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CITIZENSHIP,
BORDERS,
AND HUMAN NEEDS

Edited by

Rogers M. Smith

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Chapter 5

What Is an Economic Migrant? Europe's New Borders and the Politics of Classification

Karolina Szmagałska-Follis

In Contradiction: Economics, Security, and Human Rights

After the United States–Mexico border, the second longest border between a poor and an affluent region is the eastern external boundary of the European Union.¹ This essay discusses the selective permeability of this border, drawing on a larger study of the emergence of a new border regime between Poland and Ukraine following the 2004 expansion of the European Union. In 2005–2006 I conducted twelve months months of field research in Poland and Ukraine, among border guards and immigration officials as well as in migrant communities and civil society organizations. As a participant-observer of cross-border human traffic, I gathered vernacular accounts of crossing, policing, and subverting the border. I relied on historical sources, legal acts, policy handbooks, official statements, and independent reports to situate the accounts I collected within the larger context of “building Europe” east of the former Iron Curtain.²

If merits emphasizing that the sheer fact of Poland’s entry into the European Union did not result in any sharp increase in the numbers of migrants coming into the country. Since 2000 it has oscillated between three hundred thousand and five hundred thousand, depending on who is counting and how.³ But what did change is how migrants entering Poland are classified, assigned legal status, and represented in the public discourse. Drawing on fieldwork among Polish immigration officials whose job of rejecting and admitting foreigners into Poland has become intensely

complex in the aftermath of E.U. expansion, I ask what is the place, in these fraught politics of classification, of the capacious category "economic migrant."

Who are economic migrants in the "new" Europe? Which economic opportunities can they take advantage of? Which are foreclosed, and for whom? These questions are made particularly urgent by the fact that the once sharp categorical distinction between economic migrants and refugees is growing increasingly blurred. For most of postwar European history, and especially in the aftermath of the 1951 Geneva Convention Relating to the Status of Refugees, persons fleeing political crises and seeking protection abroad were defined as refugees, while those migrating voluntarily in pursuit of better earnings were characterized as economic migrants.⁴ Today, besides wars, among the most formidable hardships that trigger refugee flows are poverty, natural and man-made disasters, and prolonged low-intensity conflict. The experience of persons displaced under such conditions increasingly defies the distinction between economic migration and migration to seek political refuge. Their legal status is also ambiguous. But the restrictive asylum reforms of the past decade that seek to reduce to a minimum the numbers of refugees admitted to E.U. territory have led to the practical narrowing of the definition of the refugee and to the dismissal of the majority of asylum seekers precisely as "economic migrants," in practice persons at the mercy of the state, ineligible for international protection.⁵

If "third-country nationals" arriving from conflict-ridden and impoverished regions like the Caucasus and parts of Central Asia are increasingly unlikely to be legally recognized as refugees, can they take advantage of any alternative paths? Or will they be permanently sorted out and barred from access to European territories and resources, as the European Union as a whole and member states individually develop selective immigration policies that privilege some sending countries over others? As Sandra Lavenex observed, "At the national level, the claims for restrictive asylum reforms and internal security are linked through a fear of welfare losses and a spread of racism and xenophobia. Within the European Union, the need to cooperate in asylum matters has been presented from the outset as a necessary compensation for the abolition of internal border controls in the single market with its associated 'dangers' for internal security."⁶

Thus claims of internal and international security converge on the figures of the immigrant and refugee, and they lend legitimacy to the classifi-

catory system that distributes categories of migrant legality.⁷ These claims proved to be immensely versatile, responding to the fears of European constituencies over international crime, terrorism, drug trafficking, and job and welfare losses in the aftermath of the opening of internal borders.

It was in this context that asylum reform became an issue of border control, not of human rights. With the imperative to "fix" the system of admitting foreigners by, among other efforts, curtailing the "abuse of asylum" that was decried in Europe in the 1990s, the issue of refugees receded as a humanitarian concern and resurfaced as a matter of national and E.U. security. This new, security-driven approach to asylum not only obfuscates complex and ambiguous realities of human mobility, where persecution, victimhood, suffering, and voluntary versus forced departure are all relative and contested matters.⁸ It is also a harbinger of a new politics of access and exclusion, especially in places like Poland, where state authorities are attempting to develop an immigration policy for the first time in the history of a nation that for centuries experienced mostly emigration. This policy must at once conform to E.U. security standards, respect the state's human rights commitments, and respond to national economic needs (affected, among other factors, by massive departures of Poles seeking employment elsewhere in the European Union). Driven by these conflicting imperatives, the emerging approach to foreigners in Poland tends toward the lowest common denominator, that is, the connected assumptions that (a) asylum seekers are a suspect group of whom the majority are seeking to exploit the system while only the slim minority are the "truly" suffering deserving of political recognition extended via the granting of asylum; and (b) economic migrants are needed on the local market but they ought not to present security or integration challenges or drain the scarce resources of the state.

These assumptions are reinforced on the one hand by anti-Muslim sentiments radiating via the media from countries of the "old" European Union and on the other by the contemporary and historical representations of Poles abroad as "the good immigrants," self-reliant, hard-working, often victimized, but minimally burdensome to their hosts. According to some policy makers and media, there is a lesson to be learned from "old" Europe's immigration woes, or from what one Polish Interior Ministry official responsible for immigration policy described as the "French mistakes with the Arabs and the German mistakes with the Turks."⁹ Judging from this official's rather typical comments on the Muslim's "inability to assimilate,"

that lesson seems to be "don't admit too many, avoid the 'culturally different' and make sure that in the end they leave."

Against this background, the bureaucracy of legal status and the funneling of people into respective legal and administrative pipelines emerge not as neutral efforts to order human flows but as inherently political interventions that actively shape the contested landscape of immigration in Europe. Zygmunt Bauman notes that the sole existential mode of the ubiquitous boundaries that divide our world into the included and the rejected is the "incessant activity" of separation.¹⁰ In this vein, I am concerned here with the practices and tools for the sorting out of migrant persons, and with the precarious condition of people who are "classified out."

The sorting unfolds in institutional contexts that form the interconnected nodes of the border regime. One such node is the Warsaw Aliens Bureau, the governmental authority coordinating the legalization of foreign citizens in Poland and representing the first instance in asylum procedures.¹¹ When I met with the head of the bureau in the fall of 2005, he defended the high rate of asylum claim rejections on the grounds that "we cannot accept every economic migrant who just wants a better life and just waits for the opportunity to go farther west, to Germany or elsewhere in Europe." He said further:

Poland recognizes as many refugees, as many persons, in the course of the administrative procedure we conduct, convince us that they fulfill the requirements stemming from the Geneva Convention. That they are individually persecuted because of race, religion, nationality, or political views. This is the first thing. The second thing is that indeed we receive many, compared to other European Union countries, Russian-speaking candidates for refugees, but in great majority these people are *classic economic migrants* [klasyeczni migranci ekonomiczni]. This means that they left their own country primarily because of the economic situation in that part, where they . . . [hesitation] for example in the Russian Federation from where they originate.

This official's use of the notion of "classic economic migrants" deserves a closer look. In applying it to persons who have been denied recognition as victims of persecution, he symbolically displaces them from the community of refugees and characterizes their journey across borders as an act of

choice rather than necessity. He delegitimizes them as potential beneficiaries of the asylum system, which in theory is animated primarily by human rights concerns.¹² Instead the "Russian-speaking candidates for refugees" (and, indeed, non-Russian-speaking candidates as well) are recast as voluntary migrants, and as such subject to the policies and politics of border security and economic immigration. Rhetoric corresponds to practice—failed asylum seekers lose the right to accommodation in refugee centers, and in some circumstances can be detained and deported even while their appeals are pending.¹³ No longer assumed to be victims in need of protection, these third-country nationals instantly become undesirable and thus deportable. Even if what pushed them to leave home were indeed primarily economic and not safety needs, they are not the people who would be given the chance to meet the sizable demand for immigrant labor in Poland. For them, the asylum pipeline is the only chance to be legally admitted into Polish/E.U. territory, but when it fails, it is supposed to shoot them right back out (a perverse effect indeed when we note that one role of the sorting machinery is to guard against the abuse of human rights provisions). Meanwhile economic migrants from Ukraine (and to a lesser extent Belarus) are in the ideal structural position to meet the labor market's demand for immigrant workers.

The creation of the common "area of freedom, security, and justice," first declared as the European Union's goal in the Treaty of Amsterdam (1997), accelerated the abolition of checks on internal borders between member states and the reinforcement of external E.U. borders that had been planned as part of the Schengen Accords since the 1980s.¹⁴ The opening of internal borders to flows of goods, people, and capital went hand in hand with what Peter Andreas called the European Union-wide "pooling of sovereignty"¹⁵ in matters of internal security. New modes of policing were introduced (for example, enhanced policing of the interior, increased border guard powers at external borders, international police cooperation) that were to compensate for the opening of borders.¹⁶ Asylum and immigration were key areas affected by this rebordering. The freedom of movement within Europe had been designed for Europeans. But with internal borders open, third-country nationals admitted to one E.U. country could travel to another just as easily as citizens. This caused a great deal of anxiety in Western Europe on the eve of expanding the Union eastward. Politicians, the media, and especially representatives of immigration-weary constituencies were asking if the new members were fit to defend and protect the

external boundaries of Europe.¹⁷ Or would they be the weak link, allowing an uncontrolled influx of criminal and illegal immigrants into E.U. territory? Such fears, grounded as they were in xenophobia and a wider anti-enlargement sentiment, were not entirely baseless. In Poland the eastern borders after 1989 became an easy gateway chiefly for citizens of the former Soviet Union wishing to take advantage (primarily as petty traders and seasonal workers) of the opportunities of Poland's emerging capitalist economy, or to attempt an unauthorized westward crossing via Poland into Germany.¹⁸ This generally unobstructed traffic where small and large contraband was shuttled daily across the border between Poland and Ukraine, Belarus, Lithuania, and Russia's Kaliningrad District was a radical change after decades of maintaining a near-impermeable boundary between the Soviet Union and its western neighbors. For the impoverished inhabitants of eastern Poland and Western Ukraine, where I did fieldwork, this largely illicit but anemically policed traffic provided a source of livelihood, vital especially in the first decade of the postsocialist economic transition. But within the hegemonic discourse of systemic transition such flows were framed as a manifestation of disorder rife with corruption and lawlessness. They had to be curbed, if not entirely eliminated, if Poland was to become an E.U. member. During the period of preparing for accession the securing of borders emerged as a complex problem, requiring an ever-expanding body of professional expertise and involving the adjustment of laws, imposition of visa requirements, investment in high-tech border surveillance and the retraining of border guards for new tasks and responsibilities.¹⁹ Ensuring that foreigners entering Poland—be they short-term visitors, immigrants, exchange students, or asylum seekers—do so in an orderly and controlled manner was a critical and contested part of the rebordering endeavor. Critical, because tight borders were a condition of E.U. entry, contested, because the idea of raising a new wall between Poland and Ukraine undermined mutually beneficial cross-border contacts and thus triggered protests on both sides.

At its core, the European Union's "area of freedom, security, and justice" is an entire system of laws and regulations intended to demarcate political entities, police inclusion and exclusion, sense of belonging, and citizenship itself. It is a border regime of greater complexity than for example the Cold War division between East and West Germany. But like the *Grenzregime* in John Borneman's analysis of life in bisected Berlin, it organizes human experience in ways both mundane and profound.²⁰ The laws,

regulations, and bureaucratic arrangements of the new European "area of freedom, security, and justice" are designed to order and regulate heterogeneous forms of human and other traffic across international boundaries. Ostensibly animated by the ethos of open borders, E.U. national agents compensate for internal openness by constructing an intensely policed external borderline.²¹

To understand the new European border from an ethnographic vantage point is to abandon the certitude of territorial borders as clearly locatable political artifacts, markers of sovereignty, and privileged locations for the articulation of difference. The new borders are rather, as Chandran Kukathas argues in this volume, "complex systems of machinery" where the degrees of openness and the extent of permeability are determined along multiple axes. "Policy can . . . make borders more open and yet, at the same time, more closed. This is because policy can change the terms of entry in a number of different respects. It can vary the terms by specifying (i) what kinds of people may enter and what status they may hold on entering; (ii) how long they may stay; (iii) what qualifications or characteristics they must possess to enter; and (iv) what procedures they must follow to remain within a territory. Policy can also specify (v) the number of people admitted in various categories."²²

If this selective and variable permeability is a key feature of contemporary borders, then this insight must also guide ethnography. Therefore borders ought to be conceptualized as key sites in a tentative, mutable, and situated regime, which proliferates the categories and regulations for the sorting out of people, things, and territory in Europe today. To account for rebordering is to attend to the specific places, agents, and practices whereby sorting is performed on a day-to-day basis. Third-country nationals arriving at the external gates of the European Union are assigned different types of legal status with or without the right to work, such as temporary visas, residence, subsidiary protection ("tolerated status"), or refugee status. For others, the border regime stipulates no legal status, and therefore no sanctioned way to be present within E.U. borders.

The Sorting Machine

Jarek's looks were far from the stereotype of a square bureaucrat. On a spring day in 2005, when he greeted me at the guarded entrance of the

Aliens Bureau, he was sporting a ponytail, jeans, and a T-shirt, and only the ID card with a magnetic stripe that he was actually working around his neck served as a reminder of the fact that he was actually working there, employed by the Polish state to facilitate the sorting of "true refugees" from those who, well, apparently only pretended to be ones.

Jarek agreed to meet with me in order to explain how the Aliens Bureau, or more precisely its Asylum Department, protects itself from bogus asylum claims and how it sorts truth from lies in the testimonies of asylum seekers who explain to the bureau's caseworkers the specific conditions that had forced them to flee their home countries in the Caucasus, Central and Southeast Asia, the Middle East, and Africa. Since 1991 Poland is a signatory to the Geneva Convention on the status of refugees, and in the course of its accession to the European Union (finally completed in 2004) it also embraced the Common Asylum System that harmonizes administering refugee status in the European Union. That policy affirms the Union's commitment to the Geneva Convention, but it also introduces measures designed to (a) reduce the overall numbers of asylum seekers in Europe and (b) to ensure that the burden of admitting them is distributed among all member states, including the new ones.²³

The Geneva Convention defines a refugee as someone who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."²⁴ Of the approximately eight thousand people every year who file their asylum claims with the Warsaw Aliens Bureau, only about 5 percent are found to meet the Geneva criteria. Of the remaining applicants, approximately 40 percent receive (often as a result of an appeal) so-called tolerated status, that is, a form of subsidiary protection that protects them from deportation but grants no social benefits and no right to travel in the European Union.²⁵ The remaining applicants become "failed asylum seekers" whom the officials describe as "economic migrants" who are "simply searching for a better life." Having no access to legalization, they are either detained and deported to their countries of origin or—if they succeed in avoiding apprehension—disappear from the official radar and sink into a life of legal nonexistence in Poland or elsewhere in the European Union.

After greeting me at the door, Jarek took me upstairs to the smallish office where he and his team of five equally casually dressed colleagues (three men and two women) conduct their daily research on the situation in the non-European countries that generate refugees. They utilize vast resources of international Internet-based information services to answer detailed queries from caseworkers who interview asylum seekers whose applications are pending with the bureau. Everyone in the office holds an advanced university degree. There are three M.A.s in linguistics, one in ethnology, one in political science, and one in theology. All of the employees are well traveled and seem passionate about the countries they research. Languages spoken in the office include Russian, English, Ukrainian, Arabic, Spanish, French, and Georgian. At the time of my research the bureau's main object of interest was the situation in Chechnya, as approximately 90 percent of all persons seeking asylum in Poland came from there.²⁶ From their desks at the office the team members could compile detailed and up-to-date information on places and events in Grozny and vicinity, as well as in other places in Central Asia, the Caucasus, the Middle East, and Africa.²⁷ Their work yielded responses, as Jarek said, "that are precise down to the smallest detail, including local sports clubs, neighborhood stores and what one could buy there, restaurants, radio stations, neighbors, circumstances of particular raids, who was the chief of the village and what is the name of the street a person claims they lived on."

These data are then used in order to verify such details of asylum seeker testimonies as geographical locations, timelines of particular conflicts, armed attacks, kidnappings, and relations between different political factions or kinship groups. Ultimately, the data serve the cause of sifting what the officials regard as credible cases of individual persecution from those that will be dismissed as unfounded. "We know from experience," said Jarek, "that very many testimonies are simply made up." He explained that if applicants claim to be fleeing persecution, they should be able to provide verifiable information concerning who, and when and under what circumstances, has been a threat to them. Fleeing a situation that is not life threatening but merely difficult, whether on the account of war, political instability, or poverty, does not, he said, warrant international protection under the Geneva Convention. Moreover, echoing many of my other informants, Jarek added that Poland is not a wealthy country and does not have the resources to support refugees other than those who truly *had to*, not just *wanted to*, leave. ("There are five million Polish citizens who live in

poverty," another official at the bureau said to me, "they are the ones deserving the state's care and interest before we extend it to foreigners."²⁸

The work of Jarek's office and the rationales behind it are emblematic of the larger conceptual basis that underpins contemporary approaches to third-country nationals in the expanded European Union. The discourses and practices of regulating immigration at the outer edges of Europe today are not about blind exclusion. Instead they depend on the construction, and legitimization of a sharp distinction between voluntary and forced migration. Economic migrations are assumed to be voluntary, driven by a desire for a better life; only those migrants who were directly forced to leave their home countries can benefit from the privilege of asylum and the associated financial assistance that eases their entry into the new society.

The stakes of maintaining this distinction are high: Poland and other new member states located at the European Union's eastern edges must square their declared commitment to the protection of human rights with the imperative to guard the borders of the entire community against an "uncontrolled" influx of immigrants. To use Didier Fassin's terms, they must reconcile institutional compassion for the few recognized as legitimate victims of persecution with repression of the many assumed to be "merely" seeking an improved material standing.²⁹ National authorities do so in ways that are specific to local economic, social, and political contexts. But notwithstanding such particularities, they are all involved in policing the boundary between "genuine refugees," who will be offered the opportunity of legal inclusion, and presumably voluntary "economic migrants," who will not. Maintaining this boundary requires the production and sophisticated application of specialized knowledge, the task with which Jarek's team is charged. It is no accident that his unit is the youngest and best-educated one in the entire Aliens Bureau. As one of one of Jarek's bosses told me, "The foreigners don't like them. But they are in the avant-garde of the modern and truly European state administration."

Selective Permeability

As the case of Poland's eastern borders amply demonstrates, the refashioning of the national border into a supranational boundary does not happen seamlessly. Rather, it produces puzzling contradictions and dilemmas for

those in charge of protecting and enforcing borders. The new external boundary of the European Union is administered by the Polish government and patrolled by Polish border guards who (as I document elsewhere), conceive of themselves first and foremost as keepers of the national territory.³⁰ Yet the new policing protocols that govern their work emphasize impermeability and firm restrictions on the entry of non-E.U. citizens. These protocols are grounded primarily in E.U. internal security concerns, especially in the imperative to curb and prevent illegal immigration. The need to embrace the larger E.U. border agenda created an awkward dilemma for Polish authorities: how to fulfill Polish commitment to maintaining a tight boundary without stifling the ongoing traffic between Poland and Ukraine that since the early 1990s has been all but the lifeblood of the border region, and that in recent years has been bringing into Poland the urgently needed migrants eager to work in agriculture and construction and to fill the growing demand in domestic jobs as maids, nannies, and caregivers.³¹

This dilemma pushed Polish authorities to simultaneously embrace and resist the rigid border agenda. As E.U. border administrators and enforcers, the government bureaucrats and rank-and-file border personnel must show efficacy in maintaining strict control over human traffic and preventing the influx of "undesirable aliens." They rely on cutting-edge surveillance technology (digital X-ray machines and thermal cameras for detecting illegal immigrants, fingerprint scanners and microscopes for detecting document forgeries) and on new legal categories (such as E.U. and non-E.U. citizen, asylum seeker, Schengen visa holder, and so on) in the relentless practice of watching, sorting, admitting, and disposing of foreigners. In so doing, they convey and perform their civilizational aptitude and competence in "European standards."

However, notwithstanding their role as protectors of shared E.U. territory, the guards are simultaneously in charge of administering and enforcing the national border. With this task, the priorities change. While the invincibility of external boundaries serves the political demands of integration and is an essential element of the sense of supranational cohesion carefully crafted by agents of integration in Warsaw and Brussels, it can be politically problematic and economically impractical on the ground. In Poland, the need for good relations with Ukraine is a long-standing dogma of foreign policy, based on the premise that drawing former Soviet republics closer to "Europe" is beneficial in that it weakens Russia's imperial claims. Closing off the border does not serve this end.

More important, overall economic growth and the exodus of two million Polish workers to Western Europe—after E.U. borders and labor markets were opened—increased the demand for cheap labor that has been emerging with post-1989 economic growth and that was not matched by local supply. Opening the European Union to migrant workers from outside the Union would have required a political decision that no one was eager to make. Politicians on the left and on the right (whatever those imprecise terms mean in Poland) worried that creating favorable conditions for the legal employment of foreigners would be both politically risky and technically challenging.³² It would involve sanctioning the presence of third-country nationals and convincing the rest of the European community that these workers would not subsequently move farther west.

In the face of these challenges, the quotidian policing of boundaries, as I observed it during my fieldwork, entails keeping at bay immigrants and asylum seekers presumably headed for Western Europe, while cautiously admitting a steady flow of persons apparently seeking to enter the local labor market. Until December 2007, the document allowing most Ukrainian workers to enter Poland was a tourist visa.³³ Everybody—the guards, the consular officers, the Interior Ministry officials—knew that the Ukrainians presenting those visas were not tourists. Yet the unofficial policy has been, as the spokesman for one of the border guard units told me off the record, to “not make life difficult for them.” Thus the purportedly tight border was undermined by its own agents, so that the precarious and unregulated labor market at a postsocialist frontier could stay alive. In this sense, the E.U. external border has been no “fortress Europe” or new Iron Curtain. Instead it has developed into a flexible tool operating based on political rationales that are calibrated behind the scenes by administrators at various levels and that determine the openings and foreclosures experienced by the people who cross it.

Conclusion: Desirable and Undesirable Economic Migrants

Access to low-paid jobs without the right to legal residence or social protections is the opening available in Poland to economic migrants from neighboring countries, especially Ukraine. The migrants participate in a highly structured migration circuit, following well-traveled routes and tapping into existing immigrant networks to find employment on farms, in con-

struction, and as participants in what Saskia Sassen calls in this volume “the return of the serving class.” These Ukrainian nannies, housekeepers, cooks, maids, and caregivers make it possible for Polish middle-class women to step away from their traditional duties of household maintenance and to engage instead in lifestyles revolving around professional activities.³⁴ The presence of these workers is well known, accepted, and even desired, even though their work has not been legalized and therefore their rights as laborers are not subject to state protection.³⁵ Poland’s E.U. accession increased the demand for their work, and its December 2007 admission into the Schengen zone without checks on internal borders forced the first serious attempts to regulate this segment of the labor force.

These same jobs remain unavailable to economic migrants from farther away, notably to those who attempt to enter the European Union as asylum seekers and fail. Based on the assumption that they will not stay in Poland but will migrate farther west, thus undermining Poland’s reputation as a capable protector of the E.U. border, the asylum seekers are prevented from crossing the border in the first place. Chechens, Afghans, Pakistanis, and others are excluded from legal means of entry. Unlike the Ukrainians, they face often insurmountable expenses and intense scrutiny in their visa applications, and even if they manage to obtain a visa, they are often returned from the border on the grounds that they lack the means to finance their stay. The asylum process is their only opportunity to enter, save for an illegal crossing of the green border. Yet due to the extra surveillance and tremendous resources devoted to sorting “true refugees” from “economic migrants,” few are allowed to stay. As far as those who clandestinely sneak across the border, as with all illegal crossings, it is impossible to say how many people actually pursue this option, given that—as Peter Andreas has shown in his analysis of the use of statistics by the U.S. Border Patrol—the official statistics capture only those who attempted to cross and failed.³⁶ Currently in Poland this number oscillates around fifteen hundred people annually and does not include those immigrants who were apprehended by the Ukrainian patrols.³⁷ Either way, failed asylum seekers and failed clandestine crossers meet in the same detention centers maintained by border authorities in Poland and Ukraine, where they await deportation or the results of their appeals.

As Verena Stolcke noted in her prescient analysis of the rhetoric of inclusion and exclusion that has risen in Europe since the 1970s, it is not quite accurate to describe anti-immigrant constituencies as racist. Rather,

their contribution to the shameful history of prejudice and discrimination is a cultural essentialism that postulates "a propensity in human nature to reject strangers."³⁸ Stolcke shows that the construction of a radical opposition between nationals and foreign migrants relies on "a reified notion of bounded and distinct localized national-cultural identity and heritage that is employed to rationalize the call for restrictive immigration policies."³⁹ In postaccession Poland curious things are happening to this form of essentialism. An adherence to it is reflected for example in the remark by the head of the Aliens Bureau who expressed to me the view that "that there are things in the culture and psyche of the Chechen nation that just make it impossible for them to adapt to life in European society." But at the same time, the collective Polish experience of emigration to more affluent countries of Europe (and to the United States), with its ethos of hard work and pathos of underdog endurance, makes wholesale anti-immigrant arguments generally unpalatable and unpopular. Nonetheless, the stringent asylum policy and maintenance of a tight border trigger no protests and appear as wholly reasonable. Representing them as security devices partially accounts for their appeal. But equally important is the fact the border regime was implemented in ways that by and large didn't block traffic between Poland and Ukraine. This made it possible to view it not as directed against all migrants in general but rather as a tool for defending Europe from specifically those foreigners considered irredeemably other, possibly troublesome, and therefore undesirable. It is a particularly pernicious effect of the European Union's new border that those who are most energetically kept from entering are the ones whose human rights are often in the most dire need of protection.

As for the fact that economic migrants are needed west of the border, it appears that in the ongoing battle of contradictory imperatives that the immigration conundrum presents, one way out has been to agree that some foreigners are less foreign than others. "Those who easily adapt and whose culture is similar to ours will always be welcome," according to the same Interior Ministry official whose warnings against the French and German mistakes I cited at the start of this essay.⁴⁰ Ukrainians are the ones who fit the bill as white, Christian, and unthreatening non-E.U. Europeans. Chechens, Afghans, Pakistanis, and others from beyond the continental boundaries don't meet the criterion of cultural proximity and therefore, unless they must be admitted under international law as human rights subjects

and legalized as refugees, they will be excluded as a residual and disposable category, economic migrants beyond demand.

Epilogue: Some Human Consequences

The contradictions of the border regime created a system that is now in flux. As a result, economic migration is highly structured yet largely unregulated. In Poland, as elsewhere, abstaining from creating possibilities for legal employment while tolerating a vast so-called gray zone of unauthorized employment exacerbates the anxiety and determination in communities of actual and potential economic migrants.⁴¹ This vulnerability is exploited by outlaw entrepreneurs and their abettors recruited among the locals and in the ranks of state functionaries. On the Polish-Ukrainian border, a vast scope of illicit cross-border transactions—from the trade in cheap tobacco to the buying and selling of women—relies on tacit complicity and active collusion between various groups that participate in the borderland economy.

Ira, a Ukrainian woman in her thirties who has been coming to Poland since 2000 and recently legalized her stay through marriage to a Polish citizen, offered the following account of illicit dealings on the border:

I: When you come from Ukraine, there is a line. Sometimes you have to wait for three days. So, if you want to get in faster, you must pay.

K.: Who do you pay?

I: To the *mafiozy* [mobsters] who sit there and rip the money. They rip off everyone. They make this artificial line, the longer it gets, the more they can rip. Usually ten to fifteen dollars per person. So think about how much money this is, from so many people. From everyone in a *marshruka* [minibus], eight people in each one.

K.: What about the police?

I: What do you think. The police are there the whole time. After you pay they take you to the gate and you cross. This [payment] is called *pod budke*, "to the booth."

The observation that foreigners without papers are vulnerable to abuse might seem so obvious as to appear banal. Indeed, it is not lost on E.U.

legislators who devise the large-scale frameworks for keeping immigrants at bay. Investigating and prosecuting such crimes is a large part of the Border Guard's mandate, and one of the key elements in the European Union's commitment to cooperation in the realm of internal security. The policing of such infringements as the smuggling and trafficking in people, drugs, and other goods is motivated as much by the rhetoric of the rule of law as it is by the political urgency of meeting the oft-cited "E.U. standards." In Poland in the early 2000s, showing efficacy in investigating and prosecuting organized infringements on the border was part of demonstrating preparedness for "joining Europe." The numbers of prosecutions and convictions in smuggling and trafficking cases have risen.⁴² But even though statistics were showing an improved effectiveness of policing, the murky territory in the shadows of legality remained a fertile ground for maltreatment and exploitation. Persons I spoke to—especially young women traveling to Poland for work and young Ukrainian men working in Poland in construction—offered accounts of violence and shady dealings (for example, employers locking up workers, or mafia associates extorting a percentage of earnings from migrant workers).

Zina, a forty-three-year-old woman from a village near Ternopil, told me of being robbed at a bus terminal after she refused to voluntarily hand over three hundred zloty to the men who "protect" her cross-border bus route. She lost everything that she had earned during a three-month stint as a cleaning lady at multiple households in Poland. She returned with nothing to her husband and two teenage sons who had stayed back home.

Olena, twenty-five, told me about the time she got a job relabeling pickled vegetables that were past expiration date. She and a friend had to detach old labels and replace them with ones that carried a later date. They got locked up in the small factory for the night. They forfeited whatever income they might have earned while doing the job, and escaped through a window. Later, they avoided nonurban jobs, reasoning, rather naively, that getting enslaved and isolated is more likely in a scarcely populated rural area than in a town or city.

Zhenia, in his late twenties, who is from L'viv but lives in Poland without papers and alternates between renovation jobs and unloading produce at supermarkets, offered a story of a protracted argument with a private employer over pay. The employer, a well-heeled businessman with a large villa in a relatively wealthy Warsaw suburb, had hired Zhenia to rip out old tiles from his kitchen and bathroom. Zhenia was never told that the owner

apparently intended to reuse the tiles and that they were supposed to be taken out intact. ("It's impossible, anyway," he said of the idea that all the tiles be unbroken). After seeing the outcome of the job, the businessman concluded that Zhenia had to pay, with his own wages, for the broken tiles. "He even started counting them," Zhenia said. The argument between the two men lasted for a few days, when Zhenia would show up, alone and with a friend, and demand pay. Finally, desperate, he contacted other friends, to whom he referred as friends with "position." For a cut of the recovered earnings, they threatened the employer with a beating, thus persuading him to pay. The man was reluctant to report them to the police; there are fines for employing illegal migrants. For Zhenia's friends it was a standard service they provide to their oft-cheated compatriots.

As long as Zina, Olena, Zhenia, and hundreds of thousands of others have at most a tourist visa legitimating their stay in Poland, the moves and transactions that they engage in must stay invisible to the gaze of the state. This means that if abuse and other problems ensue, they are rectified (or not) independently of the state's control. This underside of the new E.U. border regime is only beginning to be addressed. As of 2007, the Polish government was taking steps to legalize the status quo. It is now easier than at the time of my fieldwork to register citizens of Ukraine and Belarus for seasonal employment in Poland. They are allowed to enter the country on a visa and work legally for 180 days of the year. If they exceed their stay, they fall right back into legal limbo. Alternatively, at six-month intervals they can shuttle between work and home. Thus they never settle down and never need to be integrated—yet another characteristic of a desirable economic migrant.