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LECTIO PRÆCURSORIA

Conflicts over Duldung and Deportation: West African Perspectives on German Immigration Enforcement and European Borders

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Madam Custos, Madam Opponent, dear guests,
I welcome you all to this defence.

In October 2023, just after Israel launched its genocidal campaign against Gaza as a response to the 7 October attack by Hamas, German Chancellor Olaf Scholz emphasised Israel's right to self-defence in an interview with *Der Spiegel*. He framed Arabs and Muslims in Germany as a threat and called for limiting 'irregular migration' and increasing deportations, claiming this was necessary to preserve Germany's social welfare system (Hickmann and Kurbjuwelt 2023). In January, investigative journalists revealed that the far-right party Alternative for Germany (AfD) and other groups planned to 'remigrate' millions of foreign nationals and non-white Germans to North Africa (Correctiv 2024). Two weeks ago, the AfD won one-third of the votes in two German Länder, campaigning on this 'remigration' agenda. Their victory was fuelled by growing public debate that increasingly linked migration with violence, terrorism, and anti-Semitism. This debate has also unfolded at the European level. In May, the European Union adopted reforms to move asylum procedures to closed detention and deportation facilities at Europe's external borders. These political shifts have coincided with a rise in racist street violence across Europe.

This is not the first time in European or German history that eliminating those labelled as 'others' has been presented as a solution to social and global problems. Deportation has deep roots in colonialism, imperialism, and fascism. Political scientist Antje Ellermann (2009) notes that, since the 1970s, West German deportation practices have focused on the asylum system. William Walters (2002), another prominent deportation scholar, observes that past practices of state violence continue to shape contemporary immigration law enforcement. Sociologist Avery Gordon (2008b) famously analyses how past and present forms of violence—such as enslavement, genocide, inequality, and dispossession—create hauntings or 'ghosts'. West African diaspora activists in Germany highlight how the asylum system, acting as a deportation regime, reintroduces violence from both the past and distant places to haunt the present.

My dissertation pursues two main lines of inquiry. First, it provides an ethnographic investigation into conflicts within the German immigration enforcement regime after 2015, focusing on the struggles of West Africans threatened with deportation. Second, it engages with critiques by West African diaspora activists on deportation and European borders. While West African migration might appear marginal in Germany—the largest EU member

state, with the world's second-largest foreign-born population—I argue that these struggles and critiques offer crucial insights into how deportation has functioned as state violence within the German asylum system since 2015. I challenge humanitarian readings of asylum by analysing the German asylum system as a contested regime inflicting both physical coercion and organised abandonment. As prison abolitionist Ruth Gilmore (2022) argues, these are two key aspects of contemporary state violence closely linked with racism. I also demonstrate how the struggles and critiques of the West African diaspora contest this violence.

Scholarship on postcolonial migration, including in anthropology, often focuses on marginalised and precarious migrant experiences, casting people as victims, villains, survival artists, or tricksters. As Julie Kleinman (2019) and Kien Ngi Ha (2003) have noted, this perspective tends to reproduce the racialising gaze of colonial anthropology on 'others' at Europe's margins. I ask what the gaze from these presumed margins reveals about the European nation-state and immigration law. Drawing also on the work of critical border scholars like Bridget Anderson (2013), Nandita Sharma (2006, 2020), Radhika Mongia (2018), Étienne Balibar (1991, 2004; Balibar and Wallerstein 1991), and Nina Glick-Schiller (2020; Glick-Schiller and Wimmer 2002), I question both the nation-state's view of migration as an object of governance and the very concept of 'migration' itself.

What I refer to as West African perspectives on deportation and borders encompasses knowledge related to postcolonial migration practices and their politicisation by diaspora activists. This analysis of situated knowledge on immigration enforcement and state violence in Germany is a key contribution of my dissertation. My interest in how black

activists have theorised the postcolonial and racial foundations of European borders, alongside my interest in the contested practice of immigration law, emerged during my involvement in migrant solidarity work with the Free Movement Network in Helsinki.

The slogan 'We are here because you are destroying our countries', coined in the late 1990s by The VOICE Refugee Forum and The Caravan for the Rights of Refugees and Migrants, two self-organised networks, have guided my research since 2015. During that summer, Germany experienced a so-called welcome culture. Progressive forces, from politicians to corporations to critical scholars, rallied around the slogan 'Refugees welcome'. Yet, few questioned the ongoing deportations or why people labelled as 'refugees' were coming. I first met the Stuttgart-based Nigerian activist Rex Osa in early 2015 at a transnational activist gathering in Berlin. He highlighted that paternalism—that is, conditional protection—and criminalisation are two sides of a longstanding 'culture of deportation'. Beyond deportation, diaspora activists like Osa critique the postcolonial division of the world into nation-states, recently analysed as global apartheid by Nandita Sharma (2020). These activists emphasise that borders are tied to dispossession—the theft of land, labour, resources, and knowledge, particularly affecting the Global South and the former East.

Osaren Igbinoba and Sunny Omwenyeke describe it as a 'colonial injustice' when those whose lands and resources were taken are now barred from crossing borders or are forced to leave (voice 2009; Feizi 2013). The West African region exemplifies this dynamic: severely impacted by the transatlantic slave trade and European colonialism, it is now framed by the EU border regime as a source of so-called illegal migrants. Contemporary European

borders expose West Africans to a state-sanctioned vulnerability to premature death, to quote Ruth Gilmore's (2022) definition of racism. Building on this historical awareness, diaspora activists have critiqued the concept of national sovereignty—particularly, European national sovereignty—as a phantom-like possession of territory by a 'people' imagined as ethnically homogeneous, culturally superior, and detached from non-European 'others' and 'elsewheres'. My dissertation engages with these decolonial, anticolonial, and abolitionist critiques, connecting them with scholarly critiques of borders, race, and postcoloniality. I treat everyday, activist, and scholarly knowledge equally, valuing the authority, respectability, and right to theorise—drawing on Avery Gordon's (2008c) methodology for studying state violence.

It is against this backdrop that I interrogate how German immigration enforcement operates in practice.

Considering the size of its deportation regime, German immigration enforcement remains little researched. I set out to investigate how the peculiar instrument of migration control, known as *Duldung*, operates. *Duldung* is often perceived as a puzzling legal limbo. By law, it means the temporary suspension of deportation due to obstacles, such as missing identity documents. Without a passport, the immigration authority cannot, in most cases, enforce the deportation and must instead issue a *Duldung*. *Duldung* is not a residence permit; the deportation order remains in effect and can be enforced as soon as the obstacle is resolved. Successive renewals of the *Duldung* in short increments often lead to years of illegalised residence under deportability, to use Nicholas De Genova's (2002) term.

From 2015 onwards, as German authorities sought to manage a perceived 'refugee crisis', the number of people holding a *Duldung*

quickly surged to more than 200 000 on any given day. Public debates framed *Duldung* as an 'enforcement gap', a form of humanitarian protection, or a reserve workforce in a tight labour market. I wanted to understand how people holding this document experienced and influenced *Duldung* as an institution. From 2012 to 2014, there was intense protest in Germany against asylum camps and deportations led by people with a *Duldung*. My dissertation examines what happened after this protest cycle, during a humanitarian and repressive backlash since 2015. I ask: How did those ordered to leave Germany navigate, contest, influence, and reframe deportation and *Duldung* after 2015? How did the authorities respond? What do these struggles against deportation and the knowledge they generated reveal about German immigration law, its enforcement, and European borders?

I draw on ethnographic fieldwork and activism conducted between 2015 and 2022 with West Africans holding a *Duldung*, as well as with activists and lawyers. Most of the fieldwork was carried out in southern Germany—Bavaria and Baden-Württemberg—between late 2017 and early 2020; some was conducted in Berlin and in other European and West African countries. My fieldwork revealed that behind the most common reason for issuing *Duldung* after 2015—'missing identity documents'—was an intense conflict over identification and enforcement between individuals holding a *Duldung* and immigration authorities. I followed this and other conflicts over deportation over time and across different sites within the German asylum-deportation regime. I analysed everyday practices, such as concealing one's documents to avoid deportation, using Asef Bayat's (2010) concept of 'quiet encroachment'. This refers to discreet efforts by dispossessed groups and individuals to access

vital resources restricted by wealthy groups and states. I also studied direct actions and protests, and how all these struggles produced situated knowledge, political subjectivity, and abolitionist visions. Additionally, I analysed how authorities responded through repression, co-optation, or moral counter-campaigns. My scholar-activist approach aimed to contribute to the knowledge economies and organising efforts of individuals, collectives, and the activist community.

I collaborated with many activist groups. The most important of which was Culture of Deportation, which I co-founded with Rex Osa and Claudio Feliziani in 2015. We began by documenting the case of Yusupha Jarboh, alias Joseph Doe (Culture of Deportation 2017). Jarboh was a Gambian man who resisted deportation for 19 years by concealing his passport and adopting a second identity. Therefore, he was issued a *Duldung*. He was eventually deported to Nigeria in 2013 after being mistakenly identified as Nigerian in a so-called embassy hearing. These hearings are organised by German immigration authorities, who invite African and Asian officials to identify their presumed nationals. Later, embassies may issue emergency travel certificates for a one-time trip to the country of origin to enable the deportation. West African organisers such as Osa have protested this practice for decades, criticising its coercive nature and the racialising idea of ‘identification’, which resembles colonial anthropology. Like many people I interviewed during my fieldwork, Yusupha Jarboh had lived in Germany under the constant threat of deportation, a work prohibition, and frequent policing. He had to reside in a strictly controlled camp, with his movements restricted to his municipality, and he received healthcare only for emergencies.

During my fieldwork, I spoke with around 80 individuals in a similar situation after 2015

and with larger groups organising protests. In the dissertation’s ethnographic chapters, I trace the conflicts over enforcement by focusing on specific institutions in the deportation regime: the *Duldung* document, the embassy hearings or Euro-African deportation cooperation, and the semi-open camps.

After 2015, as the German economy boomed, many rejected asylum seekers temporarily gained labour market access. **Chapter 5** examines how these individuals, often obliged to seek asylum to stay in Germany, avoided deportation by concealing their identity documents. By hiding their passports, they used *Duldung* to access rights and resources while authorities tried to enforce the deportation. Drawing on anthropologists like Madeleine Reeves (2013), Sarah Horton (2015), Saana Hansen (2023), and Apostolos Andrikopoulos (2023), and border scholars like Stephan Scheel (2019), I analyse documents as tools in disputes over resources. I show how the state used ‘identity craft’ to enact deportation and exclusion and how people labelled as unauthorised migrants navigated this to access paid work despite significant risks. I focus on the attitude required to defy state violence and resist its moral and affective force while pursuing a better life. I find Avery Gordon’s (2018a, v) notion of ‘in-difference’—written with a hyphen—suitable to describe this attitude. By in-difference, she means ‘a standpoint and a mindset for living on better terms than what we’re offered’ (v). Following Gordon, I suggest understanding this as an abolitionist standpoint or attitude to enable more equitable care. However, the state’s response to these struggles included highly selective granting of residence permits framed as merit-based integration and increased criminalisation and deportation, together producing ultra-precarious racialised labour.

In **Chapter 6**, I explore how protests by the diaspora in Germany and supporting actions in West Africa challenged the involvement of West African embassies and governments in German deportations. These protests, alongside the covert practice of concealing documents, effectively halted most deportations to West Africa. Protesters questioned the European idea of deportation as a 'return' to one's presumed place and a matter of national sovereignty protected by international law. They exposed the colonial origins of Euro-African borders as the 'Borders of Berlin' drawn during the 1884–1885 Berlin Conference. They urged West African authorities to end 'colonial collaboration' in deportations, criticised Europe's colonial debt to Africa, and reframed postcolonial migration as redress or decolonisation. This perspective implicitly legitimised the concealment of identity documents as a means to reclaim vital resources. Drawing on *Third World Approaches to International Law*, including Tendayi Achime (2019), Balakrishnan Rajagopal (2003), and Siba Grovogui (1996, 2002), I argue that these demands and practices represent a perspective on 'international law from below' that challenges Euro-African power imbalances and the colonial nature of the nation-state system.

In **Chapter 7**, I explore the repressive state responses following the obstruction of deportations and conflicts in large, semi-open asylum camps in southern Germany. In these facilities, West Africans—who were primarily men—and others without a so-called prospect of staying faced police raids, Dublin deportations to other European countries, violence from private guards, racial profiling by the police, and criminalisation. I conceptualise the camp as a site of political policing and abolitionist struggles, examining everyday resistance, spontaneous solidarity, and organised

protests. I engage with activist critiques of the camp, which have highlighted continuities in colonial and racial control. I discuss how camp residents' practices challenged the camp's role as a deportation and confinement site. From community organisers like David Jassey and others in the Gambian Integration Committee in the Donauwörth Reception Centre in Bavaria, I learned how the policing of the camps often functioned as counterinsurgency, aiming to intimidate residents and discredit them in public by reinforcing negative stereotypes of black men as violent and aggressive. These dynamics contributed to the normalisation of deportation, other policing and criminalisation after 2015, with the circulation of fear and moral panic playing a crucial role in this process.

Critical border scholars and anthropologists like Shahram Khosravi (2010) and Manuela Bojadžijev (2012) propose reversing the nation-state gaze on migration, seen as a problem or deviance, suggesting a 'perspective of migration' to critically examine the nation-state and its racism. My dissertation builds on this. Engaging with how West African diaspora activists have politicised everyday practices of migration, I propose an abolitionist perspective to examine conflicts over the nation-state order and nationalised citizenship: We need to see the struggles of postcolonial migration not just as struggles for mobility or access to territory. Rather, they are situated within broader struggles over life-sustaining resources, for social and global equality, and for ending systems of state violence, including immigration enforcement and imperialist dispossession.

In early 2018, 350 Gambians organised in the Donauwörth Reception Centre, refusing to accept deportability. After their petitions to the management were not heard, they went on strike, stopping all maintenance work they performed in the camp. One day, they took the collective

decision to leave the camp, and to head to Italy, the destination written on their deportation orders. A massive police operation blocked their way. Finally, they were persuaded to return to the camp. Notable is the determination they developed together. Just like people in a similar camp in Bavarian Bamberg, they acted on the conviction that access to rights, resources, and services can be organised in an egalitarian way without the reliance on policing, deportation, confinement, and criminalisation. While people exposed to brutal forms of state violence do not have the responsibility, nor mostly, the capacity to change the status quo, I argue that their approaches provide pertinent answers to questions arising from organising against deportation and borders: How can we imagine our societies beyond deportation and borders? And how can we take practical steps towards abolition?

Today, such questions and answers are often dismissed as merely utopian. Yet, I argue that the present escalation of racial violence across Europe and beyond emphasises their urgency and necessity. Additionally, the recent popular rebellion by young people across West Africa against austerity measures, loan conditions, Western imperialism, and resource extraction speaks to this necessity.

Madam Opponent, I now call upon you to present your critical comments on my dissertation.

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REFERENCES

- Achiume, Tendayi** 2019. *Migration as Decolonization*. UCLA School of Law, Public Law Research Paper No. 19–05. Stanford Law Review 71 (6): 1509–1574. <https://ssrn.com/abstract=3330353> <Accessed 2 December 2024>
- Anderson, Bridget** 2013. *Us and Them? The Dangerous Politics of Immigration Control*. First edition. Oxford: Oxford University Press.
- Andrikopoulos, Apostolos** 2023. *Argonauts of West Africa: Unauthorized Migration and Kinship Dynamics in a Changing Europe*. Chicago and London: The University of Chicago Press. <https://doi.org/10.7208/chicago/9780226822617.001.0001>.
- Balibar, Étienne** 1991. Es Gibt Keinen Staat in Europa: Racism and Politics in Europe Today. *New Left Review* 186: 5–19.
- Balibar, Étienne, and Immanuel Maurice Wallerstein** 1991. *Race, Nation, Class: Ambiguous Identities*. London: Verso.
- Balibar, Étienne** 2004. *We, the People of Europe? Reflections on Transnational Citizenship*. Translated by James Swenson. Princeton, N.J.: Princeton University Press.
- Bayat, Asef** 2010. *Life as Politics*. Amsterdam: Amsterdam University Press.
- Bojadžijev, Manuela** 2012. *Die Windige Internationale. Rassismus und Kämpfe der Migration*. 2nd ed. Münster: Westphälisches Dampfboot.
- Correctiv** 2024. Geheimplan gegen Deutschland. Website, 10 January. <https://correctiv.org/aktuelles/neue-rechte/2024/01/10/geheimplan-remigration-vertreibung-afd-rechtsextreme-november-treffen/> <Accessed 2 December 2024>
- Culture of Deportation** 2017. FILE: Yusupha Jarboh in Germany 1994–2013. Culture of Deportation Website. <http://cultureofdeportation.org/2017/06/01/file-yusupha-jarboh-in-germany-1994-2013/> <Accessed 2 December 2024>
- De Genova, Nicholas** 2002. Migrant “Illegality” and Deportability in Everyday Life. *Annual Review of Anthropology* 31 (1): 419–47. <https://doi.org/10.1146/annurev.anthro.31.040402.085432>.

- Ellermann, Antje** 2009. *States Against Migrants: Deportation in Germany and the United States*. Cambridge: Cambridge University Press.
- Feizi, Mehrandokht** 2013. *AKABA—Masken Und Die Festung Europa*. Dokumentarfilm zum Karawane-Festival 2010 in Jena, 15 April.
- Gilmore, Ruth Wilson** 2022. *Abolition Geography: Essays towards Liberation*. London and New York: Verso Books.
- Glick-Schiller, Nina, and Andreas Wimmer** 2002. Methodological Nationalism and beyond: Nation-State Building, Migration and the Social Sciences. *Global Networks* 2 (4): 301–34. <https://doi.org/10.1111/1471-0374.00043>.
- Glick-Schiller, Nina** 2020. Dispossession: A Conjunctural Analysis. Paper Delivered to CUNY Graduate Center, Anthropology Seminar, February 7.
- Gordon, Avery F.** 2018a. *The Hawthorn Archive: Letters from the Utopian Margins*. New York: Fordham University Press.
- Gordon, Avery F.** 2008b. *Ghostly Matters: Haunting and the Sociological Imagination*. Minneapolis and London: University of Minnesota Press.
- Gordon, Avery F.** 2008c. Methodologies of Imprisonment. *PMLA/Publications of the Modern Language Association of America* 123 (3): 651–58. <https://doi.org/10.1632/pmla.2008.123.3.651>.
- Grovogui, Siba N’Zatioula** 1996. *Sovereigns, Quasi Sovereigns, and Africans: Race and Self-Determination in International Law*. Minneapolis: University of Minnesota Press.
- Grovogui, Siba N’Zatioula** 2002. Regimes of Sovereignty: International Morality and the African Condition. *European Journal of International Relations* 8 (3): 315–38. <https://doi.org/10.1177/1354066102008003001>.
- Ha, Kien Ngi** 2003. Die kolonialen Muster deutscher Arbeitsmigrationspolitik. In Encarnación Gutiérrez-Rodríguez and Hito Steyerl (eds). *Spricht Die Subalterne Deutsch?* Münster: Unrast.
- Hansen, Saana** 2023. *Economies of Care and the Politics of Return: Sustaining Life among Injivas and Their Families in Bulawayo, Zimbabwe*. PhD. thesis. Helsinki: University of Helsinki. <http://hdl.handle.net/10138/352687>
- Hickmann, Christoph, and Dirk Kurbjuweit** 2023. “We Have to Deport People More Often and Faster”, Interview with German Chancellor Olaf Scholz. Der Spiegel Website, October 20. <https://www.spiegel.de/international/germany/interview-with-german-chancellor-olaf-scholz-we-have-to-deport-people-more-often-and-faster-a-790a033c-a658-4be5-8611-285086d39d38>. <Accessed 2 December 2024>
- Horton, Sarah** 2015. Identity Loan: The Moral Economy of Migrant Document Exchange in California’s Central Valley. *American Ethnologist* 42 (1): 55–67. <https://doi.org/10.1111/amet.12115>
- Khosravi, Shahram** 2010. *‘Illegal’ Traveller: An Auto-Ethnography of Borders*. Basingstoke and New York: Palgrave Macmillan.
- Kleinman, Julie** 2019. *Adventure Capital: Migration and the Making of an African Hub in Paris*. Oakland, California: University of California Press.
- Mongia, Radhika Viyas** 2018. *Indian Migration and Empire: A Colonial Genealogy of the Modern State*. Durham: Duke University Press.
- Rajagopal, Balakrishnan** 2003. *International Law from below: Development, Social Movements, and Third World Resistance*. Cambridge: Cambridge University Press.
- Reeves, Madeleine** 2013. Clean Fake: Authenticating Documents and Persons in Migrant Moscow: Documents and Persons in Migrant Moscow. *American Ethnologist* 40 (3): 508–24. <https://doi.org/10.1111/amet.12036>.
- Reeves, Madeleine** 2015. Living from the Nerves: Deportability, Indeterminacy, and the ‘Feel of Law’ in Migrant Moscow. *Social Analysis* 59 (4): 119–36. <https://doi.org/10.3167/sa.2015.590408>
- Scheel, Stephan** 2019. *Autonomy of Migration?: Appropriating Mobility within Biometric Border Regimes*. 1st ed. Abingdon, Oxon and New York: Routledge. <https://doi.org/10.4324/9781315269030>.
- Sharma, Nandita** 2006. *Home Economics: Nationalism and the Making of ‘Migrant Workers’ in Canada*. Toronto: University of Toronto Press. <https://doi.org/10.3138/9781442675810>.
- Sharma, Nandita** 2020. *Home Rule: National Sovereignty and the Separation of Natives and Migrants*. Durham: Duke University Press.

voice 2009. On Colonial Injustice and the Continuity of Barbarity in Germany. The VOICE Refugee Forum Germany. 4 June. <http://thevoiceforum.org/node/1279>. <Accessed 2 December 2024>

Walters, William 2002. Deportation, Expulsion, and the International Police of Aliens. *Citizenship Studies* 6 (3): 265–92. <https://doi.org/10.1080/136210202200011612>.