

Navigating Uncertainty: Illegibility, Rumours and Hope

Eymen's journey

In 2014, I got to know Eymen through another research participant. Both were staying at the same shelter for rejected asylum seekers in Switzerland. One day, I was invited to a picnic in the forest not far from their accommodation, and Eymen started telling me about how he had been moving back and forth between Italy and Switzerland in the past years. He agreed to take part in my research project, and since that evening, we have remained in touch. We have met on several occasions, and I have learned a lot from Eymen about the effects of living in legal precarity. In many conversations, he told me in a calm and thoughtful way about the impact of living in legal precarity, but also about his hopes and struggles for a better future.

Eymen's migration story started long before he reached Europe. When he was 16, he used to dream of leaving his North African country of origin. Several friends of his had already left for Italy, France or Germany.

'Yes, I started to think about travelling to Europe. I don't know how, but [*laughs*]. I had the idea to do something important and go to Europe. It did not matter how – with a [working] contract, with the boat. For me, it started as a dream. I had to leave [my country of origin] and start a new life. And so I started talking to my friends and family.' (Interview in Switzerland in 2014)

In 2008, in his early twenties, Eymen finally arrived in Sicily on a rubber boat. He had embarked three times prior to this, but had always been intercepted by border guards and taken back to his country of origin. In Italy he immediately received a *foglio di via* – a paper ordering him to leave the country. Instead of leaving, however, Eymen went to a town in Northern Italy to join some family members and friends.

During the first year in Europe, Eymen remembered experiencing a discontinuous time between different places in Northern Italy. He could only find temporary employment

in the informal labour market, which was poorly paid. When he heard of a promising job opportunity, he moved south and first found work in agriculture and later a job by the sea. He enjoyed the latter, as he said. However, it was only a seasonal job, which is why he was soon unemployed again and returned to the north of Italy.

In 2010, a friend recommended that he move to Switzerland and apply for asylum. Eymen decided to take this chance. Under the impression that he could work and maybe even find a woman to marry, he made his way to Switzerland.

'I have heard of people going to Switzerland. There is asylum there. They give you houses; they give you money. This way, you find the chance to work. ... I had been in Italy for two years. When I entered Switzerland, it changed a lot. The language and many new things. Like this, I started to love this country. ... It was a new experience. It felt like it was Europe. It does not [feel like this] in Italy.'
(Interview in Switzerland in 2014)

Unfortunately, Eymen's asylum application was rejected after six months, and he returned to Italy. However, he said that his situation did not improve there, as he was again only able to find temporary jobs in the informal labour market. Therefore he moved to Switzerland again in 2011, applied for asylum again and, not surprisingly, was rejected again. After four months, he was caught by the police with a bag of marijuana and sentenced to a prison term of several months. While participating in a work programme for inmates, he had an accident and seriously injured his hand. Despite two operations, his hand remained in poor condition.

Eymen recalled that he felt very stressed after his release from prison and decided to return to Italy once more. Again, he looked for work. However, due to his injury, he could only do very light physical work, which made him very dependent on his friends and relatives. For this reason, he returned to Switzerland in 2013 for the third time, where he wanted to claim his right to medical treatment. During his second stay in Switzerland, Eymen had already contacted a lawyer who specialised in insurance cases. Eymen hoped that the insurance company would pay for another operation so that his hand would be fully functional again. Moreover, the risk of deportation to his country of citizenship seemed lower while his court case was still pending, as he once told me.

In Switzerland, Eymen received so-called emergency assistance, which provided him with a bed in a collective accommodation. Despite the precarious living situation in this shelter, he seemed to feel better, and he remembered the year and a half he spent there as being good. He got along well with the staff who worked there and established close contacts with other residents.

At the end of 2014, Eymen was arrested for illegal entry and stay in Switzerland. The two and a half months he had to spend in prison were very hard for him. When I met him after his release, he seemed depressed and even more anxious about the threat of deportation. After all, the unpredictability of such arrests had become even more tangible.

Despite being illegalised and living in precarious and isolated accommodation, Eymen only rarely considered returning to his country of origin. Instead, he was constantly thinking about what he could do to improve his situation. As time went on, it became increasingly clear that the last option for Eymen to become legalised somewhere in Europe would be to marry a citizen or permanent legal resident. Albeit Eymen initially told me he could not imagine entering into a marriage of convenience, he found himself increasingly considering it as a last resort.

Eymen seemed more and more depressed and frustrated in his idleness. We discussed some ideas on how he could fill his many hours of 'empty time'. Although he seemed interested at first, he always told me later that he could not muster enough energy to participate in activities like sports or free German classes. Eymen's situation seemed to worsen when he was transferred to a men-only camp in a very remote location.

In 2016, Eymen was arrested in his accommodation and taken to the deportation prison. With the help of his lawyer, he tried to fight his deportation by pointing out that he was still waiting for his insurance company to decide whether it would pay for another operation in Switzerland. These attempts were unsuccessful, and after two months in prison, Eymen sent me the following message: 'Hello Anna, how are you? I am in [country of origin]. This morning, I left with a special flight.¹ I will contact you soon. Ciao!'

Since his deportation, we kept in contact by phone. Eymen went back to live with his parents, where he worked in their olive and apricot groves, as he was unable to find work himself. From his country of origin, he continued trying to contact his lawyer in the hope that the insurance would pay for another operation. I was involved in mediating between Eymen and the lawyer and experienced for myself how difficult it was to get the legal support he needed. Since it was a pro bono case, it seemed to be low on the lawyer's priority list, and he let the case slide. Our numerous attempts to get the lawyer to pursue the case were unsuccessful.

In the summer of 2017, Eymen told me in a phone call that he had heard about a boat that would be heading to Italy in the next few days. It was obvious that he was unsure whether to leave, as he was of course aware of the dangers of such a journey and the increased control in the Mediterranean. But he was also hopeful, as he had just heard from some friends who had successfully arrived in Italy three weeks ago and were already in Milan. He was not ready to give up his migration project, even though he had experienced years of marginalisation in Europe. In the end, there was a problem with the boat and Eymen did not manage to leave the country. The last time I heard from him, he was still looking for different ways to reach Europe.

In the various conversations I had with Eymen, he constantly weighed up the different – albeit extremely limited – options available to him that could have brought about an improvement in his situation. Since it was always very difficult to predict what would happen, he often had to base his decisions on unreliable information.

The implementation of migration laws is experienced as difficult to anticipate, but people still have to make decisions about how to proceed. Given the overly complex legal frameworks and the unpredictability of law enforcement practices, migrants must constantly navigate the various pieces of information they receive in order to make decisions within their limited room for manoeuvre. Vigh (2009: 431) describes social navigation as a constant attempt to anticipate what is ‘coming’ and to align one’s actions with it ‘in the knowledge that the context of enactment is always potentially changing’. Precisely because it is difficult to understand how the European migration regime works and what risks one might be exposed to, it is essential for marginalised migrants to constantly keep themselves informed about changing circumstances not only to find new tactics to escape migration control attempts targeted at their exclusion, but also to find opportunities that might improve migrants’ situation. They thus must figure out ways to navigate the uncertainty they encounter.

In this chapter, I first show how the implementation of laws is perceived and experienced as highly unpredictable and arbitrary. Second, I draw on Das’ (2004) concept of ‘illegibility’ to explain that the power of the state lies partly in the fact that it is difficult for migrants (as well as citizens) to anticipate when and how state authorities might strike. The often confusing intertwining of different actors, policies and the inconsistent implementation of law across Europe renders navigating the migration regime particularly challenging (Eule et al, 2019). Third, I ask what knowledge migrants rely on to make decisions given these challenges of predicting law enforcement. I argue that ‘rumours of rights’ (Eckert, 2012) play a significant role in migrants’ decision-making processes as they are essential resources that help migrants act upon the illegibility within the migration regime. Moreover, rumours have a subversive power as they raise new hopes and make people endure the challenges arising from their social and legal marginalisation and precarity. By relying on information shared among acquaintances, migrants seek ways to appropriate laws, exploit loopholes in the system or circumvent migration control. Ultimately, then, this chapter is about better understanding the complicated relationships between the unpredictable implementation of laws, the decisions migrants make and the tactics they use.

Unpredictability and arbitrariness of law implementation

In conversations with people caught up in the bureaucratic cycles of the asylum and migration regime, many expressed their perception of the law as utterly unpredictable, arbitrary or even absurd. Decisions on their legal cases were assumed to be made based on bureaucrats’ individual assessments of their clients’ deservingness and thus highly contingent on state officials’

discretionary power (Eule, 2014; Eule et al, 2019; see also Chapter 3). One telling example is the following quote by Daniel whose asylum application had been rejected by Austrian authorities and whom I asked during an interview in Austria in 2016 how he interpreted the denial of protection. He assigned a high degree of authority to individual state officials for the outcome of decision-making processes: ‘If he wants you to stay, he can make you stay.’ Yet, Daniel said that most state officials are ‘heartless’. As we can see from his words, he seemed to ascribe more importance to individual bureaucrats than to the role of the legal framework in determining who is entitled to state protection. Not surprisingly, this leads many people to see the outcome of court cases as a matter of luck, rather than a matter of due process or the rule of law. Many of my interviewees experienced the implementation of law as unpredictable and uneven.

Farhan, a young man from an East African country, had been travelling long distances within Europe with stays in Italy, Switzerland, Sweden, Denmark and Germany. Switzerland was the first country where he had submitted an asylum request although his first country of arrival in Europe was Italy. However, he told me that he left Switzerland before receiving a decision on his case and returned to Italy, fearing that his claim would be rejected by the Swiss State Secretariat for Migration and that he would be detained. He subsequently received a subsidiary protection status in Italy in 2012. After regularisation, he neither managed to find a job in Italy nor to receive any state financial support. Because he was unable to earn a living in Italy, he applied for asylum in other countries. He explained that both Germany and Sweden claimed that Switzerland was responsible for processing his asylum application. When I met him at the end of 2014, he had applied for asylum for the second time in Switzerland. According to Farhan, the Swiss authorities had informed him that his case would not be processed in Switzerland because of his Italian papers. Farhan was confused because he felt he was being pushed from country to country. He concluded that ‘it’s like football’ where countries push asylum seekers from one place to the other. ‘They just play with my life. Switzerland just plays with my life.’ Similarly, Jamal wrote to me in 2015 after almost having been deported from Switzerland to Greece: ‘After nine months, they just played with my life.’ And Goran, whom I interviewed in Switzerland in 2015, described the asylum system as ‘a big game’.

The ‘law’ seems quite absent in these conceptions of how the migration regime works. Decision-making on asylum and other legal procedures is understood as a result of an arbitrary game – or ‘lottery’ (Belloni, 2016) – in which highly unequal stakes are at play, rather than the result of a meticulously organised legal framework that clearly defines who deserves what kind of rights.

Adama too had the impression that Italian state officials based their decisions more on personal animosities towards refugees than on the rule

of law: ‘They don’t want for us to have documents’, he said to me in Switzerland in 2014. A similar understanding is found in many accounts of people interpreting the decisions of state officials as racist or otherwise discriminatory. During lengthy waiting periods within asylum camps and other places, migrants try to make sense of the legal system and to understand how decisions are made. Observing that certain groups of people receive papers and others do not is frequently attributed to discriminatory application of the law. I heard numerous explanations for why certain groups are granted residence permits and others are not. The following examples illustrate such an understanding of law implementation:

‘There are many foreign people [in Switzerland] ... but I don’t know, they don’t allow the Black people to stay.’ (Adama; interview in Italy in 2015)

‘It is difficult to receive asylum in Switzerland. In other countries, it is easy. In Switzerland, they don’t give asylum to people from West Africa.’ (Abdoulaye, interview in Switzerland in 2014)

‘I think they favour Muslims more.’ (Daniel, Internet conversation 2015)

However, it is important to note that there were also many interlocutors that linked the rejection of their asylum application to the fact that they did not come from war-torn countries or were not politically persecuted – and referred (often indirectly) to the application of the Geneva Refugee Convention.

Importantly, views of the law being arbitrary were likewise expressed by NGOs and legal experts working with migration and asylum legislation as we demonstrated elsewhere (Eule et al, 2019: 116ff; see also Barsky, 2016). Many of them viewed the decision-making processes as unpredictable and dependent on the use of discretion by individual bureaucrats. It is therefore essential not to interpret such a perception of the law as a mere misunderstanding by migrants who are not familiar with the relevant legal frameworks. Rather, such an understanding arises from the messiness inherent in the implementation of laws, state officials’ scope of discretion and the contradictions systemic to the migration regime – and not least, of course, from the actually discriminatory underpinnings of current regimes of mobility that de facto make legal inclusion of persons from certain regions of the world almost impossible.

My interlocutors’ view of law being implemented in an unpredictable, uneven and arbitrary way is echoed in studies on street-level bureaucrats and their discretionary powers, which show that these are heavily shaped by individual moral convictions, momentary states of mind and pragmatism

(Lipsky, 2010; Eule, 2014, 2018; Borrelli and Lindberg, 2018; Eule et al, 2019). As Eule (2014) has shown, decisions by migration authorities vary from office to office – notably in the case of migrants with a precarious legal status. Furthermore, in Switzerland, for instance, an evaluation of judges’ decision-making on appeals to asylum decisions has shown that decisions depend heavily on the party affiliation of the competent judge (Rau and Skinner, 2016).

Additionally, given the complexity of migration law in Europe and its uneven implementation between and within countries, legal frameworks themselves can be contradictory and appear as absurd. The following two examples shed light on contradictions which do not arise from discretionary implementation of law but rather from different policies that seem to oppose each other.

The first example is the ‘hotspot approach’ established to manage ‘exceptional migratory flows’ (European Commission, 2015) by distributing refugees from reception camps in Italy and Greece to other Schengen countries because the former were overwhelmed with high numbers of new arrivals (particularly during 2015 and 2016; Sciarba, 2015; Tazzioli, 2018). A legal counsellor in Switzerland pointed out to me the inherent absurdity: while the hotspot approach is meant to relocate asylum seekers from Italy to Switzerland, Switzerland simultaneously deports hundreds of asylum seekers to Italy under the Dublin Regulation (EASO, 2016b: 29).

To provide a second example: given the efforts made to prevent migrants from coming to Switzerland, the difficulty of leaving the country sometimes seemed absurd to people. Walid, for example, could not understand why Switzerland always readmitted him when another Schengen country asked to take him back under the Dublin Regulation. He said: ‘Afterwards, Switzerland will say, “Yes, ok, bring him back.” Why? If Switzerland does not like me? Why does it annoy me?’² He was referring to the fact that he had been deported several times to Switzerland according to the Dublin Regulation. It seemed bizarre to him that Switzerland kept taking him in even though it also repeatedly ruled negatively on his asylum application – an example which also underlines states’ difficulties to enforce deportation orders.

The implementation of law thus appears – and many times *is* – absurd and arbitrary because of its inherent complexity, its vicissitude, its sometimes contradictory policies, and because of uneven implementation across Europe. It is impossible not only for lay people, but also for experts in the field of migration governance to see through this heterogeneous landscape of policies as illustrated by the quote of an employee of the International Organisation for Migration in Austria:

‘There are as many residence permits in Austria as in no other country. We have, I think, 28 legal statuses. I cannot remember all of them.

I don't know who receives which one. ... This system is there to confuse people. Also, the experts don't understand it all. I have to say, I have no idea when you receive which title.' (Interview in Austria in 2016)

It is telling that this interviewee even sees the 'system' being deliberately opaque when she says that it is there to confuse and leave people in a state of ignorance. Above all, the migration regime is experienced as very unpredictable. Obtaining reliable information about the outcome of legal proceedings often seems impossible, leading to further disempowerment of migrants with a precarious legal status.

Magic and illegibility within the migration regime

One day during my stay in Italy, Lamin, Adama's best friend, contacted me. They were both from an East African country and had been living in Italy for a few years. Whereas Lamin had obtained subsidiary protection, Adama was still awaiting a decision on his asylum application. That day, Lamin wrote to me as he was worried about his friend from whom he had not heard for three days and assumed that he had been arrested. Apparently, Lamin had already talked to Adama's lawyer who speculated that Adama might be in trouble. Lamin wrote to me: 'So I asked him, "How can you help us with that problem?"', and he said that we must pay him 600 Euros if we want him to be free. So, I told him, "That's the only solution?", he said "Yes"'. As I learned later, no one had been in contact with Adama at that time and no one knew what had happened – including the lawyer.

The next day, I met Lamin at the main station at half past one in the afternoon so that we could meet with the lawyer together. We waited for him in a busy square. When the lawyer failed to show up, Lamin began to be annoyed. He kept calling him only to be continually put off by the lawyer saying, 'Only five more minutes.' After a while, I also started to lose my patience. I had expected a personal meeting with the lawyer where we could discuss Adama's case in a calm manner. In the meantime, Essa, another of Adama's friends, joined us. It was now four in the afternoon. More than two hours had passed.

Suddenly, Lamin pointed to a man who was surrounded by a group of Black people. I realised that this lawyer probably came to this place every day so that people could approach him with their cases. He seemed to know everyone by sight. He spoke to many people, told everybody that he would be right there and answered his phone simultaneously. Everyone waiting for his attention to their cases seemed to have a similar impatience while cherishing the hope that the lawyer might help them in some way. The dependency on some sort of legal support was very clear in this situation.

Essa told us that this lawyer once helped him to organise documents for a journey to Africa within only ten days, a story that made Lamin trust the lawyer at least to a certain extent. The lawyer kept promising every single person that he would right be there for them – a promise he was incapable of fulfilling. He did not spend time explaining to his clients what he was planning to do about their case. Instead, he kept looking for files in his briefcase while continuing to talk to the few dozens of people in a random order.

It wasn't until about five o'clock that we finally managed to speak to the lawyer. In the meantime, the cluster of people had moved to a rather shabby kebab store – which apparently served the lawyer as some sort of informal office space. The number of people was continually increasing. Somebody would show up, the lawyer would throw a pile of papers on the table and tell his waiting clients to sign them while he talked to somebody else or accepted a phone call. It is doubtful anybody understood what exactly they were signing. The lawyer did not make any time or effort to listen to the different cases and discuss their chances, their options, or what would happen next. I got the impression that he spent most of his time justifying his haste and demands for payment by reminding everybody that he also needed to make some money.

To us, it was unclear if the lawyer had ever met Adama before and if he knew whom we were talking about. We simply did not get through to him. The only substantial information we received that late afternoon, was that – if Adama really was in prison – the only time that he would be released would be at 5 pm. The lawyer continued to explain that the three of us would not be allowed to get any further information because we were not relatives of Adama. He enumerated three scenarios: first, Adama had swallowed cocaine capsules and was in the hospital to get rid of them. Second, he was in some way related to people linked to criminal activities or third, he had attacked somebody. He also explained how long the whole procedure could take. We still did not even know if Adama was in prison. That is why we decided not to pay 600 euros for the lawyer's services.

These descriptions of an encounter with a lawyer highlight how difficult it is to read what is going on within the migration regime with its variety of actors and policies that are interrelated and influence one another. The example describes how lack of information leads to a feeling of powerlessness and at the same time to feelings of stress because decision-making and the weighing up of risks become very difficult in the face of so many uncertainties. As [Vigh \(2009: 431\)](#) writes, for 'people who are caught in bureaucratic situations that work beyond their grasp and logic, such bureaucracies paradoxically ... seem to produce precisely the uncertainty that they seek to eliminate'. The law and the state are hardly found in everyday

life through their ‘written’ dimension, but rather through everyday practices such as police checks, bureaucratic procedures or in encounters with lawyers.

To capture this inaccessibility and simultaneous omnipresence of law in the migration regime, we drew on Indian anthropologist Das’ (2004, 2007) conceptualisation of the state in our book *Migrants before the Law* (Eule et al, 2019). Das describes the state as being powerfully present in everyday life but remaining intangible at the same time:

[W]e come to see the state as neither a purely rational-bureaucratic organization nor simply a fetish, but as a form of regulation that oscillates between a rational mode and a magical mode of being. As a rational entity, the state is present in the structure of rules and regulations embodied in the law as well as in the institutions for its implementation. From the perspective of the people with whom I worked, the law is the sign of a distant but overwhelming power that is brought into the framework of everyday life by the representation and performance of its rules in modes of rumor, gossip, mockery, and mimetic representation. (Das, 2007: 162)

Whereas Das’ work is based on research in India, she emphasises that her understanding of the state is not specific to non-Western countries, which we have further developed in our elaborations on how the migration regime both imposes its power through an apparently rational logic while simultaneously being unpredictable (Eule et al, 2019). Das distinguishes between law in books and the law as experienced and perceived by ordinary people. Following her lead, I am less interested here in migration law as manifested in legal texts than in how it plays out in people’s everyday lives, during the meticulously structured days in refugee camps, while waiting for decisions, while trying and failing to have access to the law, while discussing the law or merely considering how to ‘circumvent’ it or instead ‘appropriate’ it for one’s own benefit (see also Chapter 6).

Das understands the state as functioning both through a rational as well as through a magical *modus operandi*. She makes four claims on how the state imposes its presence in a magical way:

First, magic has consequences that are real – hence I prefer to speak of the magic of the state rather than the fictions of the state. Second, the forces that are mobilized for performance of magic are not transparent. Third, magical practices are closely aligned to forces of danger because of the combination of obscurity and power. Finally, to engage in magic is to place oneself in a position of vulnerability. (Das, 2007: 163)

To illustrate the ‘magic of the state’ based on my research, I return to Eymen’s story. The first part of Das’ quote is rather too obvious: the consequences of Eymen’s illegalisation are undoubtedly real. It is the law that has prevented him from legally settling down, working and building a family in Switzerland – aspirations that he repeatedly expressed. The second point addresses the lack of transparency in state practices. This claim is mirrored in the unpredictability of law enforcement, which is perceived as a major instability by most illegalised migrants. During our first interview, Eymen was considering returning to his country of origin because of the constant fear of unannounced police checks he experienced in Switzerland when living in a so-called emergency shelter for rejected asylum seekers. In a similar way, Daniel also expressed how he suffered from the unpredictability of such police control and its overwhelming power in a message he wrote to me in 2015 when he was living in Austria: ‘You know, here one never knows their plans. They [migration authorities] can wake up one day and say that my asylum is finished. They can come with police to pick someone where he is sleeping in the morning. Everything is in their hands.’

The third of Das’ claims – magical practices being aligned with danger – I identified in many narratives from migrants. Eymen lived under constant stress because the fear of being deported was omnipresent. Law enforcement could indeed lead to his expulsion and hence endanger the migration project he had been trying to realise for over a decade. Finally, I find the last point – ‘to engage in magic is to place oneself in a position of vulnerability’ – to be particularly interesting since it takes migrants’ active engagement with the migration regime seriously. Migrants appropriate migration law to a certain extent, and thus seek ways to ‘engage with magic’; indeed, this might implicate that they place themselves in a position of vulnerability as when they become visible to the state. This emphasises the ambivalent relationships between migrants and the law (see also [Chapter 6](#)) that my interlocutors have in common, in a certain contrast to ‘undetected migrants’ who never entered the asylum regime and try to avoid any sort of visibility (see [Chapter 2](#)).

Das also speaks of the ‘illegibility’ of the state to explain why it appears as even more powerful precisely because it is difficult to anticipate or read and often seems completely out of reach. She writes: ‘It is this *illegibility* of the state, the unreadability of its rules and regulations, as well as the location of legitimacy of customary institutions ... that allows the oscillation between the rational and the magical to become the defining feature of the state in such margins’ (Das 2004, 234, emphasis in original). Experiencing law enforcement and bureaucratic encounters as arbitrary and difficult to anticipate contributes to the illegibility within the migration regime, challenges the navigation of it and causes feelings of stress, powerlessness and instability.

In the following sections, I add three further explanations of why illegibility is a persisting experience of migrants' everyday navigation of the law. First, access to information is difficult. Second, the many actors and laws contributing to the formation of the migration regime make it hard to disentangle the different regulations and the various actors' responsibilities. And third, the law in books and the law in practice are often two very different things.

Access to information

For migrants with a precarious legal status, access to information is often rendered difficult – both in situations of increased mobility as well as in phases of increased containment. Yet access to information is vitally important in order to understand legal processes, act upon authorities' decisions, or engage in regularisation strategies. Assessing the risks and opportunities of legal procedures often remains a challenge. During my research within the asylum facility, several interlocutors approached me with letters which I was asked to translate and explain. People had many questions about the bureaucratic proceedings they were involved in but also about possible future destinations or the risk of deportation. Of course, as I am not a legal expert, it was often impossible to answer these questions – also because of the inherent unpredictability of law enforcement.

In Switzerland, asylum seekers are, to a certain extent, informed during their first hearing in the reception centres at the border.³ However, language barriers and the fact that people are often not used to reading make it difficult to transmit information. Among the staff working in the camp, few people seemed to be competent, willing – or indeed allowed – to answer case-related questions. Decisions on asylum applications by the Swiss State Secretariat for Migration are written in German or French with a very short section in English. Camp staff sometimes helped with translation, but they were not educated in asylum law and were also instructed not to give any recommendations to asylum seekers regarding how to proceed after receiving such letters.

When residents received a letter with an inadmissibility decision,⁴ they were informed about the possibility of appealing within five working days. The letter of appeal had to be written in French, German or Italian and required substantial legal knowledge for it to be formulated reasonably. Hence, support from a lawyer or legal counsellor was essential if somebody wanted to use his or her right to appeal. Together with the decision letter, camp residents received a flyer advertising a legal counselling organisation in a nearby town. To make an appointment, potential clients could call the organisation twice a week.

Obinna recalled that he tried to get support from the legal aid office but was already turned away on the phone because his chances of successfully appealing his decision were considered too low. He thus did not even get the opportunity to appeal his negative decision – however small his chances would have been to win the case. It would have been a challenge to find another organisation or person to help him because restricted access to the Internet made it difficult to search for other legal counsellors or lawyers. Also, he did not have enough money to pay for a ticket for public transport⁵, let alone for a private lawyer. Finally, living in a fenced-off camp, he lacked social contacts to support him in his undertaking. Inaccessibility of legal advice hence additionally enhances the difficulty of accessing information about one's legal case. This emphasises the omnipresence of the law and its simultaneously felt absence: migrants' room for manoeuvre is tremendously circumscribed and constrained by legal regulations while opportunities to proactively engage with the 'law' are restricted.

An additional obstacle for gathering relevant information were the restrictions on the use of information technologies in asylum or detention camps. In the Swiss camp where I conducted my fieldwork, house rules prohibited the use of personal phones, and residents could only access the Internet on four afternoons a week in a building outside the camp facilities. Limited access to the Internet not only restricts access to news or websites with helpful information, but also makes it difficult to contact family members and friends who can also be an important source of information. Instead, camp residents had to resort to information provided by fellow residents or camp staff.

While enforced immobility in asylum camps can severely hinder access to legal support, a high degree of mobility can have a similar effect. Entering new local contexts again and again requires that relevant knowledge be acquired anew.⁶ Besides, language difficulties and low levels of formal education can make it difficult for people to collect the necessary information. As these examples show, my interlocutors were often confronted with a scarcity of information, which, in turn, caused them to resort to unreliable information, such as rumours, as I demonstrate later.

Many hands and laws

The large number, as well as the sheer complexity and interrelatedness, of the actors and regulations that constitute the migration regime, make it impossible for individuals to comprehensively understand how it works. Building on [Thompson's \(1980\)](#) work on the overlapping responsibilities of public officials, we argued that – besides the complex nature of legal policies – the vast number of actors involved in the migration regime challenges the deciphering of actors' specific roles and tasks ([Eule et al, 2019: 119](#)). In

addition, migrants struggle to ascertain who could be considered trustworthy and who could not – not least given the ‘opaque boundaries and shifting roles’ between those who facilitate and those who control migration (Schapendonk, 2018: 665).

I often had the impression that camp residents sought to impress staff working in the camp with ‘good behaviour’ in order to possibly favourably influence the outcome of a procedure, although employees working in asylum facilities have no direct influence on the decisions of the Swiss State Secretariat for Migration. However, occasional informal forms of support can have a decisive influence on the outcome of legal proceedings. Due to the geographical isolation of many asylum centres, counsellors, security staff and chaplains often play a central mediating role and may, for example, refer asylum seekers to legal advice centres – or actively refrain from doing so, thus reinforcing the lack of access to information. Different actors within the migration regime take on, respectively deflect, responsibility towards migrants with a precarious legal status based on assessments of people’s deservingness (see Chapter 6 in Eule et al, 2019).

Therefore, such an intricate entanglement of actors, tasks and regulations makes it hard to understand and dissect the intersecting responsibilities held by different people – not only because migrants are not capable of distinguishing the different stakeholders but also because an actual overlapping of competencies among actors exists. For example, the security staff in the camp used to ask residents upon entrance into the facility for receipts if they had bought new goods. This did not seem to fall within the remit of their responsibility. On the one hand, there is no law in Switzerland that says you must carry around receipts for everything you buy. On the other hand, it is usually the police that oversees uncovering potential thefts, which was the apparent reason for these control practices. Hence, struggling to decipher who is who not only results from migrants’ unfamiliarity with local contexts and laws, but is also rooted in the actual entanglements, messiness and complexity within the migration regime.

The law in books versus the law in practice

Law as text and law as being implemented do not always overlap, which leads to ambiguities and gives space to illegibility. Scholars studying law in practice have emphasised the high degree of informality that characterises the implementation of migration law, which as a result often deviates from law as text (Giudici, 2013; Eule, 2014; Tuckett, 2018; Eule et al, 2019). Even familiarity with the law in its written form therefore does not guarantee knowing how it will be implemented.

The implementation of the Dublin Regulation is an excellent example. Its application varies considerably from country to country (Schuster, 2011a;

[Fratzke, 2015](#)). Some states have high numbers of actual Dublin deportations (for instance, Switzerland; [Soysüren and Nedelcu, 2020](#)) while others have meagre effective transfer rates (for instance, Italy; [Fullerton, 2016](#)). This is not only due to certain countries receiving more ‘secondary movers’, but also to the uneven enforcement of deportations. Many migrants are in fact not deported to the country that was officially considered to be competent for their case ([Belloni, 2016](#)). Thus, people may be well aware of the Dublin Regulation, but at the same time hear about asylum seekers who have moved on within the Schengen area and still have not been deported to their first country of arrival.

Similar inconsistencies can be observed regarding deportations to individuals’ countries of citizenship. While certain nationalities remain undeportable due to the lack of readmission agreements or because their identity cannot be proven ([Gibney, 2008](#); [Rosenberger and Küffner, 2016](#)), it remains unclear why in other cases rejected asylum seekers are not deported – at least for a considerably long period of time. This was the case with Eymen. There is an agreement between Switzerland and his country of origin to facilitate forced deportations. Nevertheless, Eymen was never deported from 2014 to 2016, even though he was registered in a state-funded shelter and was thus very ‘deportable’. He once told me that he was not afraid of being expelled from Switzerland as he did not know any fellow citizens who underwent a deportation from Switzerland. Formally, the law had not changed when Eymen was eventually deported to his country of origin in 2016, but the implementation practices had obviously altered. This shows that shifting and inconsistent implementation practices lead to illegibility and unpredictability of state control practices, forcing migrants to base their decisions on unreliable information.

Rumours: hopes and fears

Hey,
here are rumors in Germany that in France they stopped Dublin and deportations. So, many people with bad chances think of going to France. Does anybody have any news?
Best wishes,
[XY]

Hi!
I think this is a rumor ... the tendency in Europe is to increase Dublin transfers (this is true for example for Germany).
France deported 20 persons to Switzerland from the beginning of the year. ... This is an example to show you that it is probably not true at all.
[YX]

This email communication, originating from an international network of legal advisors and activists, illustrates how the implementation of law is in constant flux and causes confusion not only among migrants themselves but also among their supporters, among migration experts and legal experts. The two emails were followed by a third that attempted to analyse ‘what’s behind these rumours’. The author assumed that these rumours arose following the demolition of the unauthorised Calais refugee camp in Northern France, from where migrants attempt to enter the UK. Apparently, after the demolition by French police in 2016, the Minister of the Interior had promised the inhabitants of the ‘Calais Jungle’ to process their cases in France and thus suspend the Dublin Regulation. Besides, French authorities had generally not been ‘putting a lot of energy to deport people in Dublin procedures’, according to the person responding to these emails. Both observations had resulted in rumours about France being lax in its implementation of the Dublin Regulation. This has apparently led to people with little chance of asylum in Germany considering moving to France in the hope of being less exposed to the risk of deportation there. It is important to note that both practices – the temporary suspension of Dublin deportations in connection with the demolition of the camp in Calais and the lax implementation of Dublin deportations – had been changed in the meantime and replaced by a stricter application of the law.

This example epitomises the crucial role of unreliable information – rumours – for the deciphering of an illegible migration regime. Rumours are ‘word of mouth communication of “unsubstantiated” information’ (Harney, 2006: 376) and can be important sources of knowledge. This is particularly the case in situations where more reliable and substantial information is not accessible. Given the illegibility of law enforcement and the consequent need for individuals to be knowledgeable in order to make decisions, it is worth paying attention to rumours.

The constant sharing of unreliable information about how to cross borders, where to move to next, how to improve one’s legal status and how to avoid detection by police affects the shape of migrants’ journeys. ‘People invest a great deal of time in making sense of and predicting the movement of their social environment, in clarifying how they are able to adapt to and move in relation to oncoming change’ (Vigh, 2009: 420). The following quotes by Eymen illustrate how the collection of oral information is a constant part of everyday life when people spend long periods of time waiting with others in similar situations, such as during asylum procedures in refugee camps or when stranded somewhere trying to cross borders (Borri and Fontanari, 2015; Brekke and Brochmann, 2015):

‘If you live in this situation, you have to know everything. You have to know many people. Tunisians, Algerians, Africans ... Like this, every

day you will get to know another story [*laughs*]. ... This one came out of prison. Why? He got a wife. Another one will enter prison. ... There are many stories like this. Like this, you have experience. Every person tells you, you have to do this, this, this. ... Like this, you find a solution.’ (Interview in Switzerland in 2014)

‘If we speak, for example, about people who have no papers and who are looking for a solution to get papers. They are trying to get information on all European countries. ... For example, I am now in Switzerland, I have to change [the country]. I have a little information that in Spain you can make papers. Maybe I will depart there. Maybe in Italy, there is a law that they issue papers. ... People can also look for marriage. ... For example, I have heard that in Norway there are many women ... [*laughs*] ... “Ok, I’ll try my chance.” Like this, all persons will search for what they want. And like this, they will make their direction.’ (Interview in Switzerland in 2015)⁷

Eymen’s quotes point out how unequal Europe is in terms of national regulations, employment opportunities, access to papers, or in terms of control practices that expose illegalised migrants to the risk of detention and deportation. A specific mapping of a heterogeneous European migration regime results from endless conversations about opportunities or loopholes in the law. This mapping is oriented towards the needs and fears of migrants with a precarious legal status. It is based on vague ideas of law, impacts migrants’ decision-making and consequently their journeys within Europe. Stories are shared with fellow migrants, discussed, weighed up against other information and, importantly, passed on to other people. These stories seem ‘true enough’ for migrants to act upon (Eule et al, 2019: 129). As Vigh (2009: 420) writes, in contexts of social uncertainty, poverty and conflict, people ‘spend a great deal of time debating how global, regional and local influences and conflict will affect their lives, what spaces of possibility will emerge or disappear, what trajectories will become possible and what hopes and goals can be envisioned’.

The interrupted journeys of migrants with a precarious legal status may exhibit a seemingly directionless pattern of movement that triggers the question: what causes the course of these trajectories? This section draws attention to the mobility-provoking role of informal knowledge transfers and argues that rumours play an essential part in shaping migrants’ journeys against the background of a highly complex and often enigmatic migration regime. Rumours help migrants to find ways and loopholes to avoid migration control. They create hopes and encourage people to continue their journey throughout Europe. Such a focus not only helps to explore decision-making processes by people on the move but also to understand

how rumours are important means relied upon in attempts to ‘read’ the state. It is the illegibility of the state itself that makes rumours a crucial channel for the dissemination of information, especially for marginalised migrants.

Knowledge transfer and the fragility of social ties

Social networks – however fluid – are essential for rumours to flourish. Within migration studies the importance of social networks for migrant decision-making has long been acknowledged (see, for instance, [Massey, 1990](#); [Glick Schiller et al, 1992](#); [Bashi, 2007](#)). However, only a few studies have examined the role of social networks for people en route.

Most of the people I met were travelling alone with no one to help them make decisions about their migration project, not least because restrictive policies and unplannable journeys lead to the separation of friends or relatives en route and make it difficult for people to stay together. [Collyer \(2007: 682\)](#) found that contacts between African migrants who were ‘stranded’ in Morocco while attempting to enter Europe were ‘weak and used instrumentally to advance individual journeys’. Although the social networks of highly mobile individuals are often informal, transient and dynamic in nature, they are nevertheless crucial for the course of migrants’ journeys ([Schapendonk, 2012b](#)).

In the following quote, Ali, a man in his early twenties from a Middle Eastern country, pointed to the mutual solidarity that he experienced with one man from Morocco during his stay in Greece, but also stressed the limitations to such friendships:

‘Look, we are friends, right? Me and this Moroccan guy are [friends]. However, if he has the opportunity to leave ... he leaves without telling [me]. *Capisci?* We are now together, we live together, we laugh together. ... “If you need help, you call me, and I help you.” But there is one thing: I came for this reason [referring to his migration project]. Will I let go of this thing for you? Why? Did you understand?’ (Interview in Austria in 2016)

I have already pointed to the ‘culture of suspicion’ ([Bohmer and Shuman, 2018](#)) pervading asylum camps, legal procedures and even social relations among migrants. Lack of trust among migrants was an issue that was raised several times, and this adds to the fragility of social networks ([Schapendonk, 2012b](#); [Suter, 2012](#)). The following quote by Obinna illustrates such limited trust: ‘I can’t trust anybody, yeah. ... Maybe if anything happens, you say he’s your friend. ... Maybe he’s in trouble. ... You have something to do with this ... friend. ... Maybe he will be caught. You can get caught too. So, I don’t want to distract from my paper’ (interview in Switzerland in

2014). The precarity of living conditions determined by illegalisation and the always present fear of being intercepted by the police become tangible in these examples and also penetrate personal relationships, as the constant feelings of mistrust render even friendships difficult. In addition, some people mentioned that friendships with fellow migrants are challenging, as everyone has their own problems and cannot cope with the suffering of others. Obinna said: '[W]hen you add your problem to someone, it's not ok' (interview in Germany in 2016).

As a consequence, my interlocutors' social networks can be considered as fluid and rather loose but nevertheless of relevance (Borri and Fontanari, 2015). Scholarly work on the impact of interpersonal relations on migration decision-making has mostly focused on the involvement of families and households in such processes and less on the impact of acquaintances (but see, for instance, Dahinden, 2010; Ryan, 2011). My observations, by contrast, show that what informs migrants' decision-making is often based on, or triggered by, communication with acquaintances and less with family and close friends.

Karim, for instance, a man in his late twenties from a North African country, who was travelling from Greece towards Western Europe, described the situation when he arrived with a friend in Austria where they were not planning to stay: 'When we arrived in Austria, we spoke to many people. Because there is always much news when you arrive in a country.' It is this form of oral communication that enables people to exchange information.

While the principle of orality is one of the most important features of rumours (White, 2000; Coast and Fox, 2015), social media and other communication technologies must also be considered as essential channels for the spread of rumours. Especially in the context of high and often sudden mobility, such communication tools can help maintain contact with acquaintances that would otherwise have been cut off (Schapendonk, 2018).

Being embedded in however flimsy and dynamic social networks can thus still be vitally important for the emotional wellbeing of migrants in precarious living conditions and is often instrumental 'to emphasise a shared experience, a common suffering' (Collyer, 2007: 686). As we could see, these social networks, crucially, serve as important information channels that assist migrants to take decisions on how to navigate the migration regime as they help to make sense of an otherwise rather illegible system.

Decision-making

Rumours circulating on social networks influence migrants' everyday decision-making. While the room for manoeuvre for illegalised migrants

is severely limited, they still have to make decisions on a daily basis. Such decision-making processes were a recurring theme in my interviews. Feelings of stress were often related to weighing up different opportunities and risks, as migrants in uncertain circumstances have to choose between alternatives that are similarly unappealing or risky. Should they leave a place because the risk of interception was rumoured to have increased due to a new wave of deportations to one's country of origin? Or is it safer trying to organise a place to sleep in a familiar environment?

Here, I am less interested in *what* decisions are taken or *why* certain decisions are made. Instead, I want to explore *how* decision-making takes place against the background of illegibility within the migration regime. To show how stressful the experience of such decision-making can be, I refer again to Eymen, who described how he felt stressed by the pressure of having to decide what to do next. The following quote is from an interview conducted immediately after his release from prison, where he was serving time for illegal stay in Switzerland:

'And this put some pressure on me now, and I thought a lot about making another programme in my life. I am not 100% sure. ... You see? For instance, I don't know, if I should go to another country. Maybe I ... I don't know. ... There are many things, but they are not at all clear by now. ...

It is very difficult. I don't know. I don't know. Really, I am blocked in a situation. I don't know what to do. Sometimes I think about leaving to Germany, for example. I don't want to return to Italy because there is nothing at the moment. There is not a lot of work. There is nothing at all.' (Interview in Switzerland in 2015)

Later in the conversation, when we were discussing alternative options to staying in Switzerland, Eymen told me that he had recently been thinking about going to Germany:

- E: I was thinking about some things, but I don't know. I don't want to do it, but sometimes, I am thinking to go there [to Germany] because the truth is there are many possibilities for a marriage. ... There are many [North African persons] in Germany who are with a "mariage blanc" [marriage of convenience].
- A: And how does it work?
- E: I don't know. They are there ... I have little information; I am not 100% sure.
- A: You have heard it?

- E: Yes, information from friends. ... And that women ... there are a little bit ... I don't know ... that contact is easy. Not like here [in Switzerland].
- A: But before you told me that you cannot imagine getting married to a woman without really having a relationship with her?
- E: Yes, before, yes. But sometimes ... I think about doing it for the papers. ... But ... if I had enough money ... maybe I could find a solution like that. Depart to another country, do a “mariage blanc”, and like this, I would be free. I could do everything.
- A: And how does this “mariage blanc” work in Germany?
- E: *Alors*, in Germany you can marry without returning to [your country of origin].⁸ ... It is easy. It is not like here. ... Like this there are solutions, but the problem is that every time you have to start from zero. Until you have arrived. (Interview in Switzerland in 2015)

What I find interesting about this quote is how partial knowledge of the law is interwoven into Eymen's reflections. He heard that in Germany it is easier to get married if one of the spouses has no residence permit, whereas in Switzerland a law introduced in 2011 makes such a marital union difficult (Swiss Civil Code, Art. 98, section 4). However, the number of times Eymen said ‘I don't know’ is striking. This might partly result from his unease and embarrassment because he confessed to me that he was considering a marriage of convenience. But it is also a result of the actual unreliability of the information he had at his disposal. It was highly uncertain if Eymen would succeed in organising such a marriage of convenience. The quote illustrates how rumours are used to clarify the available options and thus how they affect decision-making, but also, that the information conveyed remains very unreliable.

Rumours ‘fill in the gaps in our knowledge’ (Knapp, 1944: 22) and provide people in ambiguous and uncertain situations with information, however unverified it is, which helps them to make sense of the situation and make decisions (DiFonzo and Bordia, 2007: 23; Coast and Fox, 2015). Eckert (2012: 153) understands ‘rumours of rights’ as an important mode for spreading the law:

[W]hat is known about law is shaped by the fears and hopes of those who transmit the rumour and those who hear it. These processes of horizontal knowledge transfer thus select legal knowledge in relation to concrete situations, particular perceptions of problems and conflicts that differ from the often discussed top-down processes of legal dissemination. (Eckert, 2012: 148)

The reflections by Eymen on marriage options in Germany are just one example of such rumours of rights. On the one hand, there are rumours spreading information on potentially favourable rights, on the other, there are rumours regarding potentially threatening law enforcement – and thus rumours that serve as a warning function (Eule et al, 2019). Importantly, rumours heavily inform and shape the course of migrants' journeys as they might both provoke mobility and immobility.

While rumours are spread, their content might change as certain aspects are highlighted by those who tell them and other aspects are omitted and forgotten about (Eckert, 2012). Information may be accurate for a particular individual at a particular time, but because of rapidly changing circumstances, the complexity of individual cases, and the discretion of street-level bureaucrats, such information may not readily apply to other individuals. In the following quote, Daniel described how asylum procedures can evolve very differently from case to case, referring to a conversation with a fellow migrant:

'[H]e will tell you his own process. And you will think this guy has good luck. ... But when you come, you find out that the stories, the case now changed, it's different. Instead for one month, you have to stay for three months [within one of the enclosed federal camps in Switzerland]'. (Interview in Austria in 2016)

Frequently, people base their decisions on such individual experiences of other people which might not exactly fit their own case.

While a characteristic feature of rumours is the lack of evidence for their content, their content is not necessarily false (White, 2000; DiFonzo and Bordia, 2007). Yet, acting on the basis of rumours is associated with many uncertainties. The frustration at the misinformation that asylum seekers acted upon was expressed by a legal advisor in Switzerland in a conversation about the summer of 2015, when rumours of Germany's generosity emerged after the country suspended Dublin deportations for Syrians for a few months and processed asylum applications of people who had arrived in other countries within the Schengen area. Apparently due to false rumours, some people moved from Switzerland to Germany:

'I have to say I find this nonsense of information that they sometimes have ... really bad. ... For instance, they thought everybody can just go to Germany now and receive asylum. Then I have to say, "From where do you have this information?" ... They also understood that people who have F [temporary admission of foreigners in Switzerland] here would receive refugee status in Germany and many packed their suitcases and went to Germany with the result that the Germans sent

them back here again. So I have to say that sometimes the information they have is bad.’ (Interview 2015 in Switzerland)

Rumours reflect migrants’ reality in that they are uncertain. This inherent vagueness is accompanied by uncertain outcomes if people act upon them and provokes new instability and unpredictability. As has been shown, rumours might transmit false information and lead to unnecessary mobility and thus add to the zigzag shape of migrants’ interrupted journeys.

Hopes and fears: clutching at straws

I was often struck by the hopes that were nourished by rumours. I spoke to people who had spent more than a decade without being able to regularise their legal status, being rejected time and again, experiencing precarity and suffering from being illegalised and marginalised. Given these hardships, I was at times puzzled by the fact that people did not give up and that they found the strength to continue. One reason for people to extend their stay in Europe, despite the extreme material and social discomfort they endure, is the continuing hope that their situation will improve (de Coulon, 2015). Writing about rumours, Eckert (2012) points out the unsystematic selection of the content of the news that is shaped by what the teller wants to tell and what the hearer wants to hear. Thus, what is known through rumours is shaped by the fears and hopes of those who transmit the information and those who hear it (2012: 148). While scholarly work on rumours emphasises that hopes (and fears) are important in terms of which rumours are *selected* to act upon, less attention has been paid to the fact that rumours also *generate* hopes (and fears).

Following Rosnow (1991; see also Knapp 1944) it makes sense to distinguish between ‘wish rumours’, on the one hand, and ‘dread rumours’, on the other. Wish rumours nourish the hope and belief that one’s situation can be improved, for example, that one can obtain a residence permit. In the context of my research, wish rumours are about opportunities where the law could work to one’s advantage, whereas dread rumours are about opportunities where the law could work to one’s disadvantage. Dread rumours invoke feared consequences. They include rumours regarding the potential risk of states’ control attempts and thus serve as a warning function in that they help migrants to anticipate law enforcement practices directed against themselves.

One rumour I heard during my research in the camp concerned the at times widespread suspicion about my role in the camp (see also Chapter 1). I learned from different sides that someone had been spreading the information that I belong to the Swiss migration authorities. Repeated explanations on ethnographic methodology on my part were not always

enough to reassure people about my intentions. Given the difficulty in distinguishing between the different actors and their roles and responsibilities within the camp, and thus in dissecting the illegible composition of the camp, it is not surprising that such rumours have arisen. Other rumours circulating in the camp included information that the computers were being monitored or that the medication given out by the camp staff could be harmful. Such dread rumours are thus used to circulate information about possible risks and control attempts by state authorities, in the hope of circumventing them.

Interestingly, however, I heard many more wishful rumours expressing the hope of finally finding a solution, which recalls [Scott's \(1990: 147\)](#) observations: 'Why is it that oppressed groups so often read in rumors promises of their imminent liberation? A powerful and suppressed desire for relief from the burdens of subordination seems not only to infuse the autonomous religious life of the oppressed but also to strongly color their interpretation of events.' It seems that people rather hear rumours nourishing their hopes than those diminishing their hopes. I can only speculate that this is because otherwise, the condition of illegalisation is even less bearable. In this regard, my data speaks to [Eckert's \(2012\)](#) criticism that in the literature on rumours fear is often overemphasised.

[Brun \(2015: 31\)](#) states that in situations of 'protracted uncertainty' hope can be a 'way to cope with the unpredictability of the future'. This was reflected in many conversations and is illustrated with the following quote by Obinna whom I asked what exactly he was hoping for as he waited in a German asylum facility for a decision of his claim for protection: 'I'm feeling hopeful that I stay. ... I still have more things to do. ... There's good things coming. ... A lot of good things coming. It's going to be better than today. It's going to be better in life' (interview in Germany in 2016).

Directing our focus on hope should by no means obscure or neglect the feelings of hopelessness caused by the condition of illegalisation and the repeated failure to legalise one's status. Walid, for instance, constantly oscillated between hope and hopelessness. At times, he saw a new opportunity, such as receiving papers through asylum or marriage, at others, he held an asylum seekers' permit and was struggling with the awareness of its temporariness. Sometimes, he was emotionally crushed when some minor hope was destroyed again. In Walid's case, such disappointments frequently resulted in psychological breakdowns, even provoked suicide attempts and stays in psychiatric hospitals. Not surprisingly, his hope seemed to decrease the more his attempts of regularisation failed. During our first interview in 2014, Walid said to me: 'Yes, I am waiting. I am waiting until the chance comes. I also have to fight for my life. For the positive to come.' Almost one year later, he wrote to me: 'I have already tried everything', indicating that hopes are changing and dynamic.

However, hopes are a major driving force with regard to continuing one's journey, as the following interview fragment with Adama exemplifies:

'I thought when I come to Europe ... it will be easier than staying in my country. Because, you know, [they] say that if I go to Europe I can have ... good work there, you know? ... So, that one also gives me the hope, but still when I come to Switzerland, I don't see any ... because I don't have an opportunity here, I am just you know, in the asylum camp. But maybe in the future.' (Interview in Switzerland in 2014)

In a similar way, Obinna described how he felt during his stay in the camp in Switzerland and then how he regained some hope after having moved on to Germany: 'The feeling was not the same, because the feeling in [the Swiss asylum facility] was ... hope lost. It was hope lost. And the one in Germany it was ... hopeful' (interview in Germany 2016). These quotes illustrate how hope and disappointment exist in close proximity. Again, this is a result of the unpredictability experienced in the condition of illegalisation.

One crucial source of rumours and simultaneously of producing new hopes are success stories by other migrants in similar situations. Hearing positive reports from fellow migrants keeps individuals' hopes up and encourages them to continue their journeys in spite of all the obstacles and hardships. People learn about stories of migrants who have successfully married a European citizen, who have acquired papers via regularisation procedure in a specific country or who have succeeded in making a living in the informal labour market. Several individuals told me that they wanted to try 'until the end' – until all options have been exhausted. The alternative would be to accept one's failure in comparison to others who were previously in the same position but who 'made it'.

Through the Internet and modern communication technologies people virtually accompany each other on their journeys through Europe. Accounts of the whereabouts of friends and acquaintances were recurrent themes during interviews and other conversations. Also, stories about people who have successfully settled and built a family became points of orientation for my research participants. For instance, Jamal who told me about a friend of his: 'He got a baby now. Here in [Germany]. He got a baby, and his baby got a passport' (interview in Germany 2016). Not surprisingly, the hope for regularisation was the most persistent source of rumours, and despite repeated failures of attempts of regularisation people continued to hold on to it (de Coulon, 2013). This was expressed in many rumours about where and how to receive papers. For instance, Hedi said to me in an interview in Switzerland in 2014: 'There were some people who told me that Switzerland is a beautiful country. Switzerland gives papers. ... That is why I arrived here.'

Such stories – as incomplete as they are – generate hope, and explain, to some extent, the endurance of migrants with a precarious legal status (see also [Chapter 7](#)). ‘It is this rather than the question of whether the rumour exactly reproduces “facts”, that gives rumour and gossip their power. Rumours define and create worlds as much as “facts” do’ ([Harney, 2006: 377](#)). Rumours are thus inherently productive in making people continue their interrupted journeys against all the odds.

Subversive power of rumours

‘The rapidity with which a rumor is propagated is astonishing’ ([Scott, 1990: 144](#)). It is this very mobile aspect of rumours that gives them their powerful role. Due to the frequent changes in policy and implementation, migrants need to adapt quickly to these fluid legal conditions. I was at times astounded by how fast information about such changes travels among migrants. The velocity of rumours helps to explain the flexibility and spontaneity with which migrants are sometimes capable of reacting to changing realities. Indeed, rumours are an important resource in migrants’ everyday navigation of the migration regime.

Fozi, a man in his early thirties from a North African country, had been travelling towards France after he had lived and worked unauthorised for several years in Greece. In the following citation, he explained the importance of oral information: ‘I get all information from friends. Not from the Internet. ... In the Internet, everything is legal. [About] visa, passport, ID card. [They] have no work for persons without papers on the Internet. You cannot find it’ (interview in Switzerland in 2015). The exchange of rumours is thus indispensable to find ways around the implementation of migration control, because, on the one hand, official legal information is inaccurate as the law in books often diverges from the law in practice. On the other hand, illegalised migrants need to know how to subvert or appropriate legal frameworks – information which is hardly stated in official texts. In addition, ‘official’ channels of knowledge transfers often fail not least because information shared by authorities is often deemed untrustworthy, given states’ priority to develop strategies to deter and exclude unwanted migrants. It is the marginalised and illegalised position of migrants that makes informal knowledge so important. Policy makers and street-level bureaucrats often seem to assume that the lack of access to the ‘right kind’ of information makes migrants make ‘irrational’ decisions (like moving on within Europe despite the Dublin Regulation; [Eule et al, 2019](#)). However, unwanted migrants who seek to remain in Europe, which is to be prevented by restrictive laws, need access precisely to such – mostly informal – information that helps them to circumvent the implementation of these laws.⁹

Over time, many people gather on-the-ground expertise on how laws are enforced in different countries, which is crucial for their navigation of Europe. Often this concerned information about the (uneven) implementation of policies across Europe. To give an example, Karim explained to me: ‘“Dublin” exists only in Hungary, Austria, Germany, Scandinavia, for example.’ Even though the Dublin Regulation was signed by many more countries, Karim was right about the regulation being implemented in a highly uneven way. He continued: ‘When you go to France, Spain, Italy, nobody cares about you.’ Indeed, these three countries enforce very low numbers of Dublin deportations ([eurostat, 2018](#)). It is this information about how law is *implemented* – and not what is written in the actual regulations – that was of relevance to Karim. Such informal knowledge about laws in practice, thus, holds a subversive potential, which helps migrants subvert, circumvent and at times appropriate laws.

While I have focused on migrants’ knowledge production and transfer, I might not have paid enough attention to states’ reactive role regarding the subversive power of rumours. States can also seek to counter the effects of subversive rumours ([Coast and Fox, 2015: 228](#)) as when they attempt to oppress the circulation of informal knowledge. Limiting migrants’ access to mobile phones and the Internet – as was the case in the camp where I conducted my fieldwork – is one way of making the circulation of informal knowledge difficult. Another example would be information campaigns in the countries of origin to show potential migrants that their rumoured knowledge about Europe is wrong ([Pécoud, 2010](#)). For instance, the Swiss State Secretariat for Migration produced a series on ‘the risks of travelling to Switzerland’ in collaboration with a Nigerian filmmaker ([SWI swissinfo.ch, 2017](#)). Similarly, Germany launched a campaign called [#RumoursAboutGermany](#)¹⁰ with the objective of dispelling rumours about Europe being a ‘paradise’ and thus discouraging would-be migrants from leaving their countries of citizenship ([Oeppen, 2016](#)). In a way, this can be understood as states’ attempts to produce counter-rumours to the rumours circulating among migrants.

Concluding remarks

This chapter has shed light on how difficult it is to understand how and when migration laws are enacted and on how this creates unpredictability and uncertainties that migrants are forced to navigate. I have argued that illegibility in the migration regime is not merely caused by migrants’ lack of comprehension of the law but that it is also a systemic feature of the migration regime itself. In the face of a dynamic, capricious and unreadable migration regime, navigating it requires a constant attempt at deciphering and reading on the part of migrants ([Vigh, 2009: 425](#)). To find their way

through the muddle of law and control practices, migrants often rely on rumoured information. The empty time experienced in camps or during periods of unemployment allow for many discussions on how to interpret and predict control practices, which sometimes leads to wrong interpretations and anticipations, sometimes to right ones, but mostly to uncertain ones.

Rumours can have, as I argued, a mobility-engendering dimension as when they transmit information about opportunities and legal loopholes in other countries or regions. Learning about new prospects in other places may also inspire hope among migrants with a precarious legal status – hope, which is necessary to endure the insecurities of their living condition. Knowing about the incompleteness and unevenness of law implementation, for instance, makes people hope for regularisation despite repeated experiences of rejection. While the state succeeds in many cases in denying migrants access to papers, it often fails at destroying their hopes. Or how [Sutton and Vigneswaran \(2011: 637\)](#) put it with regard to their study on deportees in South Africa: '[T]hey found ways to prevent the state from undermining their ability to imagine the future.' In order to endure precarious living conditions, many cling to success stories of fellow migrants, which give them hope that perhaps things will change for the better after all. State actors, in turn, react to such prevailing hopes that help migrants sustain the suffering of the moment; for instance, through concrete attempts at destroying people's hopes to stay in Europe and convincing them to 'voluntarily' return to their countries of origin ([Lindberg and Edward, 2021](#)).

While this chapter has attempted to capture the distant but overwhelming power of the law and how migrants perceive it, the [next chapter](#) looks at how migrants actively engage with the law and use creative tactics to both evade the implementation of laws targeted against them as well as to appropriate legal frameworks to their advantage.