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Asylum Applications Dismissed – What Now?

The Resources and Strategies of
Rejected Asylum Seekers
in Switzerland

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ABSTRACT

This thesis is based on the case studies of a number of asylum seekers whose applications were dismissed in Switzerland and who consequently solicited emergency assistance under the provisions of Article 12 of the Swiss Federal Constitution. Adopting a bottom up approach, it aims to challenge the stereotypical image of “false refugees” or “abusers of asylum”, emphasizing agency and ability rather than victimization and disability of rejected asylum seekers. While acknowledging and discussing the difficulties and constraints they experience, this thesis examines the resources they are able to draw on and the personal strategies they develop in order to cope with their predicament.

Key Words: migration, refugees, rejected asylum seekers, agency, emergency assistance, coping, personal strategies, resources

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ACRONYMS

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| AGORA | Association Genevoise Œcuménique auprès des Requérants d'Asile |
| AsylA | Swiss Asylum Act |
| CERD | Committee on the Elimination of Racial Discrimination |
| CSP | Centre social protestant |
| DAWES | Dismiss an application without entering into the substance of the case |
| HG | Hospice général |
| OCP | Office Cantonal de la Population |
| OSAR | Organisation suisse d'aide aux réfugiés |
| PC | Protection civile = bunker of protection and support service |
| SEM | State Secretariat for Migration SEM, until the 1 st of January Federal Office for Migration FOM |
| UNHCR | United Nations High Commissioner for Refugees |
| UNHRC | United Nations Human Rights Council |

RESIDENT PERMITS IN SWITZERLAND

Permit B **Resident foreign nationals**

| | |
|---|---|
| 'Humanitarian' Permit B / case of serious personal hardship | In exceptional cases, cantons may issue authorizations for a case of serious personal hardship to asylum seekers that are attributed to them. The asylum seeker (in procedure, provisionally admitted or rejected) thus receives a B permit for humanitarian reasons. The decisive element in the authorization of a case of personal hardship (<i>Härtefall, cas de rigueur</i>) is not the need of protection against events that could threaten a person in case of her/his return to the country of origin (persecution, armed operations, etc), but the question of knowing if a return to the country of origin can be demanded given the personal, economic and social circumstances. See article 14 al. 2 AsylA for the conditions for the authorization of a personal case of hardship. |
|---|---|

| | |
|----------|---|
| Permit N | Permit for asylum-seekers. Persons who have applied for asylum |
|----------|---|

in Switzerland and whose application is being processed. During the asylum proceeding, they are basically entitled to be resident in Switzerland. Under certain circumstances, they can be permitted to pursue gainful employment as an employee subject to Art. 43 Asylum Act.

Permit F **Provisionally admitted foreigners.** Persons who have been ordered to return from Switzerland but in whose cases the enforcement of this order has proved inadmissible (violation of international law), unreasonable (concrete endangerment of the foreign national) or impossible (for technical reasons of enforcement). Thus their provisional admission constitutes a substitute measure. Provisional admission may be ordered for a duration of twelve months and be extended by the canton of residence for another twelve months at a time.

Permit S **People in need of protection.** This permit entitles holders to stay in Switzerland provisionally, but not to cross the border and return to Switzerland. The duration of its validity does not entail any right of residence. Any employment and change of jobs requires provision permission.

DAWES /
rejected from
asylum **Negative decision.** Persons have to leave Swiss territory as soon as possible. Anyone who remains in Switzerland in violation of their obligation to leave the country and subsequently gets into a position of need may, however, apply for emergency assistance under the provisions of Article 12 of the Federal Constitution.

(Information taken from the homepage of the State Secretariat for Migration
https://www.bfm.admin.ch/bfm/en/home/themen/aufenthalt/nicht_eu_efta.html)

1. INTRODUCTION

I know that in my papers it's written 'negative'. But in my mind, I always stay 'positive'.¹

Today, almost all parts of the world witness migratory movements. In 2000, an estimated 150 million people were living long-term outside their countries of normal residence (Van Kessel 2001). Only a small minority were refugees and an even smaller number of them had made it to Western countries where they claimed asylum. Yet, since the 1970s, Western governments have been confronted by rising numbers of asylum claims due to civil conflicts in the former Yugoslavia, Sri Lanka, Somalia, Central America, and the Great Lakes region of Africa. In the 1970s only 13,000 people claimed asylum each year; this grew to 170,000 in 1985, and 690,000 in 1992 (Gibney 2003, 22). Western governments responded to this steep upward trend by introducing policy reforms to prevent asylum seekers from accessing state territory, to deter potential asylum claims, and to limit the amount of time asylum seekers spend on their territory (see as well Gibney 2003; Gibney and Hansen 2003; Van Kessel 2001). Switzerland introduced measures to restrict asylum for the first time with its Asylum Act in 1981, followed by a number of reforms aiming to limit expenditures related to asylum and to reduce the “attractiveness” of Switzerland as a country of refuge. One of the most important measures in the context of this thesis is the replacement of social assistance for rejected asylum seekers with the less generous emergency assistance. This aimed to reduce the social and economic costs of asylum and to deter potential asylum seekers from claiming asylum in Switzerland. As in other Western countries, the percentage of people granted asylum has over the last decades drastically decreased as a result of these restrictive asylum policies. Yet, having made all the way to Europe – a difficult and expensive journey – people whose asylum application is dismissed seldom return to their country of origin. Still, due to moral and practical constraints, such as the obstruction of² or the non-recognition of the undocumented asylum seeker as its national³ by the country of origin, deportation is often impossible.

¹ Interview with Moussa, February 2015.

² Observed in the cases of Algeria, Eritrea, Ethiopia, Guinea, Democratic Republic of Congo, Palestine, Somalia (Povlaki 2011, 111).

³ These are cases that are politically very sensitive: Angola, Ivory Coast, Guinea, Liberia, Mali, Sierra Leone and others (Povlaki 2011, 111).

As a result, an expanding population of rejected asylum seekers staying irregularly in Western countries has developed (Gibney and Hansen 2003).⁴

Switzerland has developed a unique system in response to this situation. While waiting for their departure or deportation, rejected asylum seekers⁵ are assigned to a canton⁶ where they have the right to solicit emergency assistance under the provisions of Article 12 of the Federal Constitution⁷. Yet, this system is not free of controversies and criticisms. Many actors and organizations such as the OSAR have argued that the emergency assistance does not assure humane living conditions, puts rejected asylum seekers in a vulnerable situation and sets them up to become dependent on the Swiss state. A number of scholars have therefore examined and discussed the constraints and difficulties of rejected asylum seekers (e.g. Trummer 2008; Buchmann and Kohler 2004; Buchmann and Kohler 2005; Povlaki 2011; Sutter 2011). In this thesis, however, I demonstrate that rejected asylum seekers, despite being in a very vulnerable situation and despite being limited by a number of constraints, are not passive actors facing Swiss asylum policies, but resilient agents. I set out from this position to examine the resources rejected asylum seekers employ and the strategies they develop in order to deal with their situation of vulnerability, social and economic insecurity, and dependence on the Swiss State.

The case of rejected asylum seekers is particularly interesting, as it consists of a paradoxical interaction between the Swiss State and people staying irregularly on its territory. Unsuccessful asylum applicants are ordered to leave the country as soon as possible. If they remain on Swiss territory, their stay becomes illegal. Paradoxically, they can then apply for emergency assistance through their registration in the canton where they are living. The study of rejected asylum seekers is important in this context because, while it is well known that a wide range of asylum seekers are not granted asylum, there is little public awareness of their struggles after their applications have been rejected. This thesis aims to bring this invisible and forgotten population back to

⁴ Gibney and Hansen (2003) estimate that in the OECD there are between fifty and seventy per cent of asylum seekers whose application is dismissed but nonetheless remain.

⁵ This thesis does not specifically differentiate between the two distinct procedures that result in the dismissal of an asylum application: the decision to DAWES and the dismissal of the application after the examination of the substance of the case. The general term “negative decision” will be used to include both the decision to DAWES and the decision to dismiss after the examination of the substance of the case. Similarly “rejected asylum seekers” is used in order to talk about both groups.

⁶ Canton should be understood as a Swiss district. Switzerland is divided into 26 member states of the federal state that are called “cantons”.

⁷ Art. 12 Right to assistance when in need

“Persons in need and unable to provide for themselves have the right to assistance and care, and to the financial means required for a decent standard of living.” (Federal Constitution of Switzerland, <http://www.admin.ch/ch/e/rs/1/101.en.pdf>)

the surface while countering the general tradition in the literature of focusing almost exclusively on its vulnerability.

I begin by providing a platform to make this study accessible to people of diverse backgrounds (Section 2). It discusses the evolution of the Swiss asylum policy to place the introduction of the emergency assistance program in its larger context. The conditions leading to the dismissal of an asylum application and the emergency assistance system with its paradoxes are set out in more detail. I then describe the methodology and the conditions in which the fieldwork took place, and include a brief presentation of the participants (Section 3). Next, I explore the constraints and difficulties of rejected asylum seekers (Section 4), and finally I discuss the resources and strategies of rejected asylum seekers, emphasizing their roles as creative agents, rather than simply as traumatized victims, able to draw on available resources and develop personal strategies in order to cope with and improve their circumstances (Section 5).

2. THE SWISS ASYLUM POLICY AND EMERGENCY ASSISTANCE

2.1 The evolution of the Swiss asylum policy (1950 until today)

As the evolution of the Swiss asylum policy has been discussed by a number of authors (D'Amato 2008; Gianni and Parini 2005; Arbenz 1995; Kälin 1992; Maillard and Tafelmacher 1999; Parini 1997b; Parini 1997a), this chapter focuses on the circumstances that led to the exclusion of all unsuccessful asylum applicants from social assistance, and places the introduction of emergency assistance in its larger political, historic and juridical context. It demonstrates that these measures should be seen as the consequence of a continuous tendency to restrict access to Swiss asylum in order to reduce cost, and to make Switzerland less attractive as a country of refuge.

Liberal refugee policy during the fifties and sixties

The fifties and sixties are characterized by a liberal and generous refugee policy. When the Red Army invaded Hungary in 1956, Switzerland agreed to receive 14,000 refugees and showed great flexibility in their reception and accommodation, and in their quick social integration and professional insertion (D'Amato 2008).⁸ This friendly attitude towards refugees can to a certain extent be explained by the anticommunism of the Cold War (Parini 1997a; Gianni and Parini 2005). In fact, in all Western countries the refugee question was related to the Cold War; as Gibney and Hansen commented, “‘protection’ meant protection from Communism” (2003, 1). Gianni and Parini (2005) argue that the refugees arriving at this time were geographically and culturally close to Switzerland, which facilitated their integration. In addition, the fifties and sixties constituted a period of economic expansion, during which the generally highly educated refugees from Eastern Europe provided a qualified workforce easy to insert into the labor market (Efionayi-Mäder 2003; Gianni and Parini 2005). Finally, some authors point out the importance of The Ludwig Report in the adoption of a welcoming refugee policy after the Second World War, as this report had criticized the Swiss policy towards Jewish refugees during the war (Gianni and Parini 2005; Kälin 1992).

An important turning point during the seventies

The arrival of Chilean refugees after the coup d'état of Pinochet in 1973 provoked a sudden change in the Swiss attitude towards the reception of refugees and, for the first time, questioned the national consensus of the existing asylum policy. The uniformity of the provenance of refugees arriving until the seventies had contributed to the

⁸ 12,000 Czechoslovaks fleeing their communist government in 1968 benefited from the same open reception in Switzerland (D'Amato 2008, 178).

conception of the typical refugee as a “dissident of an Eastern country, fleeing from a communist regime” (Gianni and Parini 2005, 192). Contrary to this, Chileans, and more generally refugees arriving from third world countries, often belonged to left-wing opposition movements, which stamped them as possible troublemakers or even revolutionaries (Gianni and Parini 2005). Furthermore, the fall of the Berlin Wall and decolonization caused instability in certain regions of the world and provoked not only an explosion in the number of refugees⁹, but also the diversification of their geographic, ethnic and cultural origins, which further complicated integration (Gianni and Parini 2005; Parini 1997a). Gibney (2003) talks about a kind of “globalization of asylum seeking” due to developments in transportation and communication that lessened the distance between different parts of the world. In addition to this, the recession of the seventies fueled the already existing fears of an excessive foreign penetration of Switzerland. Already since 1965, conservative political parties had been mentioning the dangers of “foreign overpopulation”¹⁰. From the early eighties on, they drew a link between immigration and asylum policies, and argued there was a relationship between the rising number of asylum seekers and Swiss unemployment (Gianni and Parini 2005). Scholars speak of “mixed flows” (Van Kessel 2001) and the “intermingling of refugees and economic immigrants which has been used for the justification of policies preventing the arrival of asylum seekers” (Gibney 2003, 23) in many Western countries.

Constant modification of the Asylum Act during the eighties and nineties

The eighties and nineties saw a continuation of the tendencies established in the seventies. The refugee problem became more complex and changed from an East/West to a South/North paradigm. Chimni (1998) for example postulates that the change in attitude of Western states towards refugees was influenced by the end of the Cold War; it no longer served the interests of the Western political elites to grant asylum after the conflict between the two superpowers had ended (see as well Loescher 1996). Ever-increasing numbers of refugees were arriving from countries and regions of the “South” such as Turkey, Sri Lanka, the Middle East, Africa and Asia (D’Amato 2008). Until 1981, 5,000 asylum applications were made annually in Switzerland, but that number rose to more than 10,000 in 1987 and almost 36,000 in 1999 (Kälin 1992, 768).

⁹ The number of asylum applications doubled during the seventies (D’Amato 2008, 178).

¹⁰ The German word “Überfremdung” used by conservative parties literally means alienation, but is often translated as foreign overpopulation.

In 1973, Hofer, member of the National Council, deposited a motion asking for the institution of a law to regulate asylum. This resulted in the Asylum Act (AsylA), which entered into force in 1981. The introduction of AsylA represented an important turning point, asserting the State's power in the issue of asylum (Piguet 2004; Gianni and Parini 2005). From this moment on, the question of asylum has occupied a growing place in the political agenda and public discussion in Switzerland and has eclipsed the formerly highly controversial question of working migrants (D'Amato 2008).

However, the slow procedure, the growing numbers of asylum applications and the increase in pending cases¹¹ have necessitated a number of revisions of the AsylA.¹² Gianni and Parini (2005) identified four main objectives that these modifications pursued: the acceleration of the asylum procedure, a stricter handling of returning rejected asylum seekers, the diminution of the "attractiveness" of Switzerland as a country of refuge, and the creation of a status granting temporary protection^{13, 14}. Switzerland has not been the only country introducing policies pursuing objectives as identified by Gianni and Parini. Many Western states have adopted policies such as the exclusion of asylum seekers from determination procedures making them eligible for return (e.g. the definition of safe third country (STC) measures such as the Dublin Convention, applied in Switzerland since 2008); the speeding of the process of determination by fast-track procedures similar to the decision to dismiss an application without entering into the substance of the case (DAWES) and the definition of "safe countries"; the restricting grants of permanent residence for refugees; and measures encouraging the deportation and return of rejected asylum seekers (e.g. many countries have signed agreements with asylum source countries to ensure the readmission of rejected asylum seekers) (Gibney and Hansen 2003). Rates of admission reflect the continuously more restrictive interpretation of the asylum policy in Western countries as well as in Switzerland. While in Switzerland 86% of asylum applicants were granted asylum between 1975 and 1979, only 46% were granted between 1980 and 1984, down to only 6% between 1985 and 1990 (D'Amato 2008,

¹¹ If the pending asylum cases were not yet a serious problem in the early eighties, they added up to 24,000 in 1987 (Kälin 1992, 769).

¹² See the Appendix 1 for a more detailed overview of the revisions of the Asylum Act.

¹³ The status that only grants temporary protection shows the important change of attitude of the Swiss authorities towards people seeking protection in Switzerland. Formerly it was considered desirable to integrate refugees into the Swiss labor market, lately however opinion has changed to favor returning to their country of origin. The introduction of provisional statuses has allowed Swiss authorities to observe their humanitarian obligations in a major crisis while preventing people seeking refuge from settling in Switzerland.

¹⁴ See on page vi for more detailed information about the different permits given to people in need of protection.

179). Efionayi-Mäder (2003) talks about a transition from a “refugee policy” to an “asylum policy”. People fleeing their country were formerly considered as “political refugees”; now they were “asylum seekers”, which implies that not every person seeking asylum in Switzerland is necessarily a political refugee.¹⁵ From this a polemic of “false refugees” (*faux réfugiés*)¹⁶ – economic instead of political refugees – and their “abuse” of asylum¹⁷, and even the idea of criminal asylum seekers, emerged as the number of asylum seekers exploded.

The withdrawal of social assistance and the introduction of emergency assistance

In the context of the continuous quest to restrict access to asylum, moderate the cost of its policy, reduce the attractiveness of Switzerland as country of refuge and fight against the “abuse” of asylum, social assistance was withdrawn in April 2004 from people facing the decision to dismiss an application without entering into the substance of the case (DAWES) and in 2008 from anyone being obliged to leave Switzerland after his or her application has been dismissed. Emergency assistance was introduced as its replacement. Rejected asylum seekers can, while organizing their return, solicit emergency assistance in the canton to which they are assigned. While this may appear benign at first sight, the primary aim of the emergency assistance system is not to support rejected asylum seekers but to pursue a number of specific objectives as stated by the Swiss Parliament in its message regarding the 2003 budget cuts: the “reduc[tion] of the number of asylum seekers staying in Switzerland”, the reduction of asylum costs and the creation of a “deterrent effect” on rejected and potential asylum seekers.¹⁸ Deterrent policies have recently been deployed by most Western states in order to discourage asylum seekers from claiming asylum by making its benefits as minimal as possible. Many governments have reduced privileges and entitlements available to asylum seekers by policies of limitations on employment during the processing of asylum claims (e.g. France and Germany) and on welfare, such as the Swiss measure of exclusion of rejected asylum seekers from social assistance; and by policies of detention and restrictions on residency (Gibney and Hansen 2003). Gibney

¹⁵ This underlines the fact that it is the right of the State to grant asylum, rather than the right of the person to seek asylum (Gianni and Parini 2005, 228).

¹⁶ Maillard and Tafelmacher (1999) published a critical book on the polemic of “false refugees” asking questions like “S’est-on soucié du fait que de telles mesures [de restriction] empêchent aussi les plus „vrais“ des réfugiés de venir en Suisse?” (1999, 13) or advance that “dire que la majorité des réfugiés sont des faux, ou des réfugiés économiques, c’est légitimer les préjugés xénophobes” (1999, 12).

¹⁷ For example, the destruction of their documents in order to make it impossible to return them to their country.

¹⁸ FF 2003 5091, p. 5167-5168.

and Hansen (2003) argue that if most of the recently adopted restriction policies aim at a number of different objectives, such as the reduction of the social, economic and political costs of asylum, the deterrence of asylum claims has become an increasingly important public strategy.

2.2 A restrictive and deterrent asylum policy

A restrictive asylum policy

Access to asylum in Switzerland has been considerably restricted over the last few decades and, as a result, a smaller percentage of people has been granted asylum. Thousands of applications are rejected every year. In 2014, Switzerland dismissed 18,012¹⁹, or 67%, out of a total of 26,715 asylum applications (ODM 2014a, 14).²⁰ It should, however, be noted that there are two distinct procedures resulting in the dismissal of an asylum application: the decision to dismiss an application without entering into the substance of the case (DAWES) and the dismissal of an application after the examination of the substance of the case. This sub-chapter briefly presents both of these procedures.

According to Sanchez-Mazas, the decision to DAWES has become “emblematic of the tightening of the Swiss asylum law” (2011, 13), as it has allowed authorities to accelerate the procedure and to strengthen the execution of returns. One of the most popular reasons resulting in the decision to DAWES is the failure to present valid travel documents or proof of identity within 48 hours. In such a case, the authorities abstain from the examination of the merits of an application and directly issue a decision to DAWES.²¹ However, hiding or losing documents is often part of asylum seekers’ strategies, as the impossibility of identifying an asylum seeker’s provenance in the absence of travel documents considerably complicates deportation. Since the end of 2008 the other major reason leading to the issuance of many decisions to DAWES is Switzerland’s application of the Dublin Association Agreements. In such cases, if another Member State of the Dublin Area²² has been deemed responsible for conducting the asylum procedure, Switzerland does not examine the applicant’s

¹⁹ 5,873 received a decision to DAWES and 12,139 were rejected after the examination of the substance of the case (ODM 2014a, 4).

²⁰ See Appendix 2 for diagram

²¹ Article 32(2)(a) of the Asylum Act : *Motifs de la non-entrée en matière*

Il n'est pas entré en matière sur une demande d'asile si le requérant ne remet pas aux autorités, dans un délai de 48 heures après le dépôt de sa demande d'asile, ses documents de voyage ou ses pièces d'identité; (Loi d'Asile, <http://www.admin.ch/opc/fr/classified-compilation/19995092/201307010000/142.31.pdf>, p. 14)

²² The Dublin Area consists today of the 28 Member States of the European Union and the four associated states Iceland, Norway, Liechtenstein and Switzerland.

motives for seeking asylum and directly issues a decision to DAWES. The person is thus supposed to return to the country of her/his first arrival in the Dublin Area.²³

Nevertheless, if the prerequisites for entering into the substance of the case are fulfilled, the State Secretariat for Migration (SEM) first examines whether the applicant's reasons for claiming asylum are credible and if she/he is in danger of persecution. If this is not the case, the asylum seeker's application is dismissed after the examination of the substance of the case. However, if the SEM states that the removal of the person is not admissible given its international obligations or the general situation in the country of origin of the applicant, she/he will benefit from a temporary protection in Switzerland.

A deterrent asylum policy

Being part of the 2003 budget cuts, the suppression of social assistance targets the reduction of the expenditures related to asylum. Povlaki, however, states that this measure is not principally due to a problem of public funds. "On the contrary, the State invests [...] specific budgets to put a certain number of people in a highly precarious situation"²⁴ (2011, 94). In fact, a central objective of the exclusion of rejected asylum seekers from social assistance is hidden behind these budgetary arguments. Over the last decades, it has been argued that Switzerland's asylum system attracts a significantly higher number of asylum seekers than other European countries. The suppression of social assistance is designed in part to reduce the attractiveness of these asylum policies and is thus representative of the deterrent character of the Swiss asylum policy.²⁵ A number of systematic constraining and disciplinary measures such as increased administrative and corporal control, the privation of economic resources, and social and geographic isolation, aim to discourage rejected asylum seekers from remaining in Switzerland and to deter potential asylum seekers from entering the country in the first place. This sub-chapter gives an overview of the regime of emergency assistance that was introduced after the suppression of social assistance for rejected asylum seekers and discusses its paradoxes and limitations.

a) Emergency assistance – the example of Geneva²⁶

²³ For further reasons leading to a decision to DAWES see Appendix 3.

²⁴ Translated into English from: "*Au contraire, l'Etat engage des budgets spécifiques pour placer [...] un certain nombre de personnes dans une situation de grande précarité.*"

²⁵ The Swiss Parliament mentions in its message regarding the 2003 budget cuts the "deterrent effect" of the suppression of social assistance for rejected asylum seekers (FF 2003 5091, p. 5167.).

²⁶ The provision of emergency assistance in the canton of Geneva is regulated by the following cantonal legal bases:

Emergency assistance finds its origin in the Article 12 of the Federal Constitution that stipulates that every person residing on Swiss territory has the right to the absolute minimum that is required for a “decent standard of living”²⁷. However, the Constitution does not further define the application of emergency assistance, but confines its execution to the cantons. A jurisprudence of the Federal Tribunal states only that the assistance is meant to guarantee the absolute minimum that is required for a person to survive and not need to resort to begging. This includes shelter, food, clothing and urgent medical treatment, and should preferably be provided in kind (Povlaki 2011, 42). The cantons are thus free to decide how to organize the disposition, and as a result, huge intercantonal differences in the execution of emergency assistance can be observed.²⁸ Some authors have raised the alarm that such differences violate the principle of equal treatment of asylum seekers (Holzer and Schneider 2003; Sutter 2011; Sanchez-Mazas 2011; Trummer 2008). This sub-chapter presents the emergency assistance system of Geneva in order to give an idea of how the latter might be organized.

The receipt of emergency assistance is attached to a number of administrative procedures. Emergency assistance has to be renewed every few days, according to each individual case, by the *Service des étrangers et confédérés* (SEC) of the *Office cantonal de la population* (OCP). As stated above, emergency assistance only contains the most basic services. In Geneva, people facing the decision to DAWES are provided with prepared food during the week and two vouchers of 15 CHF for the *Migros* for the weekend or bank holidays during their first twelve months²⁹. Other rejected asylum seekers get 10 CHF daily. They are accommodated in collective housing facilities, either in the *Foyer les Tattes* or the *Foyer du Lagon*, or in bunkers of the protection and support service, where they share rooms with up to forty other people. Rejected asylum seekers can get medicine in emergency cases, addressing themselves to the *Programme Santé Migrants*. A range of further services may be provided if asked for, such as a monthly pass for public transportation in Geneva (tpg), vouchers for clothes

Loi sur l'aide sociale individuelle (RSGE J4 04; LASI), Règlement d'exécution de la loi sur l'aide sociale individuelle du 25 juillet 2007 (RSGE J 4 04.01; RASI), www.geneve.ch/legislation/. Directives cantonales en matière de prestations d'aide sociale aux requérants d'asile et statuts assimilés 2008, entrée en vigueur 1er janvier 2008, www.hg-ge.ch/fileadmin/files/pdfs/ara/Asile_Directives_canto08.pdf.

²⁷ Art. 12 Right to assistance when in need:

Persons in need and unable to provide for themselves have the right to assistance and care, and to the financial means required for a decent standard of living. (Federal Constitution of Switzerland, <http://www.admin.ch/ch/e/rs/1/101.en.pdf>).

²⁸ The differences of purchasing power (only on the level of food) can vary up to 40 % (Sanchez-Mazas 2011, 79).

²⁹ An exception is made in the case of vulnerable persons.

of the CSP or Caritas, or basic articles of personal hygiene.³⁰ Besides this, a number of civil and religious associations offer moral support, administrative help, informatics or language courses, as well as other leisure activities.

b) The paradox of emergency assistance

The system of emergency assistance has caused a lot of paradoxes and tensions to emerge. Already the term “emergency assistance” itself appears to be absurd. As Povlaki (2011) points out, “emergency” exists in the context of avalanches or flooding where quick, transitory action is needed. Yet, many people live with emergency assistance for three or even more years. Therefore, Povlaki argues that “what is [considered as] ‘urgent’ [in the case of rejected asylum seekers], is above of all that these people leave Switzerland” (2011, 111). Also the term “assistance” is somewhat ironic, as the objective of the introduction of the emergency assistance system was to push rejected asylum seekers to leave Switzerland as quickly as possible and deter potential ones from arriving. In this light, the system does not refer to the idea of assistance, but rather to the supervision and control of the population in question (Sanchez-Mazas 2011, 111).

Sanchez-Mazas (2011) and Achermann (2009) name a second paradox that arises from the fact that many rejected asylum seekers refuse to leave Swiss territory voluntarily, while others cannot be sent back home, either because the country of origin obstructs their readmission, or because it does not recognize the undocumented rejected asylum seekers as its own citizens: the emergency assistance system creates a “status of people without status” or “officially illegal” (*offiziell illegal*) people. Despite being defined as irregular foreign residents³¹ that have to leave Switzerland, rejected asylum seekers can present themselves to the authorities and officially register to solicit emergency assistance. Putting them into a situation of “tolerated and controlled illegality” (Sanchez-Mazas 2011), leaves them in a grey area between legality and illegality. This becomes better understandable considering De Genova (2002; 2013) who argues that “illegality” is produced by the law and relies upon discursive formations. Accordingly, the boundaries between refugees, rejected asylum seekers and undocumented migrants³² are merely created by laws and policies and are not

³⁰ For more detailed information see the *Règlement d'exécution de la loi sur l'insertion et l'aide sociale individuelle (RIASI)* (https://www.geneve.ch/legislation/rsg/f/rsg_j4_04p01.html).

³¹ FF 2003 5091, p. 5167

³² In this thesis, the term undocumented migrant will be used in order to talk about foreign citizens staying on a country's territory illegally, or to say it differently, without a valid resident permit. If the term is literally not always correct, as many migrants in the described situation do have documents, just not those needed to be allowed to stay

objectively existing facts. Moreover, Sanchez-Mazas points out another paradox. “It is expected that [rejected asylum seekers] leave Swiss territory, which implies mobility strategies, yet the emergency assistance system denies them any freedom of movement”³³ (Sanchez-Mazas 2011, 274). In a situation where only the absolute minimum is provided, but where it is forbidden to work, it is nearly impossible for rejected asylum seekers to afford a journey to leave Switzerland or to get in touch with people that could help them organize their departure. Finally, emergency assistance exacerbates the tensions between the idea of assistance and the mission of dissuasion given by the authorities. Consequently, the institutions charged with providing emergency assistance have the difficult task of balancing respect of the fundamental rights of the beneficiaries to a “decent life” and their mission to execute a deterrent policy: a strange duty of “keeping them company while waiting for them to leave”³⁴.

c) Emergency assistance – success or failure?

The recent rise of asylum applications (in particular from sub-Saharan Africa) undermines the assertion that potential asylum seekers have been deterred from coming to Switzerland by the introduction of emergency assistance or again by the low rate of acceptance of asylum claims. In fact, one of my interviewees stated that “even if [his] compatriots saw how badly [he was] treated in Switzerland, how [he was] forced to get into a plane in order to be deported, they would still try their luck and come to Switzerland”³⁵. Furthermore, it is questionable whether the emergency assistance system has really induced rejected asylum seekers to voluntarily return to their country of origin. Most of my interlocutors affirmed that it was out of question for them to go back to their country of origin. They would rather live with the difficult conditions of emergency assistance. In fact, the introduction of emergency assistance has instead contributed to the “construction of invisibility” or the “production of *sans-papiers* (undocumented individuals)” (Sanchez-Mazas 2011), which means that a majority of asylum seekers decide to go underground whereas others directly come to Switzerland illegally rather than claim asylum in the first place (Sanchez-Mazas 2011; Efonayi-Mäder, Schönenberger, and Steiner 2010).³⁶ As intended, this “invisibilization” means

on the state’s territory. Nonetheless, I choose to call them undocumented migrants as I prefer this term over those of “illegal”, “illegitimate” or “unauthorized” migrants.

³³ “...[...] on attend qu’ils quittent le territoire suisse, ce qui implique des stratégies de mobilité, mais le système d’aide d’urgence les prive de toute liberté de mouvement.”

³⁴ Interview with a person from HG, February 2015.

³⁵ Interview with Olivier, April 2015.

³⁶ It has been found that the majority of people facing a decision to DAWES (80-90 %) do not solicit emergency

that a lot of the expenses on asylum are saved. Nevertheless, numerous indirect and unreported costs are incurred by administration, the monitoring of the program, police, and assistance provided by NGOs and private persons (Sanchez-Maza et al. 2010). The notion of “emergency” has failed. While the objective was to provide short-term, timely assistance, it must be recognized that in 2013 almost half (43%) of all people soliciting emergency assistance had been soliciting it for over a year (ODM 2014b, 12).

Moreover, the last and probably the most important question is whether emergency assistance really provides a “decent standard of living” as guaranteed in Article 12 of the Federal Constitution. In the end a decent standard of living may be subject and whether it is met therefore may individually vary. I will let everyone judge for themselves after reading my thesis. I will however venture to say that as a result of my own research in the field, I have become skeptical about how well the guarantee of this “decent standard of living” is honored. My interviews and research indicate grave shortcomings due to the documented challenges experienced by many interviewees and demonstrated inequities. This opinion has been supported by international critiques such as the report by the Committee on the Elimination of Racial Discrimination (CERD) in 2008, which used the exclusion of rejected asylum seekers from social assistance as an example of how the Swiss legislation does not guarantee legal equality amongst foreigners or refugees, and which stated that such a system would cause marginalization and vulnerability (Sanchez-Mazas 2011, 19). Also the United Nations Human Rights Council (UNHRC) has expressed concerns concerning the living conditions of rejected asylum seekers in Switzerland, which are prejudicial to their fundamental rights. In fact, a number of scholars have – on a more global level – pointed out the discrepancies between liberal democratic values and the treatment of refugees and asylum seekers (e.g. Boswell 2000; Adelman 1988).

assistance and prefer to become clandestine (Sanchez-Maza et al. 2010; Buchmann and Kohler 2005).

3. METHODOLOGY

First of all, I would like to point out that my thesis is not simply my own work, but a constructive collaboration between my interviewees and myself. They gradually opened up to me and told me their stories, which I then analyzed and transformed into this thesis. While the goal of the interviews was above of all to gather information, they turned out to be a very valuable experience on a personal level. The process was in fact mutually beneficial: my interviewees commented on the opportunity to talk freely about their situation as a positive, purging and releasing experience. They stated that listening to their stories validated their personal experience and gave them the possibility of being heard by the outside world. One of my interlocutors for instance told me that one day he would like to write a book about his life story. Yet, although he would like people to hear his story, it is difficult for him to access Swiss people and to write in French or English. So he was exited to be part of my thesis and to actually think about his story in a more structured way than he had done before.

3.1 Introduction

As this thesis focuses on the resources and strategies of rejected asylum seekers, the principal source of information is the testimonials of this group of people. Working at the *Centre de la Roseraie*³⁷ and being in contact with the *Association Genevoise Œcuménique auprès des Requérrants d'Asile* (AGORA)³⁸ opened the door for me to this valuable source. I approached these organizations because of their proximity to the population with which I aimed to work. Due to the difficulty of finding suitable interlocutors and the length of the process of conducting interviews (described more in detail in chapter 3.3), I limited my fieldwork to three main interlocutors, which I completed with interviews of another two interlocutors. In addition, I conducted a number of semi-structured interviews with experts and social workers of the *Centre de la Roseraie*, AGORA, *Espace Solidaire Pâquis* and the *Hospice général* (HG). Thanks

³⁷ The *Centre de la Roseraie* was created in 2001 by the foundation "the refugees of yesterday receive the refugees of yesterday". The *Centre de la Roseraie* is a place of reception, welcome, basic information, orientation, exchange and training, which welcomes hundreds of migrants each week. Its main activity consists of free French classes, but it also offers literacy classes and assistance to migrant's job searches, organizes cultural trips around Geneva, and different cultural events (<http://www.centre-roseraie.ch/site/fr/>).

³⁸ AGORA, founded in 1988 by three churches of the canton Geneva, is dedicated to supporting refugees in Geneva and giving meaning to their life. Its staff is present in the transit zone of the Geneva International Airport where asylum seekers are detained at their arrival, in the Frambois Establishment for Administrative Detention where foreign nationals awaiting deportation are held, and in the different accommodations of the *Hospice général* where asylum seekers live. Their main premises are located in the *Foyer des Tattes* where people whose asylum application has been dismissed are living. The AGORA offers numerous activities such as French and IT classes, sports and cultural activities, trips around Geneva, and others (<http://www.agora-asile.ch/index.html>).

to their daily work with migrants and asylum seekers, they have developed a profound knowledge of and valuable experience with rejected asylum seekers. These sources were complemented and corroborated with the analysis of testimonies of rejected asylum seekers from websites and articles³⁹, secondary literature discussing the subject, OSAR reports, legal documents and statistics of the SEM.

3.2 The participants

The five persons interviewed were heterogeneous in terms of origin and time of arrival in Switzerland. The differences in time of arrival were related to the concrete conditions of the study rather than an assumed choice. I did however deliberately choose to interview people from different countries in order to represent the diversity of rejected asylum seekers. Three selection criteria guided the search for my interlocutors: the dismissal of their asylum application, their solicitation of emergency assistance at least once in the past, and their ability to speak one of the languages I speak⁴⁰. The fact that all my interviewees are men is coincidental, although this reflects the high percentage of men amongst rejected asylum seekers. I will discuss the limits that this gender bias introduced into my work later. During my interviews, I kept a balance between professional distance and trying to build a relationship of trust in order to prevent any problems that could result from the gender aspect of the relationship. While most were from societies regarded to be patriarchal, my interviewees treated me with a lot of respects and there were no issues concerning my gender.

Two of my main interlocutors had been declined asylum and had solicited emergency assistance in their past, but had obtained a B permit at the moment that I interviewed them. As a result, they could talk about their past freely and with a certain distance. In general, it was very important that my interlocutors felt comfortable talking to me and therefore all the interviews were made with a lot of consideration for their privacy and comfort. In this regard, I clarified before every interview that the interlocutors could refuse to answer questions they did not feel comfortable with and that everything they were sharing would be treated confidentially and anonymously.

³⁹ Testimonies published on <http://www.asile.ch/vivre-ensemble/>, <http://voixdexils.ch/> or in AGORA INFOS.

⁴⁰ I wanted to avoid using a translator both for financial reasons and because, as a number of studies suggest (e.g. Aranguri, Davidson, and Ramirez 2006), interpreters are liable to change meanings by omission, reduction of the content, and revision (Edwards 1998, 181).

My key interlocutors are presented below. While I conducted numerous interviews with my three main interlocutors, I conducted only one or two interviews with my two additional interlocutors.

Main interlocutors

Dardan⁴¹

I met Dardan while I was working at the *Centre de la Roseraie*. From the beginning, he was very happy to participate in the interviews for my thesis, stating that telling me his story helped him process what he had gone through. In the beginning, he was very nervous, as he had never talked about his past in an interview; but as time passed by, he got more comfortable. Besides meeting Dardan during my time at the *Centre de la Roseraie*, we had interesting discussions about culture and Kosovo before and after the interviews, which helped to gain his trust and make him more comfortable sharing his story with me.

Dardan left Kosovo for the first time when he was 26 in order to find work in Montenegro. Some years later, he went to Italy, crossing several countries on foot. After his application for asylum in Italy was dismissed, he decided to stay in the country without documents, using copies of resident permits of others in order to find work. During this time, he suffered a lot of stress and constant fear of being discovered. Indeed, the police discovered that he was living in Italy with a false permit and he returned to Kosovo for a while before trying his luck in Switzerland. He quickly received a negative response on his asylum application, as Italy was responsible for his case (Dublin Agreement). He applied for emergency assistance and was changed from one shelter to another. During this time, he met his future wife, a Swiss citizen. Both were conscious that Dardan might suddenly be deported. And indeed, one morning the police came to look for him in the shelter. As he refused to leave Switzerland, he was put into administrative detention. Finally, he was deported back to Italy, being attached to his seat with seven strings. When he arrived in Italy, he was told that he had to leave within five days. Because he did not leave immediately, he was put in prison again, this time with “real criminals”. After his discharge from prison, he decided to go back to Kosovo, tired of everything. In 2013, his future wife, a Swiss citizen, helped him to get a visa to remain in Switzerland and after some complications they got married. He still

⁴¹ The names of my interlocutors are fictive in order to protect their identity. Yet, I choose names that are typical for their origins.

had to struggle for several months to get a B permit, but finally received it. A sentence that he repeated several times describes his life very well:

Life is beautiful. But life is also like a war.

Moussa

It was a member of AGORA that introduced me to Moussa. He was very happy to contribute to my work and quickly even called me his friend. After the interviews we always stayed for a while chatting about different topics. I recommended several activities in Geneva to him and told him how he could improve his French without having to pay a lot. This helped to create a good environment for the course of the interviews. Moussa always made a very calm impression and told his story in a well-structured way.

Unlike Dardan, who had first arrived in Italy, Moussa arrived directly in Switzerland in 2007, without having particularly chosen Switzerland as his destination and without knowing anything about it. He once told me “if I had known more about the asylum system in Switzerland, I would maybe never have come here.” After the deposition of his asylum application, he received an N permit, which allowed him to work and to play in a semi-professional football club. After some time, however – it had not even occurred to him that he could lose his N permit – the dismissal of his application struck him hard. Suddenly, he “didn’t have any rights anymore”. He had to quit his job and the football team. He applied for emergency assistance and was transferred to another shelter. Several times, Moussa considered going to other African countries, while going back to Guinea – his country of origin – was out of the question. However, on the way to Switzerland, his smuggler had seized his papers, so even though Moussa showed real interest in cooperating with Swiss authorities, it was impossible for him to get identity documents. One day, he met his future wife in a restaurant in Geneva and after five years as a couple while he was still living with emergency assistance, they decided to get married. The HG cancelled his right to emergency assistance as he was now waiting for his B permit.

I know that life will be good. But it's not over yet. I'm still waiting for my B permit. Once I get it, I want to live a normal life: work and pay taxes like everyone else.

Armend

Like Dardan, I met Armend in the *Centre de la Roseraie*. It was Dardan who first told me about Armend's story and suggested bringing him to one of our interviews. Initially, Armend seemed a bit skeptical, especially about my taking notes that he did not understand. But he quickly got comfortable and excited about the possibility of sharing his story and suggested meeting for further interviews.

Due to some problems that he preferred not to share with me, Armend left Kosovo when he was 20. From the beginning he was determined to go to Switzerland on account of the great things he had heard and the well-established social network he already had in this country. Yet, on his way, he was caught by the Hungarian police and was placed in detention. During his detention, he was forced to sign a number of documents he did not understand as they were all in Hungarian. Even though he never planned to apply for asylum in Hungary, he realized that he had unwittingly signed his asylum application there. After he was freed from detention, he directly went to Switzerland, where he applied for asylum again. However, as Hungary was already responsible for his case, a decision to DAWES was issued. He therefore decided to apply for emergency assistance. However, one morning the police came to deport him back to Hungary. This would not remain the only time. He was deported another two times, and each time returned to Switzerland, although from then on without applying for asylum or emergency assistance.

While I received emergency assistance, I did not feel free. I constantly felt sick and stressed. Now, without papers, not even the 'white paper'⁴², I feel free.

Additional interlocutors

Aslambek

A member of the HG introduced me to Aslambek. He opened up to me very quickly and invited me for a cup of coffee at his family's home, which at this point consisted of two rooms in the *Foyer des Tattes*. It was disturbing to find that the family of seven had to live in these two small, badly equipped rooms.

Aslambek left Chechnya at a time when major combat operations had largely ceased, yet feared Chechen security forces were resorting to kidnapping, torture and

⁴² Rejected asylum seekers tend to call the attestation of emergency assistance the "white paper". See appendix 4.

murder in order to enforce Akhmad and Ramzan Kadyrov's – former and current presidents of the Chechen Republic – rule. He could no longer bear living in the constant fear that filled the lives of so many people living in Chechnya. He decided to flee to Switzerland together with his Byelorussian wife and his first son. After their asylum application was dismissed, their only option was to apply for emergency assistance. They have now been living with this assistance for ten years, during which they have been obliged to move from one housing facility to another. Even though the conditions of the shelters are not child friendly – on the contrary, families live door to door with other rejected asylum seekers who smoke hashish, drink a lot of alcohol, and take other drugs – his wife gave birth to another four sons in Switzerland. "They are all we have. They give us hope!" Aslambek is hopeful as their case is being reexamined at the moment. He hopes that at least the children will receive a resident permit due to the length of their stay in Switzerland. However, it has been over a year that they have not heard back from Bern. Aslambek's children have started asking questions about their situation:

Why do we always live in shelters? What does the white paper mean? They have realized that their life is very different from their friends' in school.

Olivier

I met Olivier during a public event at the *Foyer des Tattes* where he was presenting his biography, which he had written in order to process what he had gone through and to share his destiny with others. After a little chat about rejected asylum seekers, he agreed to meet me for a more formal interview. It was not the first time that he was speaking about his situation with an "outsider". I would like to point out that not only was the interview with Olivier a great source of information for my thesis, but so also was his biography. He was pleased to see that I attended all the public lectures of his biography where he presented his personal experience. He told me that this was very encouraging and that reading his story was a way of validating himself and hoping that it had the potential to effect change.

Olivier had to leave Togo due to some political problems. After a short stay in Benin, he planned to go to France, yet was stopped at the international airport of Geneva where he signed a document applying for asylum and so became "blocked in Switzerland." He was directly brought to the asylum center at the airport where the

other inhabitants told him to “forget a positive response”. Indeed, “since [his] arrival at the airport, not a single positive response was given.”⁴³ After the dismissal of his application, he was transferred to the administrative detention Frambois and “took the name ‘prisoner’”. Following his “liberation” after two months in Frambois, he realized that the life as a rejected asylum seeker was even harder outside than inside the administrative detention. At first he refused to solicit emergency assistance as he thought it was only for “disabled people”. Yet after some time he had to apply for it to survive. At the moment, there does not seem to be any possibility for Olivier of getting a Swiss permit. He sums up his experience:

*Migrating is enriching, but at the same time it tears one apart.*⁴⁴

3.3 The Interview

The fieldwork was done between February and April 2015. Over this period I regularly met my interviewees, with whom I conducted between one and five interviews. In order not to overload them emotionally, psychologically and physically, the interviews generally lasted between one and two hours. Qualitative research always consists in an “intervention” into a particular social system, which may lead to expectations or anxieties of the population that is being studied. This is particularly important in the case of refugees. Many have gone a long, often difficult way, are afraid of Swiss authorities and might thus not immediately open themselves to strangers. I wanted to avoid a scenario where my interlocutors would feel uncomfortable during the interviews, or where their responses would be influenced by the fear that I was searching for information to pass on to the authorities or that they would be portrayed in a negative light. Therefore, I presented myself in my capacity as a student with no connection to the Swiss state; I exposed very clearly the objectives of my work and I explained that their responses would have no impact on their legal situation (neither positively nor negatively) in order not to create any false expectations and avoid anxieties on their side. As soon as my interlocutors understood the goals of the interviews and the fact that they did not have to fear any problems with the authorities due to the information they divulged in the interviews, they were happy to participate in my study and lost their initial doubts.

⁴³ Bossa, Yaovi Mawussi. 2015. *Le Journal D'un Exilé*. Genève. p. 25.

⁴⁴ Ibid. p. 85-86.

The main methodological tool used for this thesis is in-depth face-to-face interviews. In the beginning, I mostly let the interviewees talk freely about their past without interrupting, in order to make them feel more comfortable. Subsequently, I proceeded in a rather more structured way: I asked more direct questions bring into play the concepts of constraints, resources and strategies using simple and concrete questions grounded in the everyday lives of my interlocutors. This semi-structured way of organizing the interviews allowed for more flexibility in order to adapt to given answers and to explore more deeply the meanings the interlocutors attach to what they say. Because of the sensitivity of the topic, building a relationship of trust was critical. I decided to meet most of my interlocutors for several interviews and even met them outside of the interviews – for example, during my work at the *Centre de la Roseraie*. Moreover, all the interviews were conducted at locations where the respondents felt comfortable: either in their homes or in cafés of their choice. I preferred not to record the interviews in order to avoid creating the atmosphere of a police investigation. While talking to them, I simply took notes.

To sum up the discussion of the details of my fieldwork, I would like to point out that all the interviews were conducted either in French or English, which are neither my interlocutors' nor my own mother tongues. Communication was therefore never ideal. In light of this, throughout the whole process of data gathering I kept in mind that "language confers form and meaning on observed realities [... and always] reflects views and values" (Charmaz 2006, 47). I remained aware that my interlocutors attributed their own meanings to what they said while I conferred interpretations to my data as I – to use Charmaz words – "place[d] a conceptual frame on them through [my] use of language and understandings about the world" (2006, 40). As suggested by Charmaz, I "dig into [my] data to interpret participants' tacit meanings" (2006, 47) and examined hidden assumptions in their and my use of language in order to understand participants' views from their perspectives. In the same logic, Eastmond points out that "stories are never transparent renditions of reality, but partial and selective versions of it, arising out of social interaction" (2007, 260). This is why I stated in the beginning of this section that this thesis should be seen as an interaction between my interlocutors and myself. The product of it however remains *my* analysis of the strategies and resources of my interviewees rather than a capture of the empirical reality.

3.4 A limited number of interlocutors and limitations to their representativeness?

The empirical research presented in this thesis does not purport that my interviewees are representative of all rejected asylum seekers in Switzerland. On the contrary, I am very conscious that there are a number of limitations that make this difficult to claim. The very fact that all my interviewees have at some point applied for emergency assistance limits their representativeness. In fact, a large part⁴⁵ of rejected asylum seekers never solicit emergency assistance. This thesis only claims to investigate the resources and strategies of the rejected asylum seekers that have applied for emergency assistance at least once. Furthermore, no woman has been interviewed. Even though this mirrors, as stated before, the high percentage of men amongst rejected asylum seekers, it can be assumed that the constraints and difficulties with which women are confronted and the resources and strategies they employ differ slightly from those of men. On the one hand, social exclusion, inactivity and the feeling of loneliness can be intensified in the case of women due to the fact that they are a small minority in the housing facility. One of my interviewees who had spent some time in the administrative detention of Frambois stated that there was only one single woman there. Establishing social networks inside the centers can therefore be even more difficult for women. On the other hand, most female rejected asylum seekers that I met at the *Centre de la Roseraie* or in the *Foyer des Tattes* did not come alone but pregnant, with a child, and/or with their husband. Children often give a meaning to the life of female rejected asylum seekers or constitute their source of hope. As it will be explained further in this thesis, there has been an explosion of children born by women soliciting emergency assistance; having children might therefore be seen as a sort of strategy employed by female asylum seekers. Another major limitation to the representativeness of my interviewees stems from the fact that they all agreed to collaborate with me, which would suggest that they are all rather positive and outgoing people. However, in the course of my interviews, it became apparent that many rejected asylum seekers lose all hope, develop problems of alcohol or drug abuse and are reluctant to talk to “outsiders”. A last limitation that should to be mentioned is the fact that I did not specifically differentiate between people facing a decision to DAWES and those whose asylum application was dismissed after the examination of the substance of the case. It can be suspected that the strategies employed differ amongst

⁴⁵ As it will be explained later, reports on the effects of the withdrawal of social assistance performed by the SEM show that in the period between 2008 and 2013 43 % of all unsuccessful applicants (DAWES and dismissal of an asylum application after the examination of the substance of the case) never solicited emergency assistance (ODM 2014b, 4).

these two groups. Still, I preferred to consider a homogenous group of “rejected asylum seekers”, as since 2008, both of them are almost in the same situation.

Taking these methodological constraints or limitations into consideration, this thesis does not assume that the experiences and lives of my interlocutors are representative of other rejected asylum seekers. Rather, it is based on Eastmond’s (2007) idea of fighting against the notion of “the [universal] refugee experience” and underlines the great diversity of refugees’ experiences and stories. If the experiences, stories, resources and strategies of my five interviewees occasionally coincide, they also differ from each other in many ways. As stated by Taboada Leonetti (1994, 181) “in objectively similar conditions, the reactions and strategies, which are mobilized by individuals in order to face problems, will be different: what in one person provokes withdrawal and isolation, leads others to aggression, flight into alcoholism, or the mobilization of all resources in order to overcome the problem”⁴⁶. Even a small sample shows that there is a huge diversity amongst asylum seekers. This thesis therefore refutes the stereotypes of rejected asylum seekers, who are often depicted by politicians or the media in a negative or victimizing way. The aim of the thesis is to attain a profound understanding of the experiences of my five interlocutors, rather than to present a superficial overview of the experiences of a large number of rejected asylum seekers. Nonetheless, as my empirical research on the five cases is completed with complementary readings and literature, this thesis can claim to draw valid conclusions about rejected asylum seekers more generally.

⁴⁶ Translated into English from: “[...] dans des conditions objectives semblables, les réactions, et les stratégies mises en place par les individus pour faire face aux problèmes qu’ils rencontrent, seront différentes: ce qui, chez l’un, provoque le repli sur soi et l’isolement, entraînera chez d’autres agressivité, fuite dans l’alcoolisme, ou mobilisation de toutes ses ressources pour s’en sortir.”

4. CONSTRAINTS AND DIFFICULTIES OF REJECTED ASYLUM SEEKERS

Exclusion from social assistance means exclusion from life, entrapment in an administrative relationship, in a relationship of dependence, in the immediate concerns of survival; all this in the general framework of the only prospect that these people are still allowed to have: of organizing their departure from Switzerland.

(Povlaki 2011, 94)⁴⁷

Article 12 of the Swiss Federal Constitution guarantees the strict minimum necessary for a “decent standard of living”: food, clothing and shelter. Personal security, integrity and development are not considered a part of this strict minimum. The exclusion from social assistance consists not only in the reduction of services available to rejected asylum seekers, but also in the prevention of their integration into society, and thereby excludes them from the social, cultural and economic life around them (Povlaki 2011). In order to execute this mission, Swiss authorities intervene in every aspect of the lives of rejected asylum seekers, constantly reminding them that they are meant to leave the country, and exacerbating their ever-present sense of vulnerability. To use the words of one of my interviewees, the emergency assistance system consists of a “dangerous and painful hospitality”. I do not assume that all rejected asylum seekers’ lives are inevitably tales of suffering and distress, but these are certainly the common features of the great majority. This chapter discusses the constraints and difficulties which rejected asylum seekers face. It has to be kept in mind that the different categories presented cannot fully be separated but, on the contrary, mutually reinforce one other. This chapter allows me to then examine the strategies and resources that have helped my interlocutors overcome these difficulties.

4.1 Absence of rights

⁴⁷ Translated into English from: “*Exclusion de l’aide sociale signifie l’exclusion de la vie, l’enfermement dans la relation administrative, dans la relation de dépendance, dans les préoccupations immédiates de survie, cela dans le cadre général du seul horizon que les gens sont encore autorisés à avoir: organiser leur départ de Suisse.*”

People like this German [H. Arendt] say that you have rights, but it's not true.⁴⁸

Rejected asylum seekers have been criminalized as “illegal” on Swiss territory, which has resulted in their being stripped of any rights other than the right to physically survive. De Genova argued that the “illegality” of undocumented migrants, including rejected asylum seekers, is often “instantiated by the lack of various forms of state-issued documentation that sanction one’s place within or outside the structures of the law” (2002, 438). Following this logic, without an official permit or status, rejected asylum seekers are excluded from most activities of life in Switzerland. Referring to this situation, one of my interviewees described Switzerland as “a world full of papers”, where it is impossible to do anything without residency papers. It is obvious that it is hard to work without a permit, but it is also difficult to study or get any kind of education. Even obtaining a chip for a cellphone is complicated without a valid permit. Moussa witnessed a huge difference between his life with the N permit that was given to him while his case was being investigated, and his life with emergency assistance after the dismissal of his asylum application, stating that from that point on he no longer had any rights. In order to play in the championship with his semi-professional football club, Moussa needed a valid permit. When his asylum application was dismissed, he felt ashamed to tell his team that he did not even have an N permit anymore and preferred to simply stop playing. “Everything that you want to do is impossible without papers. Everyone is afraid of you!”⁴⁹

My interlocutors feel that they do not even have the right to protection or justice due to their inability to lodge a complaint. No matter what the situation might be, they are always at fault due to their lack of papers.

Once, I forgot my cellphone in the taxi. When the next people were already in the taxi, I asked them to hand me my phone. But they had stolen it. The police arrived. When they saw my ‘white paper’, the officer said ‘if you say anything more, I’ll take you with me.’ It always falls back on me.⁵⁰

Some of my interlocutors agreed that they did not even have the right to love, to start a family and even less to get married. Marriage loses its sense in their context. People

⁴⁸ Interview with Moussa, March 2015.

⁴⁹ Ibid.

⁵⁰ Ibid.

generally suspect rejected asylum seekers get married simply in order to legalize their stay. “No one believes us if we confess our love.” When Dardan and Moussa realized how complicated it was for them to get married to their Swiss girlfriends, they felt that although even animals have the right to love and start a family, they did not. Indeed, since 2011, Swiss legislation considerably complicates marriage for people residing illegally on Swiss territory, including rejected asylum seekers.

This lack of rights has further implications for rejected asylum seekers, such as inactivity, the absence of material and financial resources and their dependence on the Swiss state.

Prohibition of employment

My interviewees considered being prohibited from working as one of their biggest constraints. In fact, they repeatedly stated that they did not want – and even less asked for – money from the Swiss state (emergency assistance), but that all they wanted was the right to stay and above of all to work in Switzerland in order to earn their own money. Moussa’s employer dismissed him after he had passed from the N permit to the “white paper”, which had deprived him of all his rights. Aslambek underlined repeatedly how important it would be for him to work in order to allow him to provide his family with a decent life. He has been waiting for a permit for over ten years, and time is running out: “If they wait another twenty years until they give me a permit, I won’t be able to work anymore. Now I’m strong and I can work. But I’m not allowed to do so.” He tried several times to find a job. But as soon as people saw his “white paper”, they turned him away. Finally, he gave up looking for a job. My other interviewees confirmed this experience.

Impossible to find a job on the regular labor market, some decide to offer their labor on the black market. Working conditions are however bad and salaries very low. In fact, one of the most popular and lucrative businesses employing asylum seekers and undocumented migrants has become the drug business. A member of the HG confirms this. Many rejected asylum seekers confided her that they were “obliged to do it [drug dealing]”, as it is one of the only jobs one can do without a permit and still get decently paid. Never having seen or touched drugs before, some suddenly find themselves selling them in order to earn a living.

I had never imagined that one day I would be selling drugs. I didn’t even know what they looked like. [...] I have really done everything possible. As I only

received negative replies [to my job applications] because of my temporary status in Switzerland, I found myself with my back to the wall. (FBrandley 2015)⁵¹

To sum it up in Olivier's words, Frambois, the administrative detention facility, and the "white paper" are "machine[s] that manufacture delinquents and dealers"⁵². In his opinion, Switzerland should be conscious that the African dealers in its streets are purely a product of its own administration. Also Oester (1985) warns of the perverse effects that may be produced by rejected asylum seekers' being prohibited from working, such as the increase in undeclared work, the confirmation of xenophobic prejudices towards foreigners without jobs and "free riders", as well as the costs of assistance.

Lack of financial resources and inactivity

Forbidden to work and unable to find a job on the regular labor market, those who refuse to go into drug dealing or other black-market businesses are unable to procure other financial resources than the little they get in emergency assistance. For the authorities, it is clear: As rejected asylum seekers are meant to leave Swiss territory as quickly as possible, they do not have – nor have the right to have – material needs. The deprivation of economic means is particularly onerous in the first year of facing a decision to DAWES, as applicants receive fully prepared meals during the week instead of the 10 CHF that asylum seekers whose application has been dismissed after the examination of the case receive. Povlaki (2011) argues that it is impossible to live in humane conditions without financial resources and that every ordinary act of everyday life becomes impossible. Moussa for instance told me that for a long time he did not even have a phone, as 10 CHF daily was just too little to afford one. Aslambek would like to allow his children to participate in the activities of their Swiss friends. For example, they would love to go to MacDonald's:

⁵¹ Translated into English from: "Je n'avais jamais imaginé qu'un jour je vendrai de la drogue. Je ne savais même pas à quoi ça ressemblait. [...] J'ai vraiment fait tout ce qui était possible. A force de recevoir des réponses négatives à cause de mon statut temporaire en Suisse, je me suis retrouvé le dos au mur."

⁵² Interview with Olivier, April 2015.

But how would we pay for that? We cannot even take them around and show them Switzerland or other things. They just see the shelters... Sometimes I ask myself whether even their weddings will be in the shelter...⁵³

This lack of financial resources causes rejected asylum seekers to lose their freedom of choice. Furthermore, it also impacts on their social life and reinforces their social exclusion from Swiss society. Without money, it is hard to exist in a society that is influenced to a large extent by materialism. Even meeting for a coffee or going for a drink, as Swiss people do quite frequently, becomes impossible. Olivier, for instance, stated that the Swiss women from the writing group he had joined always went to a café for a chat after their sessions. “I didn’t like going because everyone paid her/his own part and I felt ashamed to ask them to pay mine.”⁵⁴ Living in collective accommodation facilities and economically limited, it is not always easy for rejected asylum seekers to receive guests as they would wish to do. In this sense, the lack of economic resources can constitute a barrier in the development of social relationships, especially as there is an absence of reciprocity, both economically and in terms of status. Some of my interlocutors disclosed that in certain situations they had felt ashamed to admit that they did not have sufficient money to take part in certain activities. Their lack of financial resources is often experienced as a deep humiliation.

The impossibility of getting a job or of pursuing an education does not only leave rejected asylum seekers without financial resources, but also without any structure or activities in their everyday life. Without obligations, many sleep most of the day or hang outside the housing facilities, killing their time doing nothing. This forced inactivity, which may lead to depression and other mental health issues over time, is reinforced by the fact that “you cannot do anything without money”⁵⁵.

Dependence

Due to the impossibility of working and earning money in Switzerland, rejected asylum seekers are entirely dependent on emergency assistance. The system however does not aim to provide resources in order to improve their lives. On the contrary, a series of measures such as the assignment to collective accommodation facilities, the distribution of pre-cooked food and the obligation to solicit emergency assistance every few days at the responsible authority result in the dependence – or the absence of

⁵³ Interview with Dardan, March 2015.

⁵⁴ Bossa, Yaovi Mawussi. 2015. *Le Journal D'un Exilé*. Genève. p. 77.

⁵⁵ Interview with Moussa, March 2015.

autonomy – of rejected asylum seekers on the Swiss state. These obligations control rejected asylum seekers' everyday life and compel them to be present at the shelters on a regular basis. Moreover, as Bolzman (2001) argues, the experience that one's life is managed by others – the authorities and the Swiss administration – can be a supplementary source of hardship and may result in the destruction of one's identity. In her study on France, Ticktin (2011) identifies what she calls "regimes of care", such as the French "illness clause", a humanitarian exception that gives legal residency papers to undocumented migrants who have pathologies of life-threatening consequences. She argues that if these policies of care and protection are based on the moral imperative to relieve suffering, they "ultimately work to displace possibilities for larger forms of collective change, particularly for those most disenfranchised" and "end up reproducing inequalities and [...] hierarchies" (2011, 3). Focusing on specific categories of people, these "regimes of care" render them visible as victims in need of help, hence justifying the position that they are not eligible to equal rights. The emergency assistance regime can in this perspective be compared to Ticktin's "regimes of care". While its supposed objective is also of a humanitarian character, as stated by Article 12 of the Federal Constitution⁵⁶, to grant a "decent standard of living", it renders rejected asylum seekers – as stated in the beginning of this chapter – dependent on the state and reproduces inequalities between different types of migrants. As Ticktin argues, rejected asylum seekers are rendered visible as victims through a system that provides them with emergency *assistance*. Such, they become a separate category of people that are per definition not able to survive without external help. This underlines not only their dependence, but also reinforces their stigma as victims and particularly weak population. Sanchez-Mazas (2011) advances the view that emergency assistance weakens its beneficiaries rather than strengthening and helping them. Similarly, Povlaki (2011) argues that the emergency assistance system cannot claim to provide people with the bare minimum, as fundamental rights have as their objective the promotion of personal liberties, which is, according to him, clearly not the objective of emergency assistance. Authorities have the power to increase the dependence of rejected asylum seekers and pressure them with small measures such as the obligation to renew their statement of need for emergency assistance even more often. Moussa had to go and renew his statement every day several times over a

⁵⁶ Art. 12 Right to assistance when in need

"Persons in need and unable to provide for themselves have the right to assistance and care, and to the financial means required for a decent standard of living." (Federal Constitution of Switzerland, <http://www.admin.ch/ch/e/rs/1/101.en.pdf>)

certain period of time. However, not having the financial resources to live without the food, accommodation and clothes provided by emergency assistance, he had no choice but to return every day to the OCP. During this time, he was particularly stressed, as he knew that he could be put into detention and deported whenever he showed up at the OCP. In that sense, the situation of rejected asylum seekers is even worse than the one of traditional undocumented migrants. The latter have consciously taken the decision to live in the underground and are thus prepared to survive in their situation. They maintain their self-determination, whereas rejected asylum seekers have no control over their situation and the only thing they can do is wait, hope and play by the rules of the game. They are caught in a continuous situation of waiting and incertitude. In Bern, Aslambek was told one year ago that the status of his family would be reviewed. It has now been a year that he has still not heard anything. He has no choice but to continue waiting for a positive answer. This state of powerlessness can have serious consequences for the mental health of people and makes it impossible for them to plan or imagine their future: “We don’t have a future. We have no choice but to accept this.”⁵⁷ The statement of a member of the HG calls attention to this lack of perspective: “The fact that these people don’t have a future destroys them psychologically. In my opinion, this is like torture.”

4.2 Social and geographic isolation and restricted mobility

*My [Swiss] girlfriend wanted to go on holiday. But I cannot even go to Zurich. Once, we went to a club in Lausanne. It's not abroad; you don't even have to pass a boarder. But I was afraid.*⁵⁸

The regime of emergency assistance differs between asylum seekers’ physiologic existence and their existence in society (Povlaki 2011). As mentioned previously, excluding rejected asylum seekers from social assistance pursues, amongst other things, the aim to leave them “outside society” and to prevent them from integrating into Switzerland (Povlaki 2011, 104). In this way, they become “socially inexistent”

⁵⁷ Interview with Dardan, February 2015.

⁵⁸ Interview with Moussa, March 2015.

(Povlaki 2011, 104). Olivier is very conscious about this, feeling that he “only exist[s] physically, no family, no friends, alone in the world.”⁵⁹

While facilitating the management of and the control over rejected asylum seekers, gathering them in collective accommodations that are rarely situated near the city center reinforces their social and geographic isolation. On the one hand, hosting them collectively in special facilities further cuts them off from the social environment surrounding them. However, my informants mentioned that it was difficult to develop social relations not only outside the emergency assistance structures, but also inside of them. It is hard to make friends in the centers as the people living there constantly change. Some disappear from the center because they are deported, others because they are obliged to change municipality and move to another center. This constant movement is the outcome of a policy designed to prevent individuals from establishing social ties to any one place, and is again based on the same idea of preventing rejected asylum seekers from integrating into Switzerland. Indeed, all of my informants had to change their shelter several times. Over the ten years that he has been in Switzerland, Aslambek has lived in most of Geneva’s shelters. He stated that moving from one center to another was always a “catastrophe”. For Armend, on the contrary, changing shelters was a positive experience, since he was put into one that was closer to the city where his friends lived. On the other hand, being situated outside the city center, the geographic isolation reinforced this social exclusion. Armend for example was assigned to a center in a valley, one hour away from the next city, surrounded only by mountains and nature.

There wasn’t even a connection for the phone. This was a very bad and difficult time. To go to the city was very hard and you had to be back at 9 o’clock. Once, I missed the bus and I had to walk back to the center for over an hour. It was raining heavily. When I arrived, Security wouldn’t let me enter. I had nowhere to go. I had to sleep in the open [in the rain]. I was so nervous and desperate that I was crying.⁶⁰

Restricted mobility goes hand in hand with the social marginalization and geographic isolation of rejected asylum seekers. Besides the fact that they do not have the financial resources to travel far, they are officially not allowed to leave the canton to

⁵⁹ Bossa, Yaovi Mawussi. 2015. *Le Journal D’un Exilé*. Genève. p. 35.

⁶⁰ Interview with Armend, March 2015.

which they are assigned, let alone leave the country. When the school class of Aslambek's son went to France, he was the only one to remain in Switzerland. The same happened to Moussa when his football club went to a training camp in Turkey. Several of my interlocutors admitted that their biggest dream was to simply get into a plane and visit other countries. Aslambek and Armend dream of the day they will be able to travel with valid documents to their home country in order to visit the members of their family that have remained there. Another element contributing to the restricted mobility of rejected asylum seekers is the obligation to stay in the housing facility on a regular basis (at least every few days) in order to not lose their place and consequently their right to emergency assistance. This severely limits rejected asylum seekers' mobility, as leaving the city for several days becomes impossible. Overall, restricted mobility consists in a clear reduction of rejected asylum seekers' freedom. As Olivier said, they are "locked up [...] in a prison without walls"⁶¹.

4.3 Stigmatization, humiliation and pressure from the authorities

I was walking on the street and a car stopped. The policeman told me 'you're walking too slowly!!' He saw my 'white paper' and I got a fine of 250 CHF for 'loitering in the roadway at night time'.⁶²

Living with the identity of being rejected from asylum and feeling negatively judged by the authorities and Swiss society can cause further difficulties for rejected asylum seekers. Their stigmatization is compounded by the rhetoric of the "abuse of asylum", "false asylum seekers" and "criminal drug traffickers" that is often present in the media and the political debate. Asylum seekers of African origin in particular suffer from the image of drug dealers. The stigmatization and denunciation of "'unwanted' or 'undesirable' non-citizens" (2013, 1181) not only humiliates and puts pressure on asylum seekers, it also serves, according to De Genova, to substantiate the juridical inequalities of citizenship and alienage. Furthermore, Foucault (1975) advances that the authorities use binary division and branding (mad/sane, dangerous/harmless, and normal/abnormal), in this case false versus true asylum seekers, in order to exercise their control on specific populations. While society stigmatizes rejected asylum seekers as lazy free riders of the system or criminals that fabricate their stories in order to seem

⁶¹ Bossa, Yaovi Mawussi. 2015. *Le Journal D'un Exilé*. Genève. p. 77.

⁶² Interview with Moussa, February 2015.

to be in need of protection, the authorities humiliate and pressure them. Whereas my interlocutors refuse to see themselves as criminals, this is however how they feel in the presence of the police and other authorities: anxious of being “caught and arrested”. The criminalization of this population contributes in an essential way to the constant fear and insecurity that rejected asylum seekers experience. During the interviews, it came through that they often feel a lack of respect from authorities that consider them as “less than nothing”, less human than animals.

When you're living with emergency assistance, you're treated like a criminal. Only that as a criminal you would probably at least have money and nice things. Yes, I don't have papers, but this still does not make me a criminal!⁶³

Olivier remembers how he was once brought to the hospital in handcuffs while he was still in administrative detention, exactly like a criminal. It is not only the direct actions of the authorities inflict humiliation, but also their paternalism. The fact that rejected asylum seekers have to ask permission from the authorities for anything they want to do can be very degrading. While Olivier complains about humiliation and stigmatization, it is above of all the hypocrisy of the authorities and the Swiss people that infuriates him. He has seen so many false smiles that he can no longer tell which are false and which actually come from the heart. He also criticizes the hypocrisy of the system, mentioning the example of Ebola. Guineans have stopped being deported since the disease has broken out in Guinea. He suspects that this is rather to avoid bringing the disease to Switzerland than to prevent the asylum seekers from getting it if they are deported to Guinea.

Besides stigmatization and humiliation, rejected asylum seekers are often confronted with racism independently of their asylum status. “Sometimes, people change their place when you sit next to them.”⁶⁴ According to Dardan, the problem is that “a little minority does bad things”, which is then generalized to discredit all of them. It was interesting that my interlocutors mentioned that racism even existed amongst the asylum seekers of different origins living together in the shelters.

One of my interviewees disclosed that as a result of his treatment by the authorities, his time in administrative detention and the frustration of not obtaining

⁶³ Interview with Armend, March 2015.

⁶⁴ Interview with Moussa, March 2015.

asylum in Switzerland, he has developed a lot of hatred against the authorities and Switzerland in general. He told me that, in his opinion, there was nothing more dangerous than a rejected asylum seeker. According to his experience, many people in the shelters or administrative detention have accepted that they do not have any future and are thus ready to die, in the best case to go down with people from the authorities or simply other Swiss civilians. He confided that the way rejected asylum seekers are treated creates ideal conditions for the development of terrorists and delinquents because they “lose compassion” and develop frustration and hatred. This interview made me see the whole topic of asylum through a very different, interesting, but also shocking, angle. Not all my interviewees had however developed hatred towards Switzerland. On the contrary, some, despite obviously being frustrated, appreciated having Swiss friends, stating that they had received a lot of support from them or from Swiss society in general.

4.4 Fear of being arrested or deported

I explained everything to my girlfriend: ‘One day, you won’t see me anymore’.⁶⁵

Considered as staying illegally on Swiss territory, rejected asylum seekers live with a constant fear of being arrested or deported, either to another country, or to their country of origin. De Genova (2002) speaks about this phenomenon as “deportability” – the possibility of being removed from the territory of the nation-state. According to him, the goal of the state is not the deportation of undocumented migrants (including rejected asylum seekers) itself, but rather the fact that “some are deported in order that most may remain (un-deported) [...], whose particular migrant status may thus be rendered ‘illegal’” (2002, 439). De Genova’s argument applies perfectly to rejected asylum seekers who stay “illegitimately” on Swiss territory after the dismissal of their application. If the Swiss government does not have the financial, logistical and legal means to deport every single rejected asylum seeker, the arresting and deporting of their colleagues aims to pressure them and remind them that their stay on Swiss territory is illegitimate. Pressure is also put on them during their frequent compulsory visits at the authority responsible for the renewal of their right to emergency assistance. Aslambek preferred to go to the OCP by himself, yet he was obliged to bring his whole family. During one of their visits, his children saw how the father of another family was

⁶⁵ Interview with Moussa, February 2015.

locked inside a room and later got deported. From there on, his family has been very stressed and afraid whenever they have to renew their emergency assistance. The insecurity and uncertainty about how long they will still be in Switzerland are very stressful experiences for rejected asylum seekers. “It’s like when you go to sleep you never know where you will be tomorrow: in prison, still here, in another country... When you see how they take the others, you tell yourself ‘next time, it could be me.’”⁶⁶

Interestingly, some of my interlocutors stated that they had lost their fear of the authorities over time. Dardan for instance stated that due to all his experience with the police, he did not try to avoid them anymore. Also Olivier said that he had lost his fear of the police as he had already been in administrative detention and thus knew “where [he] would be going”⁶⁷. His “courage against the injustice has been stronger than [his] fear”⁶⁸. He stated that he finally had accepted his destiny and that he was only waiting for the police to come and get him.

People are either arrested in the housing facilities or during their regular visits to the authority responsible for the renewal of their right to emergency assistance. The police came to the shelter where Armend was hosted in order to arrest him.

I asked the police whether I was allowed to go for a smoke. My head was working hard, thinking how to escape. I turned around and ran. I was so stressed and desperate. But I fell and they caught me. Finally, I was taken to prison, and from there, to the airport in Zurich where I waited for my first deportation to Hungary. I smoked two packs of cigarettes in two hours. I was so stressed.

⁶⁶ Interview with Moussa, February 2015.

⁶⁷ Bossa, Yaovi Mawussi. 2015. *Le Journal D'un Exilé*. Genève. p. 69.

⁶⁸ Ibid. p. 71.

4.5 Conditions in the centers

There were 46 people in one room. Sometimes, they were praying in the middle of the night or they stayed up until two or three o'clock in the morning. The air is horrible to breathe. [...] I vomited three times because of the bad hygiene. There were people that got sick, that had fleas, ... I was afraid that I would get ill and that I would infect my girlfriend.⁶⁹

Undocumented migrants commonly rely on their social networks in order to find a place to live. According to Willen, undocumented migrants have thus a “home” where they are able to “cultivate a sense [...] of relative belonging, security and existential groundedness” (2007, 23). In times of doubt, they are able to employ strategies like finding alternative housing. Rejected asylum seekers, however, are assigned to special collective housing facilities. This collective hosting and the registration of the center where they are accommodated make it impossible for them, unlike undocumented migrants, to have an anonymous personal space of intimacy and security or to change housing in times of danger. This contributes significantly to the feeling of insecurity and fear described in the previous chapter. Later, it will be shown that collective accommodation and the fact that the authorities know where a rejected asylum seeker lives, have driven Armend to go underground, where he felt more freedom and security. Also, it is impossible for rejected asylum seekers to live in unmediated ways as undocumented migrants might in their homes (Willen 2007), since their collective accommodation is itself a symbol of their “Otherness”, of their exclusion and criminalization by Swiss society and the authorities.

Povlaki (2011, 92) maintains that these centers of collective accommodation are places of “discipline”, as the entire life of the population living there is controlled by the authorities and the security guards. Foucault (1975) defined discipline as a mechanism of power, which regulates the behavior of individuals by the organization of space, time and people’s activity and behavior. In this sense, the emergency assistance system can be compared to Foucault’s understanding of “discipline”. It organizes its populations in collective housing facilities, which facilitates their management and

⁶⁹ Interview with Moussa, February 2015.

surveillance. Foucault uses the principle of panopticon in order to describe a generalizable model of functioning and defining power relations. According to him, the panopticon arranges things such that “the surveillance is permanent in its effects, even if it is discontinuous in its action; that the perfection of power should tend to render its actual exercise unnecessary” (1997, 201). Following this logic, even if the authorities or the police are not constantly physically present in the housing facilities, rejected asylum seekers know that they could come at any moment to arrest and deport them. Foucault also discusses the role played by the dimension of time in discipline as a mechanism of power. He uses the example of time tables that structure individuals’ lives; the Swiss authorities introduced the obligation of regular visits in order to reapply for the right to emergency assistance. This regulates the lives of rejected asylum seekers’ and imposes a temporary restriction on them. In the case of people facing a decision to DAWES, the fact that they receive pre-cooked food instead of money to prepare their own food, restricts their freedom even more. The time they eat is imposed from outside and their day is “disciplined” through the regular distribution of their food. Certain housing facilities further regulate the inhabitants’ daily life through the imposition of times during which the latter have to be present in the center and times when they are allowed to leave it (as in Armend’s testimony about having to sleep outside in the rain). The life of rejected asylum seekers that is patterned through these aspects described by Foucault as “time” facilitates their surveillance and helps to discipline and control them. Finally, Foucault mentions people’s activity and behavior as a dimension contributing to the mechanism of power. He discusses the regulation of the profile and the movement of people. Similarly, as discussed in previous chapters, rejected asylum seekers’ movement (e.g. chapter 4.2) and activities (e.g. 4.1.) are limited. All these different elements, together with a system of surveillance, help the Swiss state to control and discipline the population of rejected asylum seekers.

The living and food conditions in the housing facilities were commented on as very bad. The standards of hygiene in the common facilities such as the kitchen, toilets and bathrooms, are particularly poor. It is interesting to see the difference of opinions on this between Dardan, who had lived in Italy for a while, and Moussa, Aslambek and Olivier, who directly came to Switzerland. Dardan appreciates the fact that Switzerland, unlike Italy, at least supports rejected asylum seekers at a minimum. Moussa, on the other hand, considered the food catastrophic and was ready to invest the little money he earned doing jobs here and there to buy his own. Having the freedom to choose

what to eat can be particularly important, especially from the point of view of preserving elements of one's own culture.

The collective accommodations are kept at the bare minimum necessary for survival. Depending on the housing facilities, rooms are shared with between three and as many as forty other people (in the case of the protection and support service bunkers). As the rooms are very small, "you almost have to step on your neighbor when you climb down from the bed."⁷⁰ In addition to this, nationalities are mixed together at random. Sharing the most intimate life with people from different cultures in very limited space can be a source of tensions. Tensions, confrontations and fights are part of everyday life in the housing facilities. This is why some of my interlocutors have tried to avoid spending much time in the shelters. The conditions in the protection and support service bunkers are particularly bad, if not to say inhumane. In fact, some members of the public have criticized the hosting of rejected asylum seekers in these bunkers. Occupants of these bunkers often develop psychological and physical problems. The close dark conditions are a major factor. In fact, several of my interlocutors who had spent some time in the bunkers complained that they were hardly able to breathe or to sleep. It is particularly hard for families to live in these facilities. Aslambek currently lives with his family in the *Foyer des Tattes*. His family of seven has to share two small rooms, where they sleep on mattresses on the floor. As they prefer not to use the shared kitchen for reasons of hygiene, they cook on two mobile hotplates in one of their rooms. The main fear of the father is that his children will grow up observing how other inhabitants of the center fight, drink alcohol, smoke hashish and take other drugs. He also fears that his children are contaminated by the microbes and the bad hygiene of the center. Finally, it is interesting to note that since some housing facilities host rejected as well as provisionally admitted asylum seekers, a feeling of jealousy can develop amongst them: "Just because their country [for example Eritrea] is placed on a list in Switzerland, and ours aren't, they get a permit and we don't."

Surprisingly, two of my interlocutors confirmed that the conditions in administrative detention are better than in the shelters. The food is good and every room has a TV. Olivier once compared the administrative detention of Frambois to a vacation camp, where one just has to relax and live life. Physically, one is taken care of, but emotionally it is torture to live in fear of being deported at any moment. In addition to this, individuals are not free to leave the institution. However, in light of the

⁷⁰ Interview with Moussa, February 2015.

section on the restricted mobility of rejected asylum seekers (4.2), one can question whether one is after all freer in the shelters than in detention. Olivier feels that “Dublin cases” were better off in detention. The worst that might happen to them is to be sent back to some other European country, from which they could easily return to Switzerland. Immediately before his own deportation, a friend of Olivier said: “Switzerland is paying my holiday ticket to Italy. See you in a while.” This statement is typical of the irony and self-mockery that my interlocutors frequently used in order to talk about certain hard and difficult events. Sigmund Freud described this type of humor in 1927 in his essay “Humor” (1999) as “gallows humor”. This kind of humor arises in response to an unpleasant, precarious or hopeless situation and reduces it in a light, silly or satirical fashion. Obrdlik argues on the basis of the experience in Czechoslovakia following the advent of Hitler that gallows humor can strengthen the morale of people in desperate situations and constitutes a “psychological escape” (1942, 712). Paul Lewis (1993) also mentions the “relieving” aspect that gallows jokes may have. I could observe the same in my interlocutors. They joked about their situation, even when they were discussing very serious topic. I observed that this helped them to relax and to keep a certain distance from their difficulties and hardship. Obrdlik even argues that gallows humor “bolsters the resistance of the victims and, at the same time, it undermines the morale of the oppressors” (1942, 713). This can for example be seen when rejected asylum seekers use gallows humor or irony as a form of provocation. Most rejected asylum seekers are conscious that some politicians or parties and members of the public see them as lazy free riders of the asylum and social system. They use irony to play with this stereotype not just to be provocative, but also to point out the irony of the Swiss asylum system itself, whose objective is to make rejected asylum seekers leave Swiss territory, paying high sums for their deportation. Yet they never give up their dream of living in Switzerland (or other European countries), moving between different states or even returning to Switzerland again and again. This was the case of Armend: although he was deported to Hungary three times, he always found the strength to make his way back to Switzerland. One of my interlocutors explained an even more absurd dimension of the deportations between countries of the Dublin Area. He stated that while he was in the Frambois administrative detention, he met several people who were in the detention center “voluntarily”. He explained that rejected asylum seekers that had decided to start drug dealing chose to keep the money they had made through the dealing for themselves and send it back to their families instead of giving it to their bosses. In order to avoid

troubles with their bosses, they tried to get arrested by the police and put into detention. These were mostly Dublin cases who only had to fear being deported to another European country, but not to their country of origin. This shows that administrative detention and deportation can absurdly and ironically be part of the strategies of rejected asylum seekers.

4.6 Mental and physical health

All of the issues discussed above – social exclusion, uncertainty about the future, humiliation, fear and the general absence of rights – take their toll on the asylum seeker's mental and physical health. Problems range from light headaches and insomnia over abusive alcohol and drug consumption to psychological disorders. Studying undocumented migrants in Israel, Willen found that they had not only begun to internalize illegality in their waking hours, but that fears and painful experiences were creeping into their unconscious minds during sleep (2007, 21). The same can be observed in the case of rejected asylum seekers in Switzerland. All my interlocutors affirmed having suffered from insomnia and nightmares. They reported that sometimes they were afraid to sleep because of the risk of having nightmares. In addition to this, Dardan developed problems with his eyes due to stress. Furthermore, his anger and despair were sometimes so intense that he lost consciousness. The only solution at that point was to take medications. Armend had developed the most problems of all my interviewees. Stress, excessive coffee-consumption and smoking had resulted in serious heart problems. He also suffers from paranoia, which has made it hard for him to fall asleep at night. Even if my interlocutors stated that they had never had any serious problems with alcohol or drug abuse, some admitted to smoking marijuana or drinking alcohol once in a while in order to alleviate their stress and forget their problems. However, they have observed many of their peers using heavy drugs. Finally, Povlaki (2011) pointed out that the lack of economic resources and the dependence on the distributed pre-cooked food can lead to unbalanced nutrition, which further undermines the health of rejected asylum seekers. Last but not least, stress, despair and inactivity not only result in health problems, but can also cause uncontrollable aggression. Therefore, as stated in the previous chapter, fights and other forms of aggressive behavior are part of everyday life in the shelters. The violence in the centers is amplified by the high proportion of young men amongst rejected asylum seekers.

5. AGENCY AND ABILITY RATHER THAN VICTIMIZATION AND DISABILITY: RESOURCES AND STRATEGIES OF REJECTED ASYLUM SEEKERS

The constraints and difficulties of rejected asylum seekers have been discussed by many organizations and authors (e.g. Trummer 2008; Buchmann and Kohler 2004; Buchmann and Kohler 2005; Povlaki 2011; Sutter 2011). While acknowledging and discussing the difficulties and constraints they experience, the main objective of this thesis is to emphasize the fact that they are creative agents, able to draw on available resources and to develop personal strategies in order to cope with their predicament. Therefore, my reflection is based on a bottom-up approach that considers asylum seekers as capable of acting. This section distinguishes between resources that rejected asylum seekers deploy and strategies they develop. These two concepts are closely related and interdependent, as strategies aim to increase available resources, and resources are used in order to develop and support strategies. A resource is in this thesis understood as an element one can sufficiently access and control to support action (Soulet and Châtel 2002). Lepore and Evans (1996) identified four coping resources: mental resources, including optimism and hope; social resources (e.g. social support and networks); material resources (e.g. money); and environmental resources (e.g. infrastructure, privacy). In the case of rejected asylum seekers in Switzerland, I identify and discuss the first three of Lepore and Evans' coping resources. Strategy, on the other hand, is understood as behaviors, which are, after the evaluation of exterior constraints and individual capacities, employed in order to reach certain goals (Taboada Leonetti 1994).

5.1 Resources

Social resources

Social networks are an essential resource of support for rejected asylum seekers. The importance of these networks has been studied above of all in the context of labor migration. Lately, however, some authors have started studying it in relation to refugees (e.g. Monsutti 2004; Monsutti 2009; Monsutti 2010; Williams 2006; Koser 1997; Collyer 2005; Lamba and Krahn 2003). Koser (1997) argues that as asylum seekers are not allowed to work and are provided basic accommodation, they rely on their social networks for purposes that are distinct from those of migrants laborers. Their social networks differ in that they serve adaptive functions such as emotional and psychological support, informational, material and financial support. The sub-chapter "Talk, friends and openness towards others" will further underline the importance of

social networks in providing moral and emotional support. Moreover, Liechti (1997) showed that asylum seekers without social network are particularly affected by health problems, such as depression or psychosomatic disorders. Dardan and Moussa both met their future wives in Switzerland. These women were very important for them both, not only with regard to their legal situation, but also for their moral support and help in the communication with Swiss authorities. When Dardan was waiting for his deportation to Italy in the administrative detention in Frambois, his future wife came to visit him several times, listened to his fears and provided him with food and cigarettes. Moreover, although rejected asylum seekers are not allowed to work in Switzerland, social networks can help them find occasional informal jobs, such as helping to move, cleaning and others (see also the sub-chapter on material resources). Aslambek stated that when he had just arrived to Geneva, he did not know where to look for a job. As he was establishing his social network, he got to know places where he could offer to teach boxing. In Olivier's case, his network of compatriots allows him to partially live outside the emergency assistance structures.

Bourdieu's (1983) analysis of different types of capital clarifies the importance of social networks – here understood to be the equivalent of Bourdieu's social capital – for rejected asylum seekers. He argues that both cultural and social capital can be transformed into economic capital. However, since rejected asylum seekers are not able to integrate into the labor market, they are barely able to make use of their cultural capital (diplomas and linguistic competences). Their social capital therefore becomes all the more important in the mobilization of economic capital, such as monetary and material resources. Based on this approach, Engbersen (1999) identified a hierarchy amongst immigrants staying “illegally” in the Netherlands, placing those more capable of mobilizing social capital on the top of the pile, being in an economically more advantageous situation. From this perspective, it can be observed that rejected asylum seekers with a larger social network have more freedom and more opportunities in their everyday life. Olivier's social network of compatriots living in Geneva for instance allows him to partially live outside the communal housing facility so as to keep a certain distance from his life as a rejected asylum seeker. To sum up, social networks constitute an important source of help.

There are differences between the social networks that existed before and those that are established after a refugee's arrival. Armend has friends and family that were already living in Switzerland when he arrived. His social network played an important role in his choice to come to Switzerland. All my other interlocutors however

stated that they did not have any social networks before coming to Switzerland. They had to establish their social network once they had arrived. Contacts are either established in the accommodation or registration center, in the street or other public places, or in associations that work with migrants. Moussa met a lot of his acquaintances in the street or at events like football games, the lake parade or *fêtes de Genève*. In this way, asylum seekers are able to construct certain social networks even though they are unable to integrate fully into Swiss society due to legal and civic constraints. They live a “non-integrated integration” (*intégration non intégrée*) (Schwab 2000). Often, linguistic affiliations are crucial in establishing contacts and above of all building closer relationships. I could observe that even though people come to learn French in the *Centre de la Roseaie*, groups of linguistic affiliation clearly crystalize and closer relationships can above of all be observed amongst people fluently speaking a common language, this language usually being the mother tongue of at least one person. Therefore, a resource that allows asylum seekers to further develop their social network is the mastery of languages that facilitate contact with a larger number of people. The mastery of the language of the place of residence can be a valuable resource in order to facilitate contact with the authorities and with people who are well integrated in Switzerland or are Swiss citizens. In this way, rejected asylum seekers may reduce their social isolation or even the racism and stigmatization directed at them. Aslambek and his wife for example decided to speak only in French to their children, as it is spoken by everyone around them, including at school. Learning a language is also a way of keeping busy and structuring everyday life, which is particularly important in the situation of inactivity into which rejected asylum seekers are put due to their lack of rights and especially their prohibition from working.

Asylum seekers' social networks include people of distinct profiles: migrants of divers statuses, compatriots, people living or working in the shelters and Swiss people. Even though it is more difficult to establish relations with people from outside the asylum system, some rejected asylum seekers try avoiding too much close contact to their peers, as they cannot really identify with them and see them as rather unstable people leading to problems and conflicts. Similarly, Armend admitted that he had met a number of people in his housing facility, but it made him sad when he spent too much time with them. He preferred to go out with his well-integrated friends so as to feel far from the reality of emergency assistance. This shows that an existing network of compatriots facilitates arrival in a new country especially if the person does not speak the language of the destination. However, besides being a source of support and

comfort, social networks can lead to tensions, competition and even exploitation. The case of Kosovars in Switzerland illustrates these two sides of social networks. Many came to Switzerland during the Balkan wars and have over time established their own business. Cases have been observed of them taking advantage of the vulnerable situation of their undocumented compatriots who arrived in Switzerland later, employing them with subpar salaries. Also, the inability of well-integrated compatriots to understand rejected asylum seekers' stories may lead to frustration and disappointment.

Knowing people from outside the asylum system can be particularly valuable in terms of their knowledge about the system and the fact that they often speak the local language. The civil servants of AGORA for instance showed Moussa options for free activities in Geneva to help him pass the time constructively without having to pay. Aslambek met many people from outside the asylum system during his boxing classes. He appreciates these contacts, as they are "good people that don't smoke hashish, fight or take drugs." In Geneva, the network of associations and mutual support is particularly extensive and active. AGORA, the *Centre de la Roseraie*, *Espace solidaire pâquis*, CSP and others provide legal and moral support and language and computer courses. They are places where rejected asylum seekers feel safe and are able to meet people from both inside and outside the asylum system. Dardan and Moussa stated that they had close relationships with some members of the staff, and kept contact with civil servants and interns after they had stopped working in these associations. For Dardan, the *Centre de la Roseraie* has been an important place where he could improve his French and have conversations with people from outside the shelter; the former civil servants of AGORA have invited Moussa from time to time to play football. In addition, some *maisons de quartier* also provide valuable information to asylum seekers, such as their rights with regard to the police. Sutter argues that the support of the civil society is essential for the defense of the rights of rejected asylum seekers and their "decent existence" (2011, 20).

Thanks to his marriage to a Swiss citizen, Dardan has now obtained a B permit. He has consequently become a valuable resource for compatriots who find themselves in a similar situation to the one he used to be in, and he often helps them and listens to their stories. "I have a lot of experience. I have to help!" But at the same time, like Moussa, he wants to meet "normal people". Both want to get some distance from their past as rejected asylum seekers and its environment.

Material resources

*Little jobs like this allowed me to avoid stealing or selling drugs... to get by with dignity.*⁷¹

Despite their prohibition from working, rejected asylum seekers may find a number of ways – legal and illegal ones – of earning a little money. In Geneva, rejected asylum seekers can do community work, such as cleaning the accommodation facilities where they are hosted, or in certain conditions they can work for the *Genève-roule* program, which rents out bikes in Geneva.⁷² The HG proposed to Aslambek that he give boxing classes in a shelter and pays him 50 CHF a month. He is happy about this little job, yet he stated that he did not originally take it on for the money, but rather to keep busy and manage his stress. Besides these few opportunities, it is almost impossible to find a regular job. My interlocutors have nevertheless found ways to obtain informal work. As stated in the previous sub-chapter, their social network is crucial for them to have access to these informal jobs. Acquaintances may agree to pay rejected asylum seekers for informal work like repairing things, helping to move, cutting hair or other small services. For Olivier, selling his autobiography is a small source of money. As access to the labor market is limited by the regulations requiring work permits and thus officially inaccessible to undocumented migrants, Engbersen (1999) identified three strategies employed by migrants staying illegally in a country for changing and dissimulating their identities: temporarily or permanently taking on a wrong identity (either thanks to “authentic” documents that are borrowed from someone or “false papers”); hiding their legal status from third parties such as employers or members of society; and hiding their real identity, especially with regard to their nationality before the authorities in order to complicate deportation. Rejected asylum seekers employ very similar strategies. Some of my interlocutors admitted that they had used names or permits of friends in order to be able to find work. Moussa for example got a job as a babysitter thanks to the use of the name of a friend that had a working permit. Once the family trusted him, he told them about his situation and they decided to keep him on. Dardan told me that he had used copies of the resident permits of his brother and others in order to move around and find work in Italy. Corresponding to the second

⁷¹ Interview with Moussa, March 2015.

⁷² The financial compensation that rejected asylum seekers receive for these little jobs is very low. For cleaning the accommodation facilities where rejected asylum seekers are hosted they receive a maximum of 50 CHF monthly and for the *Genève-roule* they are able to earn a maximum of 300 CHF per month (Sanchez-Mazas et al. 2010).

strategy identified by Engbersen, Moussa had started working during the time he had an N permit and tried to hide from his boss the fact that his asylum application had been rejected, thus denying him the right to work any more. Every time he had to show his permit, he told his boss he did not have his permit with him as it was being renewed at that very moment. “I had to lie”. Olivier had employed the last of the strategies described by Engbersen. He had never brought his real identity papers to Switzerland and tried to hide his nationality from the authorities by taking on different accents so that the latter were unable to identify where he was coming from. This has helped him to avoid deportation, which is determined by his recognition by the delegation of his country of origin.

It has been argued that minor crimes like robbery have risen since the introduction of emergency assistance. So far, it has not been possible to prove this correlation. It is nevertheless true that some people do find themselves committing infractions of the law even though they would never have imagined doing so before. Olivier asserted: “Not giving any money is dangerous. If you like to have something, the only way to get it is by stealing it”. My interlocutors stated that they have never committed any infraction, but that they have known people that have done so. One of them said that in refusing to become a delinquent, he knew that he was taking the decision to make his life even harder. Being short on financial resources, Aslambek has developed strategies for minimizing his family expenses. Most of the furniture in the two rooms that he had been given for his family of seven, he had found thrown out in the street. With the little they get from emergency assistance and his boxing classes, it is impossible to buy furniture. Likewise, he collects TV screens, which he has been given by friends or which he has found in the street. If another inhabitant of the center needs a TV, he will sell one for a small amount of money.

Sources of hope

One can invent every possible deterrent measure, but one can never prevent people from living and believing in life.

(member of the HG in: Andreetta 2012)

a) Religion

Several authors have investigated the role of religion for refugees and its importance during different phases of migration (e.g. Dorais 2007; Ai, Peterson, and Huang 2003;

Mayer 2007). For rejected asylum seekers, religion and faith can constitute in an important resource in order to overcome their loss of perspective. They give hope and comfort and may constitute a refuge in times of despair. Some of my interviewees pray for the strength to continue and for the improvement of their situation. Armend reported that for him religion was “like a medicine” that makes him feel stronger, restore his faith in himself and see things more positively. However, religion does not constitute an important source of hope for all of my interlocutors.

Religion can further help people to keep on the right path and prevent them from choosing to commit crimes in order to survive; it also helps to bring people together. Moreover, the role and activities of religious organizations supporting refugees should not be forgotten. To take the example of Geneva, many of the organizations that are involved in the defense of the rights of rejected asylum seekers and that propose activities and offer support are organizations founded by Christian churches, such as AGORA, the CSP or the *Espace Solidaire Paquis*. These faith-based organizations not only provide support to refugees of the same religion, but are open to every migrant regardless of religion. It has to be noted however that in some cases religion can also be a source of fatalism and resignation, where one places one's fate in God's hands.

b) Optimism, humor and determination

*I always think positive, not matter how difficult it is. [...] I smile all the time [...]and] try to do my best.*⁷³

Optimism has been crucial in helping my interlocutors bear their situation and not give up. In a situation of vulnerability, poverty, humiliation and difficulty, the simplest although certainly not the easiest thing for rejected asylum seekers is to think positive. I will never forget Moussa's statement “I know that in my papers it's written ‘negative’, but in my head, I stay ‘positive’.” It shows that he understands the implications of his situation, but remains ready to live on and stay positive. I was impressed how my interlocutors were able to see the positive side of their desperate situation and were even proud of themselves for their strength. They said that they had gained a lot of experience through their past and have grown stronger and more resistant. Dardan told

⁷³ Interview with Moussa, March 2015.

me: “Sometimes, I think that I am very rich because I know what it means to be poor, to be in prison, to suffer, not to be free...”⁷⁴

“Very often I think: one day...”⁷⁵ My interlocutors demonstrated a huge capacity for looking positively into the future and thinking optimistically that one day, their life will be easier and better. “When one door closes, there is always another door next to it that opens. It’s our ability to accept and not to suffer the situation that often leads us to the open door.”⁷⁶ Optimism for a better future is crucial in order to avoid letting oneself go and to avoid the development of a depression.

All of my interviewees are very positive people, not just traumatized, embittered, sad victims, which might be expected given their situation. All of my interlocutors are rather talkative people with a lot of humor. As already briefly discussed in chapter 4.5, my interlocutors employ irony, humor and self-mockery in response to their difficult situation and in order to counter the onset of depression. Snyder and Lindquist (2010) found that gallows humor is frequently used in situations of considerable stress. As discussed in section 4, rejected asylum seekers have to cope with the stress and fear of being deported and insecurity about their future. In light of Snyder and Lindquist, it is therefore hardly surprising that all of my interlocutors make a lot of jokes about their situation, but also about the world in general. As these authors suggest, humor can be an adaptive coping mechanism. Furthermore, Freud (1905) advanced that humor and laughter are two of the few socially acceptable means for releasing frustration and anger, and provide a way to preserve psychic or emotional energy. “When I have a lot of problems, I laugh. I always laugh because it helps me a lot.” Even during the interviews, there was a constant smile on Dardan’s lips. And he was not the only one. Laughing out loud from time to time has helped my interlocutors to feel better and lighter. Laughing can alter perspectives in difficult situations and so act against negative emotions (Snyder and Lindquist 2010). Moreover, as Yovetich, Dale and Hudak (1990) showed, the use of humor reduces threat-induced anxiety.

Another way of coping employed by some rejected asylum seekers is the cognitive strategy of reframing their situation by comparing themselves with people in even more difficult circumstances. This helps to normalize and minimize the severity of their situation. Dardan for instance compared his situation to that of disabled people or people that have already been in his situation for over ten years, stating that he was still “lucky”. “It’s like I’m missing a finger, whereas someone else is missing his whole

⁷⁴ Interview with Dardan, March 2015.

⁷⁵ Interview with Dardan, February 2015.

⁷⁶ Bossa, Yaovi Mawussi. 2015. *Le Journal D'un Exilé*. Genève. p. 84.

hand.”⁷⁷ Rejected asylum seekers also stated that no matter how bad the conditions of emergency assistance or life without papers, they remained better off in Switzerland than in their country of origin. This way of evaluating their situation is another example of positive reframing.

Similarly, determination gives rejected asylum seekers force and hope. It has helped Armend to go through difficult times and put up with hardship. For him, there is no question he wants to live in Switzerland: “When you like doing something, you can do it. And going through hard times, you build up strength.”

The best evidence of this determination is the fact that he was deported three times to Hungary, and every time decided to take up the long and risky journey back to Switzerland again. When I asked him why he did not stay in Hungary, he answered me: “Even if they paid me, I would not want to stay in Hungary. They are very violent and racist. Now in Switzerland, I am happy.” For me, saying that he was happy, despite all the problems he had and the complications that a life without papers inevitably entails, showed me how relative things had become for him in his situation. Dardan told me that some of the people that were deported with him got out of the plane, turned around and went directly in the direction Switzerland again. “They never give up or despair. But I didn’t have the courage and the force to try again.”

c) Family and children

Based on her long experience of working at the *Foyer des Tattes*, a member of AGORA observed that families and individuals adopted different strategies in order to cope with their situation. Whereas singles often prefer to go underground than to live with emergency assistance for an extended period of time, families often choose to have a child that gives a meaning to their life and hope for their future. As described in chapter 4.1, leading a life characterized by a lack of rights, rejected asylum seekers suffer from an absence of prospects for their future. Having a child can help to reduce this feeling, where the child vicariously becomes the parent’s future. The inability of rejected asylum seekers to influence or alter their situation in any way can result in depression or lead to doubts about the meaningfulness of life. Having a child may give this sense to one’s life, and give a reason to get up every morning and keep on fighting – for the family. The sense of responsibility for someone else can have a strengthening and encouraging effect. A female rejected asylum seeker described how sad she was after the birth of her baby, as she had become a mother of a child that she thought

⁷⁷ Interview with Dardan, March 2015.

would not have any future. Yet, after a while, her children and her family gave her the force “to continue living for [her] family” (rejected asylum seekers in: AGORA 2013, 17)⁷⁸. Aslambek and his wife for example came to Switzerland with one son. She went on to give birth to four more sons. In fact, an explosion of births has been reported amongst rejected asylum seekers soliciting emergency assistance.⁷⁹ So far, however, no studies have investigated the reasons for such an explosion. Wulf (1994) has studied the fertility of refugees on an international level and found that camp life often creates conditions, such as improvements in infant and child survival rates, that unintentionally result in extremely high birth rates. Hence, it remains unclear to what extent the explosion of births inside the emergency assistance system is influenced by the fact that having children can be a source of hope and sense of life for their parents and to what extent it is influenced by factors such as those that Wulf found in different refugee sites.

Besides being a source of hope, children help to structure their parents’ lives. Parents have to get up in the morning to take the children to school and pick them up later; they have to prepare food for the family and take care of the children. In fact it was more complicated to find time to talk to Aslambek than to my other interlocutors, as he was always busy around the everyday life of his children and his wife: “Thanks to the children, I am always busy. This is good. If I see those that are single, I see that they don’t have anything to do. They just eat, sleep, eat, sleep,...”⁸⁰ Wessner (2012) found that having children may also offer opportunities to socialize when picking up the children from school, which can further the integration of the parents. However, a member of AGORA stated that the period of holidays are often difficult for the parents, as they have to keep their children busy without having any money for free time activities, such as going to the swimming pool or buying an ice cream. Also, this is the time where they most fear being deported (Andreetta 2012). Willen (2007) found that in the case of female undocumented migrants in Israel, motherhood could prevent them from being deported. This can also be observed in Switzerland. Pregnant women or mothers of very young children are rarely, if ever, deported. For this reason, having children can also, besides other personal benefits, be a strategy for preventing immediate deportation.

⁷⁸ Translated into English from: *“Les mois qui ont suivi la naissance du bébé, je pleurais tout le temps. Je n’arrivais même pas à parler à mes enfants, tellement j’étais triste et désespérée. Après une année, je me suis reprise. J’ai voulu continuer à vivre pour ma famille.”*

⁷⁹ For more information see: Effets de l’aide d’urgence sur les enfants et les adolescents, 13.4038 – Interpellation, http://www.parlament.ch/e/suche/Pages/geschaefte.aspx?gesch_id=20134038, consulted on the 24.03.2015.

⁸⁰ Interview with Aslambek, March 2015.

Not only can having children be a source of hope, but so can the simple fact of being part of a family. Any family members, even those that stayed in the country of origin, can encourage asylum seekers and give sense to their life. Both Armend and Olivier stated that their mothers had given them strength and supported them with encouraging words. Olivier's mother had even been the reason for his continuing to live: "If I did not have my mother and my sisters, I would already have given up. Maybe even killed myself. But I wanted to continue living for them."

5.2 Strategies

*Sometimes it was very hard. But you fall and you stand up and you fall and you stand up. [...] Afterwards, you accept all the hard things. But that's life...*⁸¹

Temporary strategies

a) Soliciting emergency assistance

The reasons why rejected asylum seekers decide to solicit emergency assistance can differ. Those who have come to Switzerland and whose claim has been rejected recently, often have rather small social networks and limited financial resources. It is hard for them to find accommodation and procure the financial resources to survive on their own. In such cases, emergency assistance appears to be the only option. Others see emergency assistance as a complementary source and only make use of it periodically. Rejected asylum seekers who are active in drug dealing, however, see emergency assistance as a means to having some recognition by the authorities and thus see it as a way to improve their odds in case of controls. Receiving some sort of recognition and thus being differentiated from traditional undocumented migrants has in fact been an important reason for soliciting emergency assistance for quite a number of rejected asylum seekers. Although Olivier had at first refused to apply for emergency assistance, as he considered it to be something "for disabled people", he finally decided to apply for it rather than become an "undocumented migrant". For Dardan, for example, soliciting emergency assistance was what allowed him to survive, given that going underground was out of question for him, after he had already experienced all the stress that goes with underground life in Italy.

⁸¹ Interview with Dardan, March 2015.

b) Talk, friends and openness towards others

Talking to friends about their situation and their problems has been essential for all my interlocutors. It is a way of airing things and at the same time processing them. They were greatly encouraged by other people who listened and understanding them. However, “when people don’t understand, it hurts”⁸². Dardan mostly talks to people that are in a similar situation to himself, while Moussa and Armend often talk about their problems to people outside the asylum system. Some also mentioned the benefits of talking to a psychologist. Another advantage of telling their stories to their peers is that they could discover that others “have worse stories”⁸³ or problems, which could relativize their own situation. All my interlocutors stated that telling me their stories and answering my questions has helped them a lot to process their past and present difficulties. The significance of talking is greater than it might seem at first sight. Besides helping to process and cope with a difficult situation, talking to people, above of all from outside the emergency assistance system, gives rejected asylum seekers a voice and thus a feeling of social existence. It is not only the act of talking to people, but also the knowledge that they are not alone, that helps them through difficult times. Sometimes, Moussa went to AGORA to find people to talk to, or even just to be surrounded by others. All of my interlocutors agreed that they were glad not to be alone in difficult and stressful times.

c) Go out and do something

*There are people that sleep the whole day. If I stay inside, I will go crazy. I never got up later than 9 o'clock, even when I had nothing to do.*⁸⁴

One of the major difficulties faced by of rejected asylum seekers is inactivity and the lack of structure in everyday life (see chapter 4.1). Inactivity and the lack of structure can lead to extreme indifference, self-pity, or to serious mental problems such as chronic depression. In order to counter this, asylum seekers may try to structure their time and find things to keep them busy. The question is what to do without rights and financial resources. Several civil organizations therefore propose activities to asylum seekers and migrants that are free and open to everyone, regardless of status or

⁸² Interview with Dardan, February 2015.

⁸³ Ibid.

⁸⁴ Interview with Moussa, March 2015.

documentation. For example, AGORA, the *Centre de la Roseraie* and the *Espace Solidaire Pâquis* offer language and computer classes, trips around Geneva, sports and other activities. Moussa and Dardan have both regularly attended language courses. This has kept them busy and allowed them to overcome the language barrier between themselves and people outside the asylum system. One can also easily find free activities or events besides those offered by civil organizations. Moussa for example participated in the audience of the TV station of the RTS (*Radio Télévision Suisse*), which was not only free, but even paid 30 CHF and provided food. This was not only an opportunity to leave the shelter and have something to do, but also to meet people outside the asylum structures. He went to places like CERN (European Organization for Nuclear Research) during its open days, or to the Geneva motor show if he could get free passes. He also likes going to “places of joy and music”, like the *Fêtes de Genève* or *Fête de la Musique*, as this has allowed him to “forget everything for a moment before getting back to real life”. This pattern applies to all of my interlocutors. Going out to crowded and joyful places like the lake⁸⁵ or free parties are ways of breaking the social and geographic exclusion and of creating some distance from their lives as rejected asylum seekers, at least for a short while. Some go out to dance the whole night in order to free their mind from their problems and mix with “normal” people. Moussa sometimes spent the night at the place of his friends or his girlfriend – both are well integrated in Switzerland – in order to “live an ordinary life for at least a moment”. The same logic has helped Oliver distance himself from the harsh reality of being rejected from asylum.

Moreover, my interlocutors have avoided staying in the centers whenever possible in order to not be constantly reminded of the difficulties of their lives there. They often just go for walks. Walking endlessly is a way of fighting against the feeling of restricted mobility and gives them a feeling of freedom. But not only this, walking also tires the body and facilitates sleep at night. Due to all the preoccupations and the distress, rejected asylum seekers often suffer from insomnia. Going out, walking or doing sport tire the body and are thus ways to avoid taking sleeping pills in order to be able to sleep. It is interesting to see that leaving the accommodation facility and going out to public places has been a central strategy for rejected asylum seekers, whereas Willen (2007) and Engbersen (1999) observed the contrary – the avoidance of public spaces as often as possible – in the case of clandestine migrants. This can be brought

⁸⁵ In fact, Dardan and Armend met when they were both enjoying a moment in the *bain de pâquis*. Both stated that they went there on a regular bases due to the cheerful atmosphere of the place.

back to the fact that rejected asylum seekers are mostly arrested in the accommodation facility or while they are in the presence of the authorities, whereas clandestine migrants fear being arrested by the police in public spaces when asked to show their documents. Rejected asylum seekers still have at least their “white paper”, which shows the police that they are allowed by the authorities to receive emergency assistance.

Some of my interlocutors affirmed that giving their day a certain structure has helped them to avoid falling into depression. As described before, for Aslambek and his wife, their children and their children’s obligation to go to school bring structure into their day. Attending language or computer classes may also help to give one’s day a certain structure. Moussa said that he would get up early every morning and leave the shelter, no matter if he had nothing to do. This gives his life a certain structure. At one point he helped out in the kitchen of an association as a volunteer. Although he was not paid, this allowed him to get experience and keep himself busy.

d) Sports

Football cleans the brain. It allows you to forget your problems for a moment.

(captain of the football team of the Foyer des Tattes in: AGORA 2013, 8)⁸⁶

Living in a situation of rejected asylum and constant fear of being deported is a very stressful experience. It is important to develop strategies to manage this stress. All my interlocutors mentioned sports as crucial, not only to keeping busy, but also to dealing with their difficulties, stress and potential aggressions. When Moussa had to leave the semi-professional football club where he was allowed to play with his N permit, he continued playing in other teams. For example, AGORA has a football team where asylum seekers play weekly. Playing football has helped Moussa to forget his problems for at least a short while. He also goes running on a regular basis and even participates in running competitions. These things have given him courage and joy. Similarly for Aslambek, sport is “like a medicine” and is part of his everyday life. He is lucky that HG gave him the opportunity to work as a boxing instructor in one of the shelters. This allows him to do sports very often. When other inhabitants of the center provoke him, he keeps calm and later releases his anger on his punching bag. Sports can also help

⁸⁶ Translated into English from: “Parce que le foot ça nettoie le cerveau, ça permet d’oublier un moment les problèmes.”

to control aggression. Likewise, as mentioned before, sports help to tire the body, which can alleviate the insomnia from which many asylum seekers suffer. While many rejected asylum seekers take medicine in order to be able to sleep, for Olivier, playing football and going to the fitness room is his “sleeping pill”⁸⁷. Sports not only provide a way of dealing with stress, aggression and frustration, but also facilitate socializing. Team sports in particular foster solidarity and offer a place of interpersonal contact where new friendships can be developed. Moussa met many friends in all the different football clubs where he played over the years. Some of them even suggested paying him fees for his participation in different runs such as the *course de l’Escalade* in Geneva. Teaching boxing in the *Foyer Feuillasse*, where classes are open to anyone coming from the outside, gave Aslambek the opportunity to meet people from outside the asylum system. Post- or para-sports activities can amplify this contact with people. I observed that people went together to training and often stayed on afterwards in order to have a little chat. I often saw men coming to the *Centre de la Roseaie* talking about football. Even in an intercultural dialogue this seemed to be a topic of common interest that everyone understands in the same way.

e) Art

Art, such as dancing, singing, painting or writing, can be another way of expressing feelings and coping with stress. When Armend is sad, stressed or desperate, he writes. He has written hundreds of texts. Writing has allowed him to process what he has seen and gone through, but also to simply make time pass by. During his time in prison, Armend’s writing became a collective activity, as he started writing down what had been created by several of his inmates. After having written a text, he sometimes recites it to friends: a liberating moment. Writing has also helped Olivier, who has even published his journal. Already during his time in administrative detention, he decorated the walls of his cell with words of encouragement. When he started going to the writing atelier of a number of Swiss women, he began to open up emotionally. The participation in this group of ladies has moreover prevented him from further developing an alcohol problem. He concentrated on his writing, went to the libraries of Geneva and the writing meetings became his most important program of the week. In this way, writing has allowed him to process his own story, but it also has made it accessible to people from Geneva.

⁸⁷ Bossa, Yaovi Mawussi. 2015. *Le Journal D’un Exilé*. Genève. p. 48.

f) Hiding one's identity and hyper-conformist behavior

Once, I was at the bus stop near the PC. A window of the stop had been smashed. I was well dressed. A lady saw me but didn't know that I was from the PC. She complained that the people from there had destroyed the window. I knew that it wasn't them, but drunk teenagers. I only listened to her. I wanted to say something, to tell her that it wasn't them. But I kept silent.⁸⁸

As showed in chapter 4.3, rejected asylum seekers suffer from stigmatization and humiliation. Different ways of reacting to this situation can be observed. In some cases, stigmatization can lead to “self-invisibilization”: rejected asylum seekers might resort to hiding from public spaces (Sanchez-Mazas 2011), which again results in the loss of self-esteem and psychological problems. Some interlocutors admitted that they feel ashamed of their situation. Engbersen (1999) shows that clandestine migrants frequently conceal their situation due to their fear of the reaction of their social environment. For example, Moussa felt ashamed to tell his future girlfriend about his situation when he first met her. For children of rejected asylum seekers that are treated as equals by their peers in school it is particularly difficult. They feel too ashamed to invite their friends to their “home”, as it is “too different, too strange and too dirty” (Klein 2014). Engbersen (1999) argues that many clandestine migrants prefer to live in big cities rather than in small towns, as big cities offer them a certain anonymity. Rejected asylum seekers living in the major international city of Geneva have the advantage of not standing out due to physical features. It is easier for them to stay anonymous with their identity of rejected asylum seekers than for those staying in remote villages in rural areas. This may also spare them from racism or direct stigmatization due to their identity.

Willen (2007) argued that in the case of undocumented migrants the intensified threat of arrest and deportation and the portrayal as wanted criminals impacted on the individual and collective “experiences of being-in-the-world”. She argued that “somatic modes of attention”, which are internalized as a result of ongoing exposure to the stories of the arrests of others, shape migrants’ everyday lives. Similar behavior can be

⁸⁸ Interview with Moussa, March 2015.

observed in the case of rejected asylum seekers. They have internalized their status, which influences the way they behave and move around in public. Authors of labeling theory (e.g. Becker 1997; Lemert 1951) argue that in being labeled, a person begins to act according to that label. Thus, despite refusing to see themselves as criminals, rejected asylum seekers adopt some of the behavioral patterns of criminals, such as avoiding police controls. Some have become more attentive towards police controls and avoid certain areas. Armend, for instance, went into crowded bars in order to hide as soon as he saw the police passing by. He was constantly watching out for the police. More generally, Wood argues that in the context of refugees or asylum seekers receiving assistance from the state, labeling can serve to “compe[re] [people] to adjust their behavior, to redefine the way they present themselves in order to handle access successfully” (1985, 352). This logic is to a certain extent present in the lives of my interviewees in the sense that most of them avoid attracting attention in public places and often show hyper-conformist behavior. They are conscious that they have to “play by the rules” of the emergency assistance system, driven by the hope that their conformist behavior might finally result in the legitimization of their situation. This hyper-conformist behavior of rejected asylum seekers is conditioned by their awareness of constantly being surveyed and that their behavior could have an impact on their situation. Several of my interlocutors pointed out that they had done everything to avoid problems: “Even if someone hits you, you should say thank you.”⁸⁹ Moussa avoids problems with the police or getting into fights because “in any case, it’ll be me that is considered at fault. I still keep in mind that it’s me that is wrong because I don’t have papers.” He states that even when he did not have enough to eat, he would never have thought of breaking the law to steal. Also Aslambek stated that he stayed away from trouble, above all in the shelter. In his situation it is not only the fear of being deported that motivates his conformist behavior, but also the fear that if he gets into trouble with someone, he will put his children into danger. This shows that living in a grey area between legality and illegality (Sanchez-Mazas 2011), rejected asylum seekers are conscious that any infraction of the law or even any problem no matter how small that they cause will be used against them. They hope that living in a way that conforms to Swiss law, they might be allowed to stay. This reflection, however, remains an illusion: “For ten years we haven’t had any problem with the police and we’ve integrated well. But still... Why don’t they give us a permit?”⁹⁰

⁸⁹ Interview with Moussa, February 2015.

⁹⁰ Interview with Aslambek, March 2015.

g) Alcohol, marijuana and other drugs

*We drank in order to forget for a moment our sorrows, which caught up with us again the next day.*⁹¹

When I presented the topic of my thesis to Oliver, he did not hesitate and answered with a provocative smile: “Our strategy? It’s very simple: alcohol, smoking marijuana and taking other drugs.” Even though this was not the answer I expected, it seemed to me that he was speaking for a high number of rejected asylum seekers. Having lost hope and perspectives, alcohol and drugs have a high chance of becoming a rejected asylum seeker’s best friend. In fact, Olivier was not the first to mention alcohol, marijuana or hashish and drug consumption. All my other interlocutors mentioned having noticed problems of drug and alcohol abuse in the accommodation facilities, while pointing out that they themselves had not been involved. Dardan confided to me that he had come very close to taking drugs, but that thanks to his future wife and his friends he had stayed away from them. Olivier too admitted that he started to take refuge in alcohol so as to forget his problems for a while. He couldn’t even sleep any more without alcohol. Fortunately, writing has helped him to get away from it again. He had found another way of forgetting his problems, and besides, he would have been ashamed to go to the meetings of his writing club smelling of alcohol.

Strategies for a definitive solution

In the introduction, the question of what happened to asylum seekers whose application is dismissed was raised – Do they leave Switzerland as they are supposed to? Where do they go and what happens to them? This thesis has so far demonstrated that a considerable number of these rejected asylum seekers decides to stay in Switzerland while soliciting emergency assistance. This sub-chapter discusses what happens to people that decide not to make use of this assistance. I could observe a number of distinct strategies employed in order to avoid being caught up in the emergency assistance system, a system of control characterized by the simple struggle to survive: disappearing and staying illegally on Swiss territory, marriage to a Swiss citizen, illness, moving to a neighboring country or returning to the country of origin.

⁹¹ Bossa, Yaovi Mawussi. 2015. *Le Journal D'un Exilé*. Genève. p. 78.

a) Disappearing and staying illegally on Swiss territory

Under emergency assistance I didn't feel free. I felt sick and stressed because they threatened me that I have to go back. I felt unsafe because the police knew where I was. You're illegal in both situations anyways. Now [that I went underground], I feel more free.⁹²

A significant number of people disappear from the official asylum statistics after the dismissal of their asylum application. The reports on the effects of the withdrawal of social assistance published by the SEM show that in the period between 2008 and 2013 43% of all applicants given negative decisions (DAWES and dismissal of an asylum application after the examination of the substance of the case) never solicited emergency assistance (ODM 2014b, 4). This however does not necessarily mean that these people have actually left the country, but rather that a high percentage of rejected asylum seekers disappear from the asylum process in an uncontrolled way. In fact, according to the SEM, 5,925 people or 30% disappeared from the asylum statistics in an uncontrolled way in 2014 (ODM 2014a, 17). It can be assumed that a major part of the people disappearing in an uncontrolled way go underground and stay in Switzerland clandestinely. Sanchez-Mazas (2011) found that many rejected asylum have disappeared at least once. Emergency assistance combined with living in the underground for some time can thus also be part of the survival strategy of rejected asylum seekers.

Sanchez-Mazas (2011) describes the phenomenon of social and administrative disappearances of rejected asylum seekers as “invisibilization”. She points out the paradox between the fact that rejected asylum seekers leave the emergency assistance system and become invisible and thus beyond the control of the authorities, while they remain highly present in the media. Also De Genova (2013) argues that asylum programs produce “illegal” and deportable “migrants” by dismissing a disproportionate number of asylum claims. An important reason for deciding to go underground – or in Sanchez-Mazas’ (2011) words, to become “invisible” – is the risk of being put into detention and later deported during one of the compulsory visits to the

⁹² Interview with Armend, April 2015.

authorities. The first time Armend came to Switzerland, he applied for asylum. When his application was dismissed, he applied for emergency assistance. However, when he returned to Switzerland after having been deported, he decided to go underground without applying for emergency assistance a second time: “Even if they gave me one million Swiss Franks, I would not go back to a housing facility [of the emergency assistance system].” While he lived with emergency assistance, he constantly felt unsafe and under stress, as the police and the authorities knew where to find him. In contrast with his life in the shelter, which he felt was like in a prison, he described his life without papers as freedom. Also Dardan spent some time without papers in Italy. Interestingly, when I asked him whether he had ever considered going underground in Switzerland, he replied that he would never want to live underground again, as it was too stressful and he had never been at peace. For Aslambek, becoming “illegal” has never been an option as he lives with his whole family. Also Olivier refuses to earn the nickname “clandestine” and so prefers to live with emergency assistance, although he admits that it is quite “stupid to stay in the shelter in [his] situation”, as this is where the police go to get people for deportation.

b) Marriage

A guy at the Hospice général asked: ‘Why are you two getting married?’. This question hurt me a lot. Don’t we have the right to get married and raise a family? Even animals have the right to have a family. I was born like everyone else, and getting married and raising a family are fundamental rights!’⁹³

Now and again, jokes are made about “the easiest way of getting a residence permit”: getting married to a Swiss citizen. But is it really a plausible strategy? It may often appear to be the ultimate solution to stay in Switzerland legally. However, this kind of “solution” is not accessible to a great number of asylum seekers and is therefore a rather seldom chosen strategy. Above all getting married to a Swiss citizen involves long and complicated procedures as, since the beginning of 2011, non-citizens have to

⁹³ Interview with Moussa, February 2015.

demonstrate their legal status in the country in order to be able to get married.⁹⁴ Engbersen (1999) discusses marriage as a strategy of legalizing the status of undocumented migrants and argues that due to their situation of social and legal inferiority, it is mostly not easy for these migrants to get married to a citizen of the country or may even lead to exploitation within the couple. On top of this, a clandestine migrant – or rejected asylum seeker – is rarely seen as a desirable son-in-law (or daughter-in-law) (Engbersen 1999). Despite all this, two of my interlocutors are today married to Swiss citizens. Both had – or still have – problems getting their B permits and processing the marriage documents. Furthermore, rejected asylum seekers who get married to Swiss citizens are suspected by Swiss authorities and by a large section of the public as only getting married for the papers. This accusation is often experienced, as the quote in the beginning of this sub-chapter shows, as a severe humiliation.

c) Illness

Illness, undesirable as it is for a normal person, becomes one of the ways rejected asylum seekers can legalize their stay in Switzerland. In fact, successful appeals to the dismissal of asylum applications are mostly attributable to medical reasons. Thus, in cases of serious illnesses that the country of origin is unable to treat, rejected asylum seekers have a slight possibility of obtaining a B or F permit⁹⁵. “Illness [is] life saving, it is the only thing able to liberate”⁹⁶ rejected asylum seekers from their situation. Fassin argues that due to “illness clauses” that give legal residency papers to undocumented migrants in France with life-threatening pathologies, their bodies have become the “only social resource capable of arousing a compassion” (2010, 85) and “pathology [...] has therefore become a source of social recognition” (2010, 86). Similarly in Switzerland, this has created the absurd situation of rejected asylum seekers wishing to be ill, knowing that being considered as such raises their chance of obtaining residency rights or at least avoiding deportation. “Some even forced themselves to vomit blood and if this happened, the mission was accomplished.”⁹⁷ Olivier remembers how his friend was saved from deportation. His friend knew that he was going to be

⁹⁴ Art. 98 al. 4 – B. Procédure préparatoire I. Demande

Les fiancés qui ne sont pas citoyens suisses doivent établir la légalité de leur séjour en Suisse au cours de la procédure préparatoire. (Code civil suisse. du 10 décembre 1907 (Etat le 1er juillet 2014). p. 210. <http://www.admin.ch/opc/fr/classified-compilation/19070042/201407010000/210.pdf>)

⁹⁵ See page vi for more the more detailed information on the B and F permit.

⁹⁶ Bossa, Yaovi Mawussi. 2015. *Le Journal D'un Exilé*. Genève. p. 61.

⁹⁷ Ibid.

deported within the three coming days. He hurt himself so that he was bleeding all over his body. He could not be deported. “[He] was proud when he came back” from the hospital.⁹⁸

Also Ticktin (2011) observed undocumented migrants in France resorting to self-injury or infection (for example with HIV) to claim basic rights and to obtain legal status. She argues that the problem lies in the politics of care where biological integrity holds a sacred place and points to a “situation in which biological resources become commensurable with political resources and biological integrity can be traded in for political recognition” (2011, 193). A paradoxical situation has appeared. People deliberately get infected with HIV or injure themselves in order to be granted legal recognition, they “willfully [disable themselves] in order to live more fully” (Ticktin 2011, 195). Yet, according to Ticktin (2011) ill people are unable to attain equality, as they are forever marked as sick people. None of my interviewees has chosen this strategy. Dardan’s attorney saw a remote possibility that the appeal could succeed due to his eye problem. He was however very skeptical and Dardan was indeed deported to Italy. Oliver was advised several times by his inmates to try the strategy of illness. He got tested for HIV but the result was “unfortunately” negative. He did not in any case consider this option seriously since he had observed how many had become seriously crazy or ill without positive results. He once pointed out the paradox of emergency assistance: The only thing that emergency assistance provides is what a human being needs to be physically well, yet some people will do anything to become physically ill.

d) Return

*I wouldn't want to go back. Returning is difficult because it has been twenty years since I was there. Everything has changed. If I return, people will talk about me and judge me.*⁹⁹

For the authorities, emergency assistance pursues above of all one objective: that rejected asylum seekers leave Swiss territory, either going to another country or returning to their country of origin. However, significant political, economic, social and even psychological obstacles make leaving Switzerland a rather unattractive, if not

⁹⁸ Ibid. p. 26.

⁹⁹ Interview with Dardan, March 2015.

impossible, option. While for many it is impossible to return due to huge debts, others decide to stay because they are afraid of losing face if they admit their “failure” and go home. Because of these obstacles and personal choices, the large majority of rejected asylum seekers do not even consider returning to their country of origin. A social worker at AGORA told me how many deported asylum seekers admit that “everything is better [than returning], even emergency assistance.” To take the words of a member of the HG, rejected asylum seekers “find themselves in a no-man’s-land”, being rejected from Switzerland, yet being unable to return. Even the return assistance program that Switzerland offers to support voluntary and mandatory return through a system of benefits appears absurd to many as their journey to Switzerland costs a lot more than the program offers. None of my interlocutors stated they had ever considered going back. For some of them it is in fact impossible to go back since they do not have any papers and their embassies is unwilling to provide them with documents. Moussa for instance had shown real interest in leaving Switzerland in order to go to another African country, yet was unable to procure the necessary documents. Aslambek’s children do not even know their country of “origin”. They do not know its culture, nor speak its language. For Aslambek, going back is out of question. Similarly, Olivier said that “no one in this world could convince me to go back. [...] If there is a return, it will not be by me but my corpse.”¹⁰⁰ Sanchez-Mazas (2011) argues that the pressure exerted on rejected asylum seekers for them to leave Switzerland results in the reverse effect, by paradoxically driving them to stay due to their efforts to preserve their freedom of choice.

¹⁰⁰ Bossa, Yaovi Mawussi. 2015. *Le Journal D'un Exilé*. Genève. p. 22 and 33.

6. CONCLUSION

Based on the case studies of a number of asylum seekers whose asylum application was dismissed in Switzerland and who have therefore solicited emergency assistance under the provisions of Article 12 of the Federal Constitution, this thesis aims to challenge the notion of the universal refugee experience and the stereotypes of rejected asylum seekers, emphasizing the agency and ability rather than the victimization and disability of rejected asylum seekers. The testimonies of Armend, Aslambek, Dardan, Moussa and Olivier accentuate the agency and ability of rejected asylum seekers to mobilize their resources and develop strategies to cope with the constraints and difficulties that the dismissal of their asylum applications has imposed on them.

Firstly, the constraints and difficulties imposed upon rejected asylum seekers are examined. I show how the Swiss state has developed a number of restricting measures aiming to dissuade rejected asylum seekers from staying in Switzerland, and to discourage potential asylum seekers from coming to Switzerland in the first place. This has been done through the reduction of the rights of rejected asylum seekers to the simple right to physically survive, without concern for other rights and needs such as social integration or personal development. This absence of rights has led to a complete dependence of this population on the Swiss State. Many other factors, in addition to the absence of rights, also take their toll on the mental and physical health of rejected asylum seekers, such as their social and geographic isolation, restricted mobility, the constant fear of deportation and the bad, not to say inhumane, conditions of the communal accommodation facilities. A further section focuses on this to illustrate asylum seekers' capacity to mobilize resources and develop personal strategies in order to cope with the constraints and difficulties imposed upon them by the current asylum policies. Interviews with my five interlocutors showed that rejected asylum seekers are able to mobilize their social networks, find ways to secure a minimum of economic resources and mobilize different sources of hope to help them believe in their future. A number of strategies for temporary relief are also identified. Talking to people, sports, humor and writing were named as ways of dealing with situations of stress and aggression; going out and finding ways to keep busy were described as important in order to fight against inactivity and the lack of structure. Finally, a number of strategies that aim to definitively end the status of rejected asylum seeker are identified. Becoming clandestine, getting married to a Swiss citizen, actually leaving Switzerland and even attempting to legalize one's stay due to a serious illness are all

examples of strategies used by some of my interlocutors, but they have their limitations. Marriage to a Swiss citizen is only feasible for a small number of rejected asylum seekers and is constrained by Swiss law. Returning to one's country of origin is mostly impossible for psychological or financial reasons. Furthermore, deciding to leave emergency assistance and go underground involves other constraints like the dependence on the black market where working conditions are bad, salaries are low and deportation remains a constant risk.

This thesis does not aim to present my interlocutors as representative of all rejected asylum seekers in Switzerland. Nonetheless, as my empirical research is substantiated by complementary readings and literature, it can claim to draw conclusions about rejected asylum seekers more generally. Describing the resources and strategies of my interlocutors, it invites reflection on the agency and the capacity of rejected asylum seekers. It challenges the view that rejected asylum seekers are criminals or free riders of the Swiss social system who should be mistrusted, or victims reduced to resignation and self-pity. Furthermore, it is evident from this thesis that a lot of parallels can be drawn between my findings about rejected asylum seekers and undocumented migrants in general. Some of the strategies and resources that I identify coincide with those found by Engbersen (1999), Willen (2007) and Fassin (2010). This makes sense given the fact that rejected asylum seekers are in a situation of "official illegality" (Achermann 2009), which is in many respects similar to that of undocumented migrants. Also, it can be concluded that the identified resources and strategies partially apply to asylum seekers in general, no matter whether they have an N or F permit. As both groups face similar problems – inactivity, stigmatization, humiliation, stress and sometimes medical conditions – the importance of social networks, resources of hope, strategies of stress management such as sport, art and humor, are also resources and strategies used by asylum seekers.

I would like to close this thesis with the positive words of Olivier, which illustrate the essence of this thesis: the capacity of rejected asylum seekers to look forward and to continue to live with the difficulties and constraints that are imposed upon them.

Let's concentrate on the way to go. Let's not regret what we have lived. Let's not sink into the pain that was inflicted upon us. Let's see how we have overcome everything. All these experiences and

*scars have made us the people we are
today: men like walls.* (Bossa 2015, 85-86)

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Staff of *Hospice Générale* at the *Foyer des Tattes*, 24. February 2015.

APPENDIXES

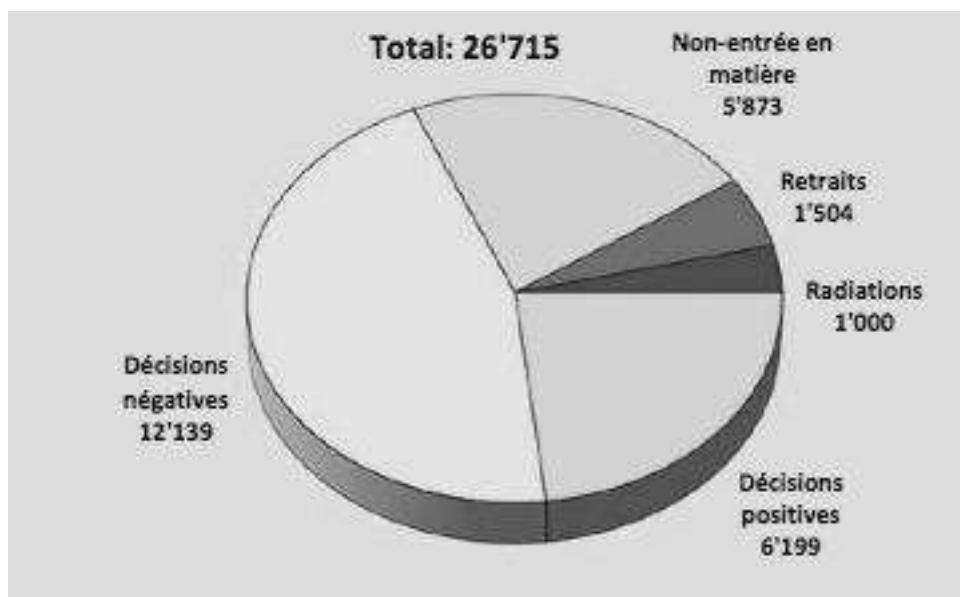
Appendix 1: Revisions of the Asylum Act

| Deposition / vote | Entry into force | Law / initiative | Content |
|--------------------------------|------------------|---|---|
| 05.10.1979 | 01.01.1981 | Asylum Act (AsylA) | |
| 16.12.1983 | 01.06.1984 | 1 st revision of AsylA | <ul style="list-style-type: none"> - definition of “manifestly groundless” cases (<i>cas manifestements infondés</i>) for which federal auditions are removed - return in case of negative decision - second instance of appeal is removed - cantons can forbid asylum seekers to work - shortening of the asylum procedure |
| 20.06.1986 | 01.01.1988 | 2 nd revision of AsylA | <ul style="list-style-type: none"> - institutionalisation of return aid - 4 centers of registration - detention while waiting the return is possible up to 30 days - decision without federal hearing (just from a dossier) |
| 22.06.1990 | Immediately | 3 rd revision: <i>Arrêté fédéral sur la procédure d’asile (APA)</i> | <ul style="list-style-type: none"> - DAWES and immediate return for abusive request or refusing to collaborate - term of “safe countries” - prohibition of work (3-6 months) if refused on 1st instance - status of “refugees of violence” - introduction of “<i>compte de sûreté</i>”: 10 % tax on the revenue of asylum seekers |
| 18.03.1994 | 01.02.1995 | <i>Loi fédérale sur les mesures de contrainte en matière de droit des étrangers</i> | <ul style="list-style-type: none"> - detention during 72 hours without juridical control - searching without criminal investigation |
| 26.06.1998 vote by chambers | 01.07.1998 | 4 th revision: <i>Arrêté fédéral sur les mesures d’urgence dans le domaine de l’asile et des étrangers (AMU)</i> | <ul style="list-style-type: none"> - DAWES for people without valid documents (48h) |

| | | | |
|------------|------------|--|--|
| 26.06.1998 | 01.10.1999 | 5 th revision of AsylA | - integration into the AsylA of the articles of the AMU on the DAWES => referendum 71% YES: 13.06.1999 |
| 30.11.2000 | 24.11.2002 | Initiative SPP "against the abuses of the asylum law" (<i>contre les abus dans le droit d'asile</i>) | - DAWES for people from a "safe country" - uniform assistance to asylum seekers, limited and in kind - prohibition of lucrative activities for rejected asylum seekers, DAWES and those who refuse to collaborate => accepted by cantons but rejected by the people; 50.2 % NON |
| 19.12.2003 | 01.04.2004 | 6 th revision: Federal law on the 2003 budget cuts | - reduction of the period for appeal for DAWES (from 30 to 5 days) - withdrawal of social assistance from DAWES - DAWES are regulated by the dispositions of the Federal Act on Foreign Nationals (FNA) |
| 2005 | | Vote on the integration into Schengen-Dublin | Bilateral treaties Switzerland-EU; 55% YES |
| 16.12.2005 | 01.01.2008 | 7 th revision of the AsylA | - extension of the withdrawal of social assistance to everyone being obliged to leave Switzerland after his or her application has been dismissed - return to transit countries if they are considered "safe countries" - reduction of the procedure - global payment to cantons - authorization of verification of the identity and request of documents from the country of origin => referendum 68 % YES: 24.09.2006 |

Translated from Sanchez-Mazas, Margarita. 2011. *La Construction de L'invisibilité: Suppression de L'aide Sociale Dans Le Domaine de L'asile*. Le Social Dans La Cité 17. Genève: IES éd., p. 294-295.

Appendix 2: Cases treated by the first instance



Commentaire sur la statistique en matière d'asile 2014. p. 14.

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Appendix 3: Art. 32 Motifs de la non-entrée en matière

1. Il n'est pas entré en matière sur la demande d'asile qui ne satisfait pas aux conditions fixées à l'art. 18.
2. Il n'est pas entré en matière sur une demande d'asile si le requérant:
 - a. ne remet pas aux autorités, dans un délai de 48 heures après le dépôt de sa demande d'asile, ses documents de voyage ou ses pièces d'identité;
 - b. a trompé les autorités sur son identité, le dol étant constaté sur la base de l'examen dactyloscopique ou d'autres moyens de preuve;
 - c. s'est rendu coupable d'une autre violation grave de son obligation de collaborer;
 - d. ... 54
 - e. a déjà fait l'objet d'une procédure d'asile en Suisse qui s'est terminée par une décision négative ou est rentré dans son Etat d'origine ou de provenance alors que la procédure était en suspens, à moins que des faits propres à motiver la qualité de réfugié ou déterminants pour l'octroi de la protection provisoire se soient produits dans l'intervalle;
 - f. a déjà fait l'objet, dans un Etat membre de l'Union européenne (UE) ou de l'Espace économique européen (EEE), d'une procédure d'asile qui a débouché sur une décision négative, à moins que l'audition ne révèle des indices donnant lieu de penser que des faits propres à motiver la qualité de réfugié ou déterminants pour l'octroi de la protection provisoire se sont produits dans l'intervalle.

(Loi sur l'asile 142.31, <http://www.admin.ch/opc/fr/classified-compilation/19995092/201307010000/142.31.pdf>, p. 14)

Appendix 4: Statement of emergency aid – the “white paper”

REPUBLIQUE ET CANTON DE GENÈVE
Département de la sécurité et du territoire
Office cantonal de la population et des migrations

OCPM
Service Asile et départ
Route de Chancy 50
Case postale 2020
1211 Genève 2

Chex. N° 19 novembre 2014

**ATTESTATION DE DELAI DE DEPART
ET D'AIDE D'URGENCE**

L'Office cantonal de la population et des migrations certifie par la présente que :

Nom, Prénom
Date de naissance
Nationalité
Généralité

Est l'objet d'une décision fédérale de renvoi de Suisse prononcée le 2 juin 2014, définitive et irrévocable.

Le titulaire de la présente n'est autorisé à exercer une activité lucrative et doit quitter la Suisse dans les meilleurs délais.

Il peut solliciter une aide d'urgence auprès de l'Hospice Général conformément à l'article 12 de la Constitution fédérale.

Service Asile et départ
VALANTIE DE L'ARRE D'URGENCE

10.12.2014 / SPH
15 JAN 2015
2 FEV 2015
12 MARC 2015

14-748829

Office cantonal de la population et des migrations - Route de Chancy 50 - 1213 Chancy
Tél. +41 (0) 22 646 46 41 - Fax +41 (0) 22 646 46 42 - E-mail: ocm@ocpm.ch ou ocm@cantons.ch
Horaires d'ouverture de 9h00 - 17h00 du lundi au vendredi - Lignes TPC: 14m 14, Bus N° 1, arrêt Libandol