

## ***Bordering: a view from Portugal***

14<sup>th</sup> and 15<sup>th</sup> December 2017

Location: Room Multiusos 3, Edifício ID, FCSH-Nova, Av. Berna, 26, 1069-061 Lisboa

### **Workshop programme**

#### **Thursday 14<sup>th</sup> December**

09:30 – 10:00 **Registration**

10:00 – 12:00 **Session I – Chair:** Ambra Formenti, CRIA/FCSH Nova

- **Welcome and Introduction**, Ambra Formenti (CRIA/FCSH Nova), Ines Hasselberg (CRIA/UMinho), José Mapril (CRIA/FCSH Nova) and Francesco Vacchiano (ICS/ULisboa)
- **Keynote: Between captivity and abandonment: why we don't care about deportable people?** Barak Kalir, Department of Anthropology, University of Amsterdam

12:00 – 13:30 **Lunch**

13:30 – 15:30 **Session II – Chair:** José Mapril, CRIA/FCSH Nova

- **When does difference matter? Border-generating categories in the lives of migrants and refugees in northern Portugal**, Elizabeth Challinor, CRIA-UMinho
- **The making of invisible "bio-borders" in the EU. Implications on configuring categories of risk in Portugal**, Nina Amelung e Helena Machado, Institute for Social Sciences, Department of Sociology, University of Minho
- **Portugal's border regime: bureaucratic constraints and the fabric of inequality through Visa policies**, Fátima Amante, CAPP/ISCSP/UL

15:30 – 16:00 **Coffee Break**

16:00 – 17:20 **Session III – Chair:** Maria João Guia, Centre for Legal Research, University of Coimbra

- **Prison, crime and ethnicities: an empirical study**, Sílvia Gomes, CICS.NOVA UMinho, ISMAI
- **Deportation, punishment and everyday life in prison**, Ines Hasselberg, CRIA/UMinho

# Workshop programme

## Friday 15<sup>th</sup> December

10:00 – 12:00      **Session IV – Chair:** Ines Hasselberg, CRIA/UMinho

- **The new Portuguese asylum law in "Fortress Europe"**, Antónia Barradas, University of Coimbra
- **Migration-related detention in Portugal: data from the field**, Francesca Esposito (ISPA-University Institute of Lisbon), José Ornelas (ISPA-University Institute of Lisbon), Caterina Arcidiacono (University Federico II of Naples), Raquel Matos (Universidade Católica Portuguesa)
- **Gender and migration control: experiences of foreign women detained in Portugal**, Raquel Matos (Universidade Católica Portuguesa), Francesca Esposito (ISPA-University Institute of Lisbon), José Ornelas (ISPA-University Institute of Lisbon), Caterina Arcidiacono (University Federico II of Naples)

12:00 – 13:30      **Lunch**

13:30 – 15:30      **Session V – Chair:** Marcela Contreras, ULisboa

- **Migrant bodies and medical bordering: the case of Bissau-Guinean evacuated patients in Portugal**, Ambra Formenti, CRIA-FCSH Nova
- **Ethnographies of waiting: biographies, borders and deportability in Lisbon**, José Mapril, CRIA-FCSH Nova
- **Extreme delocalization: on the fantasy of governing refugees' time and work in Portugal**, Francesco Vacchiano, ICS-ULisboa

15:30 – 16:00      **Coffee Break**

16:00 – 17:30      **Session VI – Chair:** Francesco Vacchiano, ICS/ULisboa

- **Debate**

# Workshop Abstracts

## When does difference matter?

### **Border-generating categories in the lives of migrants and refugees in northern Portugal**

Elizabeth Challinor, Centre for Research in Anthropology, University of Minho

The article examines how border-generating categories are produced in social and bureaucratic encounters in northern Portugal. It focuses on three different sites: encounters between refugees and voluntary hosting institutions; bureaucratic encounters with state officials and the organization and implementation of social activities promoted within the ambit of a Local Integration Plan, financed by the government's inter-ministerial Strategic Plan for Migration. Through an analysis of the ways in which the significance of an individual's citizenship status changes according to the context of each encounter, the article addresses the following questions: when does difference matter and to whom? Whose interests are served and ignored when differences are suspended or accentuated? In which circumstances do migrants and refugees comply with or contest the imposition of border-generating categories? The analytical limitations of the concept of human agency for researching these processes are discussed in the light of Laidlaw's (2002) alternative focus on the exercise of human freedom.

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## **The making of invisible "bio-borders" in the EU.**

### **Implications on configuring categories of risk in Portugal**

Nina Amelung\*, Institute for Social Sciences, Department of Sociology, University of Minho

Helena Machado, Institute for Social Sciences, Department of Sociology, University of Minho

Transnational crime control regimes increasingly rely on biometric data crossing borders. Inspired by Actor-Network-Theory approaches to social sorting of databases we focus on the performative aspects of an EU-based transnational network for the exchange of DNA profile data which aim to combating cross-border *crime and terrorism*. We aim to theoretically explore the making of partly fluid and partly restrictive "bio-borders" as spaces of intersection of distinct judicial-political order(s) for biometric databasing and data exchange. We explore the concept of "bio-borders" as a way of understanding how invisible biometric borders are erected for surveillance of criminalized (non)citizens. We focus on the Portuguese case to demonstrate how participation in the transnational governance of crime triggers local political enforcement and negotiations towards the global promise to contribute efficiently to the management of transnational criminal threats. Our conceptual paper goes beyond the distinction of dichotomies of inclusion or exclusion, shedding light on the configuration of refined groupings and mappings of groups and individuals emerging as a consequence of new policies and technologies. This perspective emphasizes the distinction between pre-given classifications and ontological modifications resulting from biometric databases and data exchange.

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## **Portugal's border regime:**

### **Bureaucratic constraints and the fabric of inequality through Visa policies**

Fátima Amante, CAPP/ISCSP/UL

This paper discusses the Portuguese border regime through the analysis of public policies on border control and immigration management. I will address specific bureaucratic practices regarding visa waiver and

concession, which are an important part in controlling immigration in Europe. The Portuguese state has been depicted, from abroad and within, as one of the few European states with a very proactive policy in welcoming and integrating immigrants. This must not, however, be interpreted as synonymous to loose borders or a disposition to accept all who attempt to enter and settle in the country. Within the frame of the Schengen regime, consecutive Portuguese governments have been following the general European trend of hardening border control. Borders are not simply open or closed: they are open for some and closed for others. In focusing on how this selection is made through visa policies and practices, I discuss its relevance in creating categories of wanted and unwanted migrants, and its impact on inequality between immigrants.

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**Prison, crime and ethnicities:  
An empirical study**  
Sílvia Gomes CICS.NOVA UMinho, ISMAI

In the context of crime studies that articulate variables as race, ethnicity, class, and gender, it seems that issues of social inequality are transversal, both in an attempt to understand the roots of crime and the performance of the criminal and social control institutions. Based on a qualitative study developed in Portugal, this paper argues that the pathways to prison of male and female individuals of particular foreign and ethnic groups must be understood in two ways: (i) not only by the objective living conditions, which may result from various social inequalities along their life trajectories, but also (ii) by the role that the criminal justice system itself plays, in particular through an effective difficulty in the access to law and justice by particular segments of the population which renders them more likely to be caught by (and kept) the justice system. The paper thus analyses how objective living conditions and intersections between class, gender, citizenship and ethnicity impact on criminal involvement. The discussion considers theoretical and practical bridges on the understanding, at the political level, of the criminal phenomenon as linked with race, ethnicity, citizenship and gender. In doing so, the paper shows how the state creates borders of social vulnerability and reproduces social inequalities.

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**Deportation, punishment and everyday life in prison**  
Ines Hasselberg, Centre for Research in Anthropology, University of Minho

The deportation of unwanted foreign-nationals appears today as a prevalent tool in border control - one that allows for the development of a politics of exclusion and global inequality. Following this trend, Portugal displays a set of legal provisions that allow for the removal of undocumented foreigners and the deportation of foreign-nationals who have been convicted of a criminal offence. Yet, Portugal makes limited and inconsistent use of such policies. In this paper I seek to examine precisely how the apparently arbitrary enforcement of deportation policies impacts on the experience of imprisonment for different segments of the foreign-national prisoner population. Drawing on qualitative data collected among male foreign-national prisoners in Portugal, I look at the daily lives of foreigners in prison to examine the obstacles and opportunities that their lack of citizenship affords them. I take into account their own perceptions of membership and deservedness with regards to their migration trajectories, imprisonment and possible deportation from the country. In doing so, I seek to complicate the intersections between punishment, identity and border control in Portugal and elsewhere.

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**The new Portuguese asylum law in "Fortress Europe"**  
Antónia Barradas, University of Coimbra

This paper will discuss recent developments in Portuguese asylum law following the EU Dublin Regulations. The revision procedure of the new asylum law in Portugal brought to the fore matters of detention and *non-refoulement*, as well as other human rights issues. While respect for the *non-refoulement* principle was maintained after considerable deliberation one major issue remained unattended: that of immigration detention. While previously Portuguese asylum law only allowed the detention of asylum seekers in very particular circumstances, the new law has broadened its eligibility. This was so, even though Portugal had no obligation as a Member State of the European Union to adopt such policies in the process of harmonization with EU Directives regarding the Common European Asylum System. This paper approaches this change in eligibility to detention in order to discuss how the revision process in Portugal resulted in a new asylum law legislation that is less favorable to asylum seekers.

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**Migration-related detention in Portugal:  
Data from the field**

Francesca Esposito, ISPA-University Institute of Lisbon

José Ornelas, ISPA-University Institute of Lisbon

Caterina Arcidiacono, University Federico II of Naples

Raquel Matos, Universidade Católica Portuguesa, Centro de Estudos em Desenvolvimento Humano

Detention is proliferating as a governmental response to transnational human mobility in a global scenario characterized by concerns for homeland security (Hiemstra, 2014), and an increasing criminalization of migration (Ackerman & Furman, 2014; Stumpf, 2006). Yet, among scholars, activists, politicians, and members of civil society organizations, many have denounced this practice, defining detention centers as “sites of exception, where regimes of police prevail over regimes of rights” (Fassin, 2011, p. 219). In Portugal, the practice of confining people due to their migrant status has relatively recent origins, dating back to 2006, which saw the opening of the first detention center – called Temporary Installation Center (Centro de Instalação Temporária) - in the city of Porto. Despite much evidence has been provided about the consequences of detention on detainees’ mental health (see Bosworth, 2016), we still know relatively little about the life in these sites of confinement and the lived experiences of people inside them (Bosworth, 2014). Based on 20 months of fieldwork (July 2015 – March 2017), this contribution draws on 233 hours of participant observation, informal conversations, and 36 topic-focused interviews with detainees. An ecological community psychology framework has been adopted to guide the data collection and interpretation. This original empirical material sheds light on the nuances of everyday life in detention, and on how detained migrants struggle to cope with and give meaning to the experience of confinement. Based on these data, the nature and impacts of detention as a solution for managing mass migration are discussed.

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**Gender and Migration Control:**

**Experiences of Foreign Women Detained in Portugal**

Raquel Matos\*, Universidade Católica Portuguesa, Centro de Estudos em Desenvolvimento Humano

Francesca Esposito, ISPA-University Institute of Lisbon  
José Ornelas, ISPA-University Institute of Lisbon  
Caterina Arcidiacono, University Federico II of Naples

In recent years, new migration patterns emerged in Europe and national cross-border control agencies became more complex and broader in their reach and action. Therefore, foreign nationals are now commonly detained for immigration purposes. This paper draws on a research project that aims to understand how gender, migration paths and border control intersect in the lives of women detained for not having leave to remain in Portugal. Several visits were made to a 'Housing Unit' of the Portuguese Border Control Agency and ten female detainees were interviewed. Data were analysed focusing on the role of gender on women's experiences of mobility and detention. The findings challenge assumptions about the relation between gender, migration and the detention of foreign-national women. They reveal how gender plays a crucial role in women's mobility and how lack of citizenship itself (or secure migration status) can be used as a control device within the context of an intimate relationship. The way detention reinforces or mitigates adversity in the lives of these women is also given due attention and discussion.

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**Migrant bodies and medical bordering:  
The case of Bissau-Guinean evacuated patients in Portugal**  
Ambra Formenti, Centre for Research in Anthropology, FCSH-Nova

In a world where the increasing mobility of people coexists with the multiplication of borders, migration for health reasons brings to light the contradiction between humanitarian principles and the tightening of migration policies. Within this framework, the right to healthcare remains one of the last frontiers of legitimacy, as it can justify humanitarian exceptions to migrants' illegalization. On this basis, Portugal signed a series of international cooperation agreements, ratifying the right of citizens from Portuguese-speaking African countries to apply for a visa for medical treatment in Portugal, if the necessary therapies are not available at home. However, the policing devices used at borders to separate "regular" from "irregular" foreign-nationals are reproduced in Portuguese hospitals, where the bodies of evacuated patients are scrutinized in search of biological evidence of (il)legality, on the assumption that migrants lie in order to obtain documents. In this paper, I take into account the case of Bissau-Guinean patients in Portugal, in light of recent literature on biopolitics, humanitarianism and migration policies. Drawing on life stories and therapeutic courses of these citizens, I examine the ways in which, in hospitals, medical bordering devices are exercised on patients' bodies, as well as the impact of these practices on the lives of migrants and the strategies of patients to deal with them.

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**Ethnographies of waiting:  
Borders, status and subjectivities among Bangladeshis in Lisbon**  
José Mapril, Centre for Research in Anthropology, FCSH-Nova

The multiplication of status and categories as a form of governing migrations is one of the major changes in immigration and border regimes in North America and in Europe (De Genova and Peutz 2010, Mezzadra and Nielsen 2013). In spite of its historical and contextual specificities, the Portuguese case reveals a similar trend in which, over a period of thirty years, the immigration and border regime produced a multiplicity, and an often confusion, of status that differently regulated/segmented mobilities, labor market participation and access to health care and to full rights of citizenship. The aim of this paper is to show the connections between this multiplication of status, the segmentation of mobilities and migrant subjectivities and practices and how all these tensions reveal

themselves in the bodies and expectations of our interlocutors; what some authors call border biographies (see Hibou 2013). Based on a long term ethnographic research, and in life stories collected between 2002 and 2016, among Bangladeshis in Lisbon, this paper reveals the biographic dimensions of border making processes, made manifest, in this case, in the experiences of waiting. Simultaneously, it will also address the practices developed by my interlocutors to circumvent their predicament and categorizations.

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**Extreme delocalization:  
On the fantasy of governing refugees' time and work in Portugal**  
Francesco Vacchiano, Institute for Social Sciences, University of Lisbon

According to the redistribution plan laid down in the 'European Agenda on Migration' – the EU response to the so-called 'refugee crisis' of 2015 – Portugal is to receive 4,775 asylum seekers 'relocated' from Italy and Greece. Within this framework, Portuguese authorities have set up a reception programme based on the voluntary participation of NGOs and local councils. As a result, reception has been undertaken by a number of diverse actors and institutions, with scarce experience in refugees' integration and often located in peripheral districts of the country. Although in such locales jobs and opportunities are often severely limited, asylum seekers are forced to stay in the places they are assigned to, under the threat of losing the (scarce) benefits provided by the state. In this contribution I discuss how borders are reproduced in the daily lives of 'relocated' asylum seekers in Portugal through spatialization and localization. I argue that such forms of 'extreme delocalization' are underpinned by the fantasy of regulating refugees' time and work, in the attempt of producing specific forms of subordinate integration. I frame my analysis in a discussion on the apparatuses of the contemporary border regimes and their way of operating through administrative procedures and programmes of social inclusion.

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# Workshop Delegates

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