. Nobody's really interested in it; it's more important that you yield your numbers than that you have really, really good decision notifications … It's just with regard to time, if you take into account everything, every little thing, is more time consuming than if I give it a once over with a few set phrases (Veronika).

Veronika's statement is clear: although quality is required concerning the content of the decision notifications, the administration has another priority, namely, quantity. Due to time pressure and the pressure of productivity, caseworkers resort to established routines, potentially neglecting quality. Sabine notes the same situation; it is the paper that counts. "If I have a family, father, mother and six children, it's of course easier" to produce numbers. She explains that in the best case, she can simply exchange the children's names and birth dates and "it's also paper." Moreover, the issue of time is relevant not only regarding decision writing but also concerning

the asylum interview. As Thomas explains, time constraints pressure him to reduce the interaction to the necessary minimum. The caseworker notes that being responsive and building trust in the interview situation requires more time than "simply" focusing on the mere facts of the case. Hence, the requirement to process claims as quickly as possible, in line with the NPM orientation toward efficiency, can obviously have negative effects on how the asylum claimant is treated in the procedure. This topic, the dilemma between the individual and the crowd, is further explored in Chap. 7 and touches upon the issue of procedural justice, which is discussed in the concluding chapter.

Due to the characteristics of their job, street-level bureaucrats need "to ration their time, attention, and other resources, often without clear or consistent guidance about priorities" (Meyers and Nielsen 2012). A reserve of time and resources is necessary to retain a degree of flexibility to be able to cope with an unpredictable environment. Thus, officials prefer "normal" clients to unusual ones because "normal" clients require fewer resources and thereby facilitate the protection of their autonomy (Prottas 1979).

3.3.3   Control: Measuring Quantity Instead of Quality

In a hierarchically organized institution, control is an important tool for the regulation of everyday work. The management thus checks whether the given instructions are adequately implemented: whether time limits are observed, whether the output is high enough, and so on.

Keeping statistics on the completed cases, the management quantifies productivity. "The director … thinks that 1.7 decision notifications a day must be possible," Sabine notes. For the head to be informed about the current status of completed cases, at the end of every week, the officials have to report to their superior "how many interviews have I done, how long did they take, how many decision notifications did I write." Thomas reports that 1 month he had completed so few cases – "I don't even want to say it, just little" –that he received an order "that this has to increase, clearly" to fulfill the "basic turnover required of everyone."

Management accounting practices are used to analyze past events, assign meaning to those events and dissect the flow of organizational action into distinct acts, eventually defining the causes and effects of these acts and their results. In the framework of the reproduction of structure, accounting also aims to convey certain values and ideals about what is regarded as good and bad or right and wrong in the organization, such as by sanctioning action in a positive or negative way (Giddens 2011:349). The structuration-theoretical perspective with a view toward organizational practices understands accounting as a social construction of reality. Accounting contributes to the interpretive construction of organizational reality as well as to the reproduction of the organization as a meaningful, powerful and respected societal institution (ibid). Initially, accounting aims for an objective and rational depiction of organizational reality. However, the conventional and mostly

positivist research on accounting usually blocks out the subjectivity of actors, accountants and users of the provided accounting information; it also ignores the organizational context (ibid:348). Nevertheless, accounting and the selective picture of organizational events that is thereby produced are not only susceptible to subjective interpretation and construction but also the object of political influence. The top management in particular strives to gain and maintain control over how data are to be collected, aggregated and understood in the general political context of utilization; however, it is not a given that these attempts at control through accounting will necessarily succeed. After all, the actors who are supposed to be controlled have various opportunities to influence the realization of the accounting work in their favor (ibid).

Other control mechanisms are prevalent when an official begins working at the FAO, which is understood to require a particularly high degree of control. To be conferred approbation authorization, the caseworker must conduct interviews with asylum claimants and write decision notifications "under supervision" for several months (Stephan). Another area in which caseworkers' practices are monitored is the online police database. "That's monitored quite strictly, that is, every time entering and looking [something up] is exactly documented," making it possible to retrace "who exactly has had a look at this [particular] name or case" (Veronika).

Although the internal focus of the organization – and thus the focus of control – seems to be primarily on quantity, the quality of asylum decisions and interviews with claimants can at least be regarded as a key requirement from outside the institution. As a public administration institution in a democratic society, the FAO is also accountable to the public (see the concept of public value) and societal values. However, independent quality checks are made only by the UNHCR through methods such as the evaluation of selected decision notifications. As the caseworker explains, especially in the beginning, "one orients oneself toward colleagues, and to be completely honest, I also just adopted nonsense and mistakes, and I learned a lot in this project now" (Gabi). However, the impact of such external monitoring eventually becomes hampered by internal requirements. A few weeks after one such evaluation aiming to highlight avenues for improvement, officials received an instruction that decision notifications now had to be issued within 20 days. This contradiction led to a feeling that "the whole project was only a sham," as Gabi explains.

> It's difficult because it's a predicament, because as I said, on the one hand, they want numbers … higher outputs, and on the other hand, the decision has to be made within 20 days; if you need longer, you already have to justify it, and of course, the quality should improve too … How is that supposed to work? In the end, it can only be at the expense of quality because you can't economize anywhere else (Gabi).

The caseworker expresses the essence of the dilemma. Decision makers are confronted with contradictory requirements. Management demands output in the form of the numbers of completed cases, which also have to be processed as quickly as possible; at the same time, the quality of the issued decision notifications must improve. However, increasing quantity *and* quality seems to be unrealistic in the

established time frames. The management's clear focus seems to find expression in the fact that quality is less controlled than quantity. Even if there are common standards to which officials are expected to adhere, other structural constraints dominate their everyday practice.

One of the problems of the control strategy applied at the FAO is that a standard processing time is allotted to each case, pretending that each case can be processed within the same amount of time or that "easier" cases balance out the time spent on "more difficult" cases. When such standardized formal norms collide with caseworkers' everyday practice, pressure is created since the completion of the expected workload is monitored on a regular basis. This mechanism, which may be called "quantity management," is usually rigorously enforced. However, quality management, which is also a means of control, seems to be more symbolic. The findings demonstrate that there is some managerial will to place value on quality, but other constraints seem to impede the realization of these aspirations. The demand to produce more numbers in less time while also improving the quality of their decisions places the caseworkers in a dilemma of contradictory requirements. The differing missions and logics of legal and administrative norms create structural contradictions for decision makers. The findings illustrate that officials find themselves trapped in numerous competing regulations and instructions. In that situation, neglecting quality is obviously seen as the easiest solution. As a consequence of their job characteristics, street-level bureaucrats "often experience competing or even contradictory performance demands and may be subject to scrutiny and evaluation by multiple stakeholders with divergent values and expectations" (Meyers and Nielsen 2012).

3.3.4   Organizational Development and Change

The abovementioned quality evaluation project and its questionable impact illustrate the management's strategy of dealing with attempts at (cultural) change within the organization. The official involved in the project expressed her frustration with the fact that newly acquired knowledge and the good intentions of the project are not sufficiently transmitted to all colleagues for implementation in their work practice. In addition to the dilemma of competing instructions regarding the quality and quantity of asylum decisions, the head's efforts to keep the staff together play a role in impeding quality improvement. Instead of forwarding the evaluator's feedback to the staff, the head protected the officials who had "screwed something up" in their decisions (Gabi). The caseworker is upset that despite the project, "nothing has changed"; when she looks at others' decision notifications, certain ones "get [her] hackles up." This situation illustrates the difficulty of actually effecting change in the everyday of a bureaucratic apparatus with established routines and a particular organizational culture.

The resistance to change observed at the FAO may also be related to the fact that the asylum system in Austria is characterized by constant change in its legal (and

institutional) framework (as sketched in Chap. 2). Certain legal modifications have a strong impact on officials' everyday work at the FAO (such as an obligatory expert opinion on an asylum claimant's age if it is unknown), whereas other changes can leave established routines almost unchanged. In particular, political instructions such as halting deportations to a specific country are designed to have an immediate effect. In theory, caseworkers have to be flexible and adapt to new (legislative) situations; in practice, the modification of entrenched thought patterns may take some time. For example, Thomas states that although there was a recent amendment, it did not touch upon his "main topics ... So, I wouldn't know now what exactly has changed there; I continue as before," he explains. Different caseworkers thus also process and potentially decide cases differently, not only but also because they have been in the organization for different lengths of time.

> Colleagues who have been here for a long time... still know the old laws; they also know what a decision notification looked like 15 years ago, which, mely, was three pages long. ... In the meantime, it has become more comprehensive, and a decision notification has at least 25 pages. ... Mine are usually around 40 pages (Thomas).

The caseworker mentions that his longest decision notification comprised more than 100 pages. Although an extreme example, it illustrates that certain standards have changed in recent decades. When he started to work at the FAO, there were "completely different framework conditions" than there were for his long-established colleagues (Thomas). He notes that "if there is a big amendment ... someone who is new [at the FAO] starts at a completely different level ... and would know it completely differently." According to Gabi, "those who have been there for a long time already, they're so arrogant that they're not even interested [in improving] because they say, 'No, I've done it like this until now, now I don't readjust, I don't care.'"

Even institutional changes in the asylum system do not necessarily substantially affect officials' everyday work. When an institutional change from an independent committee to the court was made (in 2008) in the appeals procedure, "for my work, nothing changed," Roland stated. It would be worthwhile to study the consequences of the current institutional change – the incorporation of the FAO into the new FOIA and incorporation of the Asylum Court into the new Federal Administrative Court – for officials' everyday work and the established routines. However, since the asylum procedure itself has not changed, it seems likely that the work of administering asylum claims also has not changed, and decision makers face similar challenges in everyday work as they did before the reform.

In addition to top-down change through modified provisions and additional instructions, the training of staff represents a possibility to promote institutional development and change. At the FAO, skill improvement and awareness-raising trainings are provided by the institution itself with educators trained through the EASO. The FAO is thus informed by its supranational organizational environment not only on the legal level (EU Directives, etc.) but also on the level of work practices. The European Asylum Curriculum (EAC) is a common vocational training system for asylum officials throughout the EU. Based on the EAC, the EASO offers courses addressing topics such as interview techniques, evidence assessment, inter-

viewing vulnerable persons and children, drafting and decision making, and COI; courses are also offered on EU regulations, international refugee law and human rights. As Veronika explains, the branch head expects caseworkers to attend two seminars every year, although this specification is not strictly observed: "approximately, give or take." Although one caseworker notes that "you have to acquire much [knowledge] yourself; the seminars don't get you very far," they still represent "a good brush-up," and they can be eye-openers "if you've slid into a rail" (Veronika). By "sliding into a rail" the official refers to the established routines of processing asylum applications, that is, the problem of adhering to well-known patterns. One of the seminars, which was on the refugee definition in the Geneva Convention, showed the caseworker "a different perspective" and gave her an impetus to "rethink" and "reconsider" things. Similarly, Stephan explains that he is training a new colleague, which helps him to refocus since over time, "you get pig-headed a little bit." Refocusing causes him to realize how he could improve because he is "focused on what one does inaccurately but perhaps should be done a little more precisely." At least for some caseworkers, participation in training thus seems to be an effective way to inspire change with regard to established patterns.

The empirical examples suggest that there are always limits to planned, strategic change. These examples also highlight the interplay of formality and informality in everyday work at the FAO. Starting from the assumption of a recursive connection between structure and strategy, structuration theory suggests that structures are simultaneously original and the result of particular strategies. Thus, one is not possible without the other and establishes conditions for the other (Giddens 2011:347). The enforcement of strategies can only function if the management reproduces the social structure on the level of signification and normativity through sense-making, thereby ensuring domination vis-à-vis other actors (ibid). A complementary strategy seems to be accepting resistance to change to a certain degree, as the abovementioned examples demonstrate, resulting in a visible co-existence of formality and informality. In this context, creating a common "enemy," such as control by an external actor, can be understood as a way of making sense within the organization.

Organizational change can be more or less intended (reorganization) or unintended (evolution) (Ortmann et al. 2000:333). Reorganization, such as the establishment of the new Federal Office of Immigration and Asylum, is the deliberate, reflexive restructuring of an organization with the intention of changing the rules and resources in all dimensions of the social; it is the attempt to change the structures of signification, legitimation and domination. Reorganization and resistance to change thus must employ the instruments of power available within the current organizational structure (ibid:334). Following Giddens (2011[1984]) and Crozier and Friedberg (2014[1977]), resistance to reorganization, such as leaving practices unchanged despite new regulations, should not be understood as irrationality but as a phenomenon induced by the organization. Actors act according to established routines, which suddenly must be changed or even rejected, and this structural change is met with hesitation or resistance. Thus, reorganization processes lose much of their well-ordered rationality. In structuration theory, both change and

obstruction or encrustation are understood to be results of continuous reproduction (Ortmann et al. 2000:335). Structuration means being structured as well as structuring; stability and change are equally represented within it.

3.4   The Ideal-Typical Workflow

Having explored some key features of the organizational context in which decision making takes place in the asylum procedure, I will briefly discuss the sequence of steps officials typically follow in determining refugee status. Whereas the above analysis of an asylum record illustrated the concrete interaction patterns in dealing with a specific "case," including exchanges with different institutional and non-institutional actors, this chapter explains the basic workflow in administering asylum at the FAO more generally. Although everyday work in the bureaucratic organization follows a predefined operating procedure, the order of events is not unalterable. The study allowed the identification of an ideal-typical model with five main phases for processing an asylum application, as illustrated in Fig. 3.3: (i) the
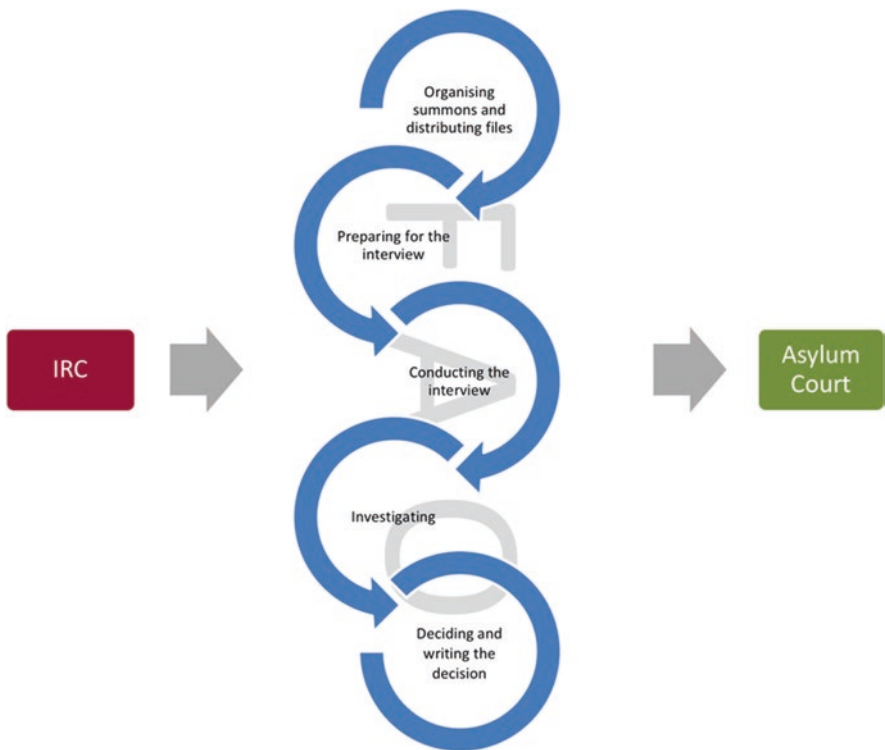
Fig. 3.3 The ideal-typical workflow. (Source: Own production)

distribution of files and organization of summons, (ii) preparation for the interview, (iii) conducting the interview, (iv) investigating, (v) deciding and writing the decision. Veronika's description of her working schedule provides a (simplified) overview of the standard working procedure explained in the following.

3.4.1   The First Phase: The Distribution of Files and Organization of Summons

> When the procedure is admitted, the file comes to the reception area, usually to Herta, and she divides the files according to Nicole's [the head of the division] instructions. So she has a list of which countries [i.e., claimants] are summoned for me; then, there is a date for the summons, and from the calendar I then learn which file [i.e., case] I have (Veronika).

The caseworker describes how she receives the asylum applications she then has to process, illustrating the hierarchical structure at the FAO. She is assigned a file with an application by another colleague charged with distributing the files according to certain provisions given by the head of the division along specific criteria such as an asylum claimant's country of origin. At the same time, the asylum claimant receives a summons for a specific date and time for the asylum interview, which is centrally organized. The interpreter is also appointed for the specific interview at this stage. From a central (online) calendar, the officials learn on which day which interview has been scheduled for them. For the legal official who is also charged with other tasks in addition to processing asylum claims, the schedule is different. She has the privilege of deciding when she has time for a new case. In addition, in her case, the files are not assigned by the head of the division; instead, she receives them directly from the FAO law office where her country specialization is known. She is also responsible for independently organizing the interview appointment.

From the administrative point of view, the distribution of files on the basis of particular countries has the advantage of allowing work to be divided along a rather clear line and ensuring that caseworkers are already acquainted with certain characteristics of these countries, leading to "efficiency enhancement" (Pretterebner 2009:61). When caseworkers receive several applications from claimants from the same country, they have the possibility to accumulate knowledge about the social and economic situation of the specific country. Officials also use countries of origin as a means to measure the "difficulty" of deciding a claim. Gabi explains that the legal officials are charged with "the countries that are a little bit more difficult." Her statement implies that the management also applies this distinction between easier and trickier cases according to countries of origin and that for the more difficult cases, it is advantageous for caseworkers to have more profound legal knowledge. Kosovo, for example, is regarded as an easy country since most cases are decided negatively. If the claimant's country of origin is Chechnya, Iran or Iraq, "it's maybe not all so easy... it's more complicated for sure," Roland concludes. Hence, the alleged complexity of a case seems to be related to the situation in the particular country and possibly the plausibility of persecution.

3.4.2   The Second Phase: Preparation for the Interview

> A few days before [the interview], I go to get the file and briefly skim it and see if I need any further information or if it's such a general assertion for a start (Veronika).

Most caseworkers explain that they prepare themselves for the interview by reading through the relevant assigned file. They skim the file to find out "what it is about" (Stephan), that is, to get an impression of the case from the available information, for example, from previous interviews with the police or the IRC. Gabi explains that after having read the earlier transcripts, she writes down specific questions she intends to ask the claimant in the interview. However, "it has occurred very often that I had to throw away my questions," she admits, because the interview takes a different direction than she had expected. Thomas explains that after reading through the file, "mostly already a certain picture emerges of what's important in this case." Officials thus develop a routine in identifying keywords and issues that could be relevant for decision making.

> If it's a relatively easy case or a run-of-the-mill case in quotation marks, you can also directly do the interview. ... If it's something to do with a [political] party, then it makes sense to also inform oneself about the parties [in the particular country] so that you can also challenge it... because it's no use if you do the interview and then don't know what you should ask. Especially now if they're countries that you don't handle so often, you have to inform yourself about the country (Stephan).

While some interviews do not require any additional preparation because officials categorize the claim as standard "cases," in other cases, the available documents reveal specific details that the caseworker wants to explore in more depth in the interview. Then the official will prepare herself, for example, by collecting COI beforehand. Caseworkers prepare themselves for the interview to be able to evaluate the claimant's assertions and to know which questions could be relevant to ask.

3.4.3   The Third Phase: Conducting the Interview

> Then, in the interview, I often start with personal data, whether he's healthy, how he lived at home, what his profession is, how he made ends meet financially, or whether he has relatives in Austria or in his home country. Then the whole thing becomes a little more relaxed, I have a little insight into the context, and then I go on with the flight-triggering reason (Veronika).

This phase – conducting the interview – is vital for the entire asylum procedure and the decision-making process. The interview is the situation in which decision-making officials and asylum claimants meet in person. It is a face-to-face interaction among several participants with fixed roles: the official as a state representative, the asylum claimant as an applying individual, the interpreter as a mediator, and potentially more actors such as legal representatives. Caseworkers aim to control the

interaction, asking the claimant questions while simultaneously having to type the transcript. However, the strongly regulated character of this "bureaucratic encounter" (Lipsky 2010), for example, regarding turn-taking, facilitates multitasking management. Different kinds of interviews are conducted at the FAO; in addition to the "main interview," interviews can also be conducted after specific investigations (fulfilling a party's right to be heard) or with witnesses.

To have time for other tasks, such as conducting investigations and writing decisions, officials are usually assigned one interview every second day (except for the legal official, who has the freedom to organize herself as mentioned above). "Sometimes, it can also be five," Roland explains. According to the official, the duration of an interview "really depends on the asylum applicant and less on me; and of course, it also depends on the case; that's absolutely specific. The interview can be 20 minutes, or it can be four, five, up to eight hours." However, due to the aim for efficiency, there is organizational pressure not to lengthen interviews and to keep the system running; the planned number of interviews must be completed. "Of course, if one has to conduct five interviews [on one day], one should see to managing that within the eight [regular working] hours" (Roland). Interviews with asylum claimants then have to be kept short for reasons of expected productivity. "To also give the asylum applicant a chance" (Roland), however, claimants can be summoned for a different day if there is not enough time for all scheduled interviews. The phrasing "to give the applicant a chance" to present their account implies that a fair procedure is not necessarily guaranteed when the interview is kept short in exchange for higher output.

As summarized by an official, the purpose of the main, substantive interview is to find out whether the claimant has reasons for flight related to the Geneva Convention and, if so, to test whether these are credible. Through the interview, decision makers have to determine whether the claimant is to be granted subsidiary protection and whether human rights concerns[14] exist in case of an envisaged deportation. Overall, the interview serves different purposes, among which are fact finding and credibility testing. Crawley (1999:47) argues that there is "no common or mutually agreed understanding of the purpose of the interview and that this gives rise to a perceived conflict between information gathering and credibility testing."

> Then there's the interview, where in principle, I go into the topics that I've had a look at before, and I ask further questions if it's something important. And in the most favorable cases, my decision already crystallizes in the interview (Thomas).

As the caseworker notes, ideally, he receives all the necessary information from the claimant within the interview, allowing him to decide on the asylum application immediately following the interview without any additional work. However, this is often not possible, and caseworkers have to perform investigations to find out more about the claimant and her application in order to reach or substantiate their decision. The asylum interview is explored in more detail in Chap. 6.

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[14] In particular, articles 2, 3 and 8 of the European Convention of Human Rights.

3.4.4 The Fourth Phase: Conducting Investigations After the Interview

> Depending on the assertion, for example, if he reports things [such as] that he was with a party or some specific circumstances that I don't have in the general information on the country, then I write to the COI Unit indicating that I want to have information, or if there are countries that one can research at home [in the country of origin], for example, there are a few countries, Armenia, Georgia, where you can conduct research on the spot, then one also does that via the COI Unit (Veronika).

After the interview, caseworkers often make investigations if they need further information to be able to decide upon an asylum claim. This information could concern the past, such as the specific situation in the claimant's country of origin at the time she fled. However, the information could also be related to the present, such as the claimant's state of health and the possibility of treating an illness in the country of origin. Officials have many opportunities and channels through which they can gain knowledge involving different kinds of actors, for instance, by verifying documents with the police, sending requests to the COI Unit, or commissioning expert reports. Since the asylum procedure is usually a procedure without much evidence, caseworkers search for "objective" facts that can be used to justify a decision on a claim. This fact-finding process is also related to the credibility of claimants' assertions, as an official's quotation illustrates.

> If it's credible, of course, it can happen that you have to make investigations, be it on the spot, via the embassy or by summoning witnesses. But [there are specific countries] where simply many [claimants] are not believable, and then mostly after my interview, I also already have made the decision (Veronika).

She explains that further investigation is usually necessary only when the assertion is credible. If the assertion is not credible, it seems that the claim can be denied without further action. If further investigations are made concerning the person, such as expert reports, the asylum claimant must be confronted with the findings in another interview in which she has the opportunity to react to these findings. If the research regards the general situation in a country, another interview is not obligatory (Schumacher et al. 2012:418). The problems inherent in the search for objective facts and the construction of in/credibility are discussed in more detail in Chap. 8.

3.4.5 The Fifth Phase: Making and Writing the Decision

> I deliberately don't write the notification directly after the interview because I'd find it unfair because after the interview you're often so full of emotions and think "this jackass (chuckle), why did he lie to me?" and so on. I find it quite good if one then waits one, two days, lets it sit and then from a neutral position, once again looks at what he said (Gabi).

This quotation illustrates that the asylum interview is also always a social interaction between two (or more) humans and that emotions thus play a role in this

bureaucratic encounter. Although the caseworker mentioned earlier that in most cases she already knows after the interview how she will decide on an application, she notes here that it is important to gain some distance from the person and the interview situation to be able to make an "unbiased" decision. The decision-making process forges a bridge from the preparation before the interview during which caseworkers skim the existing file, to the interview in which they "get an idea" of the case (Roland), to the investigations after the interview where the "picture" is completed.

In its written form, the decision represents the basis for all future steps in the asylum procedure, such as a complaint. For certain officials, the process of writing the decision is a creative process; Thomas likes it "when it's nice to read," and Roland notes, "writing is actually my thing; I like that." Even if there is a place for personal approaches and styles in writing the decision, caseworkers must adhere to a specific form with a predefined structure. Regarding content, the decision notification must contain (i) the decision, (ii) the reasoning and (iii) the explanation of the rights to appeal (Schumacher et al. 2012:438). According to an official, the most work-intensive part is the consideration of evidence (which is part of the reasoning) in which the caseworker explains and supports the way she reached her decision. However, in general, caseworkers mostly rely on specimens from former decisions, either their own or their colleagues' decisions (ob. 6). While officials tend to share the work of writing the decision with their assistants, Stephan notes that he writes the notification himself and that unlike other colleagues, he also prepares the form himself. Explaining that this approach "save[s] the trouble of double-checking," he stresses the organizational aim of efficiency. As with the interviews, the time it will take an official to complete a decision notification depends on the particularities of the claim.

> One can write it in one hour; sometimes, one needs longer, maybe also two days, it depends what one has to take into consideration, what the asylum applicant said; or sometimes, one only realizes during the writing that things are missing, that one would need expert reports, that one would need documents in order to be able to complete it [the decision notification] (Roland).

This statement illustrates that the processes identified in the ideal-typical work-flow are not necessarily linear. As the caseworker explains, in some cases, he thought that the decision was clear and could be made on proper grounds but realized only later that evidence was actually missing. The observation that finishing a decision can take anywhere from a few hours to several days shows that although asylum claims are usually said to resemble each other and even though institutional action is limited by legal regulations, there is always room for uncertainties, ambiguities, and maneuvering.

Once the decision notification is finalized, it is sent to the asylum claimant with a registered letter; it is simultaneously published in an electronic folder, which is accessible to all FAO staff. The hard copy of the file is then put on hold until the deadline for a complaint has expired. If there is no complaint during this time, the file is shelved at the FAO and the foreign police are contacted if the decision has

resulted in a deportation. However, if the asylum claimant files a complaint, the files are physically transmitted to the Asylum Court, and the FAO can only access the electronic file via an internal database. Additionally, all documents that are sent to the FAO and relate to the case are then forwarded to the Court.

The remainder of this book will focus on phases three, four and five of the ideal-typical workflow. I will start with an in-depth analysis of the asylum interview, which can be regarded as a magnifying glass of the key issues of the asylum procedure considered in this book.

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