Serving or controlling ? : conflicting logics of migration policy in Poland after the 2013 Act on Foreigners : a case study of the Department of Foreigners of the Masovian Voivodeship Office

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Serving or controlling? Conflicting logics of migration policy in Poland after the 2013 Act on Foreigners

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Introduction

As the Department of Foreigners of the Masovian Voivodeship Office opens its doors at 10 am on Monday June 16th 2014, a queue has already gathered in front of the old building situated near the historic Old Town of Warsaw. The crowd spreads all the way to the nearest street crossing. Some people have been waiting many hours into the night. This is my first day in the Department and the security agent at the entrance hesitates to let me in. As soon as the doors open, people begin pressing in to enter, amid a climate of confusion.

I am firstly sent to a room where clients seeking information are directed. The room contains two main work stations, and a smaller one to the side. A huge map of the world decorates one of the walls, while others sport posters recapitulating the standards of client reception, as well as children's drawings from a Voivodeship-wide competition meant to promote positive attitudes toward foreigners. A number of informative leaflets printed by Polish Migration Forum – a non-governmental organization collaborating with the Department – are to be found in the room. Many pieces of equipment bear small stickers indicating that they had been purchased from the "Information Center for Foreigners II" project, funded by the European Fund for the Integration of Third Country nationals. On each desk there is also a list prepared by a partner NGO as the same project. Each person received should be asked to sign it, but the officers rarely encourage anyone to do so because of the extra time it would take.

The first person to come in and be received by the officer on duty is a professional intermediary whose company specializes in representing foreigners in front of the Department. He knows the procedures well and only comes to ask for some specific pieces of information. Next in line is a Polish-speaking man who needs help filling in his application form. After him, a man arrives who only speaks English and Russian. The officers asks the previous client[1] to translate. (…)

Once they both leave, she complains about having "no patience left". (…) She has been working in the Department for six years and has had enough of the job. She claims things used to be better, even though there has always been a lot of people. Nowadays, her section receives around 300 people per day, and by 11 am there can be over 30 persons queuing in to be received. (…)

Another intermediary comes in and behaves with great familiarity towards the officer. Once he leaves, she says she knows him well and criticizes him for taking foreigners' money and often not doing the job correctly, causing his clients to lose legal status.

A Polish-Serbian couple comes in next. The officer finds them to be a typical example of people who do not really live in Poland, but only apply there as a conniving way of getting a residence permit.

Halfway through the work day the computer breaks down, the keyboard stops working and it is necessary to change work stations.

Every 2,5 hours the officers switch places between the information room, and a telephone room where they provide information remotely. Breaks are also spent in the telephone room, as there is no special space allocated. The officers eat their meals in whatever private space they can find. They prefer not to spend too much time in the corridors, fearing accusations of laziness. During the break officers complain about the high workloads and the poor financial conditions of the job: low salaries, a lack of career perspectives, and insufficient or inaccessible social protection measures. (…)

At the end of the day, I leave the building with one of the officers. On our way out, we talk about the new Act on Foreigners, which he considers to be one of the most liberal in Europe. We speak about articles that might cause difficulties of interpretation, such as the possibility of granting residence on the basis of non-formalized relationships. The officer is not certain how such a relationship is defined, but suggests existing practices from other fields should be copied in this case. He also tells me how thankless this job is – the

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[1] The reasons behind the choice of the word *client* to describe the public of this public administration agency are given in chapter I.2, together with other considerations linked to the choice of vocabulary.

officers often have to deal with the frustration of the public, they are underpaid, and unappreciated. He explains that he sees work in the Civil Service as a form of vocation. [Field Journal, 16.06.14]

The brief and seemingly trivial encounters between civil servants and their public described in this passage from field notes gathered at the Department of Foreigners of the Masovian Voivodeship Office in the summer of 2014, constitute a marking element of the experience of living in Poland for a significant number of foreigners, and they can appear revealing of the relation between state institutions and the non-nationals present in the country. Migration into Poland, while still limited in numbers, is a growing phenomenon – the entry into force of the 2013 Act on Foreigners both attests to this growth and has had an important role in bolstering it further. As of January 1st 2015 there have been 175.065 foreigners with valid documents entitling them to reside in Poland[2]. This number, while relatively low, represented an increase from previous years, but is incomparable with the escalation that followed the adoption of the new legislation. Within a year from May 2014 when the Act was first implemented, a 76% rise in the number of applications for legalization of residence could be noted[3]. Among those applying, an important proportion would have had to stand in the queue described above, pass through the crowded entry, and wait to be received by one of the above-mentioned officers.

Defining the object of study – the Masovian Department of Foreigners as a place and as key actor of the field of migration policy

Indeed, the Masovian Department of Foreigners is one of a series of public institutions that non-nationals who wish to reside in Poland encounter throughout their journey and their stay in the country. This agency – a subdivision of regional state administration – is responsible for the legalization of residence and work of non-nationals on Polish territory, as well as for granting citizenship. This implies that, with the exception of those applying for refugee status and those residing solely on the basis of visas, every foreigner living in Poland's central region of Masovia is required to appear before the Department at some point or other of their time in the country. It is one of the few manifestations of the Polish state they deal with on a regular basis. What is more, approximately half of all the cases concerning legalization of foreigners' stay are processed in the Masovian Voivodeship[4] and the capital city of Warsaw, which means that the Masovian Department of Foreigners is part of the common day experience of living in Poland for an important proportion of those arriving and residing

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[2]   URZĄD DO SPRAW CUDZOZIEMCÓW, 2015, *Biuletyn statystyczny 2012-2014*
[3]   URZĄD DO SPRAW CUDZOZIEMCÓW, 2015, *Podsumowanie roku ustawy o cudzoziemcach*
[4]   URZĄD DO SPRAW CUDZOZIEMCÓW, 2015, *Biuletyn statystyczny 2012-2014*

in the country.

The crowded entry described in the first paragraph of the excerpt above is the first impression those foreigners get of a public institution in charge of their formal status on Polish soil. The above-presented account of a day in the life of this agency draws attention to an important aspect of the foreigners' relation with the state: while their options, possibilities, and life circumstances are delineated by formal rules established by law, foreigners do not encounter those rules in their abstract form, as legal documents or policy guidelines. Rather, they are met with them through the intermediary of concrete agencies meant to enforce them – agencies that exist as specific organizations, places, and people. It is in those agencies that they are required to fulfill particular procedures, that they are submitted to a waiting time, that they interact with civil servants, and are eventually issued decisions that will impact their lives. Those encounters take place in given settings, with a certain organization in space, a specific appearance of the surroundings, and by intermediary of a number of objects, such as documents, informative materials, or electronic equipment. They unfold according to a set of procedures that determine movements in space and actions to be taken. In short, the state policy applied to foreigners and the legislation guided by that policy affect people's lives not in and of themselves but as they are embodied and given form by the agencies responsible for their implementation. It is the administrative agency as a concrete place that this study is concerned with.

Furthermore, if the concrete existence of public administration agencies such as the Masovian Department of Foreigners as places is an important aspect of foreigners' contacts with the Polish state, this is all the more the case of the people this agency employs. They are the ones responsible not only for the decisions taken in each particular foreigner's case, but also for the handling of those cases before the decision and for the contacts with the public. They provide information, receive and register application forms, and issue documents. They serve as both helpers and gatekeepers throughout all the procedures foreigners are required to undergo in order to live and work in Poland. As the above passages from a day of field work at the Department illustrate, this study takes a closer look at the daily, inner life of this public institution. It examines the practices that emerge and the routines the officials follow as they go about their work. It takes into account the difficulties they may be faced with, and the solutions they come up with. It is also an inquiry into their own perception of their work – their goals looks and their fears, their self-image, and the image they form of their public. It aims to look inside the institution, behind the official texts that define its role, and see what guides the behavior of specific people in specific interactions – to take a closer look at the reality foreigners encounter when dealing with the Polish state, but also at the one this state's

civil servants cope with daily.

However, the everyday professional life of those officers does not exist in a vacuum. The agency which employs them occupies a specific place within state structures, which determines its function, its goals, and a significant part of the conditions of its functioning. The officers of the Department are members of the Civil Service, implying that any policy or decision applying to this group concerns them as well. As shown by the complaints of officers in the excerpt above, superposed with the conviction some of them express that their work is a "vocation", the way the job is perceived and accomplished is closely related to material and financial work conditions, as well as to ideas about who a civil servant should be and motivations guiding the choice of becoming one.

Simultaneously, both the conditions of their work, and their responses to them – in terms of practices and work routines, but also of ideas and representations – are intimately linked to an institutional framework as well as to the activities of a series of actors engaged in work around related topics. The passage from the first day of observation at the Department makes it clear that the presence of those other actors is immediately visible: besides the officers themselves and their foreign public, one can note the use of materials printed by non-governmental organizations, or the activity of professional intermediaries. The pictures from a Voivodeship-wide competition for schoolchildren remind the observer of the Department's inscription in and cooperation with the overall framework of regional administration, while stickers marking pieces of equipment purchased from EU funds bear witness to the agency's links with European institutions. Those contacts – with superiors within the administrative hierarchy, but also with actors abroad, or stakeholders outside of public institutions – have a bearing on how the officers define their job and how they go about accomplishing it. Sometimes this may take place in very tangible ways, as when an institution or organization finances additional equipment. In other cases, this influence is more subtle, as in the case of a general idea of tolerance and inclusiveness that seems to be promoted in the children's pictures displayed on site.

The interaction itself – the moment when a foreigner comes face to face with a state representative – can thus be seen as a point where those different factors converge, a place where the diverse, sometimes contradictory, logics characterizing the above-mentioned frameworks and sets of actors crystallize. In a sense, it is the instant where policy encounters its object, but it is also arguably the spot where both the inner complexities of that policy, and the various influences that shape its concrete form are best observed. It is in such a perspective that the face-to-face encounters at the front desks of the public administration agency are considered here.

The present work is a case study of Department of Foreigners of the Masovian Voivodeship Office, in particular as it functioned in the summer of 2014. The agency in question is seen here as one example of such a place where Poland's immigration policy is not only implemented, but also shaped and embodied through the work of specific people and their contacts with other actors in their field. The sections of the Department that deal directly with the reception of the public are the main subject here. Attention is focused especially on the process of "case-handling"[5], and only sporadically on decision-making. This is justified on the one hand by the choice to center interaction as the main topic, and on the other by the limited latitude left to the officers making the decisions – an aspect that will be discussed in detail in chapter III. While this one particular public institution cannot be seen as representative of the totality of Polish public administration, nor even of similar types of institutions, this case can throw a light on the immigration policy itself, on the logics of the framework put in place to implement it, and on the dynamics prevailing among the actors concerned.

These are the initial observations and assumptions leading to the formulation of research questions, and guiding the choice of theoretical background and method for this study.

Research aims and questions

The work presented here is governed by several aims. Firstly, it is situated at the intersection of sociology and political science, and links a reflection about the process of policy formation with a micro-scale study. The goal is to show that an anthropological style study of an institution can enrich the understanding of a wider policy area. Secondly, it is an analysis of interactions, as well as the organization within which they take place. Hence, it is also an attempt at bridging the different perspectives and theoretical traditions that typically focus around those two objects. Thirdly, the objective is also to add to the knowledge about Poland's migration policy by looking into the experience of the civil servants applying it. In that sense, the insights gained through the above-mentioned approach are meant to enrich the understanding of a particular field of policy in a given country.

Several specific and interrelated research questions stem from those general aims. The main one can be formulated as follows: (1) What configuration and dynamics of the organizational field of migration policy in Poland can be discerned in the everyday functioning of the Department of Foreigners and how do elements of the field translate into the observed interactions?

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[5] See: EULE, Tobias G, 2014, *Inside Immigration Law*. Farnham: Ashgate Publishing Ltd.

To helps solve this question, it is also necessary to ask how the officers cope with the challenges of their work. A set of secondary questions thus emerges: (2) What intellectual and interpretative tools are at their disposal? What ideas and conceptions do they mobilize to understand their own situation and that of foreigners? What role does their position in the hierarchy of public administration and more generally in the field play in shaping the interactions? What is the framework of interpretation that will ultimately guide their reaction in relation with a given immigrant?

A supplementary question arose during first visits in the Department and concerns the contradiction between on the one hand noticeable tensions inside the institution, difficult conditions for clients, and their overwhelming dissatisfaction; and on the other the efforts made by the Department personnel to ameliorate the service and foster a positive image. It is necessary to reflect on the sources of such tension and one must ask why the efforts made to insure a satisfactory service fail (3).

Attempting to respond to those questions, the analysis tests the assumption that the tensions visible in the Department can be treated as symptoms – that they are partly the consequence of the presence of contradicting institutional logics. Moreover, it is postulated that those logics are not specific to the Department, but are characteristics of the organizational field the institution belongs to. Their contradiction reflects to an extent the competition and struggle over legitimacy between actors of that field. Thus, the study aims to contribute to the understanding of the dynamics of the field itself.

Theoretical background

The object and aims of this work situate it within several fields of research. Since a detailed discussion of the theoretical background and more precise definitions of the concepts employed are given in chapter I.1, this introductory section reviews those inspirations only very briefly.

Firstly, this study is an inquiry into what can be referred to as "street-level bureaucracy"[6] or *politiques du guichet*[7]. That is to say, it looks at public policy through the lens of its direct implementation by the front-line civil servants who, in a sense, play the role of a link between state institutions and their public. On that account, the present work adds to a growing array of studies of public administration and public policy at the street-level[8],

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[6]   LIPSKY, Michael, 2010, *Street-level bureaucracy*. New York : Russell Sage Foundation.
[7]   DUBOIS, Vincent, 2010, Politiques au guichet, politique du guichet. In : *Politiques publiques*. Paris : Presses de la Fondation nationale des sciences politiques.
[8]   See for instance:
       ARCIMOWICZ, Jolanta, 2003, *Rzecznik praw obywatelskich*. Warsaw : Trio.
       DUBOIS, Vincent, 1999, *La vie au guichet*. Paris : Economica.

including analyses that apply this approach to migration-related public institutions[9]. It is also akin to qualitative studies of legal frameworks and institutions[10].

Secondly, the study draws on an interactionist understanding of face-to-face interactions[11] and applies a dramaturgical perspective[12] to the functioning of the Masovian Department of Foreigners. However, such a classical interactionist approach is not without limits. In particular, as illustrated by the presence of the multiple actors mentioned in the passage above and their complex influences on the work of the officials in the Department, it is impossible to separate the interaction from its wider context, and hence several manners of conceiving the embeddedness of interactions are – thirdly – also explored.

In particular, the concept of field, as theorized by Bourdieu, but also as later applied to the study of organizations through the reference to organizational fields[13] seems of use in the present case. Indeed, as mentioned above, the activity of the Masovian Department of Foreigners appears deeply related to that of a series of adjacent agencies and sets of actors, and it is only through accounting for the complex interplay between them that the case under study can truly be understood. Moreover, attention needs to be paid to the potential emergence of common systems of meaning among those actors[14], as well as the power relations that structure their interactions.

Lastly, one other important element necessitating theorization emerges from the empirical material. As visible in the introductory excerpt, the work of the civil servant is

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DUBOIS, Vincent, 2010, *The bureaucrat and the poor*. Burlington, VT : Ashgate.
SIBLOT, Yasmine, 2002, Stigmatisation et intégration sociale au guichet d'une institution familière le bureau de poste d'un quartier populaire. *Sociétés contemporaines*. 2002. Vol. 47, no. 3.
SIBLOT, Yasmine, 2006, *Faire valoir ses droits au quotidien*. Paris : Presses de Sciences Po.

[9] For instance:
SPIRE, Alexis, 2008, *Accueillir ou reconduire*. Paris : Raison d'agir éd.
EULE, Tobias G, *ibid.*

[10] See for instance:
KURCZEWSKI, Jacek, 1982, *Spór i sady*. Warsaw : Instytut Profilaktyki Spolecznej i Resocjalizacji UW
KURCZEWSKI, Jacek and FUSZARA, Małgorzata, 2004, *Polskie spory i sądy*. Warsaw : ISNS UW.

[11] See: BLUMER, Herbert, 1969, *Symbolic interactionism*. Englewood Cliffs, N.J. : Prentice-Hall.
MEAD, George Herbert, MORRIS, Charles W, 1967, *Works of George Herbert Mead*. Chicago [u.a.] : Univ. of Chicago Press.

[12] As defined by Goffman:
GOFFMAN, Erving, 1959, *The presentation of self in everyday life*. Garden City, N.Y. : Doubleday.
Idem, 1967, *Interaction ritual; essays on face-to-face behavior*. Garden City, N.Y. : Doubleday.
Idem, 1971, *Relations in public*. New York : Basic Books.

[13] HOFFMAN, Andrew J., WOOTEN, Melissa, 2008, Organizational Fields. In : *The SAGE Handbook of Organizational Institutionalism*. Los Angeles : SAGE.

[14] In this sense, this work draws inspiration from literature from the field of anthropology of organizations.
See for instance: CZARNIAWSKA, Barbara, 2016, Antropologia organizacji: wczoraj i dziś. *Problemy Zarządzania*. 2016. Vol. 9 (2), pp. 11-29.

everything but dispassionate – it is fraught with small frustrations, potential tensions, and efforts made to deal with them. In this sense, the administrative work is also considered here as a form of "emotional labor"[15]. Moreover, emotion is seen as an indicator that offers supplementary insights into the other previously discussed aspects.

It is in the light of those theoretical considerations that the three sets of research questions specified above are formulated. It were those considerations as well that guided the choice of methods and of the object of field research.

Fieldwork and methods

As noted previously, the present work is centered around a case study of the Department of Foreigners of the Masovian Voivodeship Office, and especially one of its services – the Service of Legalization of Residence II responsible for the face-to-face contact with clients on matters of legalization of residence. Other services that have direct contact with the public have been taken into account more punctually. The reasons for the use of the case study approach, as well as the rationale behind the choice of this particular agency as object of this study and of the time period during which it was conducted are discussed in detail in chapter I.2.

The empirical material was gathered primarily through the use of participant observation, taking the form of a period of volunteer work at the Department. From June to September 2014, I worked alongside the officers, following and observing them in their tasks, accompanying them during breaks and participating in informal exchanges, receiving clients on a daily basis, and otherwise witnessing and taking part in the life of the institution. Throughout the period, I kept a field journal documenting those experiences and observations.

In preparation for this phase of fieldwork, an extensive desk research was conducted, including legal texts and accessible policy guidelines, materials produced by the institution itself, reports about it produced by other organizations, as well as a review of the literature of the subject.

After the completion of the main stage of field research, semi-directive interviews were additionally conducted in two consecutive series. A first run of interviews was carried out directly after the period of observation, then another one in the following summer. An overall total of twenty two interviews were conducted. The participants included eight front-line officers of the Department, one volunteer, three members of the management[16], seven

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[15] HOCHSCHILD, Arlie Russell, 2003, *The managed heart*. Berkeley, Calif. : University of California Press.

[16] All personnel charged with the responsibility of managing a team of officers or organizing the work of a section was counted as management. This includes the Director and Vice-Directors of the whole agency, but also directors of particular services, and section coordinators.

NGO members, two professional intermediaries, and one representative of the Office of Foreigners (another key immigration-related public institution)[17]. In addition, passages from interviews conducted in the context of a research project entitled "Highly qualified immigrants on the Polish labor market" conducted by the Institute of Socio-Economical Expertise (Instytut Społeczno-Ekonomicznych Ekspertyz) and Foundation "Our Choice" (Fundacja "Nasz Wybór") were used as background source of information, with the permission of the project coordinators.

The material thus obtained was organized, coded, and interpreted using Atlas.ti software for qualitative data analysis. Quotes from the transcripts of interviews are referenced here by stating the participant's place of employment (the Department, a non-governmental organization, or other), their gender, and their age. More detailed information about the interviews and the characteristics of the participants can be found in Appendix 5. Entries from the field journal are referenced as "FJ" followed by a date. Passages from the field journal are presented without quotation marks; when quotation marks are present in those excerpts the line is a direct quote from a conversation. All quotes longer than several words are marked by a change in font size, spacing, and margins, as are longer quotes from bibliographic sources. For the sake of convenience, longer descriptions or accounts, based on the field journal or interview transcripts but not constituting direct quotes, have been given the same treatment.

The choice of case and method was guided by the objective of obtaining information on the everyday interactions and practices at the Department of Foreigners on the one hand, and on the institutions, actors, and organizations it frequently interacts with on the other. While the participant observation was mostly a manner of gaining insight into this first set of elements, the interviews allowed for a more general understanding of the field of migration policy in Poland and the way it intersects with a specific part of public administration.

Immigration in Poland – a brief overview

The choice of the object of the present research situates it at an intersection of two fields of study – one focusing on migration policy, the other on public administration. In order to comprehend the detail of the functioning of the Masovian Department of Foreigners and the meaning of certain aspects of its work, it is necessary to situate it within those frameworks. One must thus begin with an account of Poland's migration policy, as well as of the organization of the country's public administration and the conceptions behind it. Since those two aspects are of key importance and can be relatively little known, especially to the foreign reader, sections II.1 and II.2 are entirely devoted to a discussion of those matters.

[17] For a full list and description of the interviews see Appendix 5. Appendix 6 contains translations of the guides used for the interviews.

Based on data gathered through fieldwork and desk-research, as well as from a review of the existing literature, an outline of the two topics is given, with a particular emphasis on the aspects that pertain to the work of the Department of Foreigners and that will be relevant to subsequent analysis.

In order to provide a more complete understanding of the context within which the Department operates, it is necessary not only to look into the policies concerning migrants, but also to briefly discuss the topic of immigration into Poland in general, and to consider the manner it has been approached by scholars of the matter. Such a discussion shall also serve to situate the present work in relation to preexisting studies of the subject. However, given that this research is focused on policy and public administration as they pertain to immigration, rather than on immigration itself, an exhaustive analysis of those matters would be outside of its scope. Hence, the following section gives a succinct account of some basic facts and sketches a general outline of the existing literature.

As it was mentioned at the beginning of this introduction, immigration is a rather new phenomenon in Poland – a country historically characterized by high rates of emigration towards other countries. The arrival and settlement of foreigners on Polish soil was mostly limited to isolated cases until 1989. It is only at the beginning of the 1990s that the immigration flow gained significant proportions and it has been increasing ever since.

The 2011 national census showed a total of 55,4 thousands foreign citizens residing in Poland on a long term basis, that is to say around 0,1% of the population[18]. This represents an increase from the 40,2 thousands noted in the 2002 census[19]. It is important to know however, that this data does not include short-term residents and, as indicated by the numbers of valid residence permits mentioned above, the actual numbers of foreigners in Poland are likely to be much higher. Nevertheless, the data published by OECD points to a steady increase of the inflow of foreign nationals into Poland, from 30,3 thousand people arriving in 2003, to 46,6 thousands in 2013[20].

At the same time, 674,9 thousands of people residing in Poland were born on foreign soil[21]. It is important to note that in the case of Poland the relation between those two categories is complexified by the high rates of emigration and displacement of Polish citizens in the past. Thus, despite the growing rates of foreigners immigrating to Poland, the numbers of persons born abroad are falling as this category contains a significant number of elderly Poles who found themselves living in another country and later returned to Poland.

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[18] See Appendix 1 for a graphic representation of the statistical data.
[19] GŁÓWNY URZĄD STATYSTYCZNY, 2012, *Raport z wyników. Narodowy Spis Powszechny Ludności i Mieszkań 2011.* Warsaw, p. 97
[20] International Migration Outlook 2015, *International Migration Outlook,* OECD
[21] GŁÓWNY URZĄD STATYSTYCZNY, *ibid.,* p. 93

Fluctuations in the rates of foreign-born population also reflect more recent migratory trends, notably Polish emigration towards other EU member states and subsequent returns. Thus, only around 7% of those born abroad are foreigners[22], while others can be categorized as return migrants or repatriates. This specificity is only one among a number of reasons why the exact measurement of migration flows into Poland and of foreign population on Polish territory is fraught with difficulties.

One very good illustration of the kind of issues encountered when trying to account for the number of immigrants in Poland is offered by studies of the most numerous group of foreign residents – Ukrainians[23]. Indeed, the official statistics, based mainly on the number of documents issued, do not account for the main strategies of migration and forms of employment chosen by this group. An important proportion of Ukrainians in Poland function as circulatory migrants, moving frequently between Poland and their home country. Moreover, undocumented employment is also frequent among this group. In previous years, it has been a common practice to reside in Poland on the basis of short-term documents such as tourist visas while engaging in undocumented work. An increase in restrictions at entry might have pushed a number of migrants following this pattern into prolonging their stay undocumented[24]. In addition, citizens of Poland's neighboring countries benefit from flexible forms of entry and employment (such as a system of employer declarations allowing for the issuance of a visa), as well as alternative channels of entry (for instance the Polish Charter: a document issued to those who can prove Polish roots). Frequent abuses of those possibilities render strict control of migration flows very complex[25]. All of those factors make the measurement of exact numbers of Ukrainian population in Poland extremely difficult and contribute to a high level of uncertainty of any data obtained on this topic. While this is particularly striking in the case of this particular group, similar difficulties can be expected when studying other nationalities, in particular ones from other neighboring countries.

Thus, when considering the number of immigrants in Poland one has to bear in mind that most of the data at one's disposal is likely to be lower than the actual scale of the phenomenon under study. The existing estimates allow nevertheless to capture the general scale and trends of migration into Poland, as well as some of the characteristics of the immigrant population.

As noted previously, while the numbers remain low, they are steadily increasing.

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[22] GŁÓWNY URZĄD STATYSTYCZNY, *ibid.,* p. 95
[23] BRUNARSKA, Zuzanna, 2014, Ukraińscy migranci zarobkowi w Polsce – dlaczego tak trudno ich policzyć?. *Studia BAS*. 2014. Vol. 4 (40), pp. 155–174.
[24] GÓRNY, Agata, KACZMARCZYK, Paweł, NAPIERAŁA, Joanna and TORUŃCZYK-RUIZ, Sabina, 2013, *Raport z badania imigrantów w Polsce*. Warsaw : OBMF, p. 13
[25] BRUNARSKA, Zuzanna, *ibid.,* p. 172

Among the foreigners arriving and residing in Poland, Ukrainians are by large the most numerous group. The 2011 national census showed that they represented 24% of all foreign residents, followed by Germans (9%), Russians (7,6%), Belorussians (7%) and Vietnamese (4,7%)[26]. Similar conclusions can be reached by looking at the numbers of valid documents for 2015, where Ukrainians also figure as the most important group, with 40.979 documents – approximately twice the number of the next most numerous nationality (Germans, with 20.200 documents)[27]. Since in this case as well Russians and Belorussians can be found among the most numerous groups, it becomes clear that the main bulk of immigrants in Poland is composed of citizens of its Eastern neighbor states. EU citizens constitute another significant group, while among non-European immigrants it is important to note the presence of a sizable Vietnamese population. The Mazovian Voivodeship is by a large margin the most common place of residence of foreign nationals, with 31% of them living in the region[28].

The appearance and growing scale of immigration into Poland has over the years become the subject of much scholarly attention. Researchers have traced the migratory trends and mapped the characteristics of the populations arriving in Poland, as well as the determinants of their inflow[29]. Given the above mentioned difficulties in evaluating the scale of immigration and reaching potential respondents, diversifying methods offers promising avenues for research in this domain. The particular challenges linked to the specificities of immigration into Poland often compelled researchers to resort to creative methodological solutions. This is the case both of the general method of data collection, with studies combining qualitative and quantitative approaches, as well as of the method of sampling and recruiting respondents. To quote just two examples, one can mention firstly Respondent Driven Sampling[30] which relies on respondents' inscription in migrant networks and allows to reach participants who remain invisible official registries. Another method of surmounting

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[26] GŁÓWNY URZĄD STATYSTYCZNY, *ibid., p. 98*

[27] URZĄD DO SPRAW CUDZOZIEMCÓW, 2015, Biuletyn statystyczny 2012-2014

[28] GŁÓWNY URZĄD STATYSTYCZNY, *ibid.,* p. 98
For more information about the distribution of foreign population see Appendix 1.

[29] See for instance:
ŁUKOWSKI, Wojciech, 1997, Czy Polska stanie się krajem imigracyjnym?. *CMR Working Papers*. 1997. Vol. 12.
STOLA, Dariusz, 1997, Mechanizmy i uwarunkowania migracji zarobkowych do Polski. *CMR Working Papers*. 1997. No. 11.
OKÓLSKI, Marek, 1998, Imigranci: przyczyny napływu, cechy demograficzno-społeczne, funkcjonowanie w społeczeństwie polskim. *CMR Working Papers*. 1998. No. 17.
OKÓLSKI, Marek, 2001, The transformation of spatial mobility and new forms of international population movements: incomplete migration in Central and Eastern Europe. In : *Challenges of cultural diversity in Europe*. Stockholm : CEIFO.
GRZYMAŁA-KAZŁOWSKA, Aleksandra, OKÓLSKI, Marek, 2003, *Influx and integration of migrants in Poland in the early XXI century*. Warsaw: Instytut Studiów Społecznych UW.

[30] GÓRNY, Agata, KACZMARCZYK, Paweł, NAPIERAŁA, Joanna and TORUŃCZYK-RUIZ, *ibid.*

those limitations consists of choosing an object of study that allows for an approximate seizing of migratory trends – one such example being border crossings[31].

Parallel to those inquiries into the overall trends of immigration, research was developed accounting for various aspects of immigrants' life in Poland. This includes firstly their experiences and their own narration of their migration and subsequent stay in Poland[32]. Moreover, two other aspects of the immigrant experience have been explored – on the one hand, the choices and strategies of immigrants trying to make their way in Poland, and on the other their social and cultural incorporation in the receiving country.

Significant consideration has been given to migrant strategies of adaptation to different aspects of life in Poland – from the paths through which they arrive, through the choice of legal status to pursue, to the types of employment they seek[33]. Those studies often coincide with inquiries into the life situation of particular categories and groups of migrants, as the predominant strategies often appear to be group-specific. The nationalities whose members are the most present in Poland have also understandably received the most attention – this is the case notably of Ukrainian migrants, or more generally, migrants from Poland's Eastern neighbor states[34], or of Asian migrants, with a particular focus on the Vietnamese community[35]. While, as previously noted, the preferred pattern of migration among citizens of neighbor states is pendular or circular migration, often combined with seasonal employment in agriculture, in constructions, or as domestic help, the residence of extra-European populations is often more long-term. Among Asian migrants trade is a common occupation, with a significant reliance on migrant networks. As a result, centers specialized in wholesale trade operated by foreigners have emerged outside several Polish cities and some of them have been the object of extensive studies[36]. The strategies chosen by migrants are not only

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[31] IGLICKA, Krystyna, 1999, The Economics of Petty Trade on the Eastern Polish Border. In : *The challenge of East-West migration for Poland*. New York : St. Martin's Press.

[32] For instance: BOJAR, Hanna, 2007, To be an immigrant in Poland. *Polish Sociological Review*. 2007. Vol. 4 (160), pp. 401-416.
ZĄBEK, Maciej, 2002, *Między piekłem a rajem. Problem adaptacji kulturowej uchodźców i imigrantów w Polsce*. Warsaw : Trio.

[33] For instance:
PAWLAK, Mikołaj, BIENIECKI, Mirosław, 2010, Strategie ukraińskich migrantów zarobkowych wobec polskiej rzeczywistości instytucjonalnej. Warsaw : Instytut Spraw Publicznych.
WYSIEŃSKA, Kinga, 2012, Sprzedawać, gotować, budować?. Warsaw: Instytut Spraw Publicznych.

[34] For instance:
LESIŃSKA, Magdalena, 2015, Immigration of Ukrainians and Russians into Poland – Inflow, integration trends and policy impacts. INTERACT RR 2015/06, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute. 2015.

[35] HALIK, Teresa, NOWICKA, Ewa, 2002, Wietnamczycy w Polsce. Integracja czy Izolacja? Warsaw: Instytut Orientalistyczny, Wydział Neofilologii UW.

[36] KLOREK, Natalia, SZULECKA, Monika, 2013, *Migranckie instytucje ekonomiczne i ich wpływ na otoczenie. Przykład centrów handlowych w Wólce Kosowskiej*. Warsaw : Stowarzyszenie Interwencji Prawnej.

country specific, but also gendered. In particular, a part of the literature shows the importance and specificity within the immigrant population of female domestic workers, especially from Eastern countries[37].

Another important and adjacent topic of research is immigrant incorporation into Polish society[38]. The term *integration* is the most commonly used in this case, although it has to be noted that different uses of the word can be observed, including both scientific and normative ones, to the point that referring to it can in some cases be seen as means of gaining legitimacy among actors involved with the topic[39]. The term covers a range of criteria, from economic self-sufficiency, through contacts with local populations, to cultural adaptation and psychological well-being. Drawing on similar debates and theories that emerged in older immigration countries, the term is often used in opposition to the concept of assimilation, which is considered to require immigrants' detachment from their culture of origin[40]. Thus construed, integration has been the focal point not only of theoretical or purely academic works but also of an important number of empirical studies and reports conducted and produced by think tanks and non-governmental actors[41]. The studies of immigrant integration in a sense fall between the two above mentioned domains of study, as they touch upon both the strategies migrants use to adapt to life in Poland, and their lived experiences of this process.

They are also closely connected to inquiries concerning the impact of immigration on

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[37] For instance:
KINDLER, Marta, 2012, *A Risky Business?*. Amsterdam : Amsterdam University Press.
SLANY, Krystyna, 2008, Migracje kobiet. Cracow: Wydawnictwo Uniwersytetu Jagiellońskiego.

[38] For instance:
GRZYMAŁA-KAZŁOWSKA, Aleksandra, 2008, *Między jednością a wielością*. Warsaw : Ośrodek Badań nad Migracjami WNE UW.
GRZYMAŁA-KAZŁOWSKA, Aleksandra, ŁODZIŃSKI, Sławomir, 2008, *Problemy integracji imigrantów.* Warsaw : Wydawictwa Uniwersytetu Warszawskiego.
IGLICKA, Krystyna, 2003, *Integracja czy dyskryminacja?*. Warsaw : Instytut Spraw Publicznych.
MALEWSKA-PEYRE, Hanna, 2001, *Swojskość i obcość.* Warsaw: Wydawnictwa Instytutu Psychologii PAN.

[39] PAWLAK, Mikołaj, 2011, Termin „integracja" jako narzędzie legitymizacji. Neoinstytucjonalna analiza uprawomocniania działań w polu organizacyjnym obsługi i pomocy imigrantom w Polsce. *Studia Migracyjne – Przegląd Polonijny.* 2011. Vol. 37 (2), pp. 59-80.

[40] GRZYMAŁA-KAZŁOWSKA, Aleksandra, ŁODZIŃSKI, Sławomir, 2008, *Ibid.,* pp. 42-44

[41] For instance:
GROT, Karolina, SEGEŠ FRELAK, Justyna, 2013, *W poszukiwaniu nowych wzorów integracji cudzoziemców. Wybór tekstów polskiego forum integracyjnego.* Warsaw: Instytut Spraw Publicznych.
BIENIECKI, Mirosław, PAWLAK, Mikołaj, 2012, *Praktyki integracji. Doświadczenia i perspektywy*, Warsaw: Caritas Polska
WYSIEŃSKA, Kinga, 2010, *Integracja, stygmatyzacja, autosegregacja - tożsamość, preferencje i wzory relacji imigrantów w Polsce.* Warsaw: Instytut Spraw Publicznych.
WENCEL, Katarzyna, 2008, *Potrzeby i zadania dla polski w zakresie integracji obywateli państw trzecich.* Warsaw: Stowarzyszenie Interwencji Prawnej.

Polish society. This later topic has been approached through different scales and levels – one interesting direction is micro-level research into the incorporation of immigrants in particular contexts or local communities. A specific category of works on the local dimension of migration focuses on border regions, the way they are affected by migratory phenomena, and the populations building their lives across borders[42]. Moreover, the attitudes of Poles towards newcomers have been extensively studied[43].

It is also important to note that, parallel to the study of immigration, migration studies in Poland have often focused on emigration of Poles to other countries and on the influence this can have on Polish society and on the emigrants' communities of origin[44]. The abundance of such research testifies to the fact that Poland remains above all a country of emigration. However, it can be argued that the two phenomena are closely related, not only in that the study of one offers insights into the other, but also in the extent that they are both part of more global trends and that the need for immigrant labor is partly created by the departure of Poles.

It is notable that many aspects of immigration into Poland explored in the literature here discussed are directly observable at the front desks of the Department of Foreigners of the Masovian Voivodeship Office. Not only, as previously mentioned, the national distribution of the clients roughly matches the trends noticeable on the scale of the country, but so do the predominant strategies and life choices among those immigrants. What is more, the manner of approaching the Department can also point towards some more wide-spread phenomena, such as a heavy reliance on migrant networks among Asian clients, who most commonly are represented by professional intermediaries from their own ethnic group.

When it comes to the object more directly linked to the subject of this study – that is to say the public institutions which deal with immigration – a series of works exists on specific levels and types of such institutions. Firstly, the policy-making level has been the object of

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[42] For instance:
KURCZEWSKA, Joanna, BOJAR, Hanna, 2005, *Granice na pograniczach*. Warsaw : Wydawnictwo IFiS PAN.
ŁUKOWSKI, Wojciech, BOJAR, Hanna, JAŁOWIECKI, Bohdan, 2009, *Społeczność na granicy*. Warsaw : Scholar.

[43] For instance:
ŁODZIŃSKI, Sławomir, 2003, Acceptance, Distance and Threat: Some Issues in the Public Acceptance of Foreigners in Poland in the 1990s. In : Migration and labor markets in Poland and Ukraine. Warsaw : Instytut Spraw Publicznych.
GRZYMAŁA-KAZŁOWSKA, Aleksandra, 2007, Konstruowanie "innego". Wizerunki imigrantów w prasie i w badaniach opinii. Warsaw : Wydawnictwa Uniwersytetu Warszawskiego.
For recent survay data on attitudes towards foreigners see:
CENTRUM BADANIA OPINII SPOŁECZNEJ – CBOS (Warsaw). 2015, *Przybysze z bliska i z daleka, czyli o imigrantach w Polsce.* Warsaw: 2015.
CBOS (Warsaw), 2016, *Stosunek do przyjmowania uchodźców w Polsce i w Czechach. Komunikat z badań.* Warsaw: 2016. Vol. 54.

[44] For instance: NIEDŹWIEDZKI, Dariusz, 2010, *Migracje i tożsamość*. Cracow : Nomos.

some attention, with studies that traced the influence of Europeanization on the formation of Poland's migration policy[45], or emphasized the interplay of various actors as important element of the process[46]. Secondly, public institutions in charge of the questions of refugees and asylum seekers have been a common object of scrutiny. Notably, a monograph on the Office of Foreigners has been written[47], as well as a series of studies of refugee centers[48]. However, the type of public administration agencies who, like the Departments of Foreigners, are responsible for the more routine immigration-related tasks remains relatively understudied. There exist two reports from evaluations of the Masovian Department conducted by a non-governmental organization[49] and the topic of immigration is touched upon in publications about the role and functioning of Voivodeship Offices[50], but very few extensive studies can be found. The present research is an attempt at filling this gap – a task all the more important that, as previously noted, Voivodeship Offices are where the everyday treatment of most immigration-related cases takes place. Those are places that both impact the foreigners' experience of living in Poland and can reveal much about the realities of Poland's immigration policy.

Outline of the dissertation

In order to approach this subject, the present work is divided into three main chapters, the first dealing with theory and method applied in the study, the second providing context to the examination of the specific case of the Department of Foreigners of the Masovian Voivodeship Office, and the third consisting of an analysis of the empirical material and offering an account of the daily life of the agency as situated within a larger field of policy.

Section I.1. of the first chapter is concerned with the theoretical background. It begins with an overview of a series of works that adopt a similar perspective consisting of studying public administration at the "street-level"[51], that is to say approaching public policy through micro-level research into the agencies responsible for its implementation. An important source

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[45] WEINAR, Agnieszka, 2006, *Europeizacja polskiej polityki wobec cudzoziemców 1990-2003*. Warsaw: Scholar.

[46] PAWLAK, Mikołaj, 2013, Imitacja w tworzeniu polskiej polityki integracji cudzoziemców. *Studia Migracyjne – Przegląd Polonijny*. 2013. Vol. 39 (3), p. 97-121.

[47] HRYNIEWICZ, Justyna, 2006, *Uchodźcy w Polsce - teoria a rzeczywistość*. Toruń : Adam Marszałek.

[48] For instance: ZĄBEK, Maciej, ŁODZIŃSKI, Sławomir, 2008, Uchodźcy w Polsce. Warsaw: Aspra-JR.

[49] KLAUS, Witold, 2009, *Przyjazny urząd*. Warsaw : Stowarzyszenie Interwencji Prawnej. KLOREK, Natalia, KLAUS, Witold, 2013, *Przyjaźniejszy urząd?*. Warsaw : Stowarzyszenie Interwencji Prawnej.

[50] ROKICKI, Jacek, 2011, Rola wojewody w procesie legalizacji pobytu cudzoziemców. In : *Administracja rządowa XXI wieku, Szanse, wyzwania i zagrożenia*. Warsaw : Mazowiecki Urząd Wojewódzki and Dom Wydawniczy Elipsa.

[51] LIPSKY, Michael, *op.cit.*.

of inspiration for both the present study, and a number of the above mentioned works is the symbolic interactionist tradition. This is why the first part is followed by an account of some of the main points of this line of thought, before going on to examine its limits and some of the criticism it encountered. The main reproach levied against a classical interactionist approach being its lack of attention to power relations, and more generally the structures within which interactions happen, in the following subsection I.1.2 the possibilities of examining the interaction as embedded within larger systems and structures are looked into. In particular, some attention is paid firstly to field theory and the concept of organizational field, as well as, secondly, to the notions of culture and common systems of meanings as they pertain to the study of organizations, and, lastly, to power relations, especially as they apply to foreigners' contacts with a receiving state. Finally, in the last subsection, the role of emotion is examined and it is suggested that it can be used as an indicator helpful in approaching all the previously discussed elements.

Section I.2 offers an account of the methods employed. It firstly examines the merits of a single case approach and it is argued that, while not representative of larger populations, such a case can nevertheless offer important insights into the configuration and dynamics characteristic of a field of policy. The rationale behind the choice of the Masovian Department of Foreigners as the object of this study is then discussed, as are the specifics of the process of gaining entry and of the fieldwork itself. The last subsection concerns matters linked to the choice of participant observation as method, in particular when it comes to its ethical implications. Choices related to vocabulary and perspective in the writing of this dissertation are also touched upon.

In the following chapter the focus moves to the context within which the Department of Foreigners is situated, centering on two aspects: the migration policy the agency is meant to implement, and the overall structure and conception of public administration in Poland. In both cases, those elements are analyzed in the extent to which they constitute a framework for the functioning of the Department of Foreigners. Passages from the field journal are progressively introduced to illustrate the links between the general context and the case under study.

Poland's migration policy is firstly briefly considered in a historical perspective and its evolutions since 1989 are described. This account is followed by a review of the current legislation, before moving to inspect the institutions and actors involved in its creation and implementation, as well as the interests and representations that characterize them.

The Masovian Department of Foreigners occupies a specific place within state structures – it is a subdivision of the Masovian Voivodeship Office, a regional level agency of

state administration; moreover, the officials it employs are for the most part members of the Civil Service. Section II.2 firstly centers on the history, conception, and functioning of public administration in Poland. Follows a more detailed scrutiny of Voivodeship Offices and their role in immigration control. Lastly, the Department of Foreigners itself is situated within this context, as its aims, organization, and functioning, as well as the characteristics of its workforce, and the specificity of the Masovian case are examined. This last subsection is based both on existing literature, and on data produced during fieldwork, and in this sense it constitutes a form of transition towards the description and interpretation of the empirical material presented in the subsequent chapter.

The data discussed in the last chapter is organized according to three distinct logics, or aims, that can be distinguished in the daily work of the Masovian Department of Foreigners.

Firstly, one can note a particularity of the officials' relation to their own discretionary power consisting of downplaying one's own influence and margin of interpretation, and prioritizing issues of efficiency instead. Section III.1 looks into those issues, firstly by investigating the place and role of the Department in relation to the administrative hierarchy it belongs to, and the way this role is experienced by the officials themselves. Follows an inquiry into strategies used to manage the movement of people within the Department and to deal with the workload. The last subsection provides an analysis of the relation between discretion and responsibility, and attempts to determine how the officials can exercise power over their clients and how this power is perceived and understood by those who hold it.

If efficiency is one of the main preoccupations at the Department, so is the question of image creation and preservation examined in section III.2. This part begins by situating the attempts at creating a *friendly* image made by the managers and officials of the Department in the context of the evolving conceptions and aims of Polish public administration. Once the aim of image-building is established and described, subsection III.2.2 offers a discussion of potential publics that such a display can be addressed to, including the foreigners themselves, but also civil society actors, as well as European institutions. This is also the place for considering the implications of the presence of a particular public for the content of the message produced and, in some cases, for the tangible solutions adopted. Lastly, the task of creating a specific image of the institution is looked into from the perspective of the officials' daily activities, and administrative work is shown to be – to a significant extent – composed of emotional labor[52].

After a discussion of those two essential aims and logics of the work at the Department, it is necessary to account for another aspect, which proves surprisingly discrete

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[52] HOCHSCHILD, Arlie Russell, *op.cit.*

in the case studied – the inscription of the Department within a framework intended to control migration. In this section, the data from the Masovian Department of Foreigners is firstly compared with information from desk research, similar studies, and the literature of the subject, and the relative invisibility of issues of control, inclusion and exclusion is stressed. Secondly, more subtle ways of controlling the clients and exercising the power to include or exclude are argued to exist in the Department. Lastly, some attention is paid to the ambiguous role of the European Union, and the inner contradictions of Poland's migration policy are looked into.

Lastly, this dissertation closes with a presentation of sources and bibliography, organized by theme and type of document, as well as Appendixes containing additional documents and information pertaining to the fieldwork and the data gathered.

Chapter I

Theoretical background and methodological choices

As noted above, the present study focuses primary on one case – the Department of Foreigners of the Masovian Voivodeship Office – and examines in detail the everyday life of this public institution, and in particular the face-to-face interactions between the civil servants and their public. Moreover, this micro-level examination includes an analysis of the links between what can be observed in the Department and what goes on around it. It looks at the relations the agency entertains with other actors, and the interactions among those actors, as well as at the various institutional and legal frameworks within which it functions. In this manner, the specific case of the Department is used to illuminate aspects of an entire field of policy.

This approach is rooted in a series of choices, both theoretical and methodological that the following chapter seeks to present and explain. The aim of this part of the work is also to establish links between the above-mentioned elements: the analysis of face-to-face interactions, and the use of the concept of field to situate it. The following sections demonstrate how those concepts are understood in the present work and how they are combined to apply to a study of a street-level administrative agency.

Section I.1 focuses on the theoretical background. It begins with a presentation of street-level bureaucracy as object of study, and goes on to look briefly at the interactionist understanding of face-to-face encounters in such institutions and their potential limits. The concept of field is then introduced as one of possible ways of providing the analysis of interactions with a necessary anchorage in a wider context. Lastly, the role of emotion is such encounters is looked into and revealed to be a potential indicator of phenomena that may go beyond the immediate situation of interaction. Section I.2 explains how those theoretical premises were translated into practice and shaped the methodological approach used in this research. In particular, the use of a single case study as a means of throwing light on field-level phenomena is explained. This section also contains a discussion of certain ethical issues encountered during the period of participant observation.

Thus, this chapter is intended to provide a more in depth understanding of the theoretical issues behind the research questions presented in the introduction and to justify they way they are reflected by methodological choices made for the use of this study. The objective is also to set the foundations for the subsequent application of this framework to the particular case examined here.

<u>Chapter I.1 Organizations and interactions</u>

When theorizing the relationship between state institutions and immigration, different disciplines choose different units and objects of analysis, and tend to focus either on macro-scale phenomena, or on more micro-level ones[53]. Moreover, both sides of this equation – the political institutions and the migrating populations – can be a topic of study. It has been more common for approaches situated within the field of political science to choose the first element as object and concentrate on state policy, its determinants, and its outcomes. Sociology, on the other hand has a long history of focusing on the immigrants themselves and looking into to the dynamics and mechanisms of immigrant incorporation. Indeed, this has been the case of some of the most influential sociological works, especially within the qualitative approach, starting with Thomas' and Znaniecki's[54] exploration of the life of Polish immigrants and their adaptation to living in the United States, and including the later writings of other Chicago School sociologists.

The perspective taken here is in a sense intermediate and attempts to seek out links between those perspectives and their various elements – the institutional framework and the immigrants' experience, the macro-level state policies and their application in the everyday life of those concerned. In order to do this, this study takes as its focal point the relation itself and centers around concrete, everyday interactions through which policy enters people's lived experience. Those interactions are, however, seen within a wider context, and the following chapter offers a reflection on the ways face-to-face contact and actors' ways of interpreting it can be situated and a sense of embeddedness can be brought into the analysis. Lastly, an important aspect of the interactions under study are the emotional responses they involve, which are examined here as an indicator allowing for a better understanding of the processes at hand.

I.1.1. The face of the state – approaching migration policy through a study of face to face contact

As noted above, this work concerns a specific field of public policy – migration policy in Poland – as it translates into daily application in an administrative agency directly in contact with the public. In doing so, it draws on an approach considering public policy

53 BRETTELL, Caroline, HOLLIFIELD, James Frank, 2008, *Migration theory. Talking across Disciplines*. New York : Routledge. p. 20
54 THOMAS, William Isaac, ZNANIECKI, Florian, 1918, *The Polish peasant in Europe and America*. Boston : Richard G. Badger.

through the lens of an ethnographic study of its direct implementation and examines the actions of the state apparatus by looking at the perspective of its front-line workers. This method is used in a growing literature on public institutions, including works dealing with immigration[55]. Such a conception is based on the conviction that the direct actions and interactions of those who apply policies and to whom policies apply are more than mere implementation and that directing attention towards them not only provides additional data for an analysis of public policy, but in fact allows for a unique understanding of phenomena that are impossible to seize in any other way[56].

Works in this perspective draw inspiration from a variety of sources, a significant one being symbolic interactionism and Goffman's writings[57] on the dramaturgy of social interactions. However, most of the authors working within this approach simultaneously adopt a critical stance towards the interactionist sources of their reflection, including a more or less explicit discussion of their limits and the possibilities for the construction of a more complex understanding of the administrative interaction. This section starts by depicting the specificity of this particular manner of approaching public policy and discussing several notable examples, stressing in particular the ones that offer tools or display useful parallels with the material analyzed later in chapter III. It then goes on to look more closely at the interactionist tradition and its input to the study of public institutions. Lastly, the limitations of an interactionist angle are explored, allowing for a discussion, in section I.2, of various ways of overcoming them. The works of authors first presented in the following subsection will thus be considered again in section I.2 from the point of view of the various ways in which they go beyond the interactionist approach and situate their object within complex networks of intertwined factors.

I.1.1.a. Policy at street level

Works dealing with the immediate interactions in public administration agencies have used various terms to describe the object of their study. An often quoted reference is Michael Lipsky's 1980 work, where he coined the term „street-level bureaucracy" to describe a number of public agencies that deal with the implementation of policy and come into direct

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[55] EULE, Tobias G, *op.cit.*
     SPIRE, Alexis, 2008, *op.cit.*
[56] DUBOIS, Vincent, 2012, Ethnographier l'action publique. *Gouvernement et action publique*. 2012.
     Vol. 1, no. 1, p. 83.
[57] GOFFMAN, Erving, 1956, *op.cit.*
     GOFFMAN, Erving, 1967, *op.cit.*

contact with the public[58]. The category includes a wide array of jobs and professions, ranging from public school teachers, medical providers, or attorneys, through police officers, to social workers. In this classic book, Lipsky argues that public policy cannot be understood by solely examining the level of law-making or the agencies officially responsible for shaping policy, but has to be studied also through delving into the everyday behaviors and decisions of those most directly in charge of its implementation. By showing the extent of discretion left to the workers in those agencies, he argued that street-level bureaucrats are in fact themselves policy-makers. Instead of seeing their work as entirely determined by the policies they implement, he conducted a thorough inquiry into the specific conditions of this type of work and the way in which they influence practices. Despite the wide range of institutions and jobs concerned, Lipsky noted that the persistence of certain common characteristics leads to a similarity of outcomes. Elements due to excessive caseload, centrality of face-to-face interactions with the public, or the position of workers vis-a-vis clients constitute regularities that can in turn explain persistent practices.

Notably, Lipsky's work revealed the contradictory nature of the goals pursued by this kind of institutions, pushing street-level bureaucrats to constantly seek a fragile equilibrium between the diverse principles guiding their actions. He describes this impossible balance when he says:

> "On the one hand, service is delivered by people to people, invoking a model of human interaction, caring, and responsibility. On the other hand, service is delivered through a bureaucracy, involving a model of detachment and equal treatment under conditions of resource limitations and constraints, making care and responsibility conditional"[59].

Moreover, while street-level bureaucrats are expected to be benevolent, they also dispose of a considerable amount of power over those they deal with – a power that is inscribed in the very fabric of the administrative interaction, since, as Lipsky notes, "street-level bureaucrats interact with clients in settings that symbolize, reinforce, and limit their relationship"[60]. This situation makes the everyday encounters in street-level bureaucracies emotionally straining for all parties involved. Street-level bureaucrats tend to be devoted to what Lipsky describes as the "myth of altruism", that is to say a certain idea of their own benevolence. The impossibility of acting accordingly leads to a form of alienation. Moreover, the people administered by those agencies are not unaware of their own subordinate position within these interactions and "[s]ince a person's self-concept is substantially a function of the response of others who are important to the person, interactions with street-level bureaucracy have a

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[58]   LIPSKY, Michael, *op.cit.*
[59]   *Ibid.,* p. 71
[60]   *Ibid.,* p. 117

psychological as well as material implications"[61]. Street-level bureaucracy is thus a space ripe with contradictions and tensions that can not be observed by looking at the level of policy-making, and the outcomes of which can be measured, but not understood, when focusing solely on the administered populations.

While Lipsky is the author of a term that facilitates this shift in focus from state level policy-making to its everyday application, a similar perspective was adopted earlier by Michel Crozier[62] when he studied French public administration from the point of view of its front-line workers. In his 1963 work Crozier focused on two cases, chosen for their differing characteristics in terms of size, scope, and organization: one was an accounting agency situated in Paris, the other a large national-level administration. His analysis of the impact of work conditions, internal organization, and cultural factors on the behavior of the employees of those administrations reveals dynamics and mechanisms that can be found in a wider array of organizations. In particular, Crozier shows the role of routines as "protection against the difficulties raised by human relations"[63] and insists that the behaviors of the bureaucrats he studies are "first and foremost a rational response to a system of organization that is itself restrictive"[64]. Since those behaviors and routines are related to the structures and conditions prevalent in public institutions, the conclusions of Crozier's work go beyond a simple description of the workings of two specific administrations and instead paint a picture of bureaucracy as a world in itself, characterized by a set of rules and predictable mechanisms.

Lipsky's and Crozier's works became references for many other authors, especially in that they isolated a set of actors and provided a useful classification. They also had in common stressing out the complex interplay between the way work conditions and the context of their activity determines street-level bureaucrats' practices, and they way in which those practices in turn impact the policies they are meant to be an application of. Street-level bureaucrats create those policies as much as they implement them, but they do it in a context over the production of which they have little control, leading to a particular mix of power and powerlessness. This contradictory nature of street-level administrative agencies is not as much due to the actions and choices of those they employ as it is to structural factors, including their place within state structures, the sociological profiles of those recruited, or discrepancies inherent in the goals defined at policy-making level.

Another notable voice that pleaded for an approach of local public administration

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[61] *Ibid.,* p.66
[62] CROZIER, Michel, 1963, *Le phénomène bureacratique*. Paris : Éditions du Seuil.
[63] *Ibid.,* p. 62
[64] *Ibid.*
This and all following quotations from untranslated French works and documents are translations of the author.

agencies as more than just cogs in the bureaucratic machinery automatically applying state policy was Pierre Bourdieu[65]. Taking the example of French local agencies responsible for urban planing, he argued that the formal rules in fact leave a wide margin of discretion to those applying them. The very decision to uphold a rule, rather than bend or adapt it, is precisely that: a decision. Making use of this margin, local bureaucrats are able to partake in the complex game that is the territorially constituted field. They can both adhere strictly to the rules and hide behind the authority of the law, or choose to interpret them in favor of other actors. In this manner, they are able to secure power and legitimacy for themselves within the field. That field, in turn, functions as a "structure of probabilities"[66] that determines the options open to each actor, as well as the potential gains and losses. Bourdieu's conception of field will be discussed more in detail further. It is important however to note here that he can be seen as one of the authors who advocated in favor of an autonomy of street-level bureaucracy as an object of study. Based on those premises, one can consider that a micro-level study of street-level agencies can throw light on the context within which they function and which determines the conditions of they daily work.

Vincent Dubois defends a similar method, arguing that an ethnographic approach of public policy not only provides useful information complementing the knowledge produced by more macro-level studies, but in fact gives access to an understanding of public policy that would otherwise remain outside of reach[67]. In his study of French welfare offices[68], he provides a detailed account of the daily interactions between the street-level bureaucrats and their clientele, examining the perspectives of all the interacting parties, the meanings they ascribe to this situation, the consequences it has for them, and the strategies they put in place to cope with it. This inquiry also provides an insight into the evolving definition of welfare itself and of the roles of the welfare officers – an evolution the complexity of which can only be fully grasped if the impact it has on street-level bureaucracies and the adjustments made by those it impacts are accounted for. In Dubois' own words:

> "By describing the adjustments made in these roles, our study has suggested the way in which an institution can evolve, far from both the decision-centered approach to public policy and the preconceived administrative oppositions between 'top' and 'bottom'. As the institution studied here directly faces major current social issues, light has been shed on the remaking of welfare. [...] Clearly, our analysis of relationships at the desks is also largely a study of the social treatment of the poor."[69]

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[65] BOURDIEU, Pierre, 1990, Droit et passe-droit. *Actes de la recherche en sciences sociales*. 1990. Vol. 81, no. 1, pp. 86-96.
[66] *Ibid.,* p. 88
[67] DUBOIS, Vincent, 2012, *op.cit.*
[68] *Idem,* 2010
[69] *Ibid.,* p. 184

Thus, a study focusing on the street-level of policy production allows for an exploration of a much wider topic - "the social treatment of the poor" - and captures a significant number of its intricacies.

The issue of role ambiguity that characterizes the work of street-level bureaucracies is also present, among other works, in a study by Yasmine Siblot where she focuses on a small post office in a working-class district[70]. The inquiry into the everyday interactions between the employees of the post office and their clientele takes into account the social background of both those groups. The employees' status is complex, as they find themselves in a position of authority while coming from social categories not so remote from that of their clients. This prompts them to alternatively distance themselves from the residents of the district by sticking to the rules or allow themselves to socialize with clients. Moreover, the complexity of those interactions it also due to the evolving and ambivalent definitions this administration is supposed to conform to – on the one hand the post adopts a commercial logic towards its well-off clients; on the other, when less privileged social categories are concerned, the role of the post office is defined more in terms of social service and the emphasis is put on fostering integration[71]. Once again, the study of street-level interactions allows for an understanding of more widespread dynamics.

The goal ambiguity typical of street-level bureaucracies is also far from absent where migration policy is concerned. One case that illustrates this particularly clearly is to be found in Alexis Spire's 2008 study of French immigration offices[72], based on a period of participant observation, as well as desk research, covering several different agencies. His research provides a series of examples of such ambiguity, including cases where the restrictive nature of immigration policy is not explicitly contained in legal texts and official circulars, but only transpires in the manner those provisions are implemented. Such was for instance the case of the June 13th 2006 circular on the legalization of parents of school children – yielding to civil society pressures and careful to avoid alienating parliamentary allies, the government introduced a possibility of legalization of residence for this group of people. The effects, however, were severely curbed by the way it was implemented, with a mere 17% of the cases having a positive outcome[73]. This implementation was in turn influenced by a set of conditions inherent to street-level bureaucrats' work, such as for instance the process of socialization and knowledge acquisition inside the institution which leads the civil servants to rely heavily on their hierarchy for an interpretation of the law and follow established work

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[70] SIBLOT, Yasmine, 2002, Stigmatisation et integration sociale au guichet d'une institution familiere le bureau de poste d'un quartier populaire. *Sociétés contemporaines*. 2002. Vol. 47, no. 3.
[71] *Ibid.,* p. 96
[72] SPIRE, Alexis, 2008, *op.cit.*
[73] SPIRE, Alexis, 2008, *op.cit.,* p. 33

routines. Likewise, the harsh work conditions and heavy workloads encourage a certain number of coping strategies. In addition to this, like in the case studied by Siblot, those elements enter into a complex interplay with the bureaucrats' own social status. The bureaucrats are, furthermore, not impermeable to political discourse, especially when it comes from their superiors. The result is a set of circumstances that can have a determining influence on the way a policy is implemented in practice, and that would be impossible to capture by looking at legal frameworks or public discourse alone. Administrative practices can also serve to contain and manage contradictions in the aims of state policy, as in the above example where a policy supposedly respectful of human rights and open to humanitarian concerns in fact gives ground to a restrictive interpretation more in line with the government's actual positions.

Another example of an approach of migration policy that takes street-level bureaucracy as its entry point is Tobias Eule's 2014 book on German immigration offices[74]. In this case, the study compares four such agencies chosen for the different environments in which they function (Eastern and Western Germany; small towns and bigger cities; and different configuration of political forces on the local scene). Eule notes the important degree of discrepancy in the practices of implementation of the same law and policies across those locations and searches for explanatory factors that could account for those differences. He notes that the variation occurs on four essential dimensions: the decisions taken, the process of decision making, the case-handling, and self presentation of the offices[75]. No single factor can be used to explain those variations, but rather an interplay takes place between a series of elements described by the author. Among those, one can mention the very nature of the law to be implemented, the complexity of which, combined with the minimal legal training received by the administrative agents leads to the emergence of "informal practices of sharing complexity and knowledge"[76]. Furthermore, the structure of public administration the offices belong to, its evolutions, prevailing models, as well as deficiencies, constitute the conditions of the offices' functioning and have significant impact on the practices adopted. Another important aspect are local politics and the offices' relations with actors in their environment. Lastly, the people employed in the offices must themselves be taken into account – both in what concerns their background and their current situation. The intermingling of those factors produces in each case a unique outcome in terms of interpretation of the law and of administrative practices that emerge. Like in the previous cases, policy is seen as something that is encountered first and foremost in practice, in the street-level bureaucrats' daily work,

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[74] EULE, Tobias G, *op.cit.*
[75] *Ibid.,* p. 32-40
[76] *Ibid.,* p. 56

the routines they adopt, and the face-to-face contacts they have with their public. Its results are not uniform, and cannot be understood without looking into this dimension.

It is also worth noting that a specific category of what can be considered as street-level bureaucracies includes institutions where the public – voluntarily or not – lives on the premises. Migrants are arguably among the categories of people who encounter this type of spaces relatively often. One such migration-related institution is the detention center studied by Alexandra Hall in her 2012 work[77]. The detailed observation of the daily life of the center makes it possible to throw light on the way the interconnections between migration, borders, and security are established and enforced. Concerning migration into Poland, Łodziński's and Ząbek's study of refugee centers also employs an ethnographic analysis of a specific case as a way of elucidating more general dynamics[78]. While those authors mostly focus on the refugees perspective, rather than the one of the bureaucrats interacting with them, they nevertheless spell out the way in which interaction with the institution impacts the self-image of those living inside it and in a sense produces the refugees as much as it houses them.

Concerning Polish public institutions, a similar approach has been adopted By Jolanta Arcimowicz in her study of the Ombudsman's office[79]. In writing about this institution, Arcimowicz sets out to analyze not only the formal rules of its functioning, or its place within state structures, but also the life of the institution – the way people go about everyday tasks within a certain setting, giving existence to practices and making decisions. A major inspiration of this study is Goffman's dramaturgical perspective, which leads the author to pay much attention the "backstage" of the institution – the place where the everyday life goes on out of sight of the public, as well as to the interaction with the citizens seeking the Ombudsman's help. While the Ombudsman's office is not, strictly speaking, the kind of street-level bureaucracy discussed in the previously mentioned literature, since it is an independent agency rather than an instance responsible for the implementation of government policy, an approach that takes into account the everyday work of the office's employees – both backstage and in relation to the public – yields valuable knowledge about this institution.

While studies of street-level bureaucracies in the strict sense described by Lipsky and other previously mentioned authors remain rare in Poland, a body of works exists in sociology and anthropology of law, from which useful conceptions can be drawn. In this context, attention has been paid to other formal institutions that deal with the general public, one such example being courts. Studies have been conducted based on the records of court cases as

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[77] HALL, Alexandra, 2012, *Border watch*. London : Pluto Press.
[78]   ZĄBEK, Maciej, ŁODZIŃSKI, Sławomir, 2008, *Uchodźcy w Polsce. Próba spojrzenia antropologicznego.* Warsaw : Aspra-JR.
[79] ARCIMOWICZ, Jolanta, 2003, *op.cit.*

well as interviews in order to examine the way the general public understands and uses the juridical framework[80]. Małgorza Fuszara for instance offers an analysis of family courts based on mix of four types of sources – case records, survey data, observation of juridical proceedings, and interviews with the parties. Her task throughout her study is to find out "what is it that actually happens in court?"[81]. Similarly to the street-level bureaucrat who gives existence to public policy through everyday practices, the judges and the parties are the ones to give a concrete existence to the law – a dimension that cannot be seized by a study of the legal provisions only. In contrast to the previously discussed works, however, this body of studies focusing on law as practiced and experienced by those who apply it and those who it applies to is mostly centered around this second group – the citizens themselves, rather than the judges and members of legal professions. What connects those works to the research on street-level bureaucracy is thus less the object itself, and more the conviction that black-letter law cannot truly be understood in isolation from its everyday embodiment in the lived experience and practices of people. Moreover, an interesting category emerging from those works in that of a *common sense* understanding of law and legal institutions.

The idea of common, everyday understanding of legal and bureaucratic systems is also present in another body of research worth mentioning here, which focuses less on the street-level bureaucrats themselves and more on the place public administrations of various kinds occupy in local communities, and notably on the perception of state structures and of politics on a local level. On the one hand, analyses of Polish public institutions are, to a certain extent, present in an important corpus of works centered around the idea of locality[82]. While this bulk of research mainly focuses on issues such as the creation and evolution of social ties, participation in local social life, or symbolic culture, public institutions figure in it in as much as they are a notable element of local life. In this case, administrative agencies are seen as one of a series of elements constitutive of local social life and local communities, as well as participating in their evolutions and transformations. One such transformation that has attracted much scholarly interest were the processes linked to Poland's entry into the EU[83]. A particular attention is paid to local politics and the institutions involved, notably instances of

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80 KURCZEWSKI, Jacek, 1982, *op.cit.*
   KURCZEWSKI, Jacek, FUSZARA, Małgorzata, 2004, *op.cit.*
81 FUSZARA, Małgorzata, 1994, *Rodzina w sądzie*. Warsaw : ISNS. p. 353
82 See for instance:
   KURCZEWSKA, Joanna, 2004, *Oblicza lokalności*. Warsaw : Wydawnictwa IFiS PAN.
   JAŁOWIECKI, Bohdan, ŁUKOWSKI, Wojciech, 2006, *Społeczności lokalne*. Warsaw : Scholar.
   JAŁOWIECKI, Bohdan, SOWA, Kazimierz Z., DUTKIEWICZ, Piotr, 1989, *Społeczności lokalne*. Warsaw : Uniwersytet Warszawski.
83 KURCZEWSKA, Joanna, BOJAR, Hanna, 2009, *Wyciskanie brukselki?*. Warsaw : Wydawnictwa IFIS PAN.

local government[84]. On the other hand, within studies of local social and political life attention has been paid to the perception of public institutions and politics by the public and the understanding of the bureaucracy by those it administers, where an essential category is that of "common sense" knowledge[85] or representations[86]. Here, local community is defined as "a group of people engaged in an ongoing discourse around issues common to them. It is a group discussing the problems of the public micro-space"[87], and public administration is an object of this discussion. The idea of "common" or "practical" knowledge can be very useful when examining the everyday life of street-level bureaucracies, as it can be applied both to the know-how produced by regular clients of such agencies as they navigate the administrative procedure, and to what Tobias Eule describes as an oral tradition of case handling and interpretation of the law[88].

What transpires from all of the above-discussed examples, is that policy at street-level is a valuable object of study in and of itself, and that approaching public policy through this lens can provide worthwhile insights into dynamics invisible at other levels. Members of the public do not come into contact with *policy* as such, but with the very concrete agencies responsible for its application – the people they employ, the buildings those people work in, the documents they require, and the small, everyday decisions they make. What is more, street-level bureaucracies are not simply a conduit for choices made by their superiors or directions set at state-level. By adjusting to changing circumstances and adopting strategies that help them cope with their daily work they in fact participate in the creation of public policy and have a crucial impact on the form it ultimately takes. However, as this takes place within a wider context, both social and institutional, the work of street-level bureaucrats can also be viewed as a reflection and an entry point for the study of more widespread phenomena, including changing and often contradictory policy goals, as well as evolving definitions of the objects of bureaucratic treatment. An examination of that work is a way of "making sense of he 'black box'", as Eule puts it[89] – of taking a look at the processes that occupy an intermediary place between policy-making and policy outcomes, and that are constitutive of policy as people ultimately experience it.

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[84]   ARCIMOWICZ, Jolanta, KURCZEWSKI, Jacek, CHMIELEWSKA-SZLAJFER, Helena, 2011, *Zależność czy współpraca? Dialektyka praktyk urzędniczych.* Warsaw : ISNS.

[85]   NIŻNIK, Józef, 1991, "Potoczność" jako kategoria teoretyczna. In : *Kategoria potoczności*. Warsaw : Instytut Kultury.
GEERTZ, Clifford, 1993, *Local knowledge*. London : Fontana.

[86]   MALEWSKA-SZAŁYGIN, Anna, 2002, *Wiedza potoczna o sprawach publicznych*. Warsaw : DiG.
MALEWSKA-SZAŁYGIN, Anna, 2008, *Wyobrażenia o państwie i władzy we wsiach nowotarskich, 1999-2005*. Warsaw : DiG.

[87]   MALEWSKA-SZAŁYGIN, Anna, 2002, *op.cit.,* p. 35

[88]   EULE, Tobias G, *op.cit.*

[89]   *Ibid.,* p. 137

I.1.1.b. Interacting within institutions

The above-described angle of approach to public policy – which centers the administrative interaction itself – also presupposes a vision of society and social action where the issue of interaction plays a significant role. Hence, it is not surprising to see a number of the above-discussed authors refer, at least briefly, to the tradition of symbolic interactionism. Ideas and conceptions elaborated by authors working within an interactionist perspective are also instrumental to the present study and as such must be examined here in more detail, in particular in what concerns interactionism's view of institutions and their relations to the public.

In its most general formulation, the interactionist approach centers the immediate face-to-face encounters between actors as a constitutive element of social reality. Society itself is defined as symbolic interaction. The term "symbolic" here refers to

> "the fact that human beings interpret of 'define' each other's actions instead of merely reacting to each others actions. Their 'response' is not made directly to the actions of one another but instead is based on the meaning which they attach to such actions. Thus, human interaction is mediated by the use of symbols, by interpretation, or by ascertaining the meaning of one another's actions"[90].

The object of the socials scientist's attention should, in this perspective, be the process of interpretation itself, the manner in which people read particular situations and act towards them. Society is seen as an intricate web of such interacting individuals and situations of interaction. Another crucial aspect of symbolic interactionist thought is the constitution of shared meanings. The actors do not only interpret the situation and adopt a course of action accordingly, but in order to do so in a way that will be understood by the other interacting party, they must make sure there is at least some extent of agreement as to the definition of the situation. Research can then concentrate on the emergence of such common interpretations and the manners in which actors indicate their thoughts and intentions to one another.

Nevertheless, despite the fact that through repeated encounters people "develop and acquire common understandings or definitions of how to act in this or that situation"[91], ultimately all situations cannot be reduced to the predictable realm of already established interpretations – the action of giving meaning and reacting in accordance with it is one the individual must always accomplish. The appeal of new, undefined situations for such an approach is also one of the reasons behind the interactionists' interest for people in

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[90]   BLUMER, Herbert, 1969, *op.cit.,* p. 79
[91]   *Ibid.,* p. 86

institutions, as we shall see in a moment.

One can thus see clearly that the individual actor and their ability to produce meaning are core concepts of the symbolic interactionist perspective. What is more, that actors produce not only an interpretation of the situation and of the actions of others, but also of the self.

Drawing of the works of George Herbert Mead[92] and Charles Horton Cooley[93], the self is in turn considered as interactional. Indeed, "[t]he individual experiences himself as such, not directly, but only indirectly, from the particular standpoints of other individual members of the same social group, or from the generalized standpoint of the social group as a whole to which he belongs"[94]. The individual's self image and their interactions with other actors are intimately linked. The self is essentially interpersonal. Mead's and Cooley's line of though was further elaborated upon by authors who followed, among which Erving Goffman figures preeminently with his conception of social dramaturgy.

In Goffman's work, the relationship between the self of the actors and the situation of interaction – as it is interpreted and acted upon – becomes the very object of that interaction. The self is what is at stake when people interact. What is crucial is the relationship between those actors, as "[m]uch of the activity occurring during an encounter can be understood as an effort on everyone's part to get through the occasion and all the unanticipated and unintentional events that can cast participants in an undesirable light, without disrupting the relationships of the participants"[95]. The participants enter the interaction with a set of expectations based on their definition of the situation which in turn is to a large extent based on whom they interact with and what their relationship to that other actor is. The concept of "face" describes "an image of self delineated in terms of approved social attributes"[96] – what a person believes themselves to be and can expect others to believe based on their status, past actions, and other recognized attributes. The "face" can be confirmed in the course of the interaction if everything goes as the actors would expect it to go, but it can also be lost if the actors are forced into a situation incongruent with the "face" they are trying to sustain. Thus, the encounter takes the form of a ritual in which the participants attempt to preserve their own "face" and that of the other. The image of self is thus both a valued object of the interactional interplay of actors and an essential element of the actors' interpretation of the situation.

The importance of the interpretation of the situation and the image of self in symbolic interactionist thought draws the attention of many of the authors in this tradition towards the

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[92] For instance: MEAD, George Herbert, MORRIS, Charles W, 1967, *op.cit.*
[93] For instance: COOLEY, Charles H., 1964, *Human nature and the social order.* New York : Schocken Books.
[94]   MEAD, George Herbert, MORRIS, Charles W, 1967, *op.cit.,* p. 138
[95] GOFFMAN, Erving, 1967, *op.cit.* p. 41
[96] *Ibid.,* p. 5

cases where the usual, routinized understanding of those two elements is disrupted – the situations that escape easy definition, or demand a new search for meaning, as well as the ones where the individual's definition of self is called into question. It is partly what explains this tradition's interest for those Norman Denzin describes as "villains and outsiders" and "the downtrodden little people"[97]. Authors whose work can be interpreted as interactionist "speak always to those persons who occupy powerless positions in contemporary society"[98].

However, they also frequently deal with formal institutions as a key element of a number of situations disruptive to the actors' definition of the situation and of self. This is the case, firstly, because those institutions accompany individuals through a series of challenging life circumstances. Chronic illness is one such occurrence where individuals must search for a new definition of self and of their relation to others – a process that Corbin and Strauss label their "trajectory"[99]. While the person undergoing that trajectory redefines their identity in relation to various other actors, the institutional medical framework is not the least important among them. The approach of death is another example of a situation requiring an adjustment on the part of the individual and those around them[100], as are the death of a loved one, or a brutal change of social status, for instance.

Secondly, institutions count in those moments because in their manner of handling those circumstances they very often do not simply follow the individual's own understanding of themselves, but rather impose a new identity on those they treat. Formal institutions produce their objects as much as they act upon them. In his famous study of the mental hospital, Goffman showed just such a process – one wherein the patients are not only contained and treated, but also produced as patients[101]. Likewise, other institutions described by Goffman as "total" accomplish a similar process. Goffman designates as "moral career" the evolution of a person's social identity – both as embodied in their position and formal status, and as perceived and experienced – during their time in such an institution. The notion of a person's "career" within an institution as used by Goffman is inspired by the conceptualization of this idea in the works of Everett Hughes. Examining a range of professions, occupations – from doctors, lawyers, or psychiatrists[102] to medical students[103] – and organizations within which they are exercised, Hughes insisted that the career cannot be

[97] DENZIN, Norman K, 1992, *Symbolic interactionism and cultural studies*. Oxford, UK : Blackwell. p. 2
[98] *Ibid.,* p. 20
[99] CORBIN, Juliet, STRAUSS, Anselm L., 1991, A Nursing Model for Chronic Illness Management Based upon the Trajectory framework. *Scholarly Inquiry for Nursing Practice*. 1991. Vol. Fall, 5 (3), pp. 155-74.
[100] GLASER, Barney G., STRAUSS, Anselm L., 2005, *Awareness of dying*. New Brunswick, NJ : Aldine Transaction.
[101] GOFFMAN, Erving, 1991, *op.cit.*
[102] HUGHES, Everett C, 1964, *Men and their work*. Glencoe [Ill.] : Free Press.

understood solely in terms of a person's progression through a series of positions but also as a series of modification of their self-image and readjustments of their identity. Here, the focus is not on the people the organizations treat – as is the case for Goffman's total institutions – but on those they employ.

This, then, is where the interactionist study of the processes by which actors give meaning to their situations meets the study of street-level bureaucracy. Not only do street-level bureaucrats undergo a career themselves, it is they who interact with the public and impact the understanding of self of the people they treat, be it in "total" institutions or in the more mundane cases of administrative encounters. In both of those circumstances, a significant part of their job consists explicitly of imposing a status. Indeed, in many administrative agencies the task is to decide whether to issue documents confirming aspects of a person's identity: whether to recognize someone's right to welfare, whether to allow them to become residents of a country, or on what terms to admit them to a hospital for example. It is street-level bureaucrats who, by the very fact of interacting with people within a certain institution, get to define an actor as citizen, foreigner, patient, prisoner, or welfare beneficiary.

To apply this to the specific case of immigrants, one can look to a particular type of institutions they interact with: detention centers or refugee centers. It is clear that foreigners detained or residing in such "total" institutions go through a process of change in social identity similar to the one described under the term of "moral career". Ząbek and Łodziński[104] offer an analysis of the career of the residents of refugee centers in Poland and emphasize that in this case the role those persons endorse is highly contextual: seeking to obtain a refugee status, those foreigners are lead to take on the role of refugee and to make all efforts to confirm to the definition of what a refugee is in the eyes of the various types of administrative personnel they deal with. This can take many forms, and the authors provide a list of frequently encountered roles – from the "suffering refugee", through the "confused refugee", to the "realist refugee"[105]. However, whichever of those specific versions they choose, the people in question are always brought to adopt a role as refugee, and the personnel of the center – their perceptions, expectation, definitions, and the power they hold - are instrumental to this shaping of identity. The production of identity within an institution can be even more salient when presence is not voluntary, like in the case of the retention centers[106].

The career of an individual within what Goffman would describe as a "total" institution can be particularly visible and striking. However, this does not mean that processes

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[103] BECKER, Howard S., STRAUSS, Anselm, L., GEER, Blanche, HUGHES, Everett C., 1977, *Boys in white*. New Brunswick, N.J. : Transaction Books.
[104] ZĄBEK, Maciej, ŁODZIŃSKI, Sławomir, 2008, *op.cit.*
[105] *Ibid.,* pp. 93-98
[106] HALL, Alexandra, 2012, *op.cit.*

of a similar kind are absent from other types of institutions. Any public administration is, to an extent, the site of production of its own clientele. Vincent Dubois describes thus the elements constitutive of the career of a welfare office client:

> "A recipient's career is made up of objective changes of situation (losing or finding a job, having children, etc.), by the experience of the institution and changes in the institutional construction of his individual situation and identity (considering or no longer considering a person as unemployed or single mother, for instance), and finally by changes in the individual perception of the situation (relinquishing the perspective of a future job or reclaiming parental status). These three histories help define the relationship to the institution and determine behavior at the desk."[107]

The individual's perception of a situation is to an extent dependent on the categories imposed on them by the administration, but also by a series of operations aimed at producing compliance and ordering the administrative relation. This, in turn, also has an effect on the client's self-perception. The career within the institution – a powerful actor with influence on meaningful aspects of a client's life – finds reflection in a person's definition of self[108]. This might be of particular importance when applied to foreigners contacting the public administration of a receiving state, as I will attempt to show in the remainder of this work.

Thus, on the one hand, public administration agencies can be seen as a setting for the kind of interactions that provide the social scientist with the most interesting material, since they can be a site of particularly striking negotiation over the definition of the situation and over the actors' self-definition. On the other hand, an interactionist take on public administration allows for a better understanding of what happens when policy is brought to the street-level and becomes a lived reality in the everyday encounters of civil servants and their clientele. However, such a classic symbolic interactionist perspective is not without limitations.

I.1.1.c. Interaction and beyond – the limits of a traditional interactionist approach

While interactionism provides a useful perspective for the analysis of street-level bureaucrats' relations with the public, many of the works that draw on those sources also point out certain weaknesses. In particular, the focus on the moment of interaction itself and the insistence on the interacting actors' agency and ability to create meaning can, in some cases, carry the risk of obscuring important elements of social life.

Symbolic interactionism, especially in its early formulations, was set on moving the

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[107] DUBOIS, Vincent, 2010, *op.cit.*, p. 31-32
[108] LIPSKY, Michael, *op.cit.,* p. 66

focus of sociology away from structure and social organization – from the structural factors that determine individual behavior – and toward the actors themselves and their lived experience of the situations they come upon. The actors were no longer to be seen as a mere carriers of attributes such as social position or culture, but as active interpreters whose understanding of the world around them effectively shapes social reality. According to Blumer[109] the general sociological approach of his time was one where "the social action of people [was] treated as an outward flow or expression of forces playing on them rather than as acts which are built up by people through their interpretation of the situations in which they are placed". His own symbolic interactionist project was build in opposition to such views. Very apparent in Blumer's writings, but also present throughout different currents of interactionist though, is a firm anchorage in an interpretativist approach to social science and, hence, a distrust towards all forms of social or cultural determinism. When discussing the questions of culture as well as social structure, Blumer criticizes theories which see them too easily as determinant factors causing human behavior. He focuses particularly on a conception where cultural norms and patterns are seen as constitutive of the very nature of human association and considers it "inadequate, erroneous and distorting"[110]. At the very core of the interactionist tradition lies a will to give due attention to human agency and capacity for the production of meaning. There is an obvious appeal to this vision, as it provides a place for freedom and agency, and allows for an examination of the role of interpersonal, micro-level social phenomena in creating the social world. However, this same importance given to the instances of interpersonal contact might at times make them appear as if they occurred outside of any wider frameworks. Vincent Dubois notes with reference to research on public administration done in this vein: "The study of administrative relationships often tends to go too far in the description of face-to-face encounters, by singling them out from other social relationships to which they belong (institutional organization, positions and paths of the people interacting, effects of the exchanges, etc.)"[111].

Moreover, the centrality of the idea of shared meanings can draw attention away from conflict and contention and towards the establishment of a form of equilibrium. Likewise, the goffmanian notion that actors seek to preserve the face of all participants can tilt the balance in favor of studying the manner in which consensus is obtained and maintained. Cracks in the facade are approached as instances requiring a reestablishment of order.

Failure to provide a satisfactory account of socials structure is among the most common criticisms of interactionism, both from its own proponents and from authors working

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[109] BLUMER, Herbert, 1969, *op.cit.,* p. 84
[110] *Ibid.,* p. 107
[111] DUBOIS, Vincent, 2010, *op.cit*., p.11

within other approaches[112]. It is on this basis that some of the earliest criticism of interactionism was formulated. Crozier, for instance, describes the philosophy behind an approach centered exclusively around interactions as "if not conservative, at least quietist" and castigates it for forgetting that "discontent, divisions, and conflicts are the price that an 'open society' has to pay for progress"[113]. Likewise, Bourdieu calls attention to this aspect of symbolic interactionism. In *Esquisse d'une théorie de la pratique[114]* he points out that by focusing on symbolic interaction and trying to account above all for the actors' perceptions of each other and their situation, one runs the risk of reducing to the realm of the interpersonal what is in fact due to the actors' position in objectively existing structures[115]. He then proceeds to build his own concept of practice in partial opposition to what he refers to as the interactionist or phenomenological model. While he opposes just as firmly an objectivist take that would position the objective structures as the sole explanatory factor of human practices, he pleads for an approach where the interactive and symbolic aspects of social life are always considered as inscribed within relations that go beyond the immediate interpersonal context.

It is also notable that this reproach directed at symbolic interactionism is not only theoretical, but also stresses the role social scientists themselves play in preserving or questioning existing power relations. When structures of power are ignored and erased, they become, to a certain extent, normalized. Cutting interaction off from wider frameworks – be they social, economical, or cultural – can render a critique of those frameworks difficult. It can also make the researcher blind to aspects of their own position, as exemplified for instance by a feminist rereading of Garfinkel's famous study of Agnes – an intersex person who grew up as a boy and later lived as a woman[116]. As pointed out by Mary Rogers, Garfinkel analyzes thoroughly the way in which Agnes performs her gender in her relations to others, but does not always account for the way his own masculinity and expert position interact with that process, nor for the role of his own expectations related to femininity, which in turn are shaped by the way gender is constructed in the society of his time. Treating the definitions of the situation and of the self that actors produce in interactions as occurring within those interactions only, without an examination of socials structures those encounters are situated in can thus obfuscate certain aspects of the reality under study.

However, one would not be justified in saying that the interactionist tradition provides no channels what so ever for addressing the above-enumerated issues. First of all, if one could

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[112] PLUMMER, Kenneth, 1991, *Symbolic interactionism*. Aldershot, Hants, England : E. Elgar.
[113] Crozier, Michel, 1963, *op.cit.,* p. 181
[114] *BOURDIEU, Pierre, 2000, Esquisse d'une théorie de la pratique.* Paris : Seuil.
[115] *Ibid.*, p. 238
[116] ROGERS, Mary F., 1992, They All Were Passing: Agnes, Garfinkel, And Company. *Gender & Society.* 1992. Vol. 6, no. 2, pp. 169-191.

concur with the criticism levied against interactionist though for treating the question of social structure too lightly, it is much more difficult to uphold that criticism when it comes to the notion of culture. Indeed, from its very beginnings, interactionism allows for the idea that the actors' interpretation of the situation of interaction is situated within a wider cultural or symbolic framework. Indeed, if one looks again to Blumer's writings for instance, while he is careful to emphasize his aversion to any form of cultural determinism, he willingly recognizes that the interpretative process that goes on when human beings interact is in part based on patterns shared among them. The very definition of what actors see as objects, what enters the field of their reflection and action is something they share with a group of people. Blumer speaks of "worlds of objects" and of the fact that "[o]ut of a process of mutual indication common objects emerge – objects that have the same meaning for a given set of people and are seen in the same manner by them"[117]. The same thing is apparent in the work of Goffman, who sees interaction as regulated by as series of codes, which can be group-specific. While in the classical works of symbolic interactionism those patterns and codes are above all examined as common to the immediately present interacting parties and renegotiated within the interaction itself, it is not impossible to see them as drawing on a more widely shared cultural repertoire. Denzin, for instance, explicitly establishes a link between interactionism and culture studies, and shows how interactionists have approached cultural productions and their influence on people's experience. He defines culture as "the taken for granted and problematic webs of significance and meaning that human beings produce and act on when they do things together"[118]. The role of preexisting factors, in particular cultural patterns, in the interpretative process can be then seen in terms of a "framework inside of which that process goes on"[119]. Despite this framework not being made central to early interactionist inquiries, symbolic interactionism does not necessarily preclude it from being taken into account. In a similar manner, Elżbieta Hałas defends symbolic interactionism against the objections formulated by Bourdieu by pointing out the "leading thesis stating the social genesis of the rules of construction of the social world"[120].

Likewise, issues of conflict and contention are far from absent from the interactionist line of thought – one very clear example is Goffman's examination of "total institutions"[121], where much attention is paid to the little ways in which those submitted to an imposition of

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[117] *Ibid.,* p. 12
[118] DENZIN, Norman, K., 1992, *op.cit.,* pp. 93-94
[119] BLUMER, Herbert, 1969, *op.cit.,* p. 166
[120] HAŁAS, Elżbieta, 2001, *Symbole w interakcji*. Warsaw : Oficyna Nauk. p. 170.
    This and all following quotations from untranslated Polish works and documents are translations of the author.
[121] GOFFMAN, Erving, 1991, *op.cit.*

status resist, and seek to preserve and reconstruct their own definition of the situation. It is true that in this study the "total institutions" in question are shown as very much closed and separate from the rest of society. However, as Dubois notes when discussing Goffman's work, the isolation in which they are approached is only justified by the very real isolation they themselves operate[122]. It is only when the interaction is treated as alone and separate without such a justification that the interactionist study becomes open to the kind of reprove that was discussed above. Very much like the cultural patterns or codes previously mentioned, social structure and relations of power can be seen as frameworks within which interactions occur and on the basis of which actors interpret situations and negotiate meanings. Social action remains lodged with interacting individuals, but it is not impossible to see it as situated and explore its embeddedness in social structure.

What is more, over they years symbolic interactionism became not as much a unified school of though, as a general orientation towards the study of the way people make sense of their world in their mutual interactions. As such, it figures as inspiration across a wide range of works in social science, and can be traced in approaches of the individual self and of social life as diverse as discourse oriented, existentialist and phenomenological, institutionalist, or post-modernist ones[123]. At the same time, most works that use this perspective also include an analysis of the ways interaction is embedded in various types of context. In the following section, three such types of embeddedness are examined and a look is taken into theoretical traditions and examples of research that center around each of them. Attempts are also made at exploring the potential links between the three.

I.1.2. Situated interactions – field, culture, and power

Similarly to the above-mentioned works that draw on interactionist inspirations, but address the issue of the interactions' embeddedness, the present study focuses on interactions and the everyday life of a public institution and considers it from the point of view of the processes of construction and negotiation of meanings among actors, but it also sees those processes as intimately related to their wider contexts. The notion of context can be understood in a wide variety of manners, among which three types or ways of understanding the embeddedness of interactions in particular appear relevant to this study.

Firstly, given that the object of this research is an administrative agency, one can turn

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[122] DUBOIS, Vincent, 2010, *op.cit*.

[123] HAŁAS, Elżbieta, 2016, Jaźń jako interakcja symboliczna a konstrukcjonistyczne koncepcje człowieka późnej nowoczesności. In : *Konstruowanie jaźni i społeczeństwa. Europejskie warianty interakcjonizmu symbolicznego.* Warsaw : Scholar.

to studies of organizations to seek a way of capturing and analyzing the way interactions within the Department of Foreigners connect to phenomena and dynamics beyond their immediate setting. In particular, the concept of organizational field elaborated within new institutionalism can prove useful in comprehending how the actions, aims, and ideas of a number of actors can find themselves reflected in and have a bearing on the administrative relation at the front desk of the Department. Secondly, the above-discussed notion of shared meanings points towards another important element – the culturally constructed codes and patterns that guide the participants' behavior. An organizational field can be seen as a space where such codes are produced, negotiated, and reenacted. Lastly, as it was previously mentioned, interactions should not be seen in separation from the power relations that structure wider society. The organizational field is also a battlefield, in the sense that it is a space of tension and contention over power and status.

While the concept of field is discussed here above all in reference to its application to organizations, it should become apparent from the subsequent analysis that in fact all three types of embeddedness can also in a sense be understood in connection to field theory, as different but simultaneously present aspects of a field.

I.1.2.a. An interplay of actors – organizational fields and institutional logics

One way of conceiving the embeddedness of social interaction is by referring to the concept of field. The varying definitions of that term can be categorized into

> "three overlapping or interrelated senses. In the first, there is the purely topological sense (…): the field is conceived as an analytic area of simplified dimensions in which we position persons or institutions. Second, there is the sense of a field as an organization of forces. Third, there is the sense of the field as a field of contestation, a battlefield"[124].

A range of theories make use of this idea, among which three can be seen as most notable: "the socialpsychological theory associated most notably with Lewin, the field theory of stratification or domination associated most notably with Bourdieu, and the field theory of interorganization relations associated most notably with DiMaggio and Powell"[125]. The third of those approaches is the one this section will concentrate on, but before proceeding to do so a brief remark on the notion field in the works of Bourdieu is necessary, as his writings can be considered as an important inspiration in the elaboration of this concept.

In order to better comprehend Bourdieu's conception of field, it is useful to look back

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[124] MARTIN, John Levi, 2003, What Is Field Theory?. *American Journal of Sociology*. 2003. Vol. 109, no. 1, p. 1-49. University of Chicago Press. p. 28
[125] *Ibid.,* p. 14

on his above-discussed criticism of symbolic interactionism. Bourdieu positions his own theory between what he describes as the objectivist and the phenomenological approaches[126], stressing that social phenomena cannot be reduced to mere consequences of objective facts, nor to the meanings actors attribute to their actions, but rather should be understood in terms of a constant back and forth connection between objective structures and their internalization by the actors. Social structure determines people's situation and possibilities of action, but simultaneously, in Bourdieu's words, "[s]ocial agents construct the social world through cognitive structures that may be applied to all things of the world and in particular to social structures"[127]. In this sense, one can speak of "structuring structures"[128]. Such a connection between the objective and the constructed is also characteristic of his understanding of fields. A field is to be understood as constituted by the participants' positions vis-a-vis one another, but it also implies a constant process by which those positions are internalized and actualized through action. As it was previously mentioned, it is a "structure of probability"[129] which delineates the options at the actors' disposal. All of those aspects have a bearing on the way the idea of fields has been applied to the study of organizations.

New institutional theorists drew on Bourdieu's theories and "conceptualized the organizational field as the domain where an organization's actions were structured by the network of relationships within which it was embedded"[130]. In other words, an organizational field can be defined as "a community of organizations that partakes of a common meaning system and whose participants interact more frequently and fatefully with one another than with actors outside the field"[131]. As in Bourdieu's conception, those actors exist in a certain configuration and their position vis-a-vis one another counts, as it is what determines their actions by providing opportunities and limiting their options. Any interaction between those actors has to be understood as taking place within that framework, the field constituting a horizon for both the actors' understanding of the situation and their objective possibilities of action. In the present study, the interactions at the front desk of the Masovian Department of Foreigners are seen as thus situated in an organizational field composed of organizations and actors who can be considered stakeholders of migration policy in Poland. While the course and the outcome of those interactions is to an extent dependent on how all the participants interpret each individual situation, this interpretation is considered to take place in an

[126] BOURDIEU, Pierre, 2000, *op.cit.*
[127] BOURDIEU, Pierre, WACQUANT, Loic J. D., FARAGE, Samar, 1994, Rethinking the State: Genesis and Structure of the Bureaucratic Field. *Sociological Theory*. 1994. Vol. 12, no. 1. p.13
[128] *Ibid.*
[129] BOURDIEU, Pierre, 1990, *op.cit.*, p. 88
[130] HOFFMAN, Andrew J., WOOTEN, Melissa, *op.cit.,* p. 130
[131] SCOTT, W. Richard, 1995, *Institutions and organizations*. Thousand Oaks : SAGE. p. 56

environment structured not only by the participants themselves but also by the wider institutional environment, the configuration of actors' positions in that field, and the logics and mechanisms prevalent in it.

Furthermore, it is important to note two sets of question arising in the research on organizational fields. On the one hand, as underlined in the above quoted definition by Scott, organizational fields are characterized by the presence of a "common meaning system". On the other, an important debate among scholars of this topic concerns the issues of consensus and contention. Hoffman and Wooten[132] consider the focus on those two sets of issues to be characteristic of two stages in the development of this theory – firstly what they refer to as the "cognitive turn", then a criticism of what was perceived as a tendency to overstate similarity and stability. In this section, the way those questions were approached within the study of organizational fields, and in new institutionalist thought in general, will be discussed. The following sections will focus on other manners of exploring those themes and the potential bridges they offer towards different theoretical approaches.

Two elements of new institutionalist theory are important to note before going on to examine how the above-mentioned sets of issues relate to the notion of organizational field. Firstly, in this perspective institutions are defined as "the cultural-cognitive, normative and regulative structures that provided stability and collective meaning to social behavior"[133]. Institutions are hence distinct from formal organizations, although they encompass them. Thus defined, they can include entities of a very diverse nature, which have in common the fact that they show certain regularities and serve to order social life. They are, in this sense, what guides the behavior of actors within fields. Secondly, the behavior of organizations can also be explained by their quest for survival and – perhaps even more importantly – legitimacy[134]. This aim, in fact, takes priority over the search for efficiency, so that the behavior of organizations in a field can often appear counterproductive or suboptimal if this aspect is not taken into account. Both those core idea of new institutionalism are key to understanding the behavior of people and organizations in organizational fields, and can be related to the questions of shared meaning and of consensus versus contention.

Firstly, the struggle for legitimacy occurs by means of models, ideas, and terms that are recognized as having value and authority by all significant actors. The participants of a field interact around meaningful concepts and objects – ones which value they understand similarly and which they describe and apprehend through a similar conceptual framework.

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[132] *Ibid.,* p. 133

[133] *Ibid.,* p.131

[134] DIMAGGIO, Paul J., POWELL, Walter W., 1983, The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields. *American Sociological Review.* 1983. Vol. 48, no. 2, pp. 147-160.

Thus, "organizational fields connect and align organizations, and in so doing, can induce shared subjectivities, or "culture" as we call it"[135]. One example of such a usage of a common legitimizing concept by actors of a field that is pertinent to the object of the present study is Mikołaj Pawlak's analysis of the term "integration" and its understanding and role in the field of migration policy in Poland[136]. In this case, the term itself, as well as a set of connotations that it becomes imbued with, serve as a common description of a desirable aim that allows actors to gain legitimacy by referring to it. Organizational fields appear, hence, as spaces where meaning is collectively produced and negotiated.

It can be useful at this point to compare this characterization of organizational fields with another key neo-institutionalist concept: institutional logics. This term in fact encompasses something very similar to the shared system of meaning discussed above. Thornton and Ocasio define it as a set of rules, sanctions, and rewards that are produced through interaction between actors, regularize they behavior, and are "embodied in practices, sustained and reproduced by cultural assumptions and political struggles"[137]. They then go on to stress that those logics are "more than strategies or logics of action as they are sources of legitimacy and provide a sense of order and ontological security"[138]. Their own study of the publishing industry[139] is one famous example of the use of this concept. In relation to institutional logics, fields appear as the space where those logics play out. They are where the meanings and rules are formulated, but also instrumentalized, contested, and redefined.

This last aspect points to the next question – that of consensus and contention. As organizational fields are defined as a space of both shared meanings and agreement over the rules of the game, and of struggles over meaning and attempts to redefine those rules, many authors have wondered which of those two dynamics is to be given priority. When DiMaggio and Powell[140] famously spoke of legitimacy and introduced the notion of institutional isomorphism, their aim was to explain similarity between organizations. They noted that organizations interacting with one another as members of a field tend to adopt similar solutions and showed that this was done by imitation, with certain actors being more than

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[135] MARTIN, John L., 2003, *op.cit.,* p. 42
[136] PAWLAK, Mikołaj, 2011, Termin „integracja" jako narzędzie legitymizacji. Neoinstytucjonalna analiza uprawomocniania działań w polu organizacyjnym obsługi i pomocy imigrantom w Polsce. *Studia Migracyjne – Przegląd Polonijny.* 2011. Vol. 37 (2), p. 59-80.
[137] THORNTON, Patricia H., OCASIO, William, 2008, Institutional Logics. In : *The SAGE Handbook of Organizational Institutionalism*. 1. Los Angeles : SAGE. p. 101
[138] *Ibid.,* p. 108
[139] THORNTON, Patricia H., OCASIO, William, 1999, Institutional Logics and the Historical Contingency of Power in Organizations: Executive Succession in the Higher Education Publishing Industry, 1958-1990. *American Journal of Sociology*. 1999. Vol. 105, no. 3, p. 801-843. University of Chicago Press
[140] DIMAGGIO, Paul J., POWELL, Walter W., 1983, *op.cit.*

others in a position to impose their own models as legitimate. This could take place because the actors in question have the possibility to lay down sanctions, or because others consider their model as successful and worthy of imitation, especially in times of uncertainty. Hence, the authors distinguish several types of isomorphism. Whatever the exact reasons of imitation might be in a given case, DiMaggio's and Powell's conception is one where organizations tend towards uniformisation and a certain status quo is created and maintained. This view is, on the one hand, compelling, as it explains a number of phenomena that take place is organizations. On the other hand, however, it is not devoid of drawbacks, and has been criticized for causing a tendency, within new institutionalism, to seek out cases of consensus, imitation, and uniformity, and overlook the highly contentious and conflictual nature of organizational fields[141]. Indeed, in Bourdieu's theory, which represents one of the sources of the concept, the field is by definition a space of struggle for power. Diane Vaughan points to this aspect when she pleads for a restitution of the notion of field into its original Bourdieusian context, stressing that "[c]entral to Bourdieu's theory is the dynamic of domination and the relation between dominator and dominated. The field is a site of ongoing struggle; structures of power reproduce and are reproduced by inequality"[142]. Vaughan's is one of the critical voices Hoffman and Wooten spoke of when they traced the evolution of the concept of organizational field, and empathized that with time this reproach was integrated into the new institutionalist perspective and it became accepted that "[o]organizations engage in field-level conflict, out of which they gain skills and capital for future conflict"[143].

In the present work, the organizational field under study is thus understood as encompassing both those aspects – the presence of a shared system of meaning and the constant struggle over that meaning, and the legitimacy and power that comes with it. Moreover, as it was previously mentioned, the inclusion of those two elements of field theory also opens possibilities for exploring other perspectives on interaction in organizations, and throw supplementary light on different facets of the administrative relation. The following two sections offer a closer analysis of the role of culture in organizations and in their interactions with the public, as well as of the way power dynamics can be introduced to the study of public administration, and in particular agencies dealing with foreign citizens.

I.1.2.b. Patterns and performance – culture in organizations

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[141] VAUGHAN, Diane, 2008, Bourdieu and organizations: the empirical challenge. *Theory and Society*. 2008. Vol. 37, no. 1, pp. 65-81. Springer Science + Business Media

[142] *Ibid.,* p. 67

[143] HOFFMAN, Andrew J., WOOTEN, Melissa, *op.cit.,* p. 134

The idea of shared systems of meaning points towards a range of approaches that consider culture as a determining factor of human behavior and a key element of human interactions. One evolution that is of particular interest to this study is the growing cooperation between the fields of anthropology and organization studies, and the fact that the notion of culture has been increasingly introduced into research on organizational phenomena. Within those approaches, culture can be understood in several distinct ways, which invite further examination.

For Gareth Morgan, culture is one of the root metaphors in terms of which organizations are understood[144]. Drawing on the work of Linda Smircich[145], Monika Kostera further differentiates three different approaches to culture in studies of organizations[146]. The first one stems from a cross-cultural perspective and conceptualizes culture as an overarching system and an explanatory factor external to the organization. One notable example of such a conceptualization of culture is Hofstede's[147] understanding of national culture. In his view, a culture characteristic of a given nation or group can be categorized according to several dimensions (referred to under the labels of Power Distance, Individualism versus Collectivism, Masculinity versus Femininity, Uncertainty Avoidance, Long-term Orientation, Pragmatic versus Normative, and Indulgence versus Restraint – each of those terms designating orientations that are valued to a bigger or smaller degree in a culture, or more or less characteristic of it). This in turn translates into the manner people function in organizations in a given country or region.

In the second approach identified by Kostera, culture is seen mostly in an instrumental fashion, as an inner characteristic of the organization that can increase or decrease its performance, and, as such, can and should be manipulated to obtain desired effects.

The third approach is the one which truly constructs culture as a root metaphor. Here, culture is not something an organization "has" but rather something the organization "is"[148]. The organization in this perspective is inextricably linked to the ways in which people make sense of the world around them by means of symbols and cultural patterns. A similar distinction is made by Barbara Czarniawska:

> "Under an umbrella of 'organizational culture', at least two distinct schools of thought began to form: one that saw a new management tool in organizational culture, and an

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[144] MORGAN, Gareth, 1997, *Images of organization*. Thousand Oaks, Calif. : Sage Publications.
[145] SMIRCICH, Linda, 1983, Concepts of Culture and Organizational Analysis. *Administrative Science Quarterly*. 1983. Vol. 28, no. 3, p. 339
[146] KOSTERA, Monika, 2010, *Antropologia organizacji*. Warsaw : PWN. p. 30
[147] HOFSTEDE, Geert H, HOFSTEDE, Gert Jan, MINKOV, Michael, 2010, *Cultures and organizations*. New York : McGraw-Hill.
[148] KOSTERA, Monika, 2010, *Antropologia organizacji. op.cit.*, p. 31

opportunity for organization studies to turn to humanities and symbolic analysis"[149].

In this last approach culture is "a symbolic system, allowing people to communicate and to give meaning"[150]. The perspective adopted here is close to that last approach, where culture is seen as a system of meanings that not only exists within organizations by participates in shaping them.

Culture, thus understood, can also be helpful in comprehending the links between an organization, the organizational fields it participates in, and society at large. Indeed, as already mentioned, a crucial role is played in organizational fields by a set of common cultural codes that allow the actors to ascribe meaning to their actions and those of their partners. These codes can be specific to the field and created through the actors mutual interactions, but they can also draw on cultural references and patterns that characterize a society as a whole. They can, hence, be seen as a link between what Vaughan describes as "organizations-as-fields" and "organizations in fields"[151], as well as between those fields and their even wider environment. Indeed, Vaughan argues that organizations can be understood on the one hand as fields in and of themselves, as spaces within which actors interact in a certain specific configuration, and on the other hand as participants in wider organizational fields, as defined by the above-discussed authors. She also reminds her readers that in Bourdieu's theories fields exist on different levels, and "organization fields are themselves embedded in a larger system of fields"[152]. Cultural codes and systems of meaning can provide a connection, as they exist on both of those levels and allow for their mutual influence. The meanings ascribed to an actor's actions and the expectations as to the actor's behavior are formed not only within the organization itself, but in the organization as it is embedded in larger fields.

However, the present study is not only concerned with an organization – in this case a particular administrative agency – and the field it partakes in, but more specifically with the face-to-face interactions that take place in that organization between those it employs and those it receives. The question thus arises of how such a conception of culture, as a system of meaning constitutive of organizations, can be linked to the study of those direct encounters. The cultural codes, in this case, not only orient the functioning of the organization, the choices and decisions made within it, and the behavior of its members between themselves, but rather they are enacted publicly and find reflection in the image the agency produces for the outside world. This is where another view of culture as a symbolic system can prove

[149] CZARNIAWSKA, Barbara, 2012, Organization Theory Meets Anthropology: A Story of an Encounter. *Journal of Business Anthropology*. 2012. Vol. 1(1), Spring 2012. p. 119

[150] KOSTERA, Monika, 2010, *Organizacje i archetypy*. Warsaw : Wolters Kluwer Polska.

[151] VAUGHAN, Diane, 2008, *op.cit.*

[152] *Ibid.,* p.68

useful, and complete both the interactionist understanding of face-to-face contact and the definition of culture found in the anthropology of organizations: Jeffrey C. Alexander's conception of "social action as a cultural performance"[153].

Alexander defines cultural performance as "the social process by which actors individually or in concert, display for others the meaning of their social situation"[154]. Much of human activity, and especially face-to-face interactions, can be understood as instances of such performance. Alexander then goes on to enumerate the aspects that must be considered in such a performance and poses, as the condition of its success, the act of connecting or "refusing"[155] its various elements – including "systems of collective representation"[156] and the "distribution of power in society"[157]. Culture, understood as a system of meaning, plays a preeminent role in this performative vision of social interaction. Indeed, creating and maintaining a certain image implies assumptions as to attitudes and qualities that are being valued. Both those valued attitudes and the manners of enacting them are intimately linked to cultural codes. As Alexander says,

> "to be practical and effective in action – to have a successful performance – actors must be able to make the meaning of culture stick. Since meaning is the product of relations between signs in a discursive code or text, a dramaturgy that intends to take meaning seriously must account for the cultural codes and texts that structure the cognitive environments in which speech is given form"[158].

The performance's success depends on the actors ability to aptly use cultural codes that the audience of the performance can decode and thus adequately interpret the meaning conveyed. It is only when actors present share a set of codes that it is possible for them to ascribe meaning to a situation.

However, culture is not the only component of such a performance. Alexander asserts elsewhere, when arguing against the micro/macro split, that the error of many theorists consists in that "[t]hey have taken one particular system – the economy, the culture, the personality – as action's total environment; they have taken one action mode – invention, typification, or strategization – as encompassing action in itself. (…) It is unacceptable, however, for any one of these variables and disciplines to be considered privileged in relation to the others"[159]. Thus, his analysis of cultural performance also points to an element that has

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[153] ALEXANDER, Jeffrey C, GIESEN, Bernhard, MAST, Jason L, 2006, *Social performance*. Cambridge, UK : Cambridge University Press. p. 31

[154] *Ibid.,* p.32

[155] *Ibid.,* p. 29

[156] *Ibid.,* p. 33

[157] *Ibid.,* p. 36

[158] *Ibid.*, p. 4

[159] ALEXANDER, Jeffrey C, 1987, *The Micro-macro link*. Berkeley : University of California Press. pp. 314-315

appeared in previous discussion of both interaction, and organizational field – social structure and power relations.

I.1.2.c. Interacting across power positions

It has been noted that, both in Bourdieu's conceptualization of fields, and in more recent works that incorporates that concept into the study of organizations, the field is seen as a space of contention. Inequality of status and power, and the struggles and conflicts to which it leads, constitute an essential element of field theory and their introduction into an analysis of interaction can yield enlightening results. Indeed, neither the situations of interaction, nor the fields within which they take place, constitute an equal playground. It has been mentioned in I.1.c. that classical works on face-to-face interaction can in some cases be castigated for the way the focus on shared meanings can obscure the more contentious aspects of social reality. What is to be found at the core of such criticism is – once again – the issue of power relations. While interactionist analysis does refer to questions of power and status, they are rarely given center stage. Plummer notes that the classical symbolic interactionist approach bears most fruit when applied to encounters between actors who hold a relatively comparable amount of power[160]. However, many, if not most situations experienced by people in their social lives are not characterized by equality of power, and the administrative relation is a particularly striking example of a case where no such balance can be said to exist. This can explain why the issue of power is much more present in the kind of research into the workings of street-level bureaucracy that this study draws inspiration from.

Indeed, inclusion of power relations as an element of the investigation of street-level bureaucracy is to be noted in most of the literature of the topic previously discussed, and it can focus on two distinct elements. On the one hand, the relation between the bureaucrats and their clientele is "structurally asymmetrical"[161]. On the other hand, this unbalance only deepens other existing power differences, as the bureaucrats participate in the same power structures as other members of society – power structures that play out in their relations with particular clients.

The very structure of the administrative interaction is unequal, since the bureaucrat is the one who decides upon the client's access to desired goods and resources. In a sense, the position of street-level bureaucrats is highly paradoxical: they are civil servants and – as that term indicates – they are, at least nominally, in the service of those they receive; at the same

[160] PLUMMER, Kenneth, 1991, *op.cit.*
[161] DUBOIS, Vincent, 2010, *op.cit.*, p. 53

time, they are representatives of the state, and as such holders of significant power and dispensers of coveted resources. The public approaches administrative agencies from a position of petitioners, an aspect denoted strongly by vocabulary used in some of those cases, such as the Polish term *petent* (a term that will be discussed in detail in the following chapter), or the French *demandeur* (used for instance in the consecrated expression describing asylum seekers). What is more, however, this blatant and structural imbalance of power does not exist in a vacuum, but enters into an interplay with other characteristics of the actors, which determine their position and status is society at large.

This aspect – present in any form of administration – is very clear in the welfare agencies studied by Dubois. Indeed, while wider in scope, Dubois' work puts an emphasis on the social background of welfare agency workers showing how it plays out in their interactions with those they supervise. In particular he speaks of "social conditions of compassion"[162] and distinguishes different configurations in which compassion for the client can occur, ranging from a proximity that fosters empathy, to a wish to distinguish oneself from clients by treating with sympathy those whose situation seems the most remote from one's own. At the same time, the interactions this author describes are impacted by the clients' social position as well as what Dubois calls, after Everett Hughes, their "career"[163]. Both those elements are subject to change caused on the one hand by an evolution of institutional framework, and on the other by socioeconomic transformations[164]. The shape and outcome of interactions is thus highly dependent on positions occupied by the interacting parties in an overall social structure. This aspect is also analyzed in Yasmine Siblot's work, as it has been previously noted. The social status of the street-level bureaucrats she studies, as compared to that of their public, plays a non-negligible role in their everyday encounters. It leads to diverse strategies adopted by individual administrative agents in their attempts to define their own role and position themselves vis-a-vis those they receive. Likewise, in Spire's inquiry into immigration offices the attitude adopted by given agents – whether they choose to be zealous and follow a restrictive interpretation of the law; whether they are pragmatic and treat the job as they would any other; or whether they decide to resist restrictive tendencies and show compassion – can be correlated with their background and career within the institution[165]. In all of the cases, the structural imbalance of power due to the street-level bureaucrats role as dispensers of resources or advantages interconnects with the specific positioning of the interacting actors vis-a-vis one another in wider societal structures.

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[162] *Ibid.,* p. 112
[163] *Ibid.*, p. 31
[164] *Ibid.,* p. 26
[165] SPIRE, Alexis, 2008, *op.cit.*

This intertwining of sources of power imbalance takes on a dramatic importance, however, in the case of foreigners. While even the most underprivileged members of society interact with public administration in the hope of exercising their rights, foreign nationals address the administration seeking a status that grants them rights in the first place. Failing that, they are not only not entitled to any form of benefits, but their very stay on the country's territory can be considered illegal. Even though, as Dubois notes, the right to welfare benefits can also be conditional, as the French welfare system has evolved towards a greater emphasis on individual responsibility and case-by-case treatment, citizens still have some degree of freedom and immunity that no civil servant or institution can easily strip them off. For foreign nationals even the ability to exercise basic rights can be put into question and depends on the obtainment of a legal status. In his work on German immigration offices, Tobias Eule formulates this idea both simply and dramatically when he spells out the question underlying all proceedings in such administrations: "Can I stay?"[166]- a question that determines a person's fate in a most fundamental fashion. The civil servants thus appear as "front line gatekeepers"[167] meant to maintain a division essential to the very concept of the nation-state: that between citizens and non-citizens. State institutions enforce that separation by applying specific laws and legal statutes to nationals of other countries, and the civil servants who work in those institutions find themselves invested with the power to exclude foreigners or to include them, albeit always conditionally.

What is more, migration raises some essential questions about the nature and prerogatives of the nation-state. Indeed, it

> "touches on each of these dimensions of politics: the procedural or distributional dimension – who gets what, when, and how; the legal or statist dimension, involving issues of sovereignty and legitimacy; and the ethical or normative dimension, which revolves around questions of citizenship, justice, and participation"[168].

Defined in terms of control over a territory, and intrinsically linked to the idea of correspondence between that territory, a set of institutions that administer it, and a community of citizens, modern nation-states are driven to attempt controlling migrant populations. The public institutions that foreigners encounter are responsible for exercising this control, further accentuating the power imbalance between the interacting parties. A more detailed discussion of this basic asymmetry linked to issues of sovereignty, control, and exclusion, as they pertain to the activities of the Masovian Department of Foreigners, will be presented in chapter III.3.

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[166] EULE, Tobias G, *op.cit.,*

[167] BRUBAKER, Rogers, 1992, *Citizenship and nationhood in France and Germany*. Cambridge, Mass. : Harvard University Press. p. 30

[168] HOLLIFIELD, James F., 2008, The Politics of International Migration. How Can We "Bring the State Back In"?. In : *Migration theory. Talking across Disciplines*. 1. New York : Routledge. p. 189

Moreover, a noteworthy aspect of this separation between foreigners and nationals is the manner in which it is to be found not only in the legislation and the rules applied by public administration, but also in the realm of cultural representations and perceptions. To repeat Alexander's argument, no one system or dimension can be the exclusive explanation of human behavior, and power relations are intimately linked to the sphere of culture. The unequal positions in social structure find their reflection in and are reinforced by the shared systems of meaning, and nowhere is it as clear as when speaking about the treatment of foreigners. Indeed, the existence of a perceived *we* requires as a correlate the existence of *others*[169]*,* and when that *we* is defined in national terms foreigners are defined through the lens of otherness. What is more, there is more than one way of conceiving otherness: the *other* can be seen as close to one's own group, or very remote; as known or unknown, according to previous experiences of contact; and as equal or subordinate[170]. This last dimension is of particular interest here. Indeed, not only is any given society not an equal playground, but nor are the relations between countries and nations. This inequality is important to take into account when analyzing migration-related phenomena, as it is partly responsible for migration flows and can be reflected in the relationship immigrant populations and receiving societies entertain with one another. This kind of power relations can become written into the very way certain regions and populations are apprehended. A famous analysis of such a case is to be found in Said's *Orientalism*[171] where he showed how, through the production of a scholarly knowledge about "the Orient", the West in fact produced "the Orient" itself as an object of knowledge. That construction, in turn, was closely related to both the West's definition of itself, and the justification of its colonial power over regions designated as "oriental".

The Orientalist discourse stressed the

> "separateness of the Orient, its eccentricity, its backwardness, its silent indifference, its feminine penetrability, its supine malleability; this is why every writer on the Orient (...) saw the Orient as a locale requiring Western attention, reconstruction, even redemption"[172].

Thus, they very way the knowledge and representation of the Orient was constructed legitimized intervention and domination. Moreover, such a construction of a whole region and its inhabitants in terms of otherness not only had a bearing on the past when it first took shape, but remained present in the contemporary world, taking new forms and influencing the

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[169] NOWICKA, Ewa, ŁODZIŃSKI, Sławomir, NAWROCKI, Jan, 1990, *Swoi i obcy*. Warsaw : Uniwersytet Warszawski, Instytut Socjologii.
[170] *Ibid.*, p. 30-31
[171] SAID, Edward W, 1979, *Orientalism*. New York : Vintage Books.
[172] *Ibid.,* p. 206

understanding of present day phenomena. What is of particular interest here, Said describes Orientalism as a general framework used to interpret individual situations and events – a framework that is self-sustaining in that every occurrence that could contradict it is met with an explanation that upholds it. Said writes:

> "Philosophically, then, the kind of language, thought, and vision that I have been calling Orientalism very generally is a form of radical realism; anyone employing Orientalism, which is the habit for dealing with questions, objects, qualities, and regions deemed Oriental, will designate, name, point to, fix what he is talking or thinking about with a word or phrase, which then is considered either to have acquired, or more simply to be, reality. Rhetorically speaking, Orientalism is absolutely anatomical and enumerative: to use its vocabulary is to engage in the particularizing and dividing of things Oriental into manageable parts. Psychologically, Orientalism is a form of paranoia, knowledge of another kind, say, from ordinary historical knowledge."[173]

Said's conception thus provides an example of the way an intertwining between culturally constructed representations and structurally ingrained power relations can participate in creating a framework that affects the interpretation of encountered situations. In that sense, it is also likely to intervene when actors interact with each other and impact their understanding of and reactions to a given situation, and the encounter between national state representatives and a foreign, or *other,* public is one situation where this kind of dynamic is very likely.

Thus, interactions appear as guided not only by the actors' individual acts of interpreting the situation but also by factors that impact that interpretation itself. Human encounters are always situated – be it within a field where different actors engage one another, in the systems of meaning that they share and negotiate collectively, or in the power relations underpinning their mutual relations. As shown by the example of Said's exploration of links between domination and knowledge, it is often neither possible, nor desirable to separate those dimensions. Rather, it can be useful to apprehend them as conjointly constituting the context that interactions are embedded in. The field can be understood as composed simultaneously of a configuration of actors, a set of culturally constructed codes that they share and negotiate, and the power differentials characterizing their relationships.

The previous sections have thus discussed the processes and determinants involved in the activity of making sense of situations of interaction. However, there is one more type of response to those situations that needs to be analyzed – emotional reactions and their place in the study of interaction. Indeed, the interpretation of a situation and the emotion it provokes in an actor are intimately linked, to a point where omitting the emotional dimension would deprive the analysis of a crucial element and source of information.

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[173] *Ibid.,* p. 72

I.1.3. Emotion as an indicator

Discussing the everyday life in public administration agencies without mentioning emotion can yield only a partial picture of the reality at hand. An account of what it means to work in or interact with such an institution is incomplete without making note of the frustration of those subjected to long waiting hours, the anger of those whose cases are met with refusals, the stress of treating high amounts of cases in a short time-span, the impatience of the civil servant confronted with a client's ignorance, or the compassion and sympathy they might show to the plight of those in need. Those are essential elements of people's experience in such a setting, ones that are part of common knowledge for members of societies administered by means of a bureaucratic apparatus. However, I intend to argue in this section that the emotion experienced and expressed in public administration can also be a worthy object of scholarly analysis, as it reveals underlying mechanisms and dynamics. An interactionist take on the sociology of emotion can be particularly enlightening in this context.

Indeed, besides the critique of classical interactionism that calls attention to its insufficient concern with issues of social structure, one reproach that has been made against this tradition is that of its "limited consideration of human emotions"[174]. This failing has been amply addressed in more recent interactionist works and an interactionist branch of sociology of emotion has developed. This understanding of emotion can not only provide a useful indicator of the complex mechanisms at work in the everyday life of public administration, but also serve to reveal aspects of that interaction that relate to the different theoretical approaches discussed above.

Stets and Turner[175] distinguish five approaches to emotion and areas of focus with respect to them that developed in the field of sociology over the past three decades: "dramaturgical (culture), structural (social structure), symbolic-interactionist (cognitive appraisal), and ritual and exchange (interaction)". This section reviews briefly some of those perspectives that can be related to the theories discussed previously.

An idea characteristic of what can be described as the symbolic-interactionist approach is that emotion is provoked by congruence, or the lack thereof, between actors' expectations and the actual course of the interaction. In particular, this applies to the actors' identity or idea of self as compared to the image of self they form within the interaction. As a result,

> "[t]he emotional responses will be positive when situational self-meanings are congruent
> with one's own self-meanings/identity standards, and negative when they are incongruent.
> In the latter case, individuals are motivated to bring into congruence the self-meanings

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[174] PLUMMER, Kenneth, 1991, *op.cit.,* p. 60

[175] STETS, Jan E., TURNER, Jonathan H., 2008, The Sociology of Emotions. In : *Handbook of emotions*. 1. New York: : Guilford Press. p. 34

and situational self-meanings"[176].

What is more, actors can gain or lose emotional energy as an outcome of one interaction, and carry that result on to other interactions. Thus, Randall Collins draws on Goffman's work to describe interaction as a ritual aiming at the preservation of such energy, elaborates the conception of "interaction ritual chains" and postulates

> "that occasions that combine a high degree of mutual focus of attention, that is, a high degree of intersubjectivity, together with a high degree of emotional entrainment—through bodily synchronization, mutual stimulation / arousal of participants' nervous systems—result in feelings of membership that are attached to cognitive symbols; and result also in the emotional energy of individual participants, giving them feelings of confidence, enthusiasm, and desire for action in what they consider a morally proper path. These moments of high degree of ritual intensity are high points of experience"[177].

This is what Turner and Stets describe as the "ritual and exchange" perspective on emotions.

Authors working in an interactionist paradigm have also introduced other elements to the study of emotion, a notable perspective consisting of exploring the links between emotional responses on the one hand, and status and power on the other. One such author is Theodore Kemper[178], whom Turner and Stets categorize as a proponent of the structural approach, given his focus on those issues. Kemper defines power as the capacity to make a person do something they do not wish to do, by force or other means, and status as an interpersonal situation where one person willingly complies with another's wishes. What is more, both status and power, when occurring repeatedly in interactions become ingrained in what Kemper describes as power structures and status structures, so that power behaviors become unnecessary and "actors in a relationship have a stable sense of what is proper and suitable as a mark of the amount of affection, regard, respect, linking, etc., required of and/or deserved from each other"[179]. Increases in power and status lead to feelings of safety and stability, and a generally positive emotional feedback, while, conversely, decreases provoke negative emotions. As in the approach discussed above, this is also related to what an actor can expect of an interaction – whether their status and power are confirmed or disproved. Thus, "power and status, augmented by notions of agency and anticipation, are efficient predictors of emotions"[180].

The idea of anticipation or expectation also supposes that there is a certain way of

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[176] *Ibid.*, p. 38

[177] COLLINS, Randall, 2005, *Interaction ritual chains*. Princeton, N.J. : Princeton University Press. p. 42

[178] KEMPER, Theodore D, 1978, *A social interactional theory of emotions*. New York : Wiley.

[179] KEMPER, Theodore D, 2011, *Status, power and ritual interaction*. Burlington, Vt. : Ashgate. p. 55

[180] KEMPER, Theodore D., COLLINS, Randall, 1990, Dimensions of Microinteraction. *American Journal of Sociology*. 1990. Vol. 96, no. 1, p. 32-68. DOI 10.1086/229492. University of Chicago Press . p. 58

feeling, or at least a certain expression of emotion, that is to be expected – that actors know what they are *supposed* to feel. This is an aspect on which Arlie Hochschild's[181] theory of emotional labor elaborates in detail. Hochschild begins by noting that feeling is in fact much less spontaneous than most would like to believe and that it is common for people to make efforts in order to feel in a specific way – the way they believe they *should* feel. Hochschild refers to the principles guiding this belief as "feeling rules"[182]. Those are the cultural scripts that tell individuals what their emotional response to a given situation should be. They are also linked to ideas about the feeling that is "due" to others: feeling, in this perspective, is an object of exchange[183]. The work done by individuals to feel according to feeling rules and to pay their due to others through this feeling can be described as emotional labor. This means that, in order to uphold feeling rules, people do a certain amount of what Hochschild describes as "deep acting". Indeed, people in everyday interactions always resort to a certain amount of acting, but its depth can be variable. Hochschild[184] speaks of a distinction between "surface acting" and "deep acting". In the former case, the actor knows they are acting and does not experience the emotions they are outwardly showing. This kind of acting is common in benign everyday interactions. "Deep acting" is akin to Stanislavski's method acting – it consists of the actor producing within themselves the feeling they are outwardly showing.

What makes this theory particularly compelling from the point of view of this study is the fact that Hochschild focuses in her work on the commercialization of this human ability of deep acting. Taking the example of airline hostesses, she shows how companies market and sell the "authentic" feelings of their employees, and hence expect those employees to genuinely produce such feelings. She emphasizes in her work the toll that commercialization of emotional labor takes on those who do it. She speaks of a "transmutation" of emotion work, emotion rules, and social exchange[185]. In service jobs, where emotional labor is done for profit, the kind of efforts that are usually done in private life, for the individual's own wellbeing, and according to rules negotiated privately by those involved, become a marketable good: "A profit motive is slipped in under acts of emotion management, under the rules that govern them, under the gift exchange"[186]. While the agency analyzed here is not strictly speaking a commercial setting and its services, while paid, are not provided for profit, it is nevertheless a case where contact with a public is the main professional task of the people concerned. The civil servants employed by the Department of Foreigners are in a situation

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[181] HOCHSCHILD, Arlie Russell, 2003, *op.cit.,*
[182] *Ibid.,* p. 56
[183] *Ibid.,* p. 80
[184] *Ibid., p*p. 37-39
[185] *Ibid.,* p. 118
[186] *Ibid.,* p. 119

similar to that of Hochshild's hostesses, even if their agency functions on a different basis. Hence, the ideas of feeling rules, emotional labor, and commercialization of feeling seem highly applicable.

Furthermore, Hochshild also suggest emotion is "a clue to an underlying truth, a truth that had to be dug out or inferred, a truth about the self vis-a-vis a situation"[187]. This role of emotion as indicator can be considered in relation to the aspects of interaction discussed previously. First of all, the emotion that is being expressed in a context is an indication as to what emotion is *supposed* to be expressed – what the feeling rules are, or, in other words, what attitudes and interpretations of the situation are valued. In this sense, emotion points to the way actors define their situation and their role in it. The kind of emotion being expressed and the way it is expressed can be linked to the cultural codes and meanings that actors share, and used to better comprehend them. Secondly, whether the interaction succeeds or fails, and the positive or negative emotion thus produced tells one something about power and status in that interaction – what the actors expected it to be, and how it played out in their encounter. Thirdly, as noted previously, negative emotion can arise from an incongruence between expectations and actual interaction. It is a sign of dissonance, and in that can be useful in spotting discrepancies and contradictions in the way the situation is constructed by various actors. As it has been previously noted, analyzing public policy at street-level has a potential for revealing such contradictions inherent to a given field of policy. Observing and analyzing emotion can help one in this task. Moreover, if organizational fields are a space of conflict over meaning and struggles over power, emotion once again can help pinpoint the points of such contention. Thus, analyzing emotion can allow for a better understanding of both the matters that are an object of consensus in a given field, and the ones that provoke disagreement and competition.

Building on the theories discussed in this chapter, this study takes as its object the street-level of a public administration agency as it is situated within an organizational field. That field, in turn, is seen as a complex interplay of actors, but also as imbued with shared systems of meaning, and as traversed by structures of power. Moreover, this field can be understood as a space of contention over both meaning and power. Those elements are approached here as being inextricably intertwined and constitutive of a context that delineates and guides the interpretations actors make of their situation. The aim is, hence, to study the way people make sense of their world in interaction with one another, while constantly bearing in mind that those interactions are situated and interconnected with their wider

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[187] *Ibid.,* p. 31

contexts. This interconnection allows one to think that a close observation of the everyday life of a particular organization – which can be considered as a key actor in its field – can provide a better understanding of the field itself. The interactions observed, and the actors' emotional responses to them, can be revealing of the field's configuration, its logics and dynamics, and its inner contradictions.

The case under study – the Department of Foreigners of the Masovian Voivodeship Office – is looked into from a thus defined perspective. The focus here is on the direct encounters, on the space where the foreigners meet the civil servants and policy becomes implementation. The individual interactions are seen in an overall context of everyday life within the institution, which in turn is examined in its relations to the field. Contacts with other actors, such as other public institutions or non-governmental organizations, are taken into account, and so are the common meanings created and negotiated through those instances of contact. The behavior, choices, and emotional responses of the officers are examined as closely linked to their interpretation of the situation, which in turn is influenced by what goes on in the field. Thus, the Department of Foreigners serves as a point of entry of sorts, through which phenomena characterizing the field can be approached.

The following chapter focuses more closely on the use of a single case study as a means of apprehending aspects of an organizational field, and offers some precisions on the methods employed in the field research conducted for this work.

I.2. Choice of method:
looking at an organizational field from the perspective of a case study

The theoretical frame described in the previous chapter is the basis for the choice of methodology. The empirical work consisted of a three-month-long period of participant observation, preceded by desk research and completed by two series of semi-structured interviews. It is a case study focusing solely on one public administration agency: the Department of Foreigners of the Masovian Voivodeship Office. The aim of this section is to give a more detailed account of the methods employed and of the reasons behind their choice. It begins with a discussion of the usefulness of the case study method for an analysis of public policy. In this part, the specific relationship of case studies to issues of generalizability and representativity are also addressed. Once the choice of the case study method has been explained, it is possible to proceed to examine the strategy and approach used to enter and observe the work of the Department. The strategies and approaches used in the fieldwork are described more in detail here. Lastly, this chapter also also deals with the ethical issues inherent to conducting participant observation.

I.2.1. Micro and mezzo level – a case study of the Department of Foreigners in the context of a larger organizational field

Combining an interactionist approach with a study of an organizational field can appear a methodologically complex task, as the two perspectives tend to be traditionally linked to different levels of analysis – while detailed, micro-level case studies are common in interactionist works, organizational fields are defined more in terms of mezzo-level phenomena and approached as such. This section is an attempt at demonstrating the merits of a single case study for the understanding of certain aspects of an organizational field. Thus, it is postulated that it is possible to observe characteristics of the field through the effects they have on a given actor. What is attempted here is a study of the impact of mezzo level phenomena on the micro level.

The section begins with a discussion of methods of inquiry typical for the theoretical traditions referred to and of potential ways of establishing links between them. It continues on to examine again the previously mentioned array of studies that make use of the input of case studies of street-level bureaucracy for the understanding of state-level policies, this time in order to emphasize the methodological choices this approach implies.

I.2.1.a. The merits and risks of an interactionist case study

The focus of interactionist studies is usually on the direct, face-to-face exchanges between actors. This makes case studies a particularly fitting method of inquiry and indeed many of classical interactionist works have been based on case studies – from studies of specific institutions such as St Elizabeth's Hospital where Goffman conducted a major part of the observations presented in *Asylums*[188], through field work in particular places and sites such as the district of Boston analyzed in Whyte's *Street Corner Society*[189], to single individuals as in Garfinkel's famous study of Agnes[190]. Indeed, defining the meaning individuals attribute to objects and situations as the primary focus of sociological inquiry, and considering that such meaning is always constructed and negotiated in particular interactions between people, interactionists were lead to see the path to sociological understanding in gaining a degree of familiarity through direct contact with their objects of study[191]. Approaching social reality through the lens of micro-level studies not only allows access to meanings as experienced by actors in interaction, it also apprehends those actors as endowed with agency and places them as crucial to the process of making sense of the social world around them – both as its participants and as partners for the researcher seeking to comprehend it.

However, it is this very focus on micro-level interactions that opens the way for criticism of interactionism, such as the objections put forward by Bourdieu and discussed in the the previous chapter. Indeed, too great a focus on micro interaction runs the risk of rendering the work merely descriptive and obscuring the wider context behind an account of the interactions themselves. It seems crucial to bear this risk in mind while focusing on a case, so that the insights gained from a detailed observation of interactions can be accompanied by what Vincent Dubois describes as "reframing these practices and experiences within a more general perspective"[192].

In a more general sense, this reflection on interactionism can also be seen as a variant of the question of when and under what conditions case studies are useful and how they can broaden the overall knowledge of social phenomena. For some authors, it is possible to distinguish between several types of case studies, according to their aim and object. Following R. E. Stake, one could consider case studies as either *intrinsic* - "undertaken because, first

[188] GOFFMAN, Erving, 1991, *op.cit.*
[189] WHYTE, William Foote, 1993, *Street corner society*. Chicago : University of Chicago Press.
[190] GARFINKEL, Harold, 1994, *Studies in ethnomethodology*. Cambridge : Polity.
[191] LE BRETON, David, 2012, *L'interactionnisme symbolique*. Paris : PUF. *passim.*
[192] DUBOIS, Vincent, 2012, *op.cit.,* p. 11

and last, the researcher wants better understanding of this particular case", or *instrumental -* where "a particular case is examined mainly to provide insight into an issue or to redraw a generalization"[193]. Stake does not give priority to either of those types and opposes a tendency in social science to judge case studies according to their potential for generalization. He not only claims that what he refers to as intrinsic case studies have a value in and of themselves, and "[g]eneralization should not be emphasized in all research "[194], but adds that even studies that do not aim for generalizable results can to a certain extent produce them. Other authors, such as Robert Yin, are more uncompromising when it comes to the potential for generalization, but recognize that this requirement applies differently to case studies than it does to, for instance, survey analysis. Indeed, a case, or even a series of cases, does not constitute a sample in the statistical sense and its input lays in what Yin calls "analytic generalization". This means that "(...) case studies, like experiments, are generalizable to theoretical propositions and not to populations or universes"[195]. The knowledge gained from case studies furthers the understanding of mechanisms at work and can serve to refine theoretical frameworks, even if the results cannot be applied to a wider population. Yin goes on to emphasize the links between phenomenon and context that justify the recourse to case studies and insist on the use of multiple sources[196] – all of this can be seen as serving to avoid the kind of reduction to a descriptive account mentioned above.

In fact, the above-discussed classic interactionist works in many ways embody this specific relation of case studies to the question of representativity. None of them claims that the results can be directly transposed to a wider population, but all of them have a wider scope than a simple descriptive study of a given case in that they all reveal mechanisms considered typical of a category of objects. Those mechanisms can be seen as exemplary, and thus likely to be found in other contexts, because they are a product of a certain number of conditions commonly found throughout the category. Thus, Goffman can claim that members of certain institutions "appear to have so much in common – so much, in fact, that to learn about one of these institutions we would be well advised to look at the others"[197]; he then draws on his observations of a particular mental hospital and a series of other specific cases found in literature to elaborate the concept of total institution – a class containing a range of organizations, all sharing certain basic traits and, hence, displaying similar functioning and having similar effects on the individual.

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[193] STAKE, Robert E., 2000, Case Studies. In : *Handbook of qualitative research*. Thousand Oaks, Calif. : Sage Publications. p. 347

[194] *Ibid.*, p.439

[195] YIN, Robert K, 1989, *Case study research*. Newbury Park [Calif.] : Sage Publications. p. 21

[196] *Ibid.,* p. 23

[197] GOFFMAN, Erving, 1991, *op.cit.,* p. 15

What becomes apparent from this brief discussion of the cases study as method, and of the criticism its use in the interactionist perspective can sometimes be met with, is that the risk inherent in this approach, in particular when applied to face-to-face interactions, is not so much the production of localized, non-generalizable knowledge, as it is the framing of those phenomena as cut off from their context and independent from exogenous factors. This is where the purely methodological concern of producing reliable knowledge meets the theoretical issues discussed in the previous chapter, but also raises more ethical, or even political ones, as it implies an engagement of the researcher to go about their work consciously and responsibly. Indeed, as Bourdieu notes, reducing the focus of a study exclusively to the interaction itself and its experience by actors can lead to a pure reproduction of an official language, and hence legitimize the construction of a social reality that matches the interests of a dominant group[198]. It is crucial to bear in mind while conducting such a case study that the phenomena observed, the actors involved, and the researcher themselves, are all deeply embedded and inextricably intertwined in a wider context which must be accounted for if the results produced are to avoid the pitfall of partiality. In the present study, this is accomplished by situating and interpreting the case of interest as taking part in and being impacted by a wider organizational field. Indeed, the approach chosen implies treating the case itself as a mere window on some of the dynamics characteristic of the field. While this work does in no way have the presumption of claiming that the conclusions drawn from a single case can be directly applied to the entire field, it is argued here that the impact elements of this field have on the case in question can indeed be observed, identified, and analyzed in a way that enriches the understanding of more general dynamics.

I.2.1.b. From case to field – new institutionalism and the issue of joining different levels of analysis

However, such a way of locating the case in its wider context makes apparent the need to examine how the case study method relates to two key concepts of this work: organizational fields and institutional logics. The question seems all the more justifiable that both those constructs can be defined as mezzo-level phenomena and have most often been studied as such, with micro cases, such as a singular organizations, seen as elements of the field to be looked into together and related to one another. While the interactionist tradition, given its focus on subjective meaning and situated interactions, makes the recourse to case

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[198] BOURDIEU, Pierre, 2000, *op.cit.,* pp. 238-239

studies a natural choice, the definition of what constitutes a case and what place micro-level interactions occupy is more complex when one turns to the new institutionalist perspective. This section explores the avenues for the establishment of such a link between the micro level of face-to-face interactions and the mezzo level constituted by an organizational field. In order to throw light at this complex relationship, two studies conducted within a new institutionalist approach are first briefly examined and the use they make of particular cases is considered.

In their study of the higher education publishing industry, Thornton and Ocasio[199] use institutional logics prevalent in this arena as an explanatory factor for the power dynamics within organizations. The choice of case and level of analysis is guided by the use of this concept. Institutional logics, defined as providing "a set of assumptions and values, usually implicit, about how to interpret organizational reality"[200], do not only exist within a given organization, but are shared by a group of interconnected actors. In a sense, they constitute a link between organizational phenomena, such as executive succession in particular publishing houses, and macro-level processes, including economic, demographic, and cultural changes. They "provide an articulation between the social and economic structures and the rules and meanings that constitute a commonly understood set of actions within the industry"[201]. Hence, institutional logics can be described as situated on a mezzo level and the industry itself is the appropriate unit of analysis. Thornton and Ocasio defined book publishing industry as consisting of "organizations that publish several types of books" and higher education publishers as those within this industry who report that "they sell books in the college and university market"[202]. They then selected their sample among American higher education publishing firms listed in professional publications. Limiting the sample to one type of publications and one country insured that the companies in question do in fact constitute an industry, and can compete over a market as well as share certain values, rules and characteristics. Moreover, the authors insist that "history should be taken seriously in the study of social structures"[203]. Their main hypothesis implies comparing two different institutional logics – editorial and market logic – which had been successively prevalent in the publishing industry. Hence, the analysis is by definition historical, including data for the same companies over time. The main object is an industry and its evolution over a period of time. Specific organizations constitute cases in the sense of sub-units of an overall population from which the sample is selected. Likewise, when organizational fields are the object of study it is common to treat the field itself as the case and focus on the interactions of actors within it.

[199] THORNTON, Patricia H., OCASIO, William, 1999, *op.cit.*
[200] *Ibid*., p. 804
[201] *Ibid.*, p. 805
[202] *Ibid.,* p. 820
[203] *Ibid.,* p. 837

However, another approach to the use of case studies within the new institutionalist perspective is possible, even, and maybe especially, when the concept of field is key to the analysis. Diane Vaughan, in her seminal work on the Challenger disaster of 1986[204], concentrates solely on one organization – NASA – and on one specific event – the crash of the space shuttle. However, the disaster itself, and the events directly leading to it, constitute an entry point – in order to explain this particular episode, a broader context must be examined. Revisiting her work in a 2004 article[205] Vaughan underlines this by comparing her initial findings based on an examination of the report by the Presidential Commission on the Space Shuttle Challenger Accident, with her later interpretations drawing on a wider array of sources. While the Commission focused on the event itself and its immediate origins, Vaughan was gradually brought to situate it in a wider context of NASA practices, history, and social environment. She looked at other decisions made within that agency, at the past processes that lead to the establishment of certain practices, and even at the culture of the engineering profession that NASA employees share with contractors and other actors in the domain. Her final conclusions concerning the disaster put forward a series of concepts – most notably normalization of deviance – that could only be elaborated through a thorough analysis of a considerable amount of material beyond the works of the Commission. Understanding the decision-making in a particular situation required learning and analyzing a whole organizational culture that ultimately lead to it. Here, the case is limited to one specific decision made in one specific place, but in order for it to be explained an array of factors has to be looked into. The case – an organization, a decision – and its context – the organizational field, the organization's history – illuminate each other and provide insights into both the occurrence under study and wider dynamics surrounding it.

Based on her own research experience Vaughan pleads for a method she labels "analogical theorizing"[206] where, the individual case study is seen not only as a valid object of analysis in and of itself, or as a key to understanding the environment in which it is situated, but also as a necessary element in the process of theory building. Elaborating on a previous publication by Emirbayer and Johnson[207], she describes this method as „developing theoretical explanations by cross-case analysis that compares similar phenomena in different social forms that vary in size, complexity, and function"[208], and further stresses the usefulness of

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[204] VAUGHAN, Diane, 1996, *The Challenger launch decision*. Chicago : University of Chicago Press.
[205] VAUGHAN, Diane, 2004, Theorizing Disaster: Analogy, historical ethnography, and the Challenger accident. *Ethnography*. 2004. Vol. 5, no. 3, p. 315-347. SAGE Publications
[206] *Ibid*.
[207] EMIRBAYER, Mustafa, JOHNSON, Victoria, 2008, Bourdieu and organizational analysis. *Theory and Society*. 2008. Vol. 37, no. 1, p. 1-44. Springer Science + Business Media
[208] VAUGHAN, Diane, 2008, *op.cit.,* p. 66

comparing multiple case studies for theory building. In particular, the focus of her article, as of the text she comments on, is the application of bourdieusian theory to organizational analysis, which involves a necessary linking of levels of analysis – the authors introduce the term "organizations-as-fields" while also insisting that those have to be understood as themselves situated within larger fields. In this context, Vaughan argues that "case studies of organizations-as-fields have the potential for joining micro-actions within organizations and macro social structure"[209]. Indeed, she considers the case study as the most appropriate method for capturing the relational nature of Bourdieu's key concepts of habitus, capital and field. She offers her own study of the Challenger accident as an illustration, stating that „[t]he analysis shows how institutionalized dispositions from the field materialized and were elaborated upon in the organization, such that habitus derived from layered structures - macro-, meso-, and micro – affected working engineers' meaning, interpretation, and actions"[210]. The case, by virtue of being embedded in a larger field, can be used to throw light on the dynamics prevailing within it and guiding actors' interactions. Hence, while Vaughan advocates for comparison between case studies as a path for theorizing, she also recognizes the potential of a simple case study to contribute to the understanding of the field within which the case is situated and of the linkages between those two levels. Her approach tends to privilege the tracing back of the history of cases and the fields in which they are situated, but she notes that observation and interviews are also suitable methods[211].

A similar idea can be found in Hoffman's and Wooton's contribution to the *SAGE Handbook of Organizational Institutionalism.* Indeed, when future avenues for research on organizational fields are mentioned, the authors write: "Moving forward, field research will serve as a bridge between the macro and micro by providing detailed explanations of how field-level interactions influence internal organizational phenomena. This direction acknowledges that the field is made up of various actors that constitute a community of organizations"[212].

The present work aims to approach its object – the Masovian Department of Foreigners – as just such an organization-as-field within a field. The use of this method is based on the belief that the daily life of such an institution is a reflection of both its inner dynamics (organization-as-field) and of elements characteristic of its environment (organization within a field). The conditions of work, the practices that take shape, and the ways in which the officers make sense of their daily work are all deeply impacted by the

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[209] *Ibid.,* p. 70
[210] *Ibid.,* p. 71
[211] *Ibid.,* p. 70
[212] HOFFMAN, Andrew J., WOOTEN, Melissa, *op.cit.,* p. 141

organizational field as a whole. While the conclusions of such a case study should not be considered generalizable or directly applied to other actors, one can still hope to capture some aspects of the field itself in the analysis of one of its key actors. In order to differentiate phenomena due to internal factors from those driven by logics common to the field, the main data obtained through observation is supplemented with a series of interviews with various actors of the field, as well as an analysis of documents produced by those actors, such as promotional materials, websites, publications, and legal texts.

Such an approach also allows for combining the sociological and political science perspectives, as it makes use of an analysis of the everyday life of an organization in order to further the understanding of state policy on a particular topic.

I.2.1.c. Combining everyday life sociology with public policy analysis – the input of a study of practices for the understanding of state policy

In section I.1 a discussion has been offered of the specificities of studying the category of institutions that can be grouped under the term of "street-level bureaucracy". An account has been given of a series of works that combine approaches situated in the fields of sociology and political science to produce research that takes individual administrative agencies as the unit of analysis, but uses them to go beyond the case study and throw supplementary light on a whole area of public policy. In this subsection, several of those works are looked into once again in order to emphasize the links they establish between different levels of analysis and the manner in which they produce an account of the dynamics specific to a type of organizations or a field of activity.

As previously noted, Vincent Dubois advocates for an approach that treats the ethnographic study of street-level public administration as more than just a source of information complementary to macro-level studies, but as a means of revealing otherwise invisible aspects of public policy[213]. His 2010 work for instance is based on fieldwork conducted in two family benefits offices in France[214], which serves to uncover the evolving definition of welfare and the complexities of the social treatment of the poor. The family benefits office thus becomes an observation point of sorts, from which broader social changes can be seen and commented upon.

Likewise, Yasmine Siblot – in a work that the author herself describes as a monographic study[215] - offers an in depth analysis of the strategies and discourses produced by

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[213] DUBOIS, Vincent, 2012, *op.cit.*
[214] DUBOIS, Vincent, 2010, *op.cit.*
[215] SIBLOT, Yasmine, 2002, *op.cit.*

the post employees as they grapple with questions of authority and status. At the same time, those individual dilemmas – that the micro case study permits to aptly explore – are informative of the consequences of more general social evolutions, and in this case in particular - the reforms of public administration in France.

Alexis Spire's work centers not one specific agency, but an array of institutions concerned with the same issue[216], or particular types of such institutions[217]. However, in both of those cases the in depth research into the everyday functioning of those institutions throws light not only on the mechanisms characteristic of public administration of this level, but also on the manner state policies towards immigration are constructed and implemented.

Similarly to the above-discussed authors Tobias Eule's method is ethnographic and based on a series of case studies[218]. The combination of micro-level, in depth observation in four immigration offices with a comparison between those cases allows for a detailed and complex study of the factors affecting different dimensions of administrative decisions, and thus reveals elements that studies centered on macro level state policy often overlook or misinterpret. Notably, Eule shows that despite the focus of state-level migration policy on asylum seekers, the most common cases concern stay and work permits. He also stresses the importance of the administrative interaction for the socialization of immigrants, emphasizing that for them the immigration offices represent "Germany"[219]. Thus, the application of ethnographic methods and the use of case studies give access to aspects of state policy visible only on the level of its everyday implementation, including ones that might otherwise go unnoticed.

The few above-discussed works show that while case studies might not have strong claims on representativity, by allowing for the use of in depth ethnographic methods they can give insights not only into the specific case being studied but also into dynamics prevalent on a larger scale. The present analysis draws inspiration from the above-discussed works and applies a similar micro level approach in hope of gaining a better understanding of a particular case not just in and of itself, but as it is situated in an an organizational field. When the object of study is thus defined, the choice of both the case and the manner of approaching it becomes crucial and necessitate further elucidation.

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[216] SPIRE, Alexis, 2008, *op.cit.*
[217] SPIRE, Alexis, 2004, Le poids des consulats. *Plein droit*. 2004. Vol. 62, no. 3
[218] EULE, Tobias G, *op.cit.*
[219] *Ibid.,* p. 126

I.2.2. Logics in practices: observing the daily functioning of the Department of Foreigners

Examining a case as situated in and reflective of a field has consequences for the choice of both the case and the method of approaching it. With this aim in mind, this section presents the rationale behind the choice of the Masovian Department of Foreigners as the object of study. It briefly addresses issues of representativity of this specific case and its positioning in the field, as well as the specificity of the time period when the study was conducted. It also justifies the use of both observation and semi-structured interviews as main instruments. It describes the process of gaining access to the studied organization and the procedures applied in observing its daily functioning. It also gives details concerning the conducting of interviews. It focuses on the theoretical reasons driving this choices, while ethical concerns are discussed in the following section.

I.2.2.a. Choosing a case: rationale for the choice of the Masovian Department of Foreigners

Given the adoption of the above-described perspective in which the organization is treated as a field-within-field, it was necessary to choose a case that would provide an adequate entry point for an inquiry into the logics present in the organizational field and would allow for an observation of the intersection between organization and field-level dynamics. This necessity is what guided the choice of the public administration that this study focuses on.

Hence, the Department of Foreigners of the Masovian Voivodeship Office was not primarily selected for its representativity. The decision was made on theoretical grounds, based on the organization's position within the organizational field and the likelihood that it will allow for an observation of the kind of face-to-face interaction that is central for the research questions posed in this work.

The decision to focus on street-level administration and approach policy through its implementation implied that some instances – such as specialized units within ministries – were automatically excluded. Similarly, public administration agencies whose contact with foreigners is only sporadic – such as Labor Offices or Commune Offices – were not included on the grounds that the number of pertinent instances of interaction observed would not be sufficient unless the period of research was to be extended considerably. The scope was thus

firstly narrowed to street-level bureaucracies specialized in the handling of foreign nationals. Another agency that was not chosen for this study, despite fulfilling this first criterion of direct contact with foreign applicants, is the Office of Foreigners: the organ of state administration most directly and specifically responsible for the implementation of migration policy. However, while the Office is a crucial part of the framework dealing with immigration, it directly handles only the cases of refugees and asylum seekers. It serves as an appeals body for other administrative decisions in this domain and helps shape public policy, but its direct interactions with foreigners are limited to one distinct category. This has several consequences that made the Office of Foreigner appear as a less suitable object for this study. Firstly, even though it is an essential part of Poland's policy towards immigration, legislation pertaining to refugees is also the part most influenced by international rules and norms, and leaving the least of a margin to national policy makers. Second, the nature of the procedures applied in those cases makes the interactions both less frequent and more sensitive in content, which in turn causes serious difficulties in accessing the field. The goals set for this research called for the choice of an administration that would offer a certain ease of access to an observation of frequent, routine administrative interactions in a variety of different cases pertaining to foreigners.

The administrations most closely meeting those requirements are the Voivodeship Departments of Foreigners. Such Departments exist in all sixteen Voivodeships, as subdivisions of regional administration – the Voivodeship Offices. They are responsible for handling all requests concerning the legalization of work and residence of foreign nationals, as well as the granting of citizenship, and the registration of stay of EU citizens. As a result, a foreigner residing in Poland will most likely come into contact with one of the Departments at some point in time, and conversely, the Departments handle a wide variety of cases on a daily basis.

Among the sixteen Voivodeships, the Masovian case is in fact an outlier. Situated in the capital, the Department has to deal with a significant caseload, unseen in other regions. Indeed, according to the data gathered by the Office of Foreigners, 44% of all applications for the legalization of stay in the year 2014 were filed in Masovia[220]. In the first half of 2015, that number was 40%[221]. Similar rates have been noted in studies of the Masovian Department conducted by the Association for Legal Intervention[222] with 50% of all requests for

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[220] URZĄD DS CUDZOZIEMCÓW, 2014, *Komentarz do danych dotyczących zestawienia za 2014 rok* . Online. Available from: http://udsc.gov.pl/statystyki/raporty-okresowe/zestawienia-roczne/

[221] URZĄD DS CUDZOZIEMCÓW, 2015, *Komentarz do danych dotyczących zestawienia za pierwsze półrocze 2015 roku*. Online. Available from: http://udsc.gov.pl/statystyki/raporty-okresowe/zestawienia-roczne/

[222] KLAUS, Witold, 2009, *op.cit.*

legalization of stay registered in Masovia in 2012 and the proportion ranging from 36% to 42% in preceding years[223]. The numbers are comparable for other types of procedures, or even higher, as in the case of work permits (58% of all nation-wide applications in the year 2012[224]). Not only is the presence of foreign nationals more visible in Warsaw than elsewhere, but also the foreign population is very diverse in terms of origin, legal status, and social position.

The high number of applications has consequences for the degree of specialization and the organization of the Department. Masovia is the only region where the affairs of foreigners are treated by an entirely separate agency – in all other regions Departments of Foreigners and of Citizens' Affairs are merged. The number of employees and the complexity of organizational structure are also higher than average, to match the superior caseloads.

The location in the capital has an impact on the Department's position within the organizational field. By virtue of being situated in a city with a wide array of institutions and organizations active in the field, the Department's personnel and management have multiple occasions for contact with other such actors. As one of the Department's directors noted in an interview [Member of management, Department of Foreigners, female, 42], the location may also lead other actors to see the Department as more of a central institution than it is in reality: for instance to act as through it could relay and gather information from other such Departments, while in fact those are entirely independent administrative bodies. While it is a misinterpretation of the Department's actual role, such a perception attests to its importance in the field and the extent of contacts is has with other actors.

Those characteristics, while precluding all claims of statistical representativity, make the Masovian Department of Foreigners a particularly fitting object for this study. Firstly, the interactions taking place there are numerous and diverse, allowing for the collection of rich data by means of observation. Secondly, practical concerns linked to accessing the institution also pointed to the Masovian Department of Foreigners as a suitable choice – the high caseload means that the Department is chronically understaffed and eagerly accepts volunteers. Thirdly, while the Masovian case cannot be treated as typical of all regions of Poland, it is notable that Polish policy-makers tend to share the view that the country will inevitably follow the same course as other European countries and become increasingly a destination for migrants[225]. Hence, when talking about Polish migration policy, this anticipation can be taken into account. In a sense, Masovia is the closest to experiencing the

KLOREK, Natalia, KLAUS, Witold, 2013, *op.cit.*
[223] KLOREK, Natalia, KLAUS, Witold, 2013, *op.cit.,* p. 15
[224] *Ibid.*
[225] WEINAR, Agnieszka, 2006, *op.cit.,* p. 81

kind of migratory pressure that policy-makers are trying to prepare for and hence observing the policy implementation in practice in this region appears as a valuable strategy. Fourthly, and perhaps most importantly, the above-mentioned interconnectedness of the Masovian Department and other actors of the organizational field under study offers the possibility to observe the very kind of interaction between field and organization that this work is meant to focus on. Thus, the choice of the Masovian Department as object of study was lead by its potential not for statistical but "analytic generalization" in Robert Yin's[226] terms.

Likewise, within the Department, the Service of Legalization of Stay II was chosen as the primary site for the study based on the fact that it is responsible for face-to-face contact with clients, while the Service of Legalization of Stay I, for instance, handles the received applications and is in charge of delivering administrative decisions.

Thus, while it is in no way claimed that this work will produce results generalizable directly to other similar public administrations at other moments in time, the study is based on the assumption that unique circumstances of a single case can nevertheless point to proprieties of a whole organizational field and reveal mechanisms that may have a wider scope.

I.2.2.b. Choice of time period

The moment when the study was conducted was also not without important implications. As it will be discussed in detail in section II.1, Poland's migration policy has been slowly emerging and gaining coherence in the past two decades. In recent years, two important steps were taken in that direction: first, the creation in 2012 by the Council of Ministers of a document entitled "Poland's migration policy – current state and postulated actions"[227], and later the adoption in 2013 of a new Act on Foreigners specifying the conditions of entry, residence, and work of foreign nationals on the territory of Poland. The fieldwork for the present study was conducted starting in June 2014 – one month after the entry into force of that law in May 2014. The Departments of Foreigners within Voivodeship Offices being the bodies the most directly responsible for the implementation of the Act, such a change of legislation had important consequences for the functioning of the agency under study. One repercussion of the changes introduced by the new legislation was an important rise in the number of clients, forcing the officers to cope with significantly higher workloads

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[226] YIN, Robert K, 1989, *op.cit.*

[227] *Polityka migracyjna Polski – stan obecny i postulowane działania, dokument przyjęty przez Radę Ministrów w dniu 31 lipca 2012 r.*, [Poland's migration policy – current state and postulated actions, document signed by the Council of Ministers on July the 31st 2012]. Council of Ministers, Warsaw: 2012

(See Appendix 1). Furthermore, a series of procedures were altered and new types of residence permits were introduced, leading to a reorganization of work.

It could thus seem that the period of fieldwork was an exceptional time in the life of the Department of Foreigners. However, it is important to note that, like in many street-level bureaucracies[228], change and instability are nothing exceptional for the Department. In fact, the agency routinely faces the necessity to cope with rapid evolutions and adapt to change. As it will be discussed more in detail in chapter II.2, its workforce is very mobile, with a high rate of rotation, which means new employees must be constantly trained, teams are frequently reorganized, and officers are often reassigned to new posts according to needs and availability. The law the Department applies has also undergone numerous changes since the early 1990s, as will be demonstrated in chapter II.1. Even the building the Department was situated in during the time of the study was the fifth it has occupied since its beginnings [Interview with member of management, Department of Foreigners, female, 59], and a new move was already planed, which occurred roughly a year after the completion of fieldwork. Hence, the changes provoked by the new Act on Foreigners constitute less a complete upheaval then just one of the many mutations the institution deals with on a regular basis, albeit an important one.

At the same time, this situation nevertheless required adaptation on the part of the agency and its officers – new organizational solutions needed to be found, additional personnel was hired and in need of training, and new practices of handling specific types of cases had to emerge. Hence, the period following the entry into force of the new law was an ideal time to observe this process, to study the appearance of such practices, and to inspect the way in which interpretations of the law are established.

I.2.2.c. Approaching the field – strategies of entry and observation

Thus, the above-described considerations lead to the choice of a case. The aim being to study administrative interactions and practices, participant observation was chosen as main method, to be complemented by a series of interviews. This necessitated gaining a form of access to the institution that would allow me to freely observe officers' interactions with clients, but also to achieve an understanding of their everyday practices by gaining a more general view of the various forms of work at the Department and to better grasp the meaning attached to the practices by interacting with the officers on and off duty. It followed that a continuous presence at the Department over an extended period of time would be preferable. However, after preparatory observations during visits to the Department in opening hours, it

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[228] LIPSKY, Michael, *op.cit.*

became apparent that the significant workloads will constitute an obstacle – any form of presence that might appear as time-consuming or burdensome for the employees had little chance of being allowed. Hence, I chose to approach the direction of the Department to request permission for the observation, explaining the broad outline of my research, but also offering assistance in return in the form of volunteering or unpaid internship. This offer was accepted and I entered the Department as volunteer from mid-June to the end of September 2014. During most of that period I worked half-time at the Department, coming in three days in a week. I was mainly assigned to the information section of the Service of Legalization of Stay II and I worked alongside officers providing counsel to incoming clients. I also had the occasion to observe the work in other sections and to interact freely with officers. This status had a series of consequences concerning my access to the field.

On the one hand, it provided many advantages. Volunteers receive, after a training in personal data protection, a clearance to access the data handled by the Department – while I could not handle cases and make any changes to the system, this precluded objections to my observing the officers work on personal files and gave me a passive access to the computer system. Given that an important part of the officers' daily tasks entails entering data into the databases and accessing them to verify information, the clearance was a valuable asset. More generally, having an official status within the Department made it easier to move about the institution and approach its employees, as well as to normalize my presence. Not only was I provided a badge that identified me as member of the institution and could be used to justify my movements within it, but on numerous occasions officers I frequently worked with would accompany me to other sections of the Department and introduce me as a volunteer to their colleagues.

I took the stance to inform the officers of my research, albeit to a minimal extent. When visiting an office for the first time and encountering new people I would typically present myself first as volunteer and proceed to add "I am also a PhD student conducting research on the work of the Department". Subsequently, I would give more information when requested, while abstaining from going into details or discussing hypotheses or findings. Despite this disclosure some officers seemed content with the information that I was volunteering. Those with whom I spent more time would usually briefly inquire about the research and in many cases volunteer information as a response. In some cases the potential unease my observation provoked was alleviated by jokes: "We'll see what you're going to write about us!" one officer exclaimed jokingly [FJ, 15.07.14]. I would usually take those occasions to restate that principles of anonymity were going to be respected and that I would not publish data that could be associated with specific individuals. The officers I had contact

with daily would sometimes discuss my study with me, although they often would focus more on my status as student than on the content of my research. Only one officer discussed it with me at length.

It is also worth noting that other factors might have facilitated the normalization of my presence, and in particular my similarity to the Department workforce demographic. Indeed, this workforce is overwhelmingly female and young. In fact, the predominance of women among the officers is so clear that it is the object of jokes – on one occasion a group of officers gathered together during a break was described as a "circle of the Living Rosary" (a group typically identified as being all female) [FJ, 31.07.14]. In this context, male employees are usually more noticeable and can have a status of exception – one of them was for instance referred to as "our little raisin" by his female colleagues. In a twist on Rosalie Wax's[229] argument that young women are the most disadvantaged category of fieldworkers, in this particular case one can assume that the presence of a male researcher would in fact have been much more disruptive. There are also more subtle ways in which I believe my gender, and my general proximity to the Department workforce in terms of perceived social position and background, might have entered into play. While more detailed and in depth evidence would be needed to assert this with any degree of certainty, there were situations that pushed me to question my own positioning in terms of elements such as gender or origin. Below, I offer a discussion of one such instance:

> I am posted at the entrance with another volunteer [a male student from South America, who speaks fluent Polish but, given his appearance and his slight accent, is still usually identified by clients as a foreigner]. We are handing out tickets for the queue to clients and directing them to appropriate offices. The volunteer is very helpful towards clients: he sends those with children directly to the Director, keeps track of earlier tickets left at the desk that could serve an incoming client, and brings empty application forms from the Chancellery to distribute them. This does not save him from a quarrel with an angry Polish client who is exasperated by the length of the queue. We both try to appease him, smiling apologetically and explaining that there is nothing we can do. However, the client turns on the volunteer, accusing him that his smile is out of place. He proceeds to lecture him on the dignity a person should display when representing a public institution. As the client leaves, we joke that from now on the volunteer shall only wear a stern, menacing face. [FJ, 10.07.14]

There are of course many ways of interpreting the above-described situation, and many intersecting factors could explain why the client chose to vent his anger to the other volunteer rather than myself, while we were both displaying the exact same attitude. Not least among those are the volunteer's origins, which might have lead the client to feel more entitled to lecture him – a youthful-looking foreigner – instead of the Polish member of a state

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[229] WAX, Rosalie H., 1979, Gender and Age in Fieldwork and Fieldwork Education: No Good Thing Is Done by Any Man Alone. *Social Problems*. 1979. Vol. 26, no. 5, p. 509-522. Oxford University Press

institution that I represented for him. However, it is also possible that the attitude we both adopted – a meek and helpless, but apologetic and friendly one – was interpreted by the client as traditionally feminine and hence more tolerable coming from a woman. It is notable that I have not observed any outbursts of this type directed at either of the female volunteers employed by the Department, both of them foreigners and put equally often in similar situations. I have multiple times been drawn to rely on the very attitude that angered this particular client to handle difficult situations and shield myself from clients' anger. In particular, it was a convenient way for me to dispel situations that would otherwise force me to assume a role I did not feel entitled to take on – in particular when clients would call on my supposed responsibility as Department employee, presenting me with the alternative of either taking on more agency than I found appropriate given my role as researcher or declining it by revealing the details of my complex position inside the institution. Underlining own helplessness while adopting a friendly stance, and ultimately directing the client to more competent officers, offered me a third option. However, the above discussed incident made me wonder, as I often have, to what extent this option would have been available to me have I belonged to a slightly different demographic.

The status of volunteer also had advantages when it came to role-making and self-presentation. My interest for the workings of the Department was often seen as natural and expected of a person learning necessary skills on the job. This gave me the possibility to adopt a role of *keen volunteer,* which made curiosity acceptable, justified asking questions, and made note-taking understandable. In fact, I carried a journal on me at all times, taking notes in spare moments, but also used it to note down practical information such as phone numbers or case numbers. The keenness I displayed corresponded to the attitude expected of new recruits, and cases of a new employees who were not so well received seem to confirm this. Indeed, what the officers criticized in some of their new colleagues was most often a certain lack of attentiveness, as well as a reluctance to accept established practices and to refer to more experienced co-workers. Presenting myself as eager to learn in order to accomplish my tasks adequately offered the officers the possibility to position themselves as experts helping a colleague in need. Moreover, I soon discovered that in the context of work overload helpfulness was a criterion of judgment. Many punctual conflicts between officers concerned one person's failure to go about their tasks swiftly and without adding to another's workload. Hence, appearing as helpful levied some mistrust the officers could have for me. On several occasions, I was introduced by colleagues or superiors to officers in a given office and left there to observe the work. The newly encountered officers seemed wary of my presence until I offered a proof of my willingness to be helpful. Sometimes, this could be something as

symbolic as offering to pass on papers from a printer behind me. Small as they might be those displays of helpfulness seemed to reframe my relation with the officers – rather than a nosy researcher monitoring their work, taking up space and time, I seemed to transform into a useful volunteer who also conducted research. Helpfulness bred helpfulness, as officers would sometimes spontaneously give opinions or explanations on the occurring situations.

One more element of self presentation that I chose to adopt consisted of avoiding all impression that my research constitutes an evaluation. As it will be discussed later, an emphasis on the production of a friendly image is combined in the Department with a feeling of being observed and under pressure. In fact, the Department has been the object to two evaluation by a non-governmental organization[230] and attracts media attention whenever the case overload becomes too visible. Hence, I often had the impression that what lead the officers to speak to me freely was their belief that I will produce an account that refrains from judgment and does justice to their perspective. Once again, the status of volunteer was helpful as it made it clear that I was there to learn, not evaluate.

In this sense, the status of volunteer, by providing me with an easily identifiable place within the institution, opened doors. However, the very same position also had its drawbacks and imposed limits on what could be observed and under what conditions. While it legitimized my presence and movement within the institution, on many occasions it also curtailed it, as I was often required to work in a given part of the Department. It imposed limits on note-taking in the sense that I was rarely free to take notes for extended periods of time or witness interactions uninterrupted. Adopting the strategy of helpfulness also had drawbacks – while it helped gain trust, it also meant that, as I acquired more and more practical knowledge, I could be depended upon and stationed alone in places where pertinent objects of observation were scarce. This meant that on multiple occasions I had to resist those limitations and find a balance between the requirements of the study and my rapport with participants.

However, the most important consequence of entering the Department as volunteer was the fact that it determined the degree of my participation and allowed me to approach the question of administrative practices through an active engagement in a learning process.

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[230] KLAUS, Witold, 2009, *op.cit.*
     KLOREK, Natalia, KLAUS, Witold, 2013, *op.cit.*

I.2.2.c. Accessing practical knowledge through an active learning process – the choice of participant observation as tool.

The above mentioned works employing an ethnographic approach to public administration which provided inspiration for the perspective chosen in this study all rely to some extent on observation and, hence, all grapple to some extent with issues of participation. The choices made in this respect vary. Dubois fully disclosed his role as researcher to the administration workers and mostly remained removed from the interactions he observed, although this did not prevent the administration's clients from identifying him with the institution, nor did he refrain from freely interacting with the people present[231]. A similar stance was adopted by Eule, who accompanied the officers in their daily activities in his quality of researcher[232]. Alexis Spire's position in one of the administrations he studied was quite different, since he was recruited as regular employee only very summarily referring to his scientific interest in the work[233]. Being engaged as volunteer situated me somewhat between those two types of positioning – it would be inexact to refer to my position as that of complete-member researcher[234] since I retained an exceptional status. Neither a full employee, nor a disengaged observer I found myself constructing an intermediary role for myself, closer to that of active-member researcher[235]. One significant difference between me and the officers resided in my not being paid for the job – I might have shared some of the officers' responsibilities, but I did not share the same stakes. Despite that, I nevertheless accomplished some of the same tasks as the officers, underwent the same training, and, while I might not have been held to the same standards, was to an extent responsible for the correct running of the institution.

This significant extent of participation allowed, among other things, to conceive the research process as a learning process in which I acquired a form of practical knowledge shared by the officers. This was extremely useful, as practices employed by officers to cope with the daily exigencies of their work are one of the elements of focus for this study. Direct participation can be considered not only as a useful, but as a privileged way of accessing such practical knowledge, which is acquired through experience and embodied.

This second aspect in particular calls for an exploration through participation. Indeed,

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[231] DUBOIS, Vincent, 2010, *op.cit*.
[232] EULE, Tobias G, *op.cit.*
[233] SPIRE, Alexis, 2008, *op.cit.*
[234] ADLER, Patricia A., ADLER, Peter, 1987, *Membership roles in field research*. Newbury Park, Calif. : Sage Publications.
[235] *Ibid.*

as Bourdieu notes, the body can be seen as "a memory"[236]. On can draw on this assertion, as Judith Okely does, to conclude that "[a]nthropologists acquire a different bodily memory in fieldwork experience as an adult in another culture"[237]. The author goes on to underline the importance for the fieldworker of reflecting both on this acquired bodily memory, and on their own initial embodied knowledge: their encounter is in itself informative. While Okely speaks of entering a new culture as an anthropologist and gives physical labor as example, her ideas about embodied knowledge can be extended to other practices and settings. The physical aspect of administrative work is less obvious than that of the work in a factory for example, but it is not inexistent. In fact, the job has its own rhythm that imposes itself on the body and causes a particular kind of strain. The daily routines are situated at the crossroads of the physical and the intellectual: the caseworker entering data into a computer system follows a routinized sequence of actions that engages both the mind and the body. As in the cases discussed by Okely, participation in those activities builds a proximity that allows for discussions and sharing of experience. By teaching me how to go about the job, officers passed on more than a series of formalized rules and procedures. They helped me acquire embodied habits and forms of action that I could thus reflect upon.

In fact, undergoing a learning process as a part of gaining an understanding of an organization is not uncommon and can have very beneficial effects, revealing previously unseen meanings. Thus, in Vaughan's study of NASA[238] she had to acquire a significant body of technical knowledge, but also a fluency in the organization's language and a certain familiarity with its specific culture. This knowledge was what allowed her to go further than the Presidential Commission inquiring into the Challenger crush and notice for instance that certain terms, the use of which the Commission deemed a shocking deviance from security norms, were in fact part of a common manner of assessing risk – the deviance was indeed existent but instead of being a shocking exception it manifested itself as part of a normalized organizational culture.

Undergoing a learning process in order to acquire a form of fluency in the practices widespread in an organization appears all the more crucial when one realizes that administration workers' behaviors are to an important extent oriented by the socialization they undergo within the organization. This is one of the points noted by Spire[239]: the socialization process is crucial for the way administrative agents later interpret and apply the legislation. Likewise, Eule speaks of the existence of an oral tradition by means of which officers in

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[236] BOURDIEU, Pierre, 2000, *op.cit.,* p. 297
[237] OKELY, Judith, CALLAWAY, Helen, 1992, *Anthropology and autobiography*. London : Routledge. p.16
[238] VAUGHAN, Diane, 1996, *op.cit.*
[239] SPIRE, Alexis, 2008, *op.cit.*

German immigration offices acquire the practical knowledge necessary in their job and which allows for the vast body of legislative text to be converted into manageable practical principles[240]. While observing this process from outside gives some insights into it, participation is a privileged means of approaching it. The two excerpts bellow are taken from monthly notes I wrote during the time of fieldwork and illustrate how acquiring a practical knowledge furthered my understanding of the way interactions at the Department are structured.

> 29.06.14
> The leaflets printed by Polish Migration Forum and the Association for Legal Intervention, and financed from EU funds, constitute the main tool used by the officers to explain procedures to clients: as long as the conversation concerns routine issues described in the leaflet, the officer usually will take out a leaflet in the appropriate language (most often Polish, English, or Russian, although shortages of leaflets are common), lay it out in front of the client and circle in pen stages of the procedure and necessary documents, describing them and, if need be, additionally writing more detailed information; the client will usually ask questions during this explanation and the leaflet thus becomes a basis for a longer conversation; in the end the leaflet is handed to the client, usually accompanied by the corresponding application form.

> 28.07.2015
> Concerning the interactions between clients and officers, a certain regularity can be noted: conversations in the information section usually take the form of determining together the exact situation of the client, which in turn takes place through a form of „translation" by the officer of the version told by the client (often unfamiliar not only with the complexities of the procedure, but also with the Polish language) into formal, institutional language. The client begins by laying out their situation, following which the officer, by way of questions and translation of the clients words into formal terms, transcribes this narration into the language of the institution. The result is the client's situation described through the categories of the formal procedure and it is only to the situation thus framed that the officer responds by giving advice. The intermediaries constitute an exception – as they already know the formal language and are familiar with the procedures, their interactions with officers take place in good part in silence.

Not only did I observe the above described regularities in the officers' interactions with clients, but my own acquisition of such habits was a part of the learning process I underwent to be able to work at the Department. Early into my study, I only noticed the use of leaflets as basis for conversation, while later a common structure of those conversation became apparent. This growing comprehension mirrors my own increasing participation in those practices, which in turn allowed me to establish links between those two observations. Indeed, since my own knowledge of procedures as practiced in the institution was partly based on the informative leaflets and I did not at first feel very confident to give information beyond what was included in them (a situation not uncommon among new employees), my interactions with clients would typically first consist of identifying the leaflet to use. That is to say, I found

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[240] EULE, Tobias G, *op.cit.,* p.54

it necessary to translate the, often complex and disorganized, narration of the client into a series of easily distinguishable elements giving ground to the choice of the most appropriate leaflet. While in later conversation particular elements of a specific person's circumstances could be discussed, the first step was the identification of the procedure. In this way, the very nature of the officers' work routine requires a reduction of particular circumstances and individual stories to a set of identifiable formal elements. Any detail that goes beyond will be ignored, not because of a lack of empathy or interest for the client, but because it is irrelevant to the procedure and as such will hinder its effectiveness. Indeed, wrongly identifying the procedure to follow at best considerably slows down the smooth running of the institution, as the explanation has to be given all over again, and at worst can have serious consequence for the client who runs the risk of seeing their application rejected. While merely observing the interactions would make it possible to spot those regularities and gain a certain understanding of their source and role, actively participating in the Department's work gave me an immediate knowledge of the usefulness and gain in efficiency they represented. Experiencing first hand the move from a rather abstract knowledge of the written law – by which it would be very easy to feel overwhelmed – to the practical knowledge necessary in everyday administrative work was a way of gaining insight into the manner in which reducing the complexities of the legislation to the requirements of the few procedures handled by the Department can help the officers cope with the significant, and not always very clear, body of regulations they have to apply.

Direct participation and using "the 'self' to learn about the other"[241] also has the advantage of allowing for the use of emotion as an indicator. As was noted in the previous chapter, certain types of emotion can point to discrepancies in goals and interpretations, and as such be used to reveal the existence of contradictory logics within an organization or a field. This applies to emotion observed, but can also concern the emotion experienced by the researcher. The following passage illustrates a moment during fieldwork when I was overcome by emotion:

> There is still a lot of people there [in the entry hall at the end of a busy day] and the atmosphere is tense. The clients are getting angry, there are no more B tickets left, the queue for the invitations section is long. The clients waiting to register invitations get more irritated than others. Several people speak to me simultaneously. When I start giving them information, this attracts more people. I find it difficult to discipline them so that they would wait their turn. They ask me simultaneously for tickets and for empty forms. At some point, I realize I am answering in a very impatient voice. For a moment, I feel like crying. [FJ, 17.07.14]

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[241] ELLIS, Carolyn, BOCHNER, Arthur P., 2000, Autoetnography, Personal Narrative, Reflexivity. Researcher as Subject. In : *Handbook of qualitative research*. 2. Thousand Oaks, Calif. : Sage Publications. p.741

What brought me to the edge in this particular situation was a failure to maintain a coherent front: unable to discipline clients, I also found myself incapable of responding in a friendly manner. The heavy workload was taking all the more of a toll on me that I was aware of putting in a lot of effort, leading to frustration and feelings of injustice. However, the major part of the stress was due to having to fulfill several roles at the same time: the clients requesting tickets, forms, and information were addressing me primarily as a provider of a service; simultaneously, I knew that the organization expected me to maintain order and preserve efficiency. Attempting to do both, I failed to fulfill any of those demands. This rather upsetting experience made me aware of the many double-bind situations officers have to face daily. By pitting the different goals against each other, it brought to my attention contradictions inherent to the work at the Department, some of which I was later able to confirm through subsequent observations and interviews, and identify as part of a wider context.

However, this excerpt can also illustrate another crucial point – the necessity for the participant observer to keep a close eye on their own presuppositions and carefully practice critical self-inspection. Indeed, there was another aspect to my emotional reaction: part of what brought me to the verge of tears that day was disappointment with my own impatience. As many researchers interested in migration, my sympathies initially laid with the migrants above all and I was inclined to resent all form of mistreatment they experience. Finding myself reacting with anger forced me to examine some of my assumptions and acknowledge this initial standpoint. Disentangling the tension due to contradictions within the organization from the emotion provoked by my own double role was a difficult and risky task. This difficulty points to the necessity of confronting own perceptions with the meanings other actors place on their actions.

I.2.2.d. Confronting perspectives – interviews as complementary tool.

When engaging in a process of learning the practical knowledge used in an organization and undergoing a form of socialization prevalent within it, self-inspection and self-awareness are one way of avoiding the imposition of own categories on the research participants. However, this task also requires for own observations to be confronted with the participants' accounts of their life and activities.

To a certain extent, the informal exchanges with officers on and off duty while in the field provided such accounts. Sometimes, officers offered views on how to interact with

clients, both as a form of advice to me and as an explanation of own actions, as in the following passage:

> At the end of the day I go to get my things from a room. One officer, clearly tired, is talking on the phone with a person inquiring about the legalization of residence on the basis of marriage for a person held in a prison in England. The person does not reside in Poland and the case appears dubious. After finishing the conversation, the officer tells me that sometimes one must establish clearly what the situation is and be direct about telling things (for instance when it is apparent that the aim of stay is other than declared). [FJ, 20.06.14]

In this case, the officer offered a commentary on his own behavior both as a way of helping me cope with similar situations in the future and of justifying what could appear as a harsh attitude on his part. On other occasions taking part in conversations between officers during breaks allowed me to ask questions, leading the participants to speak about their own practices.

In addition to those informal conversations, I conducted a series of semi-structured interviews meant to both complement and verify the data gathered through observation. Both members of the Department workforce and persons outside of the Department were included, albeit with slightly different aims.

The interviews with Department officers aimed mostly at verifying my own observations and completing them with information I might have missed. In addition to biographical questions, they included on the one hand questions about the daily running of the Department where officers were invited to recall events from their workday and reflect on their practices. On the other hand, I asked questions touching upon the wider context, including contacts with other actors of the organizational field and opinions on state policy. While a few officers I have not encountered during fieldwork were interviewed, completing my knowledge of sections I had less occasions to visit, I also focused on those participants whose work I observed most closely, crossing the information from interviews with that from observation. In addition, I interviewed three representatives of the management of the Department. The interview structure was similar, but emphasis was placed differently, with less attention given to the daily running of the administration, and more to contacts with outside actors, to policy, and to the evolution of the Department. Altogether, twelve interviews have been conducted in the Department[242], including one where two participants answered collectively, two more where several officers were present and intervened punctually, and two shorter conversations during work hours where the participants did not consent to a recording.

The objective of the interviews conducted outside the Department was to gain a better view of the organizational field as a whole and to see the Department from the perspective of

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[242] See Appendix 5.

other actors interacting with it. Indeed, analyzing the logics of the field that find themselves reflected in the functioning of the Department and which impact the situation and behaviors of officers required getting a grasp of the relationships and interactions between the actors of the field on the one hand, and of their views, aims, and interpretations of the matters they converge around on the other hand. While this goal was partly reached through preparatory desk research, including analysis of legal documents, official statements, press articles, reports, and websites, interviews were a valuable source of information providing access to accounts of participants' experience and the meanings associated with it. With this goal in mind, I interviewed representatives of non-governmental organizations whose activities include assistance to or advocacy on behalf of immigrants: four of them specialized in assisting foreigners, while three others were bigger organizations which provided help to immigrants as one of their many activities. Additionally three of them can be considered migrant organizations. One organization gathering mostly Ukrainian immigrants and one run by Vietnamese immigrants were included. Those two nationalities were chosen on the basis that they are among the most important in terms of numbers, while presenting some important differences in terms of cultural background, patterns of migration, and prevalent economic situation. A member of an organization gathering Muslim and Arabic-speaking immigrants, who had volunteered at the Department, was also included. Furthermore, a representative of the Office of Foreigners was also interviewed. Finally, two interviews were conducted in companies providing legal assistance to foreigners commercially.

The interviews were conducted in two series: one starting in October 2014 and ending in January 2015, the other stretching from August to September 2015. Between those two periods the interview guides were amended drawing on the experience from the first series[243].

The interviews, while intended as a complement of the main data obtained through observation, offered valuable information concerning other actors in the field, and provided grounds for strengthening or reexamining some of my initial observations. They also had the advantage of bringing the actors' own perspective into the study in a more direct way than possible through observation – a point important for both methodological and ethical reasons.

I.2.3 Ethics and semantics – participant observation and the choice of a perspective

One question one must face as researcher is, as Fine, Weis, Weseen, and Wong put it in their chapter of the *Sage Handbook of Qualitative Research[244]*, "For whom?" - who is the work addressed to, but also who is it meant to serve and what are the possible social

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[243] For a translation of the interview guides see Appendix 6.

consequences. This is especially important when the research touches upon topics of heated public debate – this is the case of the above mentioned authors' study of people living in poverty, but also of any study of immigration-related issues in the current context. Tobias Eule describes his work on German immigration offices as "not primarily about those individuals [who move to a new country], but in a way, [...] for them"[245]. Likewise, the present work explores public administration responsible for applying migration policy in a quest to understand the conditions immigrants face in Poland and the workings of the system they are confronted with. In this sense, it is for them, but not for them only. It is quite common in migration studies to collect migrants' narrative of their own experience. In Poland, the institutions dealing with immigration have generally been studied from the perspective of the immigrants, while policies in this field are approached through official texts and the lawmakers' discourse. Thus, the research on immigration policy in Poland focuses on those who formulate it and those it applies to, but almost never on those who apply it – the front-line administrative officers, a category of actors both dominating and dominated[246]. It is in an attempt at a restitution of the perspective of this group – essential to the understanding of how a certain field of policy functions in practice – that I chose to not only observe their work but to partake in it.

However, while possessing undeniable qualities, participant observation also presents the researcher with a series of ethical as well as methodological issues. This section deals with the question of maintaining objectivity while gaining a proximity necessary for understanding and tackles the ethical issues linked to forming relations with the participants. It touches upon the issues of obtaining consent and negotiating boundaries. It also presents a reflection on the choice of words both as part of my interactions in the field, and as an important issue in formulating and presenting results.

I.2.3.a. The limits of participation: self-presentation, consent and boundaries

Observation, and participant observation in particular, is always to a certain degree intrusive and heavy with ethical dilemmas[247]. This is why the matter of participants' consent is

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[244] FINE, Michelle, WEIS, Lois, Weseen, Susan. WONG, Loonmun, 2000, For Whom? Qualitative Research, Representations, and Social Responsabilities. In : *Handbook of qualitative research*. 2. Thousand Oaks, Calif. : Sage Publications.

[245] EULE, Tobias G, *op.cit.,* p. 4

[246] SPIRE, Alexis, 2008, *op.cit.*

[247] ANGROSINO, Michael V., MAYS DE PÉREZ, Kimberly A., 2000, Rethinking Observation. From Method to Context. In : *Handbook of qualitative research*. 2. Thousand Oaks, Calif. : Sage Publications. p. 691

a thorny one. In my case, I entered the Department with the fully informed consent of members of its direction, with whom I discussed my research openly. As for the individual officers, being informed of my status of researcher they were free to inquire further and to withdraw from interaction with me if they so wished. In fact, several times, officers did make use of this possibility and asked me to omit certain events or conversations in my notes, although all of those occurrences were rather trivial. Furthermore, I have on multiple occasions assured officers that their anonymity will be preserved. While, given the unique character of the Department, it was impracticable not to disclose the identity of the institution under study, the identities of individuals were protected to the greatest extent possible. The passages from field notes used here are anonymized. Personal details have been removed where they would allow to identify people and in some cases elements gathered from several participants have been aggregated.

While I could obtain a more of less explicit form of consent from the officers, this question was much more complex when it came to the clients. From their perspective, I appeared as yet another volunteer or Department employee. Given the sheer number of clients present, it was impossible to request consent from every person observed, not to speak of the perturbation of the Department's work this would entail. Unable to obtain explicit consent, I nevertheless followed the same procedures concerning anonymity. The main focus of the study being the officers and the organization as a whole, clients only appear in as much as the officers interact with them and as their action or attitude has an impact on the officers' practices or actions. When more detailed passages are used, personal details, beyond the most general information, have been omitted. At the same time, in my own interactions with clients I fully adopted my role as volunteer, going about my required tasks and providing the best assistance I could. In some cases, this lead to situations that would clearly not occur was I not present, as when my command of Chinese lead me to assist an elderly Chinese couple and leave my work station to accompany them through the entirety of the procedure – speaking no language but their own, the couple would have probably not been able to navigate the procedure otherwise and would not see their case treated in time. In this case, the officers and myself agreed to bypass usual practices in order to make use of competences I brought into the situation.

This situation also points to another type of dilemmas – ones concerning the duality of my identity as researcher and as volunteer. Indeed, as Ruth Behar notes, participant observation is an "oxymoron"[248], as it requires the researcher to "get the 'native point of view' […] without actually 'going native'" and "act as a participant but don't forget to keep your

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[248] BEHAR, Ruth, 1996, *The vulnerable observer*. Boston : Beacon Press. p. 5

eyes open". Working mostly in the information section, I was not only an active participant, but also perceived by the clients as a representative of the organization I was studying. I was required to maintain an image of the institution and, to a certain extent, this could not be done without a degree of identification. When interacting with clients I would routinely refer to the Department as "us" and to the officers as "my colleagues", and would be addressed as an officer among others, with all the emotional toll this can entail when tensions arise. Hence, as it will be discussed later, the job required an important amount of emotional labor that would be impossible to accomplish while remaining entirely detached.

In one instance, I was presented with an opportunity to alter my position vis-à-vis the object of my study: after roughly a month of volunteering [FJ, 09.07.14] I was offered a job at the Department. The management argued that since I was already accomplishing tasks similar to those of an officer, it would be easier to hire me than to train a newcomer. Having weighted carefully the potential gains in terms of access this would represent against the risks of disrupting the equilibrium of my role of participant and as observer, I decided against it. That choice was also motivated by ethical issues and threats to objectivity that a financial dependence would likely introduce.

Another important issue was responsibility: given some of the same tasks as the officers, I found myself in effect responsible at times for the clients' fate. While, contrarily to the officers I could not suffer the financial or legal consequences of my actions, I still carried the full moral weight of my decisions. One particular case made this painfully clear to me, as I committed an error that nearly cost a client his legal status: confronted at the information help-desk with a situation more complex than average, I misinformed a client, who, as a consequence, refrained from filing an application that he was in fact entitled to submit. The situation was handled by my superiors, both on the legal and the interpersonal level, the application was accepted and I got a chance to apologize in person to the client. However, this occurrence brought into focus the complexity of my position.

Nevertheless, navigating both the question of identification with the institution and that of responsibility in fact proved useful to my study, as it brought my attention to certain elements and provided otherwise unavailable information. Indeed, experiencing the emotional toll of being the "face" of the Department and the ways in which it affected my self-perception made me reflect on the image of the institution that was being maintained and on the emotional labor required to maintain it. Likewise, the error I committed was an occasion to witness how such situations were handled at the Department and what solutions could be used to fix mistakes. Moreover, it made me aware of the weight of responsibility resting on the officers, especially since my own situation brought forward accounts of officers' past

mistakes and descriptions of their personal strategies to deal with such burdens. Those dilemmas seem to point to what Angrosino and Mays de Pérez[249], describe as "the possibility that it may be neither feasible nor possible to harmonize observer and 'insider' perspectives so as to achieve a consensus about 'ethnographic truth'". The tensions due to the double role might remain unresolved, but their careful examination may in itself be a source of knowledge.

A particular case of a dilemma, appearing both during fieldwork and in presenting its results, and worthy of a more detailed examination, is the use of language.

I.2.3.b. Customers or applicants? Civil servants or employees? - the choice of vocabulary as an ethical and methodological issue.

„Two officers are in the room when I arrive. We start talking. One of the officers tells me about yesterday's events, including an encounter with a man she refers to as „the cutthroat". The man in question had been accused at one point in the past of stabbing somebody. He was later cleared of this accusation, but for a while the officers used to fear him. However, nowadays it seems that the only effect of his past is to make him more memorable. The officer – clearly amused – recounts the man's conversation with the Coordinator, where he allegedly corrected her when she referred to him as client by saying "I am not a client, I am a human being". [FJ,31.07.14]

The above passage pinpoints the importance words can take in the definition that different actors present at the Department have of themselves and of the situation. Feared at first, this client has subsequently gained a form of familiarity with the officers: knowing part of his story points towards a definition of him as not just a client, but a multidimensional human being, a definition that he wishes to see recognized through the terms employed. This exchange does not happen in a void – in fact, the common use of the term "client" in the Department is anything but neutral.

Dubois notes similar issues when examining French welfare offices[250]. How one refers to the actors present in fact reflects assumptions about them and their relationships. Hence, throughout my research I grew increasingly conscious of the possible implications of reproducing uncritically the language used in the Department, in particular the terms used to describe those working there and those whom the work concerns. An additional difficulty arises when translating those terms from Polish into English.

Indeed, a word commonly used in the Department is *klient* which translates to client or customer. Sometimes, participants would also refer to *cudzoziemcy* – foreigners. This second word could not be adopted in this text to describe the people frequenting the Department in

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[249] ANGROSINO, Michael V., MAYS DE PÉREZ, Kimberly A., 2000, *op.cit.,* p. 698
[250] DUBOIS, Vincent, 2010, *op.cit.*

general, since not all of them are foreigners (Polish citizens applying for invitations or acting as intermediaries are also present). However, the use of the term *client* is not unproblematic. One should note that in Polish this is not a word traditionally used to speak of those who submit their case to a public administration – that word is *petent*, which could be translated as applicant or supplicant. It has however been recently progressively replaced, in an effort to reflect what is promoted as a modernization of administrative practices largely inspired by a New Public Management approach (a more detailed discussion of this evolution is provided in chapters II.2 and III.2). The word *petent* has gained negative overtones and is often used to contrast a vision of old, communist-time, and overall unpleasant practices, with present day's allegedly friendly administrative relations. Some administrations use the word *citizen* in similar contexts, which would obviously not be fitting here. In this situation, the use of the word *klient* is a way of ascribing to a certain image of the administration in question – a modern, friendly, client-oriented one. It is a vision that not all share, as emphasized by the above-quoted passage where the word *client* is used to refer to an impersonal approach, as opposed to a friendlier one that would consider those coming to the Department as human beings, not just case numbers to be treated.

Similarly, the terms used to describe those working at the Department are heavy with meaning. Indeed, participants referred to themselves using the term *urzędnik* – a word that designates civil servants, but in fact has a wider meaning. One must distinguish between its legal meaning and its common use. In a formal sense, the term describes those who are nominated members of the Polish Civil Service Corps. In this sense, the majority of the people employed in the Department cannot be described as *urzędnik*, but are merely employees of the Civil Service. However, the use of the term to describe any person working in a public administration of any kind is widespread. Indeed, as Arcimowicz points out many Poles are not even able to identify which agencies belong to the Civil Service – for most *urzędnik* is simply a person they are likely to encounter when going through all sorts of formal procedures[251]. In the Department, all members of the institution are referred to thus, including all levels of the hierarchy.

Given those multiple meanings and connotations, I had to consider the choice of vocabulary carefully. For lack of better or more neutral options, I chose to retain the terms used commonly in the Department, but do so bearing in mind the undertones they introduce. When translating those terms, I chose to use the word *client* and describe those working at the Department as *officers*. However, in this second case, for reasons of fluidity of the text, I also use interchangeably terms such as officials, caseworkers, bureaucrats, or employees. The

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[251] ARCIMOWICZ, Jolanta, 2010, *Urzędnicy w służbie demokratycznego państwa*. Warsaw : Wydawnictwa Uniwersytetu Warszawskiego.

higher ranking officers – directors, vice-directors, directors of services, and section coordinators – are referred to as management. This general term was chosen for the sake of brevity, but also to avoid giving the participants' exact positions, as the small numbers of people belonging to this group would make them easily identifiable. When the words Civil Service are capitalized, they designate the formal institution of the Civil Service Corps and its nominated members.

It is also worth noting that while in the first series of interviews I adopted the inner vocabulary of the Department, in the second series I inquired about the use of those words, leading in particular to one discussion of the idea of service due to non-nationals that will be presented in later chapters.

Thus, one may say that the approach to the question of language adopted in this work mirrors the more general approach to the question of participation and positioning – one allowing for the restitution of the perspective of the officers, all the while submitting it to critical examination.

The present work follows an ethnographic, micro-level approach to a single case study, with the aim, however, of producing not only an accurate description of the particular public administration under study, but a further-reaching analysis of the ways in which this administration is impacted by its wider organizational field. In this sense, inspiration is drawn from a growing literature which uses ethnographic approaches as a way of apprehending otherwise invisible aspects of public policy. The method used in the field was participant observation which, while presenting the researcher with a unique set of challenges, offers a privileged access to shared practical knowledge of a group the acquisition of which gives one a deeper understanding of the interactions those actors engage in.

The aim of the present chapter has been to establish and justify the perspective chosen for this study both theoretically and methodologically. They key idea that emerges from those considerations is the linkage between a micro-level observation of face-to-face interactions and an analysis of field-level phenomena. Such a connection appears necessary if one is to avoid an excessively descriptive view of interactions that would separate them from their context and obscure crucial elements of social reality. Instances of interaction in general, and the everyday contacts at the desks of street-level bureaucracies in particular, cannot be understood without accounting for the interplay between various actors they partake in, the cultural meanings that surround them, and the power relations that underpin them. Those concerns in turn point to the case study as preferable method, all the while constituting a

reminder of the embeddedness of the case within wider frameworks and processes. The wish to explore such interrelations is what guided the decisions made in this work, from the choice of the case, through the instruments used to approach and apprehend it, to the handling of the practical and ethical issues that arose, and the writing process itself.

Thus, the Department of Foreigners of the Masovian Voivodeship Office serves here as a lens: a microcosm whose profound interconnectedness with its surroundings allows the observer to gain knowledge not only about inner processes, but also about logics and dynamics characteristic of the field it belongs to. Beyond the face-to-face interactions, it is those logic and dynamics that constitute the object of the present study.

However, in order to explore the connections between the agency under study and the field it is part of it is necessary to examine other elements constitutive of that field. Notably, in the case of the Department of Foreigners, any analysis of the daily life of the institution requires a certain knowledge of Poland's migration policy and the legal provisions the Department's work is based upon on the one hand, and the framework of public administration in Poland that it belongs to on the other. Those elements are hence the object of the following chapter. They constitute a form of introduction to the subsequent analysis of empirical material and aim to help situate the data within its context.

Chapter II

The fieldwork in its context

As it was previously mentioned, the Department of Foreigners of the Masovian Voivodeship Office is situated within two distinct frameworks: one is the law pertaining to immigration and the institutional structures intended to enforce it; the other is Polish public administration and the Civil Service. One could say that, while the legislation and adjacent guidelines dictate *what* the Department does, its position as a body of state administration determines *how* it does it.

Indeed, the Department of Foreigners is an executive body, meant to implement the policy concerning foreign citizens decided upon on the government level. The work in the Department centers around applying to individual cases the provisions of the Act on Foreigners[252], as well as several other legal texts that contain elements pertinent to the residence and work of immigrants. Thus, to understand the everyday functioning of this particular agency it is necessary to examine, at least briefly, the legislation that guides its activity.

The laws in question are part of a more general policy of the Polish state towards immigration. While the legal framework is essential, it is not the only element one must look into when attempting to comprehend what this policy is and how it translates into practice. Indeed, the current legislation and the practices surrounding it are an outcome of a gradual evolution that began in the early 1990s. Over the years, not only did the law change, but also a number of actors invested in this topic appeared on the public scene, and with them emerged a more and more complex network of their mutual relations. This was accompanied by the development of a series of models and conceptions of migration policy.

In the following chapter, section II.1 contains an overview of all those elements – the legislation itself, but also the history of Poland's migration policy, the actors who partake in creating it, and the ideas and models that guide those actors' actions. This section is also an attempt at demonstrating the pertinence of the use of the concept of organizational field with reference to this particular sphere of public policy in Poland.

At the same time, the Masovian Department of Foreigners is a part of the Polish public administration and its officers are most often members of the Civil Service. As a result, those structures have a determining influence on the conditions of work in the Department. The terms of employment, the salaries, the requirements of the job, and the perspectives the officers have all depend on the more general organization of public administration in Poland. What is more, in addition to the above-mentioned models and ideas pertaining to immigration, the work of public administration is also underpinned by a set of conceptions of what the role

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[252] Act on Foreigners of 12 December 2013 (Journal of Laws of 2003, item 1650)

of the public servant is and how it should be fulfilled. Just like different models of migration policy are defended by different actors in this field, so was the evolution of public administration in Poland guided by its own series of models.

Section I.2 offers an introduction into the workings of Polish public administration, before going on to situate the Masovian Department of Foreigners within this framework. The role of Voivodeship Offices is discussed, since it is the body the Department most directly answers to. Follows a review of the main characteristics of the Department itself, in terms of structure, organization, workforce, and functioning.

The overall aim of this chapter is thus to provide the background necessary for a more detailed examination of the everyday interactions that take place in the Department. It is meant to emphasize the elements that will later be useful when analyzing the links between the life inside the agency and its environment. Lastly, it also aims to equip the foreign reader with information about the Polish context that may render the analysis of empirical data that follows more accessible. While some elements from the data gathered through observation and interviews are introduced in this chapter, it is mostly a fruit of desk-research and is largely based on an analysis of preexisting data and literature.

II.1. Polish state institutions in search of a migration policy – transformations, actors, aims, and instruments

The primary official function of the Department of Foreigners is the application of legal rules pertaining to foreigners on Polish territory. It is an instrument in the implementation of a state policy towards migration and part of a larger institutional framework put in place as a part of this policy. As such, it cannot be properly studied without a detailed analysis of this specific field of state policy. In particular, the legal frame on which this institution acts, as well as its recent evolutions, have to be detailed. More generally, the knowledge of the historical context of the current state of Poland's approach to migration is necessary to better capture the Department's role and position.

Moreover, the theoretical approach described above implies regarding the Department as a lens through which a wider institutional field can be observed. Hence, it is necessary here to replace it in this context by restituting the complex network of actors it is involved with through an array of activities. In this chapter, migration policy is not only looked at as a set of rules and regulations, or even guidelines concerning their interpretation, but rather it is considered as the object of negotiations and interactions between a series of actors, each motivated by a specific set of interests, beliefs, and conceptions. A separate section of the chapter is consecrated to those actors, their relations to one another, and their potential influence on the overall shape of the field.

II.1.1. From obligation to anticipation – a brief review of the evolution of Poland's migration policies since 1989

An officer recounts how things were in 2008 when she started work. She began by working in the coordinator's office and straight away, on her second day, she was answering phones. Things were much worse then, the coordinator „answered the phone with one hand, another phone with another, and she also ate her sandwich, and talked with a client". After a few days, the officer was appointed to the information section, which then operated in the corridor, in „booths". There was no computer system, the cases had to be looked up in huge binders that grew thicker everyday as they contained the case numbers and the names of the inspectors. One had to question the foreigner thoroughly, find the case, and go to find the inspector in person. The officer lost six kilos in her first weeks on the job, she was too nervous to eat at work. Together with another officer, they had no room of their own, but went to eat in their colleagues' room. In time, they were given phones, which made things much better. Then *zeto* [the common internal computer system for case treatment] was introduced. Even if the situation is difficult now, there is a computer system, there are separate rooms, so things are much better. Back than, the officer thought at first she would not be able to cope. [FJ, 03.07.14]

As illustrated here, the evolution of the Department can be seen as a story of a passage from limited means, semi-measures, and often *ad hoc* solutions towards a growing specialization and complexity in terms of organization and structure. This echoes the more general evolution of Poland's reaction to the phenomenon of immigration.

Poland had little experience with modern-day immigration before 1989 and the downfall of communism. A multi-ethnic country at the beginning of the XXth century, it owned its diversity to the presence on its territory of well implanted and established minorities. While the brief period of inter-war independence saw the appearance of a reflection on the management of a multi-ethnic state[253] and the adoption of policies in this area, this was not linked to the inflow of new populations but rather to the coexistence of already present ones. In this context, the main policy goal concerning migration during this period was facilitating emigration of Poles, rather than dealing with incoming migrants[254]. The numbers of those latter were so law, that the Polish state hardly produced any records concerning them until the 1930s and even then the data collected was partial and applied only to major cities[255]. The Second World War and the following displacements of population, as well as the years under communist rule transformed Poland into one of the most ethnically homogeneous states in Europe. The closing off of borders during the Cold War made population movements difficult at best and in many cases impossible. While a slow liberalization throughout the communist era can be noted, it didn't essentially affect Poland's migratory situation.

Not only has Poland not been, until recently, a land of immigration, but it has been and still is primary a country of departure for migrants. Be it for political or economical reasons, Poles massively left their country of origin as early as the XIXth century, to settle mostly in Western Europe and the United States. In fact, the little inflow of population that can be noted in the 1920s and 1930s was due mostly to the returns of Polish emigrants[256]. Emigration was an experience so common among Poles, that Anna Kicinger speaks of the appearance of an "emigration culture" or an "emigration ethos"[257]. Moreover, the diaspora has been at different times in history an essential influence in creating and preserving Polish culture – be it the Great Emigration of the Partition era or the dissidents finding refuge in the West during communism. Emigration processes continue today, with the massive, economically driven

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[253] One of the most often quoted oppositions on those matters is that between Piłsudski's vision of a federalist Poland and Dmowski's conception of a homogeneous national state (See: MINK, Georges, 2015, *La Pologne au coeur de l'Europe*. Paris : Buchet-Chastel, pp. 93-94.)

[254] KICINGER, Anna, 2011, *Polityka migracyjna Polski 1918-2004*. UW Wydział Dziennikarstwa i Nauk Politycznych. p. 74

[255] *Ibid.,* p. 121

[256] *Ibid.,* p. 61

[257] *Ibid.,* p. 65

departures of young Poles to other EU countries, mostly the United Kingdom and Ireland. If an identity linked to migration exists for Poland, it is one of an emigration country first and foremost.

When exceptions to this rule existed, they can be seen as mostly isolated cases. In the second half of the XXth century, student exchanges brought a certain number of foreigners from other communist states as part of a policy of promoting "friendship among peoples"[258]. Some of those settled permanently in Poland – the origins of the fast-growing Vietnamese community can be seen in such early settlement. Another interesting case is an important Greek population received by the Polish state at the end of the 1940s[259]. Consisting of members of Greek communist guerrilla, this group fled the country after the end of the war and was settled in several countries of the Eastern bloc. Children were evacuated early on, and adults followed between 1948 and 1950. In Poland, the Greeks were primarily placed in the town of Zgorzelec, from which smaller groups were relocated further. While this population was not received as refugees in the Geneva Convention meaning of the term, one can consider that this experience "lead to the formation of an asylum policy in the [People's Republic of Poland]"[260]. Separate from the Western system, this solution in fact guaranteed the Greeks a similar treatment. Those cases, however notable and interesting in themselves, did not make for an important inflow of foreign citizens into Poland.

Such a limited extent of immigration did not mean that Poland had no regulations on these matters prior to 1989 – a rudimentary legal framework did exist. An Act on Foreigners dating from 1963 regulated those issues. It had been amended several times during the transformation era, starting in 1991, and was officially in force until 1997, as shall be discussed further.

Nevertheless, in the early 1990s, Poland was relatively unprepared to face "the transformation from a state with a restrictive exit policy and forcibly repressed spatial mobility characteristic of the communist regime (...) into a democratic state with open borders"[261]. Poland's migration policy can be thus considered mostly reactive, at least in the first stages of its formation. It was shaped both by migratory phenomena taking place and demanding a state response, and by Poland's increasing participation in international structures imposing rules and requirements on the country's management of population flows.

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[258] *Ibid.,* p. 242
[259] For a detailed discussion of this group and its modern situation see: NOWICKA, Ewa, 2008, *Hermes, Odyseusz i greckie powroty do ojczyzny*. Cracow: Nomos.
[260] KICINGER, Anna, 2011, *op.cit.,* p. 250
[261] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *Immigration to Poland*. Warsaw : Scholar.

Among the latter, the European Union accession process "constituted a crucial milestone"[262]. It is, hence, considered here as a turning point when distinguishing three separate periods in the evolution of Poland's migration policy. The first period, covering the years 1989 to 1997, is a time of first experiences with incoming migrant flows and attempts at adopting an adequate response. It ends with the adoption of the 1997 Act on Foreigners. The 1997-2003 period roughly corresponds to Poland's preparations for the entry into the EU and was marked by intensive policy transfers. The last period stretches from 2003 to the present day, with Poland already a member of the EU and increasingly a country of immigration, but still in search of coherent policy responses to the specific migration-related phenomena touching the country.

II.1.1.a. First responses immigration (1989 – 1997)

The period directly following 1989 and up to the year 1997 when a new Act on Foreigners was voted, replacing the outdated 1963 legislation, can be considered as a time of first attempts at defining and implementing a coherent migration policy in Poland[263]. The aim of creating such a cohesive policy had been reached only to a limited extend during this time, as it shall be discussed below. The process was guided by two main factors: the need for urgent solutions to newly arising problems and the international pressure linked to Poland's growing participation in international structures. It is important to mention that this process of policy elaboration was not a unique one in this period – it was parallel to the wider transformation of the country from a communist regime towards democracy, with the 1997 Act on Foreigners being adopted the same year as Poland's new Constitution[264].

Migration flows first become an issue for the Polish state through the presence of refugees. With Poland no longer considered an unsafe country in the early 1990s, readmission procedures became possible. The need to formulate a state-defined response became apparent when a group of refugees was sent from Sweden to Poland in 1990[265]. With time, more such cases appeared – while Sweden was the first to send asylum seekers back to Poland when they have transited through the country, Germany soon followed in its wake. Unprepared for such occurrences, the state began by adopting a series of *ad hoc* solutions. The extent of the lack of means to deal with such a situation can be measured by the fact that the first people to arrive

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[262] *Ibid.*, p.58
[263] KICINGER, Anna, 2011, *op.cit.,* p. 275
[264] KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, Migration Policy and Politics in Poland. In : *Migration in the New Europe, East-West Revisited.* GÓRNY, A., RUSPINI, P. (2004). Migration in the new Europe. Houndmills, Basingstoke, Hampshire [England] : Palgrave Macmillan. p. 163
[265] WEINAR, Agnieszka, 2006, *op.cit.,* p. 79

were placed in recreational facilities near the place of arrival, at the cost of local welfare agencies[266]. The Voivode of the affected region (Szczecin) was initially placed in charge of the issue and an interdepartmental task group was created[267]. The UNHCR, whose Warsaw branch opened in 1992[268], had an important and twofold influence in this period. On the one hand, Polish authorities sought out UNHCR experts to help the country both in handling the immediate inflow of refugees, through renegotiations with sending countries or financial support, and in formulating a legal response and providing counsel[269]. On the other hand, pressure was being put on Poland to sign the Geneva Convention. One important factor was the insistence of the UNHCR, as well as the fact that this institution did in effect grant refugee status in Poland. As Agnieszka Weinar recounts "The decisions were taken in Geneva on the basis of documents gathered in Poland, but without informing Polish authorities of the particularities of this process (...). The Polish side thus felt limited in its sovereignty"[270].

Interestingly, other non-state actors were also involved. Non-governmental and international organizations were engaged both in the discussion of potential legal solutions and in providing material help. Notably, the Red Cross, Doctors Without Borders, and Helsinki Fund for Human Rights were associated with those actions[271].

In 1991 Poland signed the Geneva Convention. Agnieszka Weinar names several reasons that led to this decision. Besides the above-mentioned pressure by the UNHCR, Poland's inclusion in the Council of Europe in 1991 lead in turn to participation in talks and decisions of the Vienna Group, establishing a cooperation with other countries of the region in terms of migration management[272]. Furthermore, Poland was facing the eventuality of a massive inflow of asylum seekers from Russia – signing the Geneva Convention opened the way to support and financial aid should such a situation occur. An important aspect guiding Polish authorities' decisions was also the belief in "the irreversibility of the transformation"[273] leading to a willingness to accept international agreements as a necessary condition of Poland's recognition as a credible partner. From that moment on, a growing array of provisions and institutions were put in place to respond to those newly acquired obligations. The readmission agreements signed in this period rapidly transformed Poland from a transit country into a receiving country for refugees[274]. The role of the German government is to be

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[266] KICINGER, Anna, 2011, *op.cit.,* p. 265
[267] WEINAR, Agnieszka, 2006, *loc.cit.*
[268] KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, *op.cit.,* p. 162
[269] WEINAR, Agnieszka, 2006, *op.cit.,* p. 80
[270] *Ibid.*
[271] *Ibid..,* p. 79
[272] *Ibid.,* p. 80-81
[273] *Ibid..,* p. 81
[274] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p.58

noted concerning this last issue: by pressing the matter of readmission agreements, it forced its Polish counterparts to accept such arrangements bilaterally, and as a result to seek them in their dealings with other foreign countries, so as to avoid readmitting migrants who could not be sent further back to their sending countries. At this time, for similar reasons, visa requirements were introduced for the citizens of several countries, notably Yugoslavia[275]. The agreements signed with Germany thus served as a model for other similar documents[276].

A similar process can be observed concerning other types of immigration. The same early period saw the beginning of an inflow of economic migrants. In a comparable fashion, the regulations concerning them were created both as a reaction to their presence and under international pressure. The numbers of incoming migrants remained low, however, leading to a paradoxical situation where Poland's "migration policy [was] created in a top-down way, as a response to external EU administrative pressures rather than to current immigration processes"[277]. A significant role was played by the European Council. Polish officials followed closely the Council's documents on this topic and participated in a number of meetings, formations and workshops. One can thus speak of a "socialization concerning certain solutions and values", in particular the obligation to protect human rights and the simultaneous need to curb the inflow of migrants[278].

Due to this top-down nature of the emergence of Poland's migration policy, its focal points were at first determined by issues important to Poland's international partners, in particular the EU and its member states. The fears of an uncontrolled inflow of migrants from the East lead those latter to insist in their dealings with Poland on the importance of border control, a well as on the necessary curbing of illegal immigration. Linked to Polish officials' own preoccupations with matters of security[279], this induced a policy where the border occupied a predominant role. In the perspective of a future entry into European structures the Polish Easter border was to become an external border of the EU. This provoked pressures on the part of European partners on matters of security and control. At the same time, funds were being allocated to this issue. Those included governmental and international aid attributed to the Polish Border Guard, whose importance grew considerably throughout the period[280].

However, several aspects specific to the Polish context are also to be noted. Firstly,

[275] *Ibid*., p. 62
[276] KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, *op.cit.,* p. 162
[277] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p. 58
[278] WEINAR, Agnieszka, 2006, *op.cit.,* p. 82
[279] KICINGER, Anna, 2005, *Between Polish interests and the EU influence - Polish migration policy development 1989-2004*. Warsaw : Central European Forum for Migration Research.
GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p. 61
[280] KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, *op.cit.,* p. 161

visa-free movement agreements signed with countries of the former Soviet Union remained in force from the 1970s to Poland's entry into the EU in 2003[281]. In this early period it was thus very simple for the citizens of neighboring countries to enter Polish territory. Secondly, repatriation – an issue only vaguely touched upon during the communist era due to the nature of relations with the Soviet Union – started being debated. The term refers to the resettlement of ethnic Poles from the Asian Republics of the former USSR and is mostly based on ideological grounds and justified by a moral obligation of the Polish state towards this population. The general principles grounding the policy in this area were elaborated in 1996[282].

This period also saw the appearance of first formalized institutions specialized in dealing with immigration. The process began just after 1989, when a Commissioner for Migration and Refugee Affairs was appointed. First established as temporary, this agency was in fact the basis for later development of immigration-related institutions. In time, the Commissioner's Bureau extended to form the Department of Migration and Refugees within the Ministry of Interior and Administration[283].

This first stage in the elaboration of a migration policy lead to the adoption in 1997 of a new Act on Foreigners. The law was generally considered as a very restrictive one[284]. It can be seen as an attempt at decreasing the number of foreigners admitted on Polish territory. In view of this objective, it limited considerably the possibilities of entry by imposing stricter requirements, especially concerning the funds a foreigner needed to posses in order to be admitted. In this sense the Act "by putting more restrictions on the conditions of entry and by tightening border controls, narrowed the possible legal channel of inflow"[285]. The conditions for the obtainment of permanent settlement permits were also made more demanding and the required period of residence longer. Among other innovations, temporary residence permits were introduced. The law also included provisions from the Schengen treaty: it established clearer regulations concerning expulsion of migrants, instituted carrier responsibility in cases of illegal entry, and initiated the keeping of official records regarding migration[286].

In general terms, while a „key feature of the emergence of Polish immigration policy has been the very limited reflection on what its aims and guiding principles should be and, even more generally, on the national interest in migration matters"[287], the period from 1989 to

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[281] *Ibid.,* p. 163
[282] *Ibid.,* p. 165
[283] *Ibid.*, p. 161
[284] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p. 63
[285] *Ibid.*
[286] KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, *op.cit.,* p. 164
[287] *Ibid.,* p. 160

1997 was nevertheless a time of experimentation, during which the fist foundations were laid for a legal and institutional framework permitting future development of Poland's migration policy. Broadly speaking, the approach to incoming migrants became more restrictive and an initial opening of borders after the fall of communism was superseded by a selective closure. The influence of international partners, especially the European Union, which was a defining characteristic of the period only grew stronger in the following years as the perspective of accession drew nearer.

II.1.1.b. Poland's migration policy in the EU accession process (1998-2003)

While in the beginning of the 1990s Polish officials watched closely the evolution of European legislation and policy, in view of an eventual entry into the EU, in 1998 this possibility became a realistic perspective and an official goal, as Poland began the negotiation process leading to EU accession. The influence of European institutions became much more tangible through the obligation of adopting the *acquis communautaire* into Polish law. Although authors argue that a Europeanization process can be discerned in earlier years[288] its nature changed considerably.

In 1998 the National Program of Preparation for Membership in the European Union was launched[289]. The accession negotiations began the same year with a screening procedure aimed at comparing the state of the law in the candidate countries with the requirements of the *acquis communautaire[290]*. The fist screening concerned the Justice and Home Affairs area, which included matters of migration and border control. The negotiations strictly on this topic lasted form May 2000 to July 2002[291]. They consisted of exchanges and meetings between negotiating teams and Polish institutions. Those later included notably the Office of the Head Negotiator, the Office of the European Integration Committee, as well as the Ministry of Interior, Administration and the Border Guard, and in later years the Office for Repatriation and Aliens. It can be argued that the result of those intense interactions was not only the production of relevant regulations introduced into the Polish legal system, but also a form of socialization[292], where Polish officials had an occasion to get acquainted with European structures. This also included getting used to a certain manner of proceeding and communicating, as well as an assimilation of practices, norms and values. This aspect will be

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[288] For a detailed discussion of this topic see: WEINAR, Agnieszka, 2006, *op.cit.*
[289] KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, *op.cit.,* p. 164
[290] WEINAR, Agnieszka, 2006, *op.cit.,* p. 86
[291] *Ibid.,* p.87
[292] *Ibid.,* p.86

discussed further.

The case of the Justice and Home Affairs chapter is specific as compared to other chapters under negotiation. It was to a much greater extent treated as a condition *sine qua non* of Poland's entry into the EU and as such was, in fact, not negotiable. Dealing with matters pertaining to the safety of EU citizens, those provisions were seen as crucial and necessary. The candidate states were to become gatekeepers, charged with "protecting the safety inside the Union from aggressive and unpredictable external factors"[293]. As Agnieszka Weinar notes, the fears motivating such an approach did not always stem from rational claims, but often from perceptions of the candidate countries as unprepared and hence sources of threats. In general, as in previous years, the border was in the center of attention, as was the question of illegal immigration. The requirements did not always fit the actual context, for instance with a significant focus on the issue of border control, while in fact, the majority of migrants residing illegally in Poland had crossed the border legally, but overstayed their visas or engaged in undocumented work. Nevertheless, the chapter was adopted practically in its entirety and entered into force with Poland's entry into the EU.

The negotiations were also accompanied by a series of horizontal programs financed from the PHARE fund and twining programs aiming at harmonizing the law and helping Poland with its implementation[294]. The implementation was further monitored until the end of 2004.

In the light of this evolution the 1997 Act on Foreigners became fast outdated[295]. Additionally, the work on a separate Act on Reparation was underway, as was the elaboration of a legislation concerning EU citizens and their family members. What is more, the experience with the existing law provided Polish authorities with information about its loopholes and shortcomings. In order to take act of all the above-mentioned factors, important amendments were introduced into the 1997 law in April 2001[296].

The amendments aimed at "eliminating loopholes used by foreigners"[297]. They also continued the evolution towards a more restrictive policy, with the lengthening of the period of stay necessary to apply for permanent residence to 5 years, or the introduction of the rather vague requirement of "special scrutiny" for mixed couples[298]. At the same time, provisions concerning family reunion inspired by the legislation in other European countries were

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[293] *Ibid.* p. 88
[294] *Ibid.* p. 89
[295] KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, *op.cit.,* p. 164
[296] *Ibid.,* p. 165
[297] WEINAR, Agnieszka, 2006, *op.cit.,* p. 95
[298] KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, *op.cit.,* p. 166-167

incorporated[299].

A major innovation in the domain was the creation of the Office for Repatriation and Aliens (ORA) – an institutions specifically responsible for matter related to migration policy[300]. The Office was the decision-making body in cases concerning refugee status and asylum, and served as an appeals body for the decisions of consuls and Voivodeship Offices in cases concerning entry and stay of foreigners on all other terms. This can be seen as an important step towards the institutionalization of Poland's migration policy[301].

While the EU was a preponderant influence during the pre-accession period, Anna Kicinger offers an account of at least three fields where this impact was not notable, or discrepancies existed between EU requirements and practices guided by Poland's national interest[302]. One such domain – and perhaps the most obvious one – is repatriation policy. While cases of similar provisions exist worldwide, Poland's adoption of the law permitting the settlement of ethnic Poles from the former USSR was mostly guided by internal factors, including a sense of obligation of the Polish state towards its former nationals[303]. The second domain was emigration of Poles. The third and perhaps most interesting case is that of visa-free movement with neighboring countries. As mentioned previously, agreements on visa-free movement were kept in force until Poland's entry into the EU. Anna Kicinger argues that this was more than just a relic of past relations, but rather a conscious choice, grounded in Poland's foreign and economic policy. On the one hand, the freedom of movement was seen as a means of maintaining close relations with the societies of Eastern countries, hence facilitating the promotion of stable democratic regimes. It was also essential for Poland to overcome historically created resentment existing in those countries. Poland's foreign policy aims concerning this region thus involved bolstering a stable geopolitical environment through the continued existence of ties on the societal level[304]. On the other hand, the presence of seasonal and temporary workers from neighboring countries was seen as economically beneficial, as long as their role remained complementary and not competitive to Polish workers[305]. While restrictions were gradually introduced in access to the labor market, Polish authorities tended to overlook to an important extent the existence of undocumented employment[306]. The contradiction between EU-imposed aims of border control and security and national aims of maintaining political and economic ties with historically close countries

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[299] WEINAR, Agnieszka, 2006, *op.cit.,* p. 94
[300] KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, *op.cit.,* p. 165
[301] WEINAR, Agnieszka, 2006, *op.cit.,* p. 95
[302] KICINGER, Anna, 2011, *op.cit.,* p. 288
[303] KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, *op.cit.,* p. 168
[304] KICINGER, Anna, 2011, *op.cit.,* p. 289
[305] *Ibid.,* p. 292
[306] *Ibid.*, p. 293

continued to be present even after the abolition of the visa-free regime, as will be discussed in the next section.

In the literature of the subject the elaboration of Poland's migration policy, and especially the period of accession negotiations, are often discussed through the lens of concepts such as Europeanization, policy transfer, diffusion and translation. Agnieszka Weinar draws on the definitions of Radaelli[307], among others, to define the process of Europeanization as "the entirety of processes of change affecting a given policy both from the point of view of legal provisions, institution creation, and of the means of its implementation and legitimization"[308]. She specifies that those processes can be both direct and indirect, both bottom-up and top-down. They involve actors and structures equally and can result in the evolution of the legal-institutional framework as well as in cultural change. Weinar argues that, thus defined, Europeanization can be observed in countries that are not member states, but have been involved in an integration process with the EU[309]. In this sense, the concept seems useful in explaining the appearance and evolution of Poland's migration policy in the context of preparations for EU accession. More generally, DiMaggio's and Powell's[310] idea of isomorphism is very popular in conceptualizing this processes[311]. In particular the distinction between coercive, normative and imitative isomorphism seems to yield fruitful results when applied in this case. The adoption of the *acquis communautaire* as a condition for entry appears as a clear-cut example of coercive isomorphism where a more powerful and more legitimate organization imposes rules and practices on other organizations. However, other forms of isomorphism can also be observed as Poland seeks out models to imitate among more experienced and – in the actors' perception – more legitimate and successful states. This is the case especially in fields where the lack of clearly defined policy goals creates conditions of uncertainty, as it can be noted with reference to the field of migration policy in Poland[312]. While those concepts can help explain the adoption of certain rules and practices, Mikołaj Pawlak notes that those are never simply transposed from one context to another, but suggests the use of Barbara Czarniawska's[313] concept of translation to describe the process whereby models considered worthy of imitation are rewritten and adapted to a given context. It would

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[307] RADAELLI, Claudio M, 2000, *Whither Europeanization? Concept stretching and substantive change*. European Integration online Papers (IEoP), 4/8.
[308] WEINAR, Agnieszka, 2006, *op.cit.,* p. 44
[309] *Ibid.,* p. 47
[310] DIMAGGIO, Paul J., POWELL, Walter W., 1983, *op.cit*
[311] WEINAR, Agnieszka, 2006, *op.cit.*
PAWLAK, Mikołaj, SROKOWSKI, Łukasz, 2014, Pomiędzy i wewnątrz. Warsaw : Instytut Profilaktyki Społecznej i Resocjalizacji. Uniwersytet Warszawski.
[312] PAWLAK, Mikołaj, 2013, *op.cit.*
[313] CZARNIAWSKA-JOERGES, Barbara and SEVÓN, Guje, 1996, *Translating organizational change*. Berlin : Walter de Gruyter.

indeed seem that in the field of migration policy, Polish officials, based on a conviction of inevitable repetition of Western-European countries' experience[314], see the EU as a source of models, while adapting them to local conditions and needs. Poland's entry into the EU, even if it signified the end of accession negotiations and the consequent accelerated evolution of Polish law, did not put an end to those processes.

II.1.1.c. A slow emergence of a migration doctrine (2003-2014)

Since Poland effectively joined the EU in May 2004, it has participated in the debate on migration and approached the issue on a par with other member states. In 2007 the country joined the Schengen zone. It has also continued in the path of creating an increasingly coherent policy in the domain of migration. While criticism as to its cohesiveness remains, some authors[315] consider Poland is moving "towards a migration doctrine" and argue that while it "has not yet been clearly or directly expressed" it can be discerned in a number of official documents[316]. Indeed, throughout the period stretching from 2003 to this day, Poland has not only adopted an Act on Foreigners in 2003 and then again in 2013, but also produced a number of statements and positions papers in the EU forum. One could think that both the signing in 2012 by the Council of Ministers of a document entitled "Poland's migration policy – current state and postulated actions"[317] and the adoption of the 2013 Act on Foreigners constitute supplementary steps in this direction. The former of those document was followed by a plan of implementation signed in December 2014[318].

The 2003 Act on Foreigners was adopted just before Poland's accession, as a means of unifying and ordering the existing legislation. Indeed, the 1997 Act was completed by a series of provisions and executive acts, which made its application burdensome[319]. The new Act on Foreigners integrated those regulations. At the same time, a separate Act on granting protection to foreigners on the territory of Poland was adopted, regulating questions of

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[314] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p. 59

[315] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p. 57

[316] *Ibid*., p. 56

[317] *Polityka migracyjna Polski – stan obecny i postulowane działania, dokument przyjęty przez Radę Ministrów w dniu 31 lipca 2012 r.*, [Poland's migration policy - current state and postulated actions, document signed by the Council of Ministers on July the 31st 2012]. Council of Ministers, Warsaw: 2012

[318] *Biuletyn Migracyjny, 2014,* Plan wdrażania polskiej polityki migracyjnej przyjęty, (Plan of implementation of Polish migration policy accepted). [online]. 2014. p. 1.

[319] WEINAR, Agnieszka, 2006, *op.cit.,* p. 96

refugee status and asylum, and creating thus two separate categories of foreigners[320]. The institutions of complementary protection and tolerated stay were also introduced. Besides clarifying the existing law, the new Act on Foreigners and Act on granting protection to foreigners on the territory of Poland also attempted to settle certain controversies, in particular by including non-governmental organizations in the process of elaborating both texts[321]. In 2007 the Act on Foreigners was amended. An important consequence of the amendment was the transformation of ORA into the Office for Foreigners, which fulfills similar functions and is now the primary institution specialized in immigration issues.

An important innovation adopted with the 2003 Act on Foreigners was abolition – a one-time campaign of regularizations. It took place from September to December 2003 and permitted the legalization of stay of foreigners residing in Poland undocumented for at least six years, on condition of proving financial stability, an employment and a place of residence. In this sense it can be seen as an attempt at normalizing the situation before entry into the EU. However, the simultaneous fears about the possible negative effects of what was perceived as a very permissive policy move lead to restrictive criteria for granting abolition and a short period of reception of applications. Eventually, the numbers of foreigners who benefited from this possibility were relatively low, especially compared to the estimated number of undocumented migrants at that time[322]. Two more abolition campaigns were organized since: in 2007, on terms similar to those from 2003, and in 2012, prior to the elaboration of a new Act on Foreigners. The last campaign took act of the low participation characterizing the two first ones and relied on less stringent criteria: proof of place of residence and of regular income was no longer required[323].

An interesting aspect of the process of elaboration of the 2003 Act on Foreigners, noted by Agnieszka Weinar[324], is its transparency and the participation of a number of actors outside of the lawmakers themselves, such as NGOs or the Ombudsman. Weinar interprets this as a proof that the 1997 Act created an institutional space in which those actors could interact and debate, and that, aside from EU influence, Polish authorities were beginning to rely on the country's own experience with the issue. One could say in that sense that an organizational field was forming.

After the 2003 Acts entered into force, Poland officially joined the EU and began

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[320] *Ibid.*

[321] *Ibid*., p. 97

[322] KICINGER, Anna, 2011, *op.cit.,* p. 284

[323] GROT, Karolina, KAŹMIERKIEWICZ, Piotr, 2014, Polska polityka woce cudzoziemców – założenia, cele i instrumenty. In : *System Schengen a imigracja z perspektywy Polski i Niemiec*. 1. Warsaw : Aspra-JR. p. 92

[324] WEINAR, Agnieszka, 2006, *op.cit.,* p. 98-99

taking part in common deliberations, including those about migration. The documents presenting Poland's position on matters discussed in the EU forum all seem to stem from the same basic assumption – their authors presume that Poland's transformation from a sending into a receiving country is only a matter of time. In anticipation of such a development it is considered that Poland should watch closely the reactions of countries already experiencing important immigration flows and support "actions tightening general rules for entry into EU territory – mainly into the Schengen area – [as] measures of precaution that will protect Poland against the adverse effects of migration processes"[325]. At the same time, Poland has in general presented a position favorable to the freedom of movement and employment inside the EU[326]. The 2007 debate on the accession of Bulgaria and Romania provided an occasion for Poland to define its position towards opening its labor market to foreign nationals. Despite initial hesitations, the renouncement of a transitional period was eventually accepted[327]. Through such documents Poland's slowly forming approach to European migration policy can thus be discerned.

While pre-accession the main objective seemed to be adopting Polish law to European standards, the years after accession have seen several regulations and practices stemming purely from national interest – one could say that Polish officials were starting to think of migration as an issue of importance with an impact on certain aspects of the country's functioning. One such example is the above-mentioned issue of visa requirements for citizens of neighboring countries. Visas became obligatory upon Poland's entry to the EU and conditions of access were tightened when the country joined the Schengen zone. However, as it has been shown above, it can be argued that such limitations are in fact not in line with Poland's own foreign and economic policy. While the imposition of visa requirements was non-negotiable, the actual practice pertaining to entry and stay of Eastern countries' nationals remained very permissive. The costs of visas delivered in those states were low and their granting by consuls quasi-automatic. After the 2007 entry into the Schengen zone, two types of visas came into force: national visas and Schengen visas. In practice, it would seem that this first type replaced the formerly generously granted tourist visas and remained quite easy to obtain. Simultaneously, it would seem that practices concerning entry and stay varied according to national origin. In particular, since 2001 two types of sanctions were possible for undocumented migrants or those engaging in undocumented work – besides expulsion, an "obligation of departure"[328] can also be issued. In case of willing compliance it is

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[325] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p. 60

[326] *Ibid.*

[327] *Ibid*.

[328] GROT, Karolina, KAŹMIERKIEWICZ, Piotr, 2014, *op.cit.,* p. 87

accompanied by a shorter period during which the person is precluded from renewed entry. According to Anna Kicinger, an examination of the sanctions effectively issued shows that the obligation of departure is more often used towards nationals of neighboring states, while migrants of other origins face expulsion and longer periods of being banned from entry[329]. While these practices can be observed both pre and post accession, after 2003 Poland adopted several regulations that institutionalized arrangements granting specific rights to citizens of Russia, Belarus and Ukraine, and later, in some cases, also Moldova. Agreements on local border traffic were signed with Ukraine in 2009, with Belarus in 2010 and with Russia in 2011 (this last case concerns the residents of the Kaliningrad zone). Exceptions to the rules on access to employment were made for seasonal workers from those states. A 2006 ordinance of the Minister of Labor and Social Policy authorized them to "take up employment in agriculture and horticulture without a work permit for a maximum period of three months within a six-month period"[330]. This was extended to six months within a twelve month period in 2009[331] and expanded to include citizens of Moldova.

Those ordinances were in fact part of a wide trend of liberalization of access to the labor market. While the perspective of Poland becoming an immigration state was a source of fears about security, in the years after Poland's accession to the EU the idea slowly emerged that immigration was also a means of completing labor shortages. Indeed, Poland's economy rapidly grew, but at the same time Poles left the country in great numbers to seek employment in Western Europe. Some sectors of economy, such as constructions, agriculture and horticulture, found themselves in need of workforce, leading the employers to press for a greater opening of the labor market to foreigners[332]. Subsequently, in 2009 a new system of work permits was established. The two step procedure requiring a promise of employment prior to the permit itself was reduced to one step only, and five different types of permits were introduced (the details concerning different forms of access to the labor market are discussed in section II.1.3.b). At the same time prices for employers were lowered.

These occurrences can be seen as an early stage of an emergence of Poland's migration doctrine, guided both by the country's international engagements and by its national interests. The document on migration policy signed in 2012 by the Council of Ministers appears as an attempt at systematizing such a doctrine. As suggested by the subtitle - "Current state and postulated actions" - as well as the structure of each chapter, the document both summarizes and clarifies the current situation and includes recommendations and information as to what is

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[329] KICINGER, Anna, 2011, *op.cit.,* p. 295
[330] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p. 69
[331] *Ibid*., p. 70
[332] *Ibid*., p. 69

considered the desired direction of development in this field of policy. The division into chapters itself is also indicative of what is considered as the main issues to be taken into account. Those include firstly "Legal immigration" and "Fighting illegal immigration" – from the outset this opposition is posited as constitutive of Poland's approach to the issue, implying a search for balance between profiting from the beneficial aspects of immigration and avoiding its possible negative consequences. This is further discussed in the introduction of the document, where both positive and negative aspects of immigration are mentioned. Amongst the former the document counts a "complementary role" of immigrant populations in terms of employment and demographic needs, a "tightening of bilateral relations" with countries of origin, and the "cultural" potential of foreigners[333]. The negative consequences predicted include tensions due both to cultural differences and to competition of the labor market; illegal employment; and social dumping practiced by employers[334]. Further chapters discuss granting protection to refugees and asylum seekers, integration of foreigners, and issues of nationality and repatriation. A separate chapter is consecrated to emigration and returns – a sign Poland remains predominantly a country of departure. The last four chapters discuss efficient application and monitoring of the policy but also its wider context – both in relation to other policy fields and to the international context as a "determining factor" for Poland's actions towards migration. With reference to legal migration, economic immigration is defined as the most desirable type of inflow, in as much as it serves complementing the local workforce[335]. Several categories of immigrants are defined as priory[336], including those possessing useful skills or qualifications (students, researchers and graduates; highly qualified workers; entrepreneurs), those of Polish origin as well as family members of Poles and EU citizens; those admitted for humanitarian reasons; those who wish to settle permanently in Poland and show willingness to integrate into Polish society. Once again, those priorities seem to be guided on the one hand by market needs, and on the other by a wish to avoid potential tensions and conflicts. It is worth noting however, that the imperative of "integration" mentioned in this list is further defined as the responsibility of both the foreigners and the receiving society[337].

The process of elaboration of the document is in itself interesting. As with the projects of two previously discussed Acts on Foreigners, the text was subject to public consultations.

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[333] *Polityka migracyjna Polski – stan obecny i postulowane działania, dokument przyjęty przez Radę Ministrów w dniu 31 lipca 2012 r.*, [Poland's migration policy - current state and postulated actions, document signed by the Council of Ministers on July the 31st 2012]. Council of Ministers, Warsaw: 2012

[334] *Ibid.*

[335] *Ibid.*, p. 33

[336] *Ibid.*, p. 14

[337] *Ibid.*, p 73

While it was created "behind closed doors"[338] by the Ministry of Interior and Administration, a draft version was submitted to a wide array of actors, including NGOs, migrant organizations, Polish diaspora organizations, think-tanks and research institutes, international organizations, workers unions and employers' organizations, and public institutions. Comments and suggestions could be addressed to the Ministry for a month. The final version of the text was adopted only after the inclusion of suggested modifications. While specific aspects of civil society engagement in those issues will be discussed in further sections, it is worth noting here that such consultations seem to have become the usual, albeit not compulsory, practice when adopting documents of importance in this domain.

They were also resorted to when working on the newest development in Poland's approach to migration: the 2013 Act on Foreigners. In many ways, this new law takes act of the above-mentioned document and draws from the experience of the past years. One of the most notable innovations it includes concerns the access to the labor market: as of EU requirements, a unified work and stay permit has been introduced. New types of permits were also created, including a one-year-valid residence card for graduates of Polish universities looking for a job. Procedures concerning settlement were altered – notably, the obtainment of a permanent residence permit became easier for foreigners of Polish origin, as holders of a Polish Charter no longer need present other documents. Some practical matters were rendered simpler for the foreigners applying for legalization of their stay, in particular with reference to the period during which applications can be received, which was extended from 45 days prior, to the last day of validity of the previous document. While in general terms it can be said that the Act is a move towards less restrictive conditions of stay in Poland, some aspects appear more ambiguous – in particular the unified work and stay permit renders the foreign worker more dependent on their employer, as they can only reside in Poland on its basis as long as they occupy the same position in the same company, any change necessitating a new permit.

One could consider that, despite persisting inconsistencies, the 2013 Act on Foreigners constitutes a step towards the consolidation of a cohesive migration doctrine. While, ever since 1989, the influence of the European context has been a predominant aspect of this field of policy, Polish policy-makers have increasingly defined specific aims in this area. Another striking element is the emergence of a variety of actors engaging in activities and taking position on this topic. They have not only been increasingly included in the process of policy-making, but also entertain relations and are involved in frequent interactions with one another. In this sense, this area of policy can be regarded in terms of an organizational field. In this perspective, section II.1.3. aims at examining in detail the nature, activities and positions of

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[338] PAWLAK, Mikołaj, 2013, *op.cit.,* p.106

the actors involved, as well as their relations to one another. Before proceeding with this analysis, the following section presents key aspects of the current legislation concerning foreigners' entry, stay and work in Poland.

II.1.2. Instruments – the current legal context in the light of the 2013 Act on Foreigners

> During a meeting, NGO members address the Director of the Department with reproaches concerning the absence at the site of informative posters they have printed. The Director argues, among other things, that one of the reasons why foreigners do no notice such posters, when they are present, is their high amount, resulting in a certain visual chaos. [FJ, 30.06.14]

Indeed, the walls of the Department bear a wide array of informative materials. Relevant ordinances and other legal documents are displayed, alongside examples of filled in application forms. A list of "Standards of service" is present in most offices and corridors. Various NGOs are allowed to exhibit posters both advertising their activity and informing about the details of different procedures or the rights of immigrants. Changes in the organization of the Department are also advertised through putting up written announcements. Another set of posters and notices informs of the modifications introduced by the new Act on Foreigners. In addition to this, leaflets and brochures are available, displayed on tables and special stands – they mostly contain explanations about different kinds of permits, but also inform the immigrants of their rights, encourage them to report cases of discrimination, or warn them about dishonest intermediaries. Most of those materials attempt to explain or clarify the law and its recent evolutions. In a sense, one could say that the officers go about their daily work surrounded by the law thus embodied. However, as the Director remarked, the overwhelming impression is that of extreme complexity and chaos. The visual clutter observable in the Department can thus to an extent serve as a metaphor for the intricacies of the legislation itself. This section attempts to untangle the complexities of Polish migration law by providing a description of the main points of the legal framework under which the Department functions, and which are seen here as instruments through which particular aspects of a migration policy are pursued.

As a result of the above described evolution, matters pertaining to foreigners (with the exception of EU citizens) are currently regulated in Poland primarily by the Act on Foreigners of 12 December 2013[339] which entered into force as of May 1st 2014. Issues of refugee status and asylum are regulated by the 13 June 2003 Act on granting protection to foreigners on

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[339] Act on Foreigners of 12 December 2013, Journal of Laws of 2003, Item 1650)

Polish territory[340]. The granting of Polish nationality is regulated by the Act of 2 April 2009 on Polish citizenship[341]. Additionally, the Act of 9 November 2000 on repatriation[342] and the Act on the Polish Charter of 7 September 2007[343] regulate the terms of recognition and return of ethnic Poles from countries of the former Soviet Union. Foreigners are also subject to certain provisions of the Act of 20 April 2004 on the Promotion of Employment and Institutions of the Labor Market[344], and, to a lesser extent, by the Act on Freedom of Economic Activity of 2 July 2004[345] and the Act on Social Assistance of 12 mars 2004[346]. This section provides a discussion of the main aspects of the regime set up by those regulations.

The entry and stay of EU citizens and their family members are regulated by the Act of 14 July 2006 on the Entry into, Residence in and Exit from the Republic of Poland of Citizens of the European Union Member States and their Family Members[347], and will not be discussed in this work.

II.1.2.a. Entry and residence in Poland – regulations and types of permits

The entry on the territory of Poland of third-country nationals is subject to visa requirements. Citizens of states that have signed agreements on visa-free movement with Poland are entitled to enter the territory for a period not exceeding 90 days. Two types of visas are delivered: national visas (D type visas) and Schengen visas (C type visas). The latter entitle their holder to a stay not exceeding 90 days within a 6 month period on the territory of all Schengen countries. Holders of the former can stay on Polish territory for periods longer than 90 days. The exact period is determined by the consul on the basis of the reason of stay, within a maximum validity of one year. An A type visa also exists for persons transiting through Poland on international flights. Both the C and D type visas are further divided based on the reasons of stay. Requirements for the delivery of a visa include notably the possession of sufficient funds to cover the costs of stay and eventual return, as well as a health insurance and a proof of a place of residence. In the case of work visas a work permit has to be

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[340] Act on granting protection to foreigners on Polish territory, Journal of Laws of 2003, No 128, item 1176

[341] Act of 2 April 2009 on Polish citizenship, Journal of Laws of 2012, item 161, as amended

[342] Act of 9 November 2000 on repatriation, Journal of Laws No. 53 of 2004, item 532, as amended

[343] Act on the Polish Charter of 7 September 2007, Journal of Laws No. 180 of 2007, item 1280

[344] Act of 20 April 2004 on the promotion of employment and institutions of the labor market, Journal of Laws of 2013, item 674, as amended

[345] Act on Freedom of Economic Activity of 2 July 2004, Journal of Laws of 2004, No 173, item 1807 as amended

[346] Act on Social Assistance of 12 mars 2004, Journal of Laws of 2004, No 64, item 593 as amended

[347] Act of 14 July 2006 on the entry into, residence in and exit from the Republic of Poland of citizens of the European Union Member States and their family members, Journal of Laws of 2006 No. 144, item 1043, as amended

presented, meaning that the employer must apply for it before the foreigner's arrival. When no work permit is required, a declaration of intended employment must be presented in its place. The possession of sufficient funds can also be proved by providing an invitation that has been entered into a national registry. Polish and EU citizens, companies and organizations registered in Poland, as well as foreigners residing in Poland for at least 5 years and holders of permanent residence permits and EU residents' permits can all apply for the registering of an invitation. In this case, the burden of proof of possession of sufficient funds and a place of residence rests on the inviting party. All types of visas are issued by Polish consuls, while the Schengen visa can also be issued at the border by the Commander of a Border Guard unit. It should be noted that the exact procedures and costs of visas vary depending of the country of issuance. In general, the consuls posses significant discretionary powers. In particular, an inconsistency between the declared reason of entry and the presented documents can be a motive of refusal and the responsibility rests on the consul to decide whether the lack of such an inconsistency has been proven. This leads to a situation where it is common for the officers of the Masovian Department of Foreigners to refuse giving information about the visa procedures abroad and advise foreigners to contact specifically the consulate where they will be applying, since the particulars may vary from one consulate to another [FJ, 22.08.14]. Once in Poland, visas can be prolonged by Voivodeship Departments of Foreigners. This however is possible only in exceptional cases and is rather rare due to the high requirements concerning necessary funds. The main function of the Departments of Foreigners with relation to visas is the issuance of documents confirming that an invitation has been registered.

Having entered Poland legally, foreigners, who are neither EU citizens nor applying for refugee status, asylum, or complementary protection, can apply for three types of residence permits – temporary residence, permanent residence and the EU resident's card.

The first type of permit is the most common – it entitles the holder to remaining on Polish territory for a specified amount of time, which varies according to the basis on which the permit was issued. The right to stay is not automatically accompanied by a right to work and those not exempted from that obligation must simultaneously posses a work permit. However, the 2013 Act on Foreigners introduced a major innovation in this respect – the unified work and residence permit. From May 2014 foreigners applying for residence permits on the basis of work only need to present one application form and one set of documents (including those previously required for both types of permit), and a common decision is delivered. A previously mentioned, while this can be seen as a measure facilitating the procedure for foreigners, the fact that only one decision is issued, which specifies the employer and the position, renders the right to residence far more dependent on employment

with a particular company. When any changes occur in the foreigner's employment the decision is retracted and a new application must be filed. The joint work and residence permits are delivered for a maximal period of three years, depending on the length of employment stipulated in the contract. Workers can also apply for temporary residence when they are delegated to Poland from a company operating abroad.

Another basis for the issuance of a temporary permit is economic activity, delivered to those who posses shares in companies registered in Poland – the requirements are similar as for work, but also include documents proving the beneficial character of the company to Polish economy. These criteria are in fact rather stringent, as the company must have a benefit of at least twelve times the average salary for the region in the last fiscal year, or employ at least two Polish citizens, or provide proof that such criteria can be met in the future – this means that in fact no small or newly founded companies can meet the necessary conditions.

Besides those economic reasons of stay, students are also eligible for temporary residence permits, provided they can prove the possession of sufficient funds to finance their stay, the costs of study and eventual return. The first permit is issued for a year, and the next one until the completion of the diploma within the limit of three years.

Another innovation of the 2013 Act is the possibility for graduates of Polish higher education institutions searching for a job to obtain a residence permit valid one year. However, it has been noted by observers and admitted by the authorities that due to a flaw in the Act this provision is not in fact functional [FJ, 27.08.14]. A requirement of "steady and regular source of income" is included which stands in blatant contradiction with the declared aim of stay. Temporary solutions have been adopted – officers have been instructed to treat those cases more indulgently, but they can only to so to a limited extent within the limits of the law. The articles in question were to be amended.

Temporary residence is also granted in the context of family reunion to the family members of foreigners residing in Poland for at least three years. It is the only case where an application can be submitted while the applicant is abroad. Similarly, spouses of Polish citizens can apply for temporary residence.

Finally, the law also permit the submission of applications on other grounds, provided documents proving the circumstances in question as well as the possession of funds to cover the stay can be presented.

The European resident permit is a form of legalization of stay unified across the EU. It is issued for an indefinite period of time and only needs renewal every five years. It is granted after five years of continuous legal residence. In Poland applicants are also required to prove three years of legal employment, or another form of steady and regular income (ex. being

financially supported by a spouse). It grands the holder a wide array of rights similar to those of citizens, including the right to work, to education, and to social aid and benefits. It also warrants an easier access to other EU countries. It is one of the two forms of permanent stay recognized in Poland.

The second form – the permanent residence permit is similar in terms of associated rights and advantages. It is granted permanently, but the document itself is renewable every ten years. The basis for its issuance can be divided into three categories. Firstly, it is granted to family members of Polish citizens or long-term foreign residents. In the case of spouses of Polish citizens the marriage must be valid for at least three years and the foreigner must reside in Poland for two years prior to the submission of application. A detailed inquiry is conducted to avoid marriages of convenience, including an interview of both spouses. The children of Polish citizens are also granted this type of permit. Similarly, it is delivered to children of foreigners who have themselves been granted permanent residence or EU resident status, on the condition that those children were born while their parents resided in Poland on the basis of a valid residence permit. Secondly, permanent residence permits can be delivered to people of Polish origin wishing to settle in Poland. The latter condition is considered as fulfilled by a simple declaration. Polish origin can be proved by producing documents stipulating that one of the applicants parents or grand-parents, or two of their grand-grand-parents were of Polish nationality. An interview is further conducted to prove the persons involvement with Polish culture, the knowledge of the language and traditions. The 2013 Act also introduced a simplified procedure for the holders of a Polish Charter (the specifics of this form of recognition of national origin will be discussed in sections II.1.2.d. and II.1.4.d.) who only need present the Charter itself. Thirdly, persons admitted to Poland on humanitarian grounds can gain access to permanent residence. This includes victims of human trafficking, a well as persons who were granted complementary protection (after five years of residence), tolerated stay (after ten years), or asylum.

In the light of the overview of the existing forms of legalization of foreigners' stay in Poland it can be said that the provisions of the 2013 Act on Foreigners seem to match the aims set by the 2012 "Poland's migration policy" document. In particular, the regulations concerning persons of Polish origin can be seen as favorable conditions for those wishing to settle permanently and showing willingness to integrate with the receiving society. Indeed, the requirement of language proficiency and familiarity with Polish culture serves to an extent as a tool of selection favoring those who have made first steps towards assimilation. Moreover, the provisions concerning workers seem indeed to encourage the inflow of highly skilled workers and university graduates. This is even more blatant when access to the labor market

is considered.

II.1.2.b. Access to the labor market

As mentioned previously, the rules concerning foreigners' access to the labor market are guided first and foremost by the principle that foreign labor must serve a complementary role and not enter into competition with local labor.

This is achieved chiefly through the obligation for employers seeking to hire foreigners to provide an "information from the governor with jurisdiction over the registered office or place of residence of the employer about the lack of opportunities to meet staffing needs of the company hiring the alien on the basis of the records of the unemployed and persons looking for work"[348] otherwise known as a "test of the labor market". The application is submitted to the local Labor Office, which issues an offer and only delivers the information in the absence of response from Polish candidates. The priority of Polish nationals is thus maintained in reference to the labor market.

Since the introduction of the unified procedure for work and residence permits, those two documents can either be issued separately (when the foreigner's stay is legalized on another basis) or in the form of a common decision. In the second case, the result of the test of the labor market is to be presented as part of the common application procedure. If the employer changes or the conditions of employment are altered the decision is retracted and a new test of the labor market must be conducted. Compared to the situation before May 2014, where the two permits were separate and the retraction of a work permit did not automatically cause the retraction of the residence permit, foreigners are thus much more dependent on their employers, with no possibility to resign or change jobs without immediately submitting a new application.

In the context of an opening conditioned on the complementary nature of foreigners' employment, it is interesting to examine the exceptions to the above described procedure. Indeed, certain categories of foreigners are exempted from the obligation to apply for work permits, and hence also from obtaining a positive result of the test of the labor market. These include holders of both types of permanent residence permits, confirming that indeed, as stated in the 2012 "Poland's migration policy" document[349], a priority is given to foreigners planning long-term settlement in Poland. However, it is worth mentioning that in the case of

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[348] Website of the Department of Foreigners of the Masovian Voivodeship Office, available at: https://mazowieckie.pl/en/for-foreigners-1/residence/temporary-residence-pe/residence-and-work/432,Which-documents-do-I-have-to-submit.html

persons intending to reside permanently in Poland on the basis of family reunion or marriage to a Polish citizen the conditions are in a sense stricter, since a temporary residence permit is first issued which does not entail the right to work. Not only does that mean that for a period of two up to three years the person in question is financially dependent on their spouse or family member[350], but it also seems to indicate that settlement on the basis of family ties is not given the same priority.

Another category granted the right to free access to the labor market – students and graduates of Polish higher education institutions – corresponds to the aim of attracting migrants with high qualifications and useful skills. In the case of students, this used to apply to those attending public education institutions and in possession of a temporary residence permit. At the time when this study was conducted, students staying in Poland on the basis of a visa were entitled to work without a permit during the summer vacation, but need to apply for a permit during the remainder of the year. This requirement was further liberalized in 2015, allowing all students to work without a permit throughout the year[351]. Similarly, researchers – whether they are considered students or employees – are not required to apply for work permits.

Lastly, a list exists for each Voivodeship of professions exempted from the obligation of presenting a test of the labor market in order to obtain a work permit. The list is established by the Voivode based on the situation of the labor market in the region, in particular the number of registered unemployed persons in given professions as compared to the number of offers submitted to the Labor Office[352]. This provision is directly in line with the idea of complementarity of foreign labor, as it seeks to facilitate employment in sectors where workforce shortages can be observed. A similar logic can be found behind the provision stipulating that the citizens of Armenia, Belarus, Georgia, Moldova, the Russian Federation and Ukraine are also exempted from the test of the labor market when they are employed in housekeeping and home care (by ordinance of the Minister of Labor and Social Policy, 28 November 2013[353]). This can also be treated as an indicator of a policy of prioritizing migrants

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[349] *Polityka migracyjna Polski – stan obecny i postulowane działania, dokument przyjęty przez Radę Ministrów w dniu 31 lipca 2012 r.*, [Poland's migration policy - current state and postulated actions, document signed by the Council of Ministers on July the 31st 2012]. Council of Ministers, Warsaw: 2012

[350] KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, *op.cit.,* p. 167

[351] *PAP Nauka w Polsce*, 2015, Od 1 maja zagranicznym studentom będzie łatwiej pracować w Polsce. Online. Available from: http://naukawpolsce.pap.pl/aktualnosci/news,404835,od-1-maja-zagranicznym-studentom-bedzie-latwiej-pracowac-w-polsce.html

[352] Act on Employment Promotion and Labor Market Institutions of 20 April 2004, Journal of Laws of 2004, No 99, item 1001

[353] Rozporządzenie Ministra Pracy i Polityki społecznej z dnia 28 listopada 2013 r. zmieniające rozporządzenie w sprawie określenia przypadków, w których zezwolenie na pracę cudzoziemca jest wydawane bez względu na szczegółowe warunki wydawania zezwoleń na pracę cudzoziemców

of certain origins as most desired workers.

The same approach is visible in the case of another exception to the work permit system: the authorization for the citizens of Armenia, Belarus, Georgia, Moldova, the Russian Federation and Ukraine to work without permits for six months within a period of twelve months, on the condition that the employer has registered with the local Labor Office a declaration of intent to employ a foreigner (by ordinance of the Minister of Labor and Social Policy, 20 July 2011[354]). Foreigners taking up employment on such conditions are entitled after three months to apply for a unified work and temporary residence permit without presenting the test of the labor market, provided that they continue to work for the same employer and in the same position. This provision was preceded by an earlier one, where shorter periods of stay were authorized (three months within a six months period) and the regulation specifically targeted seasonal work, in particular in agriculture and horticulture (by ordinance of the Minister of Labor and Social Policy, 30 August 2006[355]). It was introduced as a result of pressures on the part of employers in those sectors[356] for whom foreign seasonal workers constitute a convenient means of responding to labor shortages during the time of harvest.

It is worth noting here that the procedures necessary for the employment of a foreigner have often been criticized as rather expansive and harrowing, both for the employer and the employee[357]. While the 2013 Act on Foreigners simplified certain matters, it did not fundamentally alter this state of affairs. This "contributes to the expansions of the irregular labor market for low-skilled foreign workers"[358]. Those workers are most often citizens of neighboring Eastern countries. The scale of unregistered employment is considerable although difficult to asses with exactitude[359]. It must also be noted that the foreigners in question partake in the shadow economy that is otherwise of significant size in Poland. Most commonly, foreigners who take up unregistered employment enter Poland and reside in the country legally[360]. Given the extent of this phenomenon, the attitude of the authorities my

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[354] Rozporządzenie Ministra Pracy i Polityki społecznej z dnia 20 lipca 2011 r. w sprawie przypadków, w których powierzenie wykonywania pracy cudzoziemcowi na terytorium rzeczypospolitej polskiej jest dopuszczalne bez konieczności uzyskania zezwolenia na pracę

[355] Rozporządzenie Ministra Pracy i Polityki społecznej z dnia 30 sierpnia 2006 r. w sprawie wykonywania pracy przez cudzoziemców bez koniecznoÊci uzyskania zezwolenia na pracę

[356] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p. 70

[357] KICINGER, Anna, 2011, *op.cit.,* p. 292
KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, *op.cit,* p. 168

[358] KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, *op.cit,* p. 168

[359] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p. 103

[360] *Ibid*.

appear "passive"[361], leading some authors[362] to consider that the state is in fact tacitly tolerating illegal employment in sectors where a high demand exists for cheap and disposable workforce.

While access to the labor market is a key feature of legislation pertaining to immigration and long-term highly qualified workers and seasonal workers in strategic sectors seem to be the two most desirable categories of migrants, two other groups can appear as privileged[363] – refugees and repatriates, whose situation will be discussed in the two following sections.

II.1.2.c. Refugees and asylum seekers

As it was mentioned in previous sections, refugees were among the first migrants to arrive in Poland post 1989, prompting state authorities to develop an institutional response to their presence, especially given the obligations imposed on Poland by the country's growing participation in international structures. For that reason, asylum policy can be considered as the part of Poland's migration policy that was the most open to international, and in particular European, influence[364]. An important part of the provisions in Polish law concerning granting protection to foreigners result directly from the Geneva Convention signed by Poland in 1991. Other international regulations that Poland acknowledges also contain norms concerning the treatment of those who have been granted protection, including the right to work and social assistance.

Ever since 2003 two distinct Acts regulate the entry and residence of foreign nationals seeking protection on Polish territory and that of all other migrants. As many other Geneva Convention signatory states, Poland recognizes two statuses for this former category of people: the refugee status resulting from international law and the nationally granted asylum[365]. Decisions about asylum are discretionary and subject to potential withdrawal, while refugee status is granted automatically to all persons fulfilling necessary criteria. In

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[361] KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, *op.cit.,* p. 172

[362] KICINGER, Anna, 2005, *op.cit.*, p. 19

[363] KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, *op.cit.,* p. 168

[364] KICINGER, Anna, 2011, *op.cit.,* p. 268
KICINGER, Anna, WEINAR, Agnieszka, GÓRNY, Agata, 2007, Advanced Yet Uneven: The Europeanisation of Polish Immigration Policy. In : *Europeanization of National Policies and Politics of Immigration*. Basingstoke : Palgrave Macmillan. p. 181-200.

[365] SAMORAJ, Beata, 2007, W kierunku integracji uchodźców. Proces powstawania instytucji odpowiedzialnych za sprawy uchodźców w Polsce i na świecie. In : *Przystanek Polska. Analiza programów integracyjnych dla uchodźców*. 1. Warsaw : Instytut Spraw Publicznych. p. 36
GRZYMAŁA-MOSZCZYŃSKA, Halina, NOWICKA, Ewa, 1998, *Goście i gospodarze*. Cracow: Nomos. p. 20

accordance with the provisions of the Geneva Convention, the basis for the obtainment of refugee status is a "wellfounded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion"[366]. Asylum in Poland can be granted when "it is necessary to guarantee the protection [of the foreigner] and when important interests of the Republic of Poland support it"[367].

On the whole, four forms of legal stay are permitted for those seeking protection in Poland: refugee status, asylum, complementary protection and tolerated stay[368]. The two latter are a response to the problems arising when a person has been refused refugee status or asylum, but can nevertheless not be sent back to their country of origin. Reasons of such an impossibility can include risks for the life and health of the foreigner, as well as the obligation to preserve family life.

All submitted applications are automatically considered as requesting refugee status, unless specified otherwise. Foreigners can also apply for a status for their spouses, as well as for underage children in their care. The institution examining individual cases is the Office for Foreigners. The Council for Refugees is the appeals institution. Applications must be addressed to the Chief of the Office, via a Commander of the Border Guard. For those already present on Polish territory the relevant unit is the Warsaw Border Guard. Applications can also be submitted directly at the border, when crossing without required travel documents. Since 2001, Poland applies a provision which permits a swifter dismissal of "obviously unfounded applications"[369]. Among other reasons, an application can be considered unfounded in particular when the foreigner arrives to Poland from a safe third country. Once an application has been submitted and the procedure has been initiated, the person is entitled to benefits, including food, accommodation, medical care, financial assistance and education for children. To receive those benefits the applicant can be placed in a refugee center[370]. As of February 2015, 14 such institutions were listed on the Office for Foreigners website[371]. When refugee status is granted, the person obtains a Polish Travel Document and a temporary residence permit[372]. Refugees and persons granted complementary protection are also entitled to participation in Individual Integration Programs[373]. Conducted by the local Family Assistance Centers, the programs last up to twelve months and aim at making refugees

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[366] Geneva Convention of 1951, as reprised in the 13 June 2003 Act on granting protection to foreigners on Polish territory, Journal of Laws of 2003, No 128, item 1176

[367] *Ibid*.

[368] *Ibid.*

[369] FLORCZAK, Agnieszka, 2003, *Uchodźcy w Polsce*. Toruń : Adam Marszałek. p. 182

[370] *Ibid.*, p. 191

[371] http://udsc.gov.pl/uchodzcy-2/pomoc-socjalna/osrodki-dla-cudzoziemcow/mapka-osrodkow/

[372] *Ibid.*, p. 193

[373] Act on Social Assistance of 12 mars 2004, Journal of Laws of 2004, No 64, item 593 as amended

capable of functioning autonomously in Polish society (this involves among other things assistance in job search and language courses).

The unrestricted access to the labor market, to social assistance and other benefits make the persons who have been granted protection in Poland a rather privileged category of migrants. It is a position they share with another group – repatriates.

II.1.2.d. Citizenship, nationality and repatriation

The case of repatriates is particularly interesting, as it implies a country-specific definition of nationality and citizenship. A separate section (II.1.4.d) is consecrated to the conceptions underlying this policy. Here, the legal framework of repatriation, as well as the Polish Charter, will be considered together with the wider context of the law on Polish citizenship.

The primary principle guiding the obtainment of Polish citizenship is *jus sanguinis*. Children born of Polish parents are automatically Polish citizens, while those born of foreign parents on Polish soil only acquire citizenship in the case where their parents are unknown or when they have been adopted by Polish citizens as minors. However, it is possible for foreign-born individuals to acquire Polish citizenship in three distinct ways. Firstly, citizenship can be granted on a discretionary basis by the President of the Republic, upon a request by the foreigner. Secondly, a procedure of recognition as a Polish citizen is applicable in the case of foreigners residing legally in Poland, on certain conditions of length of stay and type of permit. Namely, are eligible those who resided in Poland for at least three years on the basis of a permanent residence permit or a EU resident's permit and posses a stable source of income and a legal title to the occupied living premises. The required period is two years for foreigners married to a Polish citizen, stateless persons, and those granted refugee status, as well as those whose permanent residence permit has been issued on the basis of Polish origin. In all of those cases knowledge of the Polish language is a requirement. The application is submitted to the local Voivodeship Office. Thirdly, Polish citizenship can be acquired by restoration in the case of persons who lost it before January 1999. The competent institution in those cases is the Ministry of Interior.

In addition to those provisions, Polish citizenship can also be acquired by repatriation, which is regulated by a separate law – the Act of 9 November 2000 on Repatriation[374]. In fact, Polish law includes two provisions concerning foreign citizens recognized as belonging to the Polish nation: repatriation and the Polish Charter (also translated as Pole's Card, or Polish

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[374] Journal of Laws No. 53 of 2004, item 532, as amended

Card and regulated by the Act on the Polish Charter of 7 September 2007[375].

Repatriation is the older of the two devices. The 2000 Act on Repatriation begins with a statement of the obligation that rests upon the Polish state to insure the return of "Poles who were left in the East, in particular in the Asian part of the Union of Soviet Socialist Republics, and who, as a result of deportation, exile, and other national or political persecutions, could never settle in Poland"[376]. Such a formulation poses the right to return as a moral one, constructed as a reparation for the wrongs suffered in the past. The Act further defines a repatriate as "a person of Polish origin, who arrived in the Republic of Poland on the basis of a national visa for the purpose of repatriation with the intention of permanent settlement"[377].A person of Polish origin, according to the same Act, is one who declares Polish nationality and fulfills simultaneously two requirements: "at least one of the parents or grand-parents, or two grand-grand-parents were of Polish nationality" and the person can "prove their links with polishness, in particular through cultivating the Polish language, Polish traditions and customs"[378]. A person fulfilling those requirements and having obtained a national visa for the purpose of repatriation (henceforward: repatriation visa) acquires Polish citizenship upon arrival on Polish territory. However, a person thus recognized as an ethnic Pole can only obtain a repatriation visa if they present proof of possession of a place of residence and an income in Poland. Such conditions can be provided for the repatriate by county or commune authorities, or by a Polish citizen or organization, who take it upon themselves to support the repatriate for a period not shorter than twelve months. Due to this condition there is a considerable amount of people eligible for repatriation but still awaiting the fulfillment of visa requirements. Repatriation, at first open to citizens of all former Soviet Union Republics, is now accessible to citizens of Armenia, Azerbaijan, Georgia, Kazakhstan, Kirghizia, Tajikistan, Turkmenistan, Uzbekistan and the Asian part of the Russian Federation.

Indeed, from 2007 citizens of the European Republics of the former Soviet Union are no longer eligible for repatriation. However, the Polish Charter was introduced and opened to the citizens of Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kirghizia, Latvia, Lithuania, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. Through the Polish Charter the Polish state recognizes the possibility of a person's "belonging to the Polish nation" without the possession of citizenship. To be eligible, the person must fulfill conjointly three requirements: proving their ties to polishness by at least a basic knowledge of Polish language and traditions; lodging a written declaration of belonging to the Polish nation with a

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[375] Journal of Laws No. 180 of 2007, item 1280
[376] Journal of Laws No. 53 of 2004, item 532, as amended
[377] Journal of Laws of 2004, No 53, item 532, p. 4
[378] Journal of Laws of 2004, N 53, item 532, pp. 4- 5.

Polish consul; and proving that at least one of their parents or grand-parents, or two of their grand-grand-parents were of Polish nationality or possessed Polish citizenship. The Charter certifies the person's belonging to the nation and gives its holders several advantages. They can apply for a specific type of visa. As compared to other foreign nationals, they are granted privileged access to the labor market, economic activity, education, and health system. They pay reduced fees in public transportation and can enter public museums free of charge. Perhaps most significantly, however, they can apply without any further documents for permanent residence permits on the basis of Polish origin, which in turn can be a first step towards gaining citizenship.

The cases of repatriation and Polish Charter show that not only is Polish law on citizenship predominantly based on the principle of *jus sanguinis*, but the Polish state also partly extends this ethnic definition of nationality to non-citizens.

As mentioned previously, the current state of the law has been reached after over twenty years of continuous development, including three successive Acts on Foreigners, as well as a number of other Acts, amendments and ordinances. It is the result of a slow process of clarification of Poland's position towards the issue of immigration – a process that has also been the locus of negotiation, deliberation and contention between a series of actors representing different conceptions and interests pertaining to this topic.

II.1.3. Actors and interests

An Open Day is organized by the Department in June, a month after the coming into force of the new Act on Foreigners.
As I arrive at the site, I am greeted by a colorful cluster of stands and tents surrounding the entrance - various NGOs have set up stalls and are displaying printed materials about their activity, but also all sorts of leaflets and brochures with practical information for foreigners. The stands are operated by one or two people each, all sporting shirts or badges with the logos of their organizations.
Inside, one of the smaller, side corridors is arranged as a space for presentations. Several of those are planned during the day, in some cases with translations into English and Vietnamese. An officer of the Border Guard, whom I have previously seen around the building talking to the Department's officers, arrives in uniform for the first presentation of the afternoon. He gives the public a choice between a speech on the conditions of entry or on the activities of the Border Guard towards foreigners – the public chooses the later and the officer proceeds to explain, with the aid of a power-point presentation, the main duties and prerogatives of his institution in relation to foreign nationals. This is followed by one of the Department's officers explaining the main points of the new law. The presentation is translated into Vietnamese – the translator is a Vietnamese woman who was referred to the Department by an outside organization. [FJ, 07.06.14]

During the above described event, the room where the presentations were organized contained the following persons: between three and five foreigners, a small group of NGO members, the Border Guard officer, a group of the Department's officers, and myself – a student conducting research. This attendance exemplifies the fact that migration policy is far from being a topic of interest just for policy-makers or immigrants. In fact, it mobilizes a wide set of actors engaged on the levels of policy-making, policy application, and its analysis and evaluation. Those actors, as the example of the Open Day shows, can interact with each other and collaborate in various ways.

The concept of organizational field has been successfully applied in migration studies in Poland to the study of refugee-related organizations by Mikołaj Pawlak[379]. It is thus plausible that its extension to the inquiry into other forms of immigration can prove equally fruitful. If, as previously shown, an organizational field can be defined as "a community of organization that partakes of a common meaning system and whose participants interact more frequently and fatefully with on another than with actors outside the field"[380], in order to consider Poland's migration policy in terms of organizational field it is necessary to examine the actors who engage in such interactions, as well as the interests that are at stake, and to establish the existence of a system of meaning shared by all those involved. The following section is an attempt at listing the most prominent actors engaged in activities and exchanges related to immigration in Poland, as well as to lay the groundwork for the final section by preliminary outlining the interests and beliefs guiding their actions.

II.1.3.a State agencies responsible for migration policy

It can be considered that despite recent evolution, the following description of the institutional framework for migration issues in Poland remains accurate: "There is no transparent institutional structure dealing with migration affairs. Responsibilities and tasks are divided, not necessarily in a coherent manner, among the Ministry of Interior and Administration, the Ministry of Labor and Social Policy, and the Ministry of Foreign Affairs, as well as the Senate, which is responsible for Polish diaspora matters, together with a variety of other bodies within the state's administration"[381]. Even when focusing, as it is the aim of this work, solely on immigration of third-country nationals with the exclusion of refugees and

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[379] PAWLAK, Mikołaj, 2010, *Szkoły i instytucje pomocowe wobec uchodźców w Polsce lokalnej po 2004r. Analiza wybranych przypadków z perspektywy nowego instytucjonalizmu*. Szkoła Nauk Społecznych. Warsaw.

[380] Scott, W. Richard, 1995, *Institutions and organizations*. Thousand Oaks : SAGE. p. 56

[381] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p. 198

asylum seekers, the array of institutions that have to be taken into account remains vast.

The Ministry of Foreign Affairs is primarily responsible for matters concerning entry of foreigners, specifically through the activities of Polish consulates. The Ministry formulates a visa policy guiding the decisions concerning entry. It is also charged with cooperation with Poles abroad as well as with coordinating developmental help for countries of migrants' origin. Under the auspices of the Ministry, Polish consuls conduct visa, repatriation and Polish Charter proceedings. As it has been noted above, the discretionary power of consuls is rather vast. In particular, in visa proceedings, it is up to them to determine what proof of conformity between the intended and declared motif of stay is considered sufficient. In the case of determining a foreigner's belonging to the Polish nation, the definition of "ties to polishness" is also open to some interpretation, leading to divergent practices among consulates. It is important to note that the appeals from consuls' decisions can be lodged with the Chief of the Office for Foreigners.

The task of coordinating migration policy is assigned to the Ministry of Interior and Administration. Among the agencies of public administration most notably engaged in this policy, the Office for Foreigners plays the most prominent role. The Office does not depend from the Ministry, but is supervised by it[382]. It is intended to be the central institution dealing with all matters concerning immigration, including legalization of stay, refugee status and asylum, and assistance. It is also, as mentioned, the appeals body for most decisions concerning migrants, with the exception of refugee status, where the appeals are to be lodged with the Council for Refugees, as Office itself conducts the proceedings. It also oversees the Centers for Refugees. The Office, due to its wide scope of responsibility, is in close contact with all other actors active in this field.

The Ministry of Labor and Social policy coordinates the aspects of migration policy related to employment and migrants' economic integration.

While the Office for Foreigners is responsible for all migration-related issues, including legalization of stay, the proceedings concerning those matters are conducted on a local level – the competent authority for decisions pertaining to foreign nationals' work and stay, a well as to the granting of nationality, is the Voivode of a given region. Voivodeship Offices fulfill those tasks through the intermediary of Departments of Foreigners, the size and structure of which can vary considerably depending on the situation in a given region. Thus, while in some Voivodeships it is relatively a small agency [Interview with representative of the Department of Foreigners in Lublin], the Masovian Department in Warsaw, for instance, not only is divided into several services and sections, but also has delegate offices in other

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[382] HRYNIEWICZ, Justyna, 2006, *op.cit.*

cities of the region [FJ, 02.06.14]. Moreover, in some cases cooperation with other state or local administrations may occur, as is the case cit Warsaw where the Department of Foreigners is assisted in its duties by the Residents Service Center run by the City of Warsaw.

On the local level, other agencies responsible for affairs linked to foreign nationals are Labor Offices and Family Assistance Centers. The former deliver the test of the labor market to employers interested in hiring a foreigner. The latter run the Individual Integration Programs for refugees.

Another agency of importance is the Border Guard. Established in 1991, its "has secured growing resources as well as growing powers. In particular, since 2001, it can operate throughout Poland (...)"[383]. This is due to the funds conferred both by the Polish state and by European agencies, in great part in the context of the above discussed preoccupation with security and border control. Besides the primary task of securing the borders, the Border Guard also operates on the rest of the territory, where it controls the legality of foreigners' residence and employment. In the case of undocumented migrants or unregistered foreign employees it can order an expulsion or issue an obligation to leave the territory. When justifiable doubts exist as to the foreigners' intent to leave they can be placed in a Guarded Center for foreigners or placed under arrest for the purpose of expulsion, as well as submitted to other forms of control (ex. obligation to report daily to the Border Guard) [FJ, 07.06.14 – presentation by a Border Guard representative at the Department of Foreigners Open Day]. The Border Guard, as previously mentioned, also receives applications for refugee status. In addition to those tasks, it cooperates with other state agencies. In the course of proceedings concerning a foreigner's application it is contacted to establish the authenticity of documents submitted and give an opinion concerning potential threats to national security [FJ, 07.06.14]. It also interacts with other institutions through meetings and workshops [FJ, 20.06.14].

Other state or regional administrations might find themselves confronted with issues related to foreigners, such as registering residence or economic activity, however this happens rather occasionally and to a limited extent.

Besides those agencies bodies associated with the legislative authorities exist, such as the Inter-ministry Team for Migration.

It can be noted, that the tasks of those different state institutions can be both differing and overlapping creating numerous forms of collaboration between them. While this cooperation often concerns very specific issues and does not necessarily imply a comprehensive knowledge of the other institution's work, a certain amount of information sharing takes place and the members of those agencies have the occasion to meet in the

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[383] KĘPIŃSKA, Ewa, STOLA, Dariusz, 2004, *op.cit.,* p. 161

context of workshops and conferences. In a certain sense, the existence of a unified digital registry of foreigners – the "Pobyt" ("Residence") system – can also be seen as a form of cooperation. Moreover, while some forms of collaboration are statutory (as when the Department of Foreigners addresses requests for opinions on individual cases to the Border Guard), some others can be local and arise in a bottom-up manner from the institutions themselves (as in the case of the Residents Service Point of the City of Warsaw accepting applications for the Voivodeship Office). However, it must also be pointed out that the division of tasks across a number of institutions that Górny, Grabowska-Lusińska, Lesińska, and Okólski[384] speak of also leads in certain cases to forms of ignorance as to other administrations' functions among the officers. Particularly, agencies not specialized in dealing with foreigners but nevertheless charged occasionally with tasks concerning them tend to find themselves at a loss when confronted with more complex cases.

II.1.3.b. International organizations and agencies

Given the importance of the international, and in particular European context, for the evolution of Poland's migration policy it is not surprising that international organizations of various kinds are active in this field and interact with Polish institutions.

Poland's growing inscription over the years in international structures has been linked to the opening in the country of branches and delegations of those organizations. An early example is the above-mentioned opening of the Warsaw branch of the UNHCR which has been instrumental in shaping Poland's responses to the inflow of refugees. In 1992 Poland joined the International Organization for Migration (IOM), which started operating on Polish territory in 2002. Its activities include informing and counseling migrants (notably through the Migrant Info web-page and associated publications[385]), assisting them in returning to the country of origin, financing and encouraging research on specific migration-related topics[386], as well as participating in public consultations and giving opinion on policy-making[387].

International charities and humanitarian organizations also operate in Poland, and some of them provide services or undertake project specifically targeted at migrants or the institutions dealing with them. One could cite among them Doctors Without Borders, or Caritas.

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[384] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.*

[385] http://www.migrant.info.pl/home.html

[386] KICINGER, Anna, WEINAR, Agnieszka, 2007, State of the Art of the Migration Research in Poland. *CMR Working Paper*. 2007. Vol. No. 26/84. p. 14

[387] PAWLAK, Mikołaj, 2013, *op.cit.,* p. 103

Perhaps the most notable international engagement is that of EU agencies operating both from within Poland and from abroad. Poland is part of all EU structures concerned with migration and is home to some of them, most notably Frontex. However, the greatest influence is arguably exerted by EU funding agencies. In the past years, funding was mostly accorded to initiatives aiming at securing the border. The role, for instance, of funding from the PHARE fund has been discussed in previous sections. In recent years, an important role was played by the European Fund for the Integration of third-country nationals and the European Refugee Fund. Financing from those funds was attributed in the form of grants for specific projects. It was crucial for the functioning of a significant part of non-governmental organizations whose activities focus on migration, as demonstrated by the difficulties those agencies experienced after the coming to an end of the activities of both funds and the delay in their replacement by the Fund for Asylum, Migration and Integration[388]. This kind of financing can also play a role in the operating of public administrations – for instance, the Masovian Department of Foreigners partook in a common project with two non-governmental organizations and thus received funding from the European Fund for the Integration of third-country nationals, enabling it to buy equipment and organize training for officers [FJ, 29.09.14]. This example also underlines an essential effect of such funding – a public administration and non-governmental organizations were thus encouraged to work together, creating common projects and sharing the tasks this involved. Representatives from the NGOs were present in the Department and played a role complementary to that of the Department's officers, leading the two groups to discuss details of their work [for instance: FJ, 22.08.14; 27.08.14] and form common positions on the interpretation of the law and its everyday application. This case seems to confirm an interpretation proposed by Pawlak in a paper on the role of imitation in shaping immigrant integration policy as observed in the process of drafting the 2012 "Poland's migration policy" document[389]. The fact that both the NGOs consulted on the subject and the public institutions involved have experience with European funding agencies provided them with a common semantic and conceptual framework. The shared recognition of EU institutions as a legitimate actor worth imitating resulted in the adaptation of fragments from technical documents linked to European funds as parts of the text thus created[390]. Hence, it would seem that EU funding agencies play an important role in what can be described as the emergence of an organizational field of migration policy, by encouraging contacts between actors, and providing them with common points of reference

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[388] *Biuletyn Migracyjny,* 2014, Imigranci w Polsce. 2014. Available from:
http://www.biuletynmigracyjny.uw.edu.pl
[389] PAWLAK, Mikołaj, 2013, *op.cit.*
[390] *Ibid.,* p. 119

and models.

II.1.3.c. Economic actors and market needs

Despite the fact that Poland's migration policy might not yet appear as a comprehensive doctrine, one principle seems to stand out clearly – the subordination of immigration to the needs of the labor market and the complementary character of immigrant workforce as compared to the national one[391]. Such apparent prioritizing of an economy-driven approach is only to a limited extent accompanied by the participation of economic actors in the debate on immigration. Instances of such engagement exist however and seem to have tangible results.

Indeed, certain legal provisions facilitating the employment of foreigners have been introduced as a result of employers' pressures. In 2006 the previously discussed simplified system of seasonal work, where the work permit is replaced by an employer's declaration was introduced for citizens of Belarus, Russia and Ukraine and later extended to Georgia and Moldova in 2009 at the same time as longer periods of stay were permitted[392]. Those arrangements are very popular with immigrant workers and have become more common than work permits[393]. They are also, and perhaps above all, beneficial to employers who thus gain access to cheap labor, especially in times when additional workforce in needed. The regulation was introduced and rapidly applied potentially as a result of "successful lobbying of organizations of framers and fruit growers. An additional important factor was that the farmers' party *Samoobrona* was at that time a part of the government coalition"[394]. This made possible bypassing the opposition of trade unions who protested the greater opening of the labor market to foreigners.

This example indicates two groups of actors of the economic sector active with reference to migration policy: employers and their organizations, and trade unions. While in cases such as the above those actors are explicitly engaged in promoting or opposing certain solutions, it would also seem that at times the state's actions are guided by their interests

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[391] *Polityka migracyjna Polski – stan obecny i postulowane działania, dokument przyjęty przez Radę Ministrów w dniu 31 lipca 2012 r.*, [Poland's migration policy - current state and postulated actions, document signed by the Council of Ministers on July the 31st 2012]. Council of Ministers, Warsaw: 2012, p. 33

[392] GROT, Karolina, KAŹMIERKIEWICZ, Piotr, 2014, *op.cit.,* p.91

[393] GROT, Karolina, KAŹMIERKIEWICZ, Piotr, 2014, *loc.cit.*

[394] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p. 70

without them necessarily actively and officially defending a position. Such could be the case for instance of the authorities' tacit tolerance vis-a-vis unregistered employment, which is clearly beneficial to employers and answers their needs, without nevertheless rising the kind of opposition in the public that a straightforward policy of opening could cause[395].

It is also important to note that both those groups of actors have been included in public consultations of both the 2012 "Poland's migration policy" document setting the goals for Poland's migration policy, and the newest 2013 Act of Foreigners. In this former case, seven employer organizations or trade unions were consulted and their rate of response was relatively high as compared to other categories of actors[396]. Pawlak argues that this can be explained by the size of those organizations and their long experience of participation in public consultations and negotiations. Those characteristics seem to put them in a relatively privileged position and increase their bargaining power.

Thus, while economic actors are not the most active in the field, they do possess the ability to shift the state's policy in their favor and appear as important players, whether they actively push for certain solutions or constitute an implicit target group for the adopted regulations. They are however the group the least directly visible on the street-level and no clear intervention on their part was observed during the study in the Department of Foreigners.

A side-note appears necessary concerning another group of economic actors – the intermediaries assisting foreigners with formal procedures. While this group does not participate in any way in the formulation of the state's policy, its activity is a direct by-product of the legal provisions adopted and has important practical consequences for both the situation of foreigners and the work of public administrations. Indeed, it is possible for a foreigner to appoint a legal representative[397] who can be their substitute in all dealings with public administration, save two instances: the submission of the application (due to the obligation to take fingerprints) and the reception of the printed card. This is done by deposing a simple declaration and paying a small fee. The facility of appointing representatives, combined with the often complex and time-consuming proceedings, a well as the difficulties linked to language, lead to the flourishing of companies and individuals providing payed services in this area. In Warsaw, where the number of such companies is arguably the highest, the officers of the Department of Foreigners estimate that about half of the people they receive daily are intermediaries of this sort [Interviews with two distinct front-line officers of the Department of Foreigners, female, n/a]. The effects of this for the daily functioning of the Department will

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[395] KICINGER, Anna, 2011, *op.cit.,* p. 295
[396] PAWLAK, Mikołaj, 2013, *op.cit.,* p. 106
[397] Act on Foreigners of 12 December 2013, Journal of Laws of 2003, Item 1650

be discussed when analyzing the empirical data.

II.1.3.d. Civil society's involvement – NGOs and academic circles

Non-governmental organizations have been present in the field of migration policy from the very beginning – during Poland's very first experience with global migration flows the state turned to them for help[398]. Throughout the years a growing number of third sector actors have taken an active part in shaping, studying, and assisting the state's reactions to questions related to migration. Among those, some operate on the national and others on a more international level. They range from big charity organizations, through specialized NGOs, to migrant organizations. One could also include think-tanks and research institutions that focus on immigration. Many organizations combine research with activism. They produce an important body of studies, monitor public institutions and issue recommendations.

Arguably the least numerous and active type of third-sector actors are migrant organizations. Some migrants participate in the activities of organizations that bring together newcomers and members of established diaspora, while some others attempt to self-organize between migrants. Both types of initiatives remain limited in effects. Indeed, "[i]t can be argued that the temporary nature of migration to Poland constitutes the main obstacle in the area"[399]. The activities of such organizations are often defined "in socio-cultural terms"[400], although some of them also provide information and counseling on the rights of migrants and legalization procedures. It is not uncommon for them to cooperate with Polish NGOs.

Those latter include both organizations specialized in migration-related issues and those for whom this topic is just one among many they deal with. In both cases, their activities in this field often combine counseling and legal assistance, with research and advocacy (for instance: two distinct interviews with NGO members, female, in their 20s), although some might also concentrate on more topical activities, like language teaching [Interview with NGO member in Lublin]. In terms of self-declared aims this implies a double role with reference to state policy: that of helpers and that of watchdogs. Assistance and help is a primary goal that non-governmental organizations officially set for themselves. While this help is mostly offered to immigrants, assisting public institutions also occupies a prominent place. At the same time, the will to ameliorate society characterizes the discourse of many NGOs and

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[398] WEINAR, Agnieszka, 2006, *op.cit.,* p. 79
[399] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p. 171
[400] *Ibid*., p. 168

promoting a specific vision of society often entails not only assistance to foreigners but also pressuring the authorities to adopt certain norms of behavior. The Association for Legal Intervention website sums up this goal: "through research, monitoring of the application of the law and presenting our opinion on projects of legal acts we influence the policy of the state and its institutions"[401]. While they may offer help to public institutions, those organizations' primary aim is the protection of foreigners and hence they also act as watchdogs in relation to public institutions. In this vain, the organizations in question may criticize or attack the decisions and practices of public institutions and the state, be it in front of competent Polish authorities or on the international level. A typical case is non-governmental organizations appealing to European instances against Polish public institutions. During the time of the fieldwork, one such appeal was made by the Association for Legal Intervention, when on the 30th of September it filled a complaint to the European Commission against Poland for its non-respect of the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008[402]. This control function also takes the form of various research projects, like the two reports specifically centered on the Masovian Department of Foreigners and published by the Association for Legal Intervention tellingly entitled "A friendly institution" and "A friendlier institution?"[403].

The dichotomy between partnership and control between NGOs and public actors will be discussed further when exploring the empirical data in chapter III. For the moment however, it is important to note that, despite instances of criticism, or even conflict, state agencies strive to include non-governmental actors in the process of policy making, by consulting them and inviting feedback, or by accepting partnership in various projects. Their role in the elaboration of official documents and the feedback they provide on the evolution of legislation has already been mentioned. This is also accompanied by a number of more local, bottom-up initiatives pairing public administrations and NGOs. The Masovian Department of Foreigners cooperates with third sector actors rather extensively: their presence is very visible in the Department, with a high amount of posters, leaflets and other visual materials present; the European-funded projects "Information Center for Foreigners" I and II were conducted by the Department in collaboration with two NGOs; the Department's direction also hosts a regular event called "Forum of Foreigners" which brings together the administration's representatives and third-sector actors, and constitutes an occasion to discuss policy as well as practical matters linked to their shared engagement in migration-related issues. Many of those

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[401] Website: http://interwencjaprawna.pl/o-sip/

[402] The full text of the complaint is accessible online: http://interwencjaprawna.pl/wp-content/uploads/skarga-dostep-do-bezplatnej-pomocy-prawnej.pdf

[403] KLAUS, Witold, 2009, *op.cit.*
KLOREK, Natalia, KLAUS, Witold, 2013, *op.cit.*

organizations being Warsaw-based it is not surprising to see high rates of activity. However, it would seem that this type of cooperation is not limited to the capital, as similar examples were reported in the interviews conducted in Lublin (L1, L2), where the size of the Department of Foreigners is smaller and the number of NGOs lower. One could argue that for the public administrations in question cooperation with the third sector constitutes not only a source of useful feedback, but also a form of legitimization, confirming their friendly and open attitude – this will also be an object of more thorough analysis in chapter III.

As noted above, European funding plays a crucial role in the functioning of third sector actors engaged in this domain. In more general terms, Europe – understood both as the EU and as the sum of member states – is a common point of reference. The issue of immigrant integration is a good example, since "integration activities carried out by NGOs directly follow the projects recommended by the EU as best practices"[404]. The EU institutions as well as different member states can be seen as constituting a model that third sector actors emulate and evaluate Polish policy by.

Besides assisting public administrations, and evaluating their work as well as state policy, third-sector actors also play a role in the production of knowledge on migration issues. Many EU-funded projects include elements of research, as in the case of the Masovian Department of Foreigners cooperation with the Association for Legal Intervention, which included the Department's acceptance of two evaluation procedures accompanied by the publication of research reports. In this context, links and overlaps between the third sector and academic circles can be noted. The members of both groups "are recruited from a similar social base"[405]. Research institutions and think-tanks not only produce or popularize the concepts and instruments used by third-sector actors, but are themselves present in the debate on migration policy, as their inclusion in public consultations indicates. Moreover, in a more general manner, as noted by Pawlak, the researchers seeking to describe an organizational field are also participants in the field.[406] After all, in the situation from the Open Day described at the beginning of this section, I was as much part of the event as any other actor present.

The presented overview seems to indicate that the defining characteristics of an organizational field are indeed met in reference to Poland's migration policy. A wide variety of actors engage in activities related to this issue and entertain ties with each other. The existence of shared systems of meaning is also observable, although they might be contested at times.

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[404] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p. 78
[405] PAWLAK, Mikołaj, 2010, *op.cit.,* p. 86
[406] *Ibid.,* p. 186

The following subsection examines this point by looking into the different, coexisting conceptions of immigration and Poland's migration policy that can be observed in this field.

II.1.4. Conceptualizations and aims

> An officer describes more in detail what he perceives as the lack of migration policy. He considers that there is no coherent strategy, that the real goals have not been defined. Should we complete thus the demographic deficit? In his opinion, if one looks at the birthrate, Poland is „somewhere around the 200th place". Is the aim to fill this gap with Ukrainians and Belorussians? What about people from more remote countries? The officer laments that no-one has defined how many people Poland should receive and where from.
> Another example he gives is of repatriates, who were supposed to be ensured stay in Poland, but who in fact are still waiting because the communes have no money to receive them. The officer sees this as an incoherence: an aim was defined, but is not being pursued. He regrets also that repatriation does not concern neighboring countries and is in favor of giving those who „cultivate Polish culture" a possibility of return. [FJ, 01.08.14]

The questions asked here by the officer go beyond his personal opinions and denote a coexistence of different motives, aims, and discourses shaping migration policy. Is the goal first and foremost economic and demographic? Should moral issues also be taken into account? Are all migrants equally desirable or should a selection be operated? Just as this officer suggest, in order to act, policy-makers, and in fact all of the above discussed actors of the organizational field, must define the goals pursued and the basis for classifying different categories of migrants.

The existence of an institutional field does not necessarily imply the existence of consensus on those matters. As discussed in chapter I.1., such a field can be a locus of negotiation, struggle and contention, where actors strive for legitimacy and power, and seek to impose their own definitions and conceptions. Different institutional logics can coexist in one field and its shape at a given moment can be determined by the outcomes of this coexistence.

In fact, one could attempt to explain in those terms the phenomenon sometimes known in migration studies as a "migration paradox"[407] where the principles of human rights used to advocate for a greater opening to immigration are at odds with concerns of security and sovereignty driving a more restrictive policy[408]. Weinar argues that such a paradox was in a sense imported into Poland as a result of Europeanization processes, before immigration even reached a scale that would justify it. A similar idea, albeit focused on a different set of

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[407] WEINAR, Agnieszka, 2006, *op.cit.,* p. 221
[408] JOPPKE, Christian, 1998, Why Liberal States Accept Unwanted Immigration. *World Politics*. 1998. Vol. 50, no. 02, p. 266-293. DOI 10.1017/s004388710000811x. Cambridge University Press (CUP)

contradicting conceptions, can be found in Kicinger's[409] argument that the Polish state tolerates a certain measure of undocumented employment to accommodate both the needs of the labor market and a public opinion that might feel threatened by an explicit policy of openness.

In this final part of the section, an attempt will be made at summing up crucial points of the preceding subsections in the form of logics and conceptions that can be gleaned from them. What follows is a tentative typology of possible definitions of Poland as an immigration country – and hence of the aims of Poland's immigration policy – as they appear through the existing legislation, as well as discourses, practices and actions of the actors partaking in this field. This lays the ground for elements of chapter III, where several of those ideas will be analyzed again in detail on the basis of the empirical material gathered at the Masovian Department of Foreigners.

II.1.4.a. Poland as Eastern borderland of Europe – the preeminence of control

In the first years of the political transformation initiated in 1989, when Poland was opening itself to the influx of immigrants, the concerns for security appeared paramount. This was motivated both by Polish officials' own fears and previsions, and by pressures from outside the country. As mentioned above, Poland's preparations for EU accession played an especially significant role in this respect. As the Polish Eastern border was to become the border of the EU, questions linked to its protection became questions of internal security. During negotiations and when adopting the *acquis communautaire,* the Polish side was given very little latitude on those matters and these specific provisions were accepted by Poland practically in their entirety. The establishment of the seat of Frontex in Warsaw in 2005 can also indicate the importance attached by EU institutions to the role of Poland in securing the border of the Union. The rather marginal place of the question of migration on the national political scene and among the public lead to a situation where until the early 2000s policy in this domain was mostly driven by the necessities of adaptation to EU requirements and the harmonization of the institutional framework instrumental to Poland's entry into the Union. This in turn meant that throughout this initial period the focus was on security issues, border control and combating illegal migration. At the same time, the conviction that the problems linked to immigration touching Western European countries would eventually became also Poland's lot, Polish officials willingly adhered to positions of European partners perceived as seeking to control migration and limit its negative impacts.

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[409] KICINGER, Anna, 2011, *op.cit.*

As time passed and a more pro-active approach to immigration began emerging in Poland[410]. Those questions lost their uncontested central status, but they remain crucial. It is also important to note that the issue of security with reference to immigration took on a much more prominent role in public debate with the increasing inflow of refugees from the Middle-East to Europe. When in 2015 the perspective of Poland being forced to take in refugees as part of the common European relocation system became more and more probable[411], public hostility towards that idea grew significantly, while the overall perception of foreign populations by the Polish public deteriorated. The theme of a terrorist threat and potential risks to national security featured among the most commonly evoked arguments.

II.1.4.b. Poland as a growing capitalist economy – the subordination to market needs

The gradual appearance of a clearer approach of the Polish state towards immigration was concomitant with a realization that the inflow of foreigners, and in particular foreign workers, is not only inevitable, but can constitute a resource for the Polish economy, which experienced significant growth after the EU accession and was in need of workforce. This was all the more the case given the important outflow of Poles to countries of Western Europe.

The guiding principle of Poland's approach to economic immigration is however that it should be "complementary not competitive" to native workforce[412]. This results in a series of legal provisions protective of Polish worker's priority access to the market and at the same time advantageous for employers. If attempts are made to attract immigrant labor they target specific national groups and economic sectors – in particular highly mobile, seasonal workers from neighboring Eastern countries. Indeed, those immigrants are considered as safe – the geographic, cultural and linguistic proximity of their countries of origin makes it plausible they should pose no integration-related problems and return home when no longer needed. The simplified procedures introduced in some sectors, such as agriculture or home care, in fact take act of already existing tendencies to employ foreigners.

In this perspective, immigration policy is thus seen primarily as subservient to economic policy. This also increasingly involves a preoccupation with demographics. Indeed,

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[410] GROT, Karolina, KAŹMIERKIEWICZ, Piotr, 2014, *op.cit.,* p.76

[411] SASNAL, Patrycja, 2016, *Niekontrolowane migracje do Unii Europejskiej – implikacje dla Polski.* Warsaw : Polski Instytut Spraw Międzynarodowych.

[412] *Polityka migracyjna Polski – stan obecny i postulowane działania, dokument przyjęty przez Radę Ministrów w dniu 31 lipca 2012 r.*, [Poland's migration policy - current state and postulated actions, document signed by the Council of Ministers on July the 31st 2012]. Council of Ministers, Warsaw: 2012, p. 33

Polish society is rapidly aging and immigration can appear as a means of avoiding the negative consequences of such a state of affairs. It is also interesting to note that among the officers of public administration responsible for those questions it is common to establish an explicit link between immigration and emigration – the incoming foreigners are seen as direct replacements of the Poles leaving for Western Europe [Interviews with front-line officer, Department of Foreigners, male, in his 20s, and front-line officer, Department of Foreigners, female, in her 20s or 30s]. While in some cases this may provoke an empathy-based reflection on immigrants' life conditions, for most of the persons interviewed this relation is purely mathematical – the missing numbers must be completed, and attracting foreigners seems a convenient solution.

II.1.4.c. Poland as an international player – obligations and influence zones

If economic policy in many case guides the approach to immigration, this is not less the case of Poland's foreign policy[413].

One the one hand, one of the reasons behind the willingness of Polish officials to accept the migration-related consequences of the country's growing international engagement can be found in the search for legitimacy. Accepting migration-related obligations – in the initial period especially those linked to the signing of the Geneva Convention – was seen as "a *sine qua non* condition of confirming Poland's credibility in the international arena"[414]. Similarly, EU accession constituted a primary goal for Poland, justifying to an extent compromises on certain points that were of importance to European partners. Migration policy was all the more likely to be the object of such compromises, given the small scale of migratory phenomena in those years and the absence of this issue from public debate. Thus, not only did the legitimacy attributed to international partners guide the adoption of certain models in this policy field[415], but the acceptance of those norms appeared as a means of gaining legitimacy.

On the other hand, where Polish foreign policy aims required it, a more specific approach to migration would be adopted. The case of the long-preserved visa free movement with neighboring countries, and the subsequent liberal application of the visa regime, is one example. Indeed, maintaining contacts with the societies of those countries was seen as a means of promoting Polish interests – be it through contributing to the democratization and

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413 KICINGER, Anna, 2011, *op.cit.,* p. 296
414 WEINAR, Agnieszka, 2006, *op.cit.,* p. 81
415 PAWLAK, Mikołaj, 2013, *op.cit.*

stabilization of those countries, or through the easing of historically accumulated tensions[416]. Countries bordering Poland to the East constitute at the same time the country's most direct environment and a traditional influence zone. Poland is hence inclined to take an interest in the situation of those countries, as well as provide them help in case of need. The recent conflict in Ukraine is one such example – Poland not only was vocal in its support for this country, but also engaged in actions towards those fleeing into its territory. However, this case is also interesting in that it shows the limits of such a policy. While declarations were made as to the willingness to welcome Ukrainians in Poland, the real margin of possible action was limited[417]. The Masovian Department of Foreigners briefly opened an information point for Ukrainians, but no special procedures were put in place. Those inquiring about the possibility of applying for refugee status or asylum were informed that their cases would be rejected, as Ukraine was still considered a safe country. In a sense, one could interpret this as a case where the existing legal framework – including the provisions emerging from international obligations – limited the possibility of undertaking *ad hoc* action guided by foreign policy. Nevertheless, a group of Poles and Polish Charter holders was evacuated from Ukraine[418], pointing to the links of this foreign policy centered perspective with the issue of Poland seen as a historical home country for foreign nationals.

II.1.4.d. Poland as a historical motherland – the case of "Poles in the East"

The issue of citizenship and repatriation is beyond the scope of the empirical study presented here. Those questions are the responsibility of a separate Service of the Department of Foreigners. They are also regulated by a separate law: the 2000 Act on Repatriation[419], the 2007 Act on the Polish Charter[420], and the 2009 Act on Polish citizenship[421]. It nevertheless appears important to address in this section the issue of repatriation and what is more generally referred to as the policy concerning *Poles in the East*. This aspect of Poland's

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[416] KICINGER, Anna, 2011, *op.cit.,* p. 288-290
For a discussion of Poland's relations with Ukraine, and in particular the efforts to overcome past conflicts, see for instance:
MINK, Georges, 2015, *Op.cit.*, pp. 553-563.
PACZKOWSKI, Andrzej, 2007, Pologne et Ukraine. Questions délicates, réponses difficiles. In : *L'Europe et ses passés douloureux*. Paris : La Découverte.

[417] *Biuletyn Migracyjny,* 2014, Urzędowa bolączka, czyli kto i dlaczego chce zostać uchodźcą z Ukrainy. 2014. p.3. http://www.biuletynmigracyjny.uw.edu.pl

[418] Andrusieczko, Piotr, 2015, "Ja nie mogę już tu mieszkać". Rozpoczęła się ewakuacja Polaków z Donbasu, *Gazeta Wyborcza* . 2015.

[419] Journal of Laws No. 53 of 2004, item 532, as amended

[420] Journal of Laws No. 180 of 2007, item 1280

[421] Journal of Laws of 2012, item 161, as amended

migration policy is particularly interesting for two reasons. On the one hand, it is specific to this country. Even if similar arrangements exist worldwide, the Polish legislation seems much less dependent on a European framework than in the case of other matters discussed in this chapter. Not only does it not draw from European models, but in some cases, for those whom it concerns, it can constitute a way of bypassing European legislation that would otherwise make their entry into Poland difficult. On the other hand, it reveals a series of presuppositions about the nature of the national community and the rules of belonging. It constitutes a definition of a Pole wider than that established by citizenship and introduces binding legal solutions referring to it. In effect, it constructs an intermediary category between nationals and non-nationals. It reflects Poland's historical experience of both massive emigration and turbulent past. Indeed, certain definitions established in other countries are difficult to apply in Poland. For instance, it has been mentioned in the introduction that this can impact the measurement of the exact numbers of foreign population and has consequences for the use of the terms *immigrant* and *foreigner*. The two are often conflated and *immigrant* is used to describe exclusively non-nationals. This is due to the fact that a great part of immigrants in the sense of those who cross the border into Poland are in fact Poles who found themselves abroad as a result of emigration, displacement or shifting borders. Thus, the Polish state tends to recognize certain non-citizens as belonging to the nation and acknowledges having obligations towards them. In fact, the preamble of the Constitution of the Republic of Poland mentions such ties and entrusts the state with the duty of maintaining them. Moreover, the Polish language allows a clear distinction between nationality and citizenship, a difference that finds official recognition for instance in the last national census, where up to three different nationalities could be listed, independently of the person's citizenship. Belonging to the nation thus defined seems to be based on three combined conceptions, summed up by the requirements for the obtainment of the Polish Charter: subjective sense of belonging (written declaration) reminiscent of Ernest Renan's "daily plebiscite"[422]; ethnicity, understood as a characteristic passed down by ancestry (the need to prove the Polish nationality of ancestors); culture, including language, traditions, customs and in some cases religion ("ties to polishness"). A person fulfilling those criteria is recognized as a Pole, regardless of their citizenship status and is considered entitled not only to the state's protection but also to specific aid in preserving this national identity.

While repatriation is thus conceptualized in terms of national identity and the state's obligations towards Polish nationals (be they citizens or not), the links with foreign policy also have to be examined. Indeed, maintaining ties with the members of the national

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[422] RENAN, Ernest, 1997, *Qu'est-ce qu'une nation*. [Paris] : Mille et une nuits.

community abroad can represent significant advantages for a country, ranging from increased exchanges, through cultural influence, to political leverage. There is also an important symbolic aspect linked to sovereignty: if a sovereign country is, among other things, defined by its ability to protect its nationals, the failure to do so can be associated with a loss or weakening of sovereignty, as it clearly used to be the case of Poland. Indeed, the persons eligible for repatriation mostly found themselves abroad due to acts of aggression and violence committed by other states. Their return was an issue touched upon but never resolved under communism, due to the nature of Poland's relations with the Soviet Union. In this context ensuring the possibility of return appears not only as reparation for wrongs committed in the past against individual Poles, but also as a symbolic restoration of Poland's sovereignty as a whole[423].

The case of repatriates and Polish Charter holders demonstrates the state's power to include individuals into the national community and grant them rights. It helps understand what definition of the Polish nation underpins state policy in this domain. Thus, it can be seen in parallel with another issue central to the debate on immigration policy: the treatment reserved for non-nationals and the inclusion in social life of those those who are not members of the nation.

II.1.4.e. Poland as a land of welcome – human rights and immigrant inclusion

In the debates on immigration, in Poland and abroad, a discourse based on themes of solidarity and human-rights can be opposed to ones centered around security and economic protectionism[424]. This first set of principles is the foundation of Western states' acceptance of the refugee regime and is intimately linked to values that can be considered core to their democratic identity[425]. In many cases, non-governmental organizations are the champions of such a discourse and Poland is no exception.

Indeed, third-sector actors seems to share a vision of a desirable role of Poland as a land of welcome. It is part of a wider conception of openness and positive diversity – when asked what Poland's migration policy should ideally be, the interviewed NGO members at several different occasions began their answer by stating that they would prefer migration policy not to be an issue, since what they wish for is an outright disappearance of borders (for

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[423] Poland is not alone in approaching its diaspora as linked to sovereignty and the country's international position. For instance, a discussion of a similar logic in the case of overseas Chinese can be found in: GUERASSIMOFF-Pina, Carine, CABESTAN, Jean-Pierre, 2012, *La Chine et sa nouvelle diaspora*. Paris : Ellipses.

[424] WODAK, Ruth, DIJK, Teun A. van, 2000, *Racism at the top*. Klagenfurt : Drava Verlag.

[425] WEINAR, Agnieszka, 2006, *op.cit.,* p. 72

instance: Interview with NGO member, female, in her 20s). They than proceed to describe a policy more favorable to immigrants and taking greater note of their well-being. The positive input of foreigners is stressed and diversity is seen as an asset for society. In many cases, this vision involves not only state institutions, but also society at large – wishes for more openness and tolerance are expressed and the need for appropriate education on those issues is underlined [Interview with NGO member, female, in her 20s]. Immigration is seen as not purely a legal or technical problem, but as a cultural and psychological one as well – the focus is on immigrant integration and sensitivity to cultural differences. This is also confirmed in those organizations' activities which include, as previously noted, the evaluation of public administrations from the point of view of their friendliness, but also meetings and workshops intended to educate public administration actors on the specificity of dealing with foreigners, including issues such as inter-cultural dialog. Those actions seem to be not without results, as this approach is taken up by some public actors, at least on the declarative level and administrations accept participation is such projects. The adoption of practices and discourses referring to this kind of conceptions in the Masovian Department of Foreigners will be discussed in the following chapters. It is also noteworthy that the vocabulary of welcome and hospitality is a rather widespread characteristic of the style of talking and writing about immigration, and especially refugees, in NGO-produced research reports, but also some academic works, as well as at conferences and events attended by both public and non-governmental actors[426].

Another very widespread term in that context is that of integration. While state policy in this respect is very limited, the term appears widely in the literature of the subject and is most often presented as a desirable outcome[427]. It is defined in opposition to assimilation, as a process whereby the immigrants gain the ability to autonomously function in a society and meaningfully interact with its members while retaining their original identity and culture. Pawlak argues that it is common for authors in Poland to attribute the foreigners' perceived failure to integrate to local communities or organizations they interact with[428]. In a sense this could be seen as a specific case of the discourse on hospitality, where the responsibility for appropriately welcoming newcomers rests with the receiving society.

It would thus seem that, mainly through the activity of various third-sector actors, a conception of Poland as a country that should welcome foreigners on the basis of solidarity,

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[426] Consider for instance:
NOWICKA, Ewa, ŁODZIŃSKI, Sławomir, 1993, *Gość w dom*. Warsaw : Oficyna Naukowa.
GRZYMAŁA-MOSZCZYŃSKA, Halina, NOWICKA, Ewa, 1998, *op.cit.*
FIRLIT-Fesnak, Grażyna, ŁOTOCKI, Łukasz, 2008, *Czym chata bogata ...*. Warsaw : ASPRA-JR.
[427] PAWLAK, Mikołaj, 2013, *op.cit.*
[428] *Ibid.,* p. 86

empathy and humanitarian concerns functions is this policy field.

In this section, through an overview of the evolution and key elements of Poland's migration policy, the aim was to confirm the validity and applicability to this topic of the concept of organizational field introduced in the previous chapter.

While one could argue that despite manifest advances Poland's migration policy remains in the initial stages of its development, the discussion above shows incontestably that an established set of actors with stakes in this domain exists, and that, moreover, those actors engage in numerous interactions. What is more, it would seem that those actors share the use of certain key concepts and meaning systems. In that sense, it seems justified to speak of an organizational field of migration policy in Poland. That is not to say, however, that anything resembling a stable consensus exists inside this field – the above analysis seems to point rather to a conception of the field as contested and as locus of conflict over values and meanings[429].

Indeed, several different and sometimes competing definitions of Poland as an immigration country can be observed among those actors, each accompanied by a set of ideas about the desirable shape of the country's migration policy. One could establish a parallel between those conceptions and the concept of institutional logics, in that the vision of desirable policy that actors adopt is often correlated with rules, principles and norm guiding their actions. Furthermore, the question of legitimacy seems paramount among the actors of this organizational field and it would seem indeed that"[i]nstitutional logics are more than strategies or logics of action as they are sources of legitimacy and provide a sense of order and ontological security"[430].

Thus, it would seem that both the concept of organizational field and that of institutional logics have explanatory power when inquiring into the functioning of organizations and institutions dealing with immigration in Poland. However, as it was noted in chapter I.1., an organization does not necessarily belong exclusively to one organizational field. Not only can it be seen as a field in and of itself, but often it participates in series of frameworks and the logics guiding it action can have more than one source. This is very clearly the case of the Department of Foreigners, which partakes both in the institutional framework managing immigration into Poland, and in the overall administrative structures of the Polish state. Migration policy might determine the main goals of its action, but it is its position as subdivision of a regional state administration agency that defines the conditions, mode, and style of its functioning. Hence, the aim of the following chapter is to situate the

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[429] HOFFMAN, Andrew J., WOOTEN, Melissa, *op.cit.,* p. 134
[430] THORNTON, Patricia H., OCASIO, William, 1999, *op.cit.,* p. 108

Department within this environment by presenting an overview of the organization, activities, and underlying conceptions of Polish public administration and the Civil Service.

"Because I assume that we fulfill a role of service, in a sense, towards the client, so we are nice in any case. Which has no influence on the fact that the clients are also nice to us. Sometimes, and one should not be afraid of those words, words that are inappropriate, commonly considered vulgar, are expressed by foreigners. It is rare, but they are expressed. And this is why I think that Belarus, Russia, Ukraine, Uzbekistan, Tajikistan, the whole Eastern side, and in particular persons in a relationship with persons of Polish nationality, who feel nearly like Polish citizens as well, so to say, although they are not, as long as they do not have titles of residence in the form of Polish citizenship and Polish passports, they are often appalled in those cases. As I already said, sometimes people can be appalled, reproach us something by telling blatant lies." [Member of management, Department of Foreigners, male, in his 30s].

This sentiment, expressed by a senior official of the Department, contains a set of implicit questions: if the Department is part of the Civil Service, to whom is this service due when the clients are not citizens? Are Polish citizens somehow entitled to better treatment? On what terms can a non-national claim service from a public servant? And more generally, what is the relation of public administration to foreign nationals?

Indeed, the Masovian Department of Foreigners is not only a vital part of an institutional framework responsible for the formulation and application of Poland's migration policy. It is also inscribed in a wider institutional environment of Polish public administration. While its activity is most directly guided by the task of applying the provisions of the Act on Foreigners it is also subject to the general regulations defining the role and place of different state institutions and it shares a number of characteristics with other administrative actors. As such, some of the issues discussed with reference to the Department – in terms of organization, conceptions, and perceptions – are in fact common to a series of actors of the public sector in Poland.

The first aim of this chapter is hence to throw light at the implications of the positioning of the Department as a part of the Polish Civil Service and as a local level state administration. The chapter thus begins with a discussion of the organization and underlying conceptions of public administration and the Civil Service as they were conceived and constructed in Poland after 1989.

While part of this wider framework, the Voivodeship Departments of Foreigners are also situated on an intersection of several frames of reference – they are agents of regional level administration responsible for the application of a national level policy referring to phenomena of an international scale. The second part of this chapter addresses this particular

position of the Departments and provides a general description of this type of institution.

Masovia is one of Poland's sixteen Voivodeships, making the Masovian Department of Foreigners only one of a number of similar institutions. However, among those, the Warsaw-based institution displays a number of unique qualities. As previously mentioned, it is by far the biggest and receives the highest amount of applications. In order to understand its specificity and proceed with an analysis of the interactions taking place in the daily life of this institution it is necessary to give a description of its organization, structure and main characteristics – this task is taken up in the last part of the chapter.

The chapter thus proceeds by, so to say, zooming in on the object of study: it begins with a discussion of the most general elements of the administrative framework, goes on to examine the specific institutions and agencies the Department is a part of or has contact with, and lastly looks into the inner workings of the agency itself. The foundations are thus laid for a more thorough analysis of the daily life of the Department as observed during fieldwork.

While discussing elements of the context in which the Department functions and of its own structure and organization, one has to bear in mind an underlying question highlighted by the statement quoted above. Indeed, public administration and Civil Service are typically described as existing with the aim to serve either the state or its citizens – they are conceived as the servants of a particular political community and as an expression of its will. This raises the question of the exact nature of a public administration whose primary patrons do not belong to this community – who is the subject of the service provided to non-nationals and how does such an administration situate itself with reference to those it receives?

II.2.1. Polish public administration after 1989 – conceptions and evolution

Before moving on to discuss the competing conceptions and models in the process of creation of the modern day Polish public administration, it is necessary to give a brief overview of the ways in which public administration is defined and to clarify the definition adopted in this work.

Formulating such a definition is far from simple. It has been briefly mentioned in chapter I.2. that a series of closely related terms exists, referring to a varying but often overlapping array of actors. Those can include phrases such as *public administration, state administration,* the *Civil Service,* and the *public sector.* It can be revealing of the confusion often surrounding those terms to look at their understanding among the general public in Poland: while it is a common practice to refer to any person employed by state institutions as

an official or civil servant (*urzędnik*)[431], the number of people in public opinion polls who declared having heard of the Civil Service or could correctly identify what it encompasses was relatively low – respectively 45% and 5% in 2005[432]. In the literature of the subject it is common to refer to the weberian definition of bureaucracy[433] as a starting point of a reflection on public administration, stressing aspects such as its rationality and obedience to a set of formalized rules, or its hierarchical nature. However, as Tadeusz Frieske notes in his introduction to the Polish edition of *Politics of Bureaucracy* by Guy Peters[434], weberian bureaucracy only partly corresponds to what is understood nowadays under the term *public administration* - while many common characteristics exist, public administration appears as a wider concept, allowing for a higher degree of autonomy of its members and exceeding the mere application of decisions taken on the political level[435]. Kudrycka, Peters and Suwaj point out that public administration can be defined firstly by its object: "the accomplishment of public tasks with the aim of fulfilling the collective and individual needs of citizens arising from their coexistence in a society"[436]; and secondly, by the subjects of which it is constituted, that is to say by compiling a list of the institutions and actors that can be counted among its members. By comparison, the Civil Service, despite the notable differences due to varying national traditions and practices, is most commonly defined in two ways: as a distinct group of people possessing an official status of civil servants; and through a reference to the meritocratic and professional nature of this system[437].

In the Polish case, the current law defines a list of institutions whose officials belong to the Civil Service corps. Those include: "1) the Chancellery of the Prime Minister, 2) offices of Ministers and Chairpersons of Committees which form part of the Council of Ministers and offices of central agencies of the Government administration, 3) Voivodeships offices and other offices which are part of the apparatus supporting local agencies of Government administration subordinate to Ministers or central Government administration, 4) headquarters, inspectorate offices and other organizational units which are part of the apparatus supporting heads of unified Voivodeships services, inspections and guards, as well as heads of poviat services, inspections and guards, unless otherwise provided by relevant statutory provisions of law; 5) The Office for Registration of Medicinal Products, Medical

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[431] ARCIMOWICZ, Jolanta, 2010, *op.cit.,* p. 47

[432] *Ibid.,* p. 337

[433] WEBER, Max, GERTH, Hans Heinrich, MILLS, C. Wright, 1946, *From Max Weber*. New York : Oxford University Press.

[434] PETERS, B. Guy, 2010, *The politics of bureaucracy*. 6. London : Routledge.

[435] PETERS, B. Guy, FRIESKE, Kazimierz Wojciech, 1999, *Administracja publiczna w systemie politycznym*. Warsaw : Scholar. p. 17

[436] KUDRYCKA, Barbara, PETERS, B. Guy, SUWAJ, Patrycja J., 2009, *Nauka administracji*. Warsaw : Oficyna a Wolters Kluwer business. p. 36

[437] ARCIMOWICZ, Jolanta, 2010, *op.cit.*, p. 32-33

Devices and Biocidal Products; 6) Forest Seed Production Bureau; 7) State budgetary units that support state appropriated funds subordinated to organs of government administration"[438].

It is noteworthy that this list does not encompass institutions of the local government. The system of local government, separate from state administration, was reintroduced in Poland as soon as 1989. Extended and complexified over the years, it was considered as a necessary basis for the construction of a democratic state[439]. The nature of relationships between institutions of local government and state administration will be discussed more in detail in the following sections. However, as the core of this study concerns a state administration agency whose employees are members of the Civil Service this section focuses specifically on the way in which those institutions are conceived in Poland.

The Civil Service is hence composed of the employees of the above mentioned institutions. As stipulated by the article 153/2 of the Constitution of the Republic of Poland, the Prime Minister is the head of the Civil Service corps[440]. The corps is further subordinate to the Chief of the Civil Service, nominated and recalled by the Prime Minister[441]. During the time of the study and until 2016, it also answered to the Council of the Civil Service[442]. The function of the Chief of the Civil Service is mostly linked to human resources management inside the corps, as well as financial oversight. The Council – partly composed of members of the Parliament – oversaw legislation concerning the Civil Service as well as recruitment procedures. Furthermore, two distinct statuses are recognized inside the Civil Service corps: that of nominated Civil Servants and of Civil Service employees employed on the basis of a regular employment contract. The former status is linked to a series of advantages, most notably in terms of salary and stability of employment.

Hence, while members of the Civil Service can be also considered members of public administration and it would be possible to conflate the two terms, in this work the term "Civil Service" is used in the more restrictive sense given by the law, while "public administration" has a wider meaning – similarly to the use made of it by Kudrycka, Peters and Suwaj[443] it stands for the total array of institutions and institutional actors responsible for the accomplishment of administrative tasks in the name of public interests, and is close in meaning to the term "public sector". As noted in chapter I.2., the words "Civil Service" are

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[438] Act of 21 November 2008 on Civil Service, Journal of the Laws of 2008, No 227 item 1505
[439] IZDEBSKI, Hubert, KULESZA, Michał, 2004, *Administracja publiczna*. Warsaw : "Liber". p. 78
[440] SZEWCZYK, Helena, 2006, *Zatrudnienie w służbie cywilnej*. Bydgoszcz : "Branta". p. 19
[441] ARCIMOWICZ, Jolanta, 2010, *op.cit.,* p. 85
[442] While this was the not yet the case at the time the study was conducted, the Act of December 30th 2015 on changes in the Act on the Civil Service and some other Acts (Journal of the Laws of 2016, Item 34) abolished the Council of the Civil Service. It was to be replaced by a Council of the Public Service directly dependent from the Prime Minister.
[443] KUDRYCKA, Barbara, PETERS, B. Guy, SUWAJ, Patrycja J., 2009, *op.cit.,* p. 51

capitalized when speaking of the specific institution as it exists in modern day Poland and written without the capitalization to signify the general concept of civil service. Likewise, the words "civil servant" are used as synonymous with "member of public administration", while when capitalized, they designate exclusively those officially nominated for the thus named function.

Bearing in mind this definition, it is important to recall that the political transformation of the 1990s in Poland was accompanied by a process of elaboration of a new framework of public administration, a well as attempts at the creation of a professional and modern Civil Service corps. Without going into chronological detail of the evolutions in this domain since 1989, this chapter looks at the models and conceptions that were taken into account in this process and tries to situate the system as it existed at the time of the study with reference to those models. Indeed, as Guy Peters notes citizens of any given state posses a certain extent of common political culture which includes "an image of what constitutes good government and proper administration"[444]. Such a culture poses constraints on the action of public administration. Hence, the employees of an institution such as the Department of Foreigners are guided in their everyday work not only by the rules they apply but also by a certain vision of what their role is and how they are meant to go about accomplishing their tasks. The different theories and conceptions referred to in elaborating the system of modern day public administration in Poland can be illuminating when trying to understand this political culture the Department functions in. Moreover, it can also be argued that the very organizational structure of public administration influences the decisions being made and the goals pursued[445]. Both the actual structuring and organization of the framework of public administration, and the conceptions on which it is based are crucial for understanding the functioning of a given organization within this frame. Thus, the first section of this part of the chapter deals with the conception of the Civil Service corps as either career or position oriented, as well as the question of the relation between civil servants and political actors. The second section centers more on the administration in relation to citizens and the public service as an activity, examining the ideas of bureaucracy, New Public Management and Public Governance with reference to the Polish case. The third section attempts to answer the question "who are Polish Civil Service members?" by looking at the requirements, self-definitions and public perceptions related to this profession. Lastly, as a conclusion, three illustrations from the data gathered in the field are presented to show how those points can translate into the daily practices at the Masovian Department of Foreigners.

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[444] PETERS, B. Guy, 2010, *op.cit.*, p. 34
[445] EGEBERG, Morten, 2012, How Bureaucratic Structure Matters: An Organizational Perspective. In : *The SAGE Handbook of Public Administration*. 2. SAGE Publications Ltd.

II.2.1.a. Creating a class of public servants – career models and political pressures

When Poland began undergoing political transformation in 1989, it became apparent that besides the necessary reform of the institutional structure of the newly-democratic state it was also crucial to insure a high quality of the workforce that would make this structure functional. In opposition to communist practice, this was envisioned as a distinct and professional class of civil servants, separate from the sphere of politics. Indeed, civil service in most Western countries is seen as presenting a number of specificities as compared to other career paths – most notably the subordination to the idea of public good. The appropriate and efficient functioning of public services is thus linked closely to the conditions of employment in the public sector. The question Poland was confronted with was how to recruit civil servants and how to conceive the Civil Service as a career.

Building upon local Polish tradition in the domain appears somewhat problematic. While some authors date the existence of a specific Polish model of public administration as far as the XVIII century and describe it as essentially based on the preeminence of voting[446], this system disappeared together with Polish statehood at the end of that century. The appearance of an independent II Republic of Poland in 1918 marked a new stage in the elaboration of Polish public administration. While not devoid of problems, the system created was also characterized by undeniable successes, among which one can note "the emergence in Poland of professional administrative staff who treated state service as a public mission"[447]. The specific model developed during this period can to a certain extent serve as an inspiration for modern day Poland and be seen as a basis for a durable tradition of Polish Civil Service[448]. However, its short-lived nature makes it hard to build directly upon this tradition. The solutions adopted during communist time, while formally maintaining the previous law until 1974, transformed – by means of successive reforms – the position of civil servants into that of employees and through the imposition of ideological criteria for recruitment lead to a high politicization of the Civil Service[449]. As it is, the history of Poland's public administration was marked by discontinuity. This meant that besides drawing on preexistent traditions, creating a Civil Service for the post-1989 Polish state required a fundamental rethinking of available models.

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[446] IZDEBSKI, Hubert, KULESZA, Michał, 2004, *op.cit.,* p. 66
[447] *Ibid*., p. 68
[448] *Ibid.,* p. 72
[449] ARCIMOWICZ, Jolanta, 2010, *op.cit.,* p. 27-28

Discussing the types of civil service existing in Europe, Jacek Czaputowicz[450] opposes on the one hand "career oriented" or "closed, traditional" models, and on the other a "positional" or "open, modern" one. The first one is based on the idea of a life-long engagement of the individual in the public service and a progressive rise through the ranks over the years. Recruited into the civil service rather than for a specific position, civil servants enjoy stability of employment and guaranteed retirement pensions. Typical examples of this model can be considered to be the French or the German systems. The latter model, exemplified by Great Britain or the Scandinavian countries, displays a more flexible type of employment, with individuals recruited for specific positions on the basis of their qualifications. Another typology of career models can be obtained by crossing the criteria of individuation and delegation, describing respectively the extent to which the system takes into account individual employees or groups, and to which crucial decisions are made centrally or locally. Four models are thus obtained, among which one can also include the two previously described (low individuation and low delegation for the career-oriented model and high individuation and high delegation for the positional one). Jolanta Arcimowicz[451] refers to Czaputowicz's work to describe the system existing in Poland as "departmental", characterized by a low level of individuation but a high level of delegation. In this system, significant differences exist between different state agencies, notably in terms of salary, and mobility between them remains low. What becomes apparent from those two classifications is the central question authors and policy-makers have to answer when envisioning an optimal model of civil service: what degree of flexibility versus stability and of centrality versus individual initiative is required in order to create a professional and efficient corps of civil servants?

The above mentioned typology provides elements indicating the answer to this question exemplified by the current Polish system – a position that seems intermediary. Indeed, the existence of the Civil Service corps points to a tendency towards stability. As previously mentioned, two types of status are possible inside the corps. Any person who joins the corps for the first time has to undergo a period of up to four months of preparatory service followed by an examination, whereupon they become an employee of the Civil Service. After three years of service (two with the permission of their superior) a person can apply for a nomination as Civil Servant[452]. One specific way of joining the corps is through the National School of Public Administration – a higher education institution established in 1990 with the

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[450] CZAPUTOWICZ, Jacek, 2008, *Administracja publiczna*. Warsaw : PWN. p. 254-255
[451] ARCIMOWICZ, Jolanta, 2010, *op.cit.,* p. 42-43
[452] ARCIMOWICZ, Jolanta, 2010, *op.cit.,* p. 87

aim of training future Civil Servants[453] whose graduates need not undergo an examination at the end of preparatory service. The above elements are likely to foster stability. However, it must also be noted that individual positions, even for the highest echelons in the Civil Service were for a certain time filled through a process of open competition, meaning that any person (including those outside the service) could apply. This has since been replaced by a system of nominations for the highest ranking officials, but the possible opening to outside personnel remains. In that aspect the Polish system is closer to the positional model.

Regardless of the type of career model in public administration chosen by a given state one of its main aims is ensuring civil servants' independence from political pressures and giving them the possibility to operate efficiently, competently, and continuously despite changes in government. This issue was at the core of the numerous reforms that the modern-day Polish Civil Service underwent in the short period since its creation. All Polish governments, save two (including the current one), adhered to the principle of a politically neutral Civil Service – at least on the declarative level. An exception in these matters was the right-wing coalition government constituted in the years 2005-2007 by the Law and Justice party (PiS), the League of Polish Families (LPR), and the Samoobrona party, which argued that "an apolitical public administration is a liberal utopia"[454] and undertook a series of reforms reconstructing the previously existing system. The changes made again in 2016 by the Law and Justice (PiS) government can be interpreted in a similar manner. Indeed, they included replacing open competitions with nominations, removing the requirement that the Chief of the Civil Service was not to have been a member of a political party in the preceding five years, and terminating all contracts with high ranking officials within 30 days of the Act's entry into force. The parliamentary opposition criticized this legislation as a blow to the apolitical character of the Civil service[455].

In the period leading to 2005, a crucial issue was the existence of a "spoils system" where a significant part of Civil Servants was nominated by the ruling party and replaced when changes in government occurred. After a first period of transformation when the border between the political and the administrative sphere was not clearly established, those two domains were ascribed precise boundaries in 1993. At the same time however, the number of positions open for politically motivated nominations was extended, leading to major changes in the Civil Service when governments alternated. Inversely, after 2001 the very line of

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[453] *Ibid.,* p. 92-96
[454] ARCIMOWICZ, Jolanta, 2010, *op.cit.,* p. 75
[455] See for instance: *Rzeczpospolita*, 2016, Zmiany dotyczące służby cywilnej weszły w życie. Online. Available from: http://www.rp.pl/Urzednicy/301239992-Zmiany-dotyczace-sluzby-cywilnej-weszly-w-zycie.html#ap-2

division between politics and public administration became subject to *de facto* renegotiation[456]. Not only did each incoming government replace a part of the Civil Service corps, but, as this took place during the elaboration of a legislative framework for public administration (the first Act on the Civil Service was voted in 1996, followed by new Acts in 1998, 2006 and 2008), it was accompanied by changes in the rules of recruitment and conditions of career advancement for the members of the corps, prospective as well as already in function. While the new Act voted in 2008 – which reestablishes a division between a political level of high state officials and a politically neutral Civil Service[457] – remains in its majority unchanged, a series of more minor modifications have followed, including variations in the annual limit on nominations. The frequent changes are unlikely to foster feelings of stability or solidarity inside the corps and may explain why civil servants interviewed by Arcimowicz voiced concerns about the lack of clarity of the system[458] and, in some cases, a lack of identification with the institution among members of the corps[459]. Many of them placed hopes in the Europeanization of Polish public administration as a means of introducing clear standards and reducing the politicization of the Civil Service[460]. The recent changes, resulting in the revocation and non-renewal of a number of contracts are likely to enhance such sentiments.

The Masovian Department of Foreigners is no exception to this prevalent instability, as it will be demonstrated in the final part of this section. It is notable that the Department's employees seem to suffer from a similar lack of clarity in terms of career perspectives. The question of nominations for Civil Servants was never discussed in my presence. Simultaneously, employees complained that seniority and experience do not necessarily equate with better employment conditions. When a new position was opened in August and I was offered a job at the Department (an offer I declined, as explained in chapter I.2), the officers of the information section insisted that the salary for this entry-level position was at least equal or higher than those they received. They also recounted that they have in multiple cases trained new employees who were formally above them in the hierarchy of the Department and who enjoyed better financial conditions despite their lack of experience. This can be partly explained by the widespread practice of resorting to replacement employment contracts: those hired on this basis have very limited career options, experience and quality of work notwithstanding. Additionally, the Department is characterized by a high rotation of the workforce, further contributing to a climate of instability.

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[456] ARCIMOWICZ, Jolanta, 2010, *op.cit.,* p. 55
[457] Ibid., p. 84
[458] *Ibid.,* p. 177
[459] *Ibid.,* p. 151
[460] *Ibid.,* p. 177

The example of the Department can serve to bring attention to the issue of actual work conditions of civil service employees, as compared to the above discussed models. Despite the general aim of insuring stability, continuity, and independence, public administration employees in fact occupy a wide array of positions with important differences in status and work conditions. To a certain extent this is a product of the essentially hierarchical nature of public administration[461]. However, the Polish case discussed here seems to demonstrate that this can also occur in a more contingent manner and produce inequalities and uncertainties that ultimately work against the original aims of the system. In addition, one is also entitled to wonder about the impact of the fact that an institution is specifically dedicated to the service of foreigners on the work conditions and status of its employees. As Alexis Spire observed in the French case, the low status and deprivation in terms of rights suffered by non-nationals on a nation's territory extends to a certain degree to the public administration employees working with them, resulting in lower salaries and harsher work conditions as compared to other public institutions[462]. This observation leads Spire to consider that those officers, both "dominated" and "dominating", exist in an intermediary position. They enjoy an extent of power as representatives of the state, and suffer a degree of powerlessness as the lowest grade of bureaucratic hierarchy.

Thus, whatever the model adopted for a country's public administration, it must be considered also in light of the concrete practices existing beyond the formal rules for employment and career advancement. Those practices, as exemplified in the Masovian Department of Foreigners, will be discussed further. Before this is done, it is however necessary to look not only at the conditions of recruitment and employment in public administration, but also at its inner organization and the principles of its functioning.

II.2.1.b. Assuring good service – bureaucracy, management, or governance?

The model of career in public administration, while essential for its work, is an element of a more general effort of ensuring a certain quality of service and a certain level of efficiency. Beyond the question of how civil servants should be recruited and on what conditions they should be employed, this effort also demands an answer to the question of organization and coordination of public administration. Several models are available in this domain and have served as an inspiration for the reform of Polish public administration in the post 1989 era.

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[461] CHEVALLIER, Jacques, 1986, *Science administrative*. Paris : Pr. Univ. de France. p. 293
[462] SPIRE, Alexis, 2008, *op.cit.*

It is important to note that the theoretical models in question can play a double role – they are both the analytical instruments by which the behavior of organizations and people within them can be apprehended, and the normative frames inside which guidelines for practices can be formulated. As Mark Bevir reminds his reader in the introduction to the *SAGE Handbook of Governance* "(...) theories are attempts to make sense of practices, and guides to the actions by which we forge practices"[463]. This has been particularly clear in the field of governance, where those two aspect have mutually provided each other with ideas and content for further development. In this section, three such conceptions in particular are discussed: bureaucracy, understood in a weberian sense; New Public Management; and Public Governance. All three present the characteristic of functioning both as theoretical tools and as sets of practical guidelines. The choice of those three models for discussion stems from the interest they have provoked among Polish authors and policy-makers. It is noteworthy that in this context a normative use of those models is very common. Hence, the discussion of crucial points of each of them will be followed by a discussion of the attempts at – and the dilemmas linked to – their implementation in Polish public administration.

As mentioned above, one of the main sources for thinking about public administration is Max Weber's conception of bureaucracy. While both theory and practice of bureaucracy have not always corresponded fully to this classical definition, several characteristics are typical of bureaucracy thus understood. Among them one should count its hierarchical nature, the emphasis put on formal rules, the stress put upon the professionalism and competence, as well as independence from the political sphere. It is clear from this brief summary that all of the above elements were seen as desirable when elaborating the mixed career model of the Polish Civil Service described above. The need for reform was motivated by the fear that, emerging from decades of communist rule, the existing administration would not fulfill those requirements. Concerns were expressed as to both the competence and the impartiality of formerly recruited civil servants. Moreover, placing the respect of strictly defined formal rules at the core of the Civil Service was seen as a necessary step in establishing the rule of law. However, from the onset, striving for a classical weberian-style bureaucracy was not an unanimous choice. Some authors argued that this model, while not devoid of advantages, had already been put into question in other countries and had been replaced by other models, that Poland should instead emulate.

Indeed, the model of public administration characterized by strict hierarchy and adherence to rules is not without shortcomings, among which figure chiefly a lack of flexibility and an incapacity to respond rapidly to changing circumstances. The limitations of

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[463] BEVIR, Mark, 2010, *The SAGE Handbook of Governance*. London : SAGE Publications. p. 7

this model lead to the development of a set of alternative conceptions that can be assembled under the term "governance"[464]. Among those new approaches, New Public Management (NPM) has had an undeniable influence on the way public administrations are conceived and organized. While it is possible to count it as one of the numerous schools of thought about governance, in Polish literature the two terms tend to be considered separately or in opposition. NPM is in particular presented in contrast with New Public Governance[465.]

In most general terms, New Public Management can be described as the introduction of market principles into public administration. It "takes the private sector as the model of good management and seeks to extend the use of those ideas into government"[466]. The assumption is that "management is management"[467] and that the best way of managing public institutions is to apply the kind of approach that has proven effective elsewhere. This has several consequences. With reference to the style of management inside public institutions less hierarchical and more flexible approaches are promoted. Peters notes an evolution from what he describes as "letting managers manage" to "making managers manage" through introducing performance measurements and instilling a pressure to perform[468]. However, in both cases the focus is on efficiency and it is believed that this will be achieved by providing the space and motivation for individual managers to exercise their talents and skills. With reference to the relations with the public, in a NPM perspective citizens are seen as clients and a client-centered approach is adopted. The stress is on the quality of service and on making the institutions client-friendly. Finally, with reference to the organization of the institutional framework itself, decentralization is the rule. Central government is seen as better suited for giving general directions than implementing them – this task is entrusted to lower echelons, and when possible to independent and private sector actors. Principles of market competition are also introduced to push for higher quality of service at lower costs. This approach, first described by the term New Public Management in the 1980s, has become widespread in public administrations world-wide[469].

In the Polish case, some authors have argued that it was too early to introduce principles of NPM. Since it was a response to the failures of classic bureaucracy, they argued, it is necessary to consolidate such a classic system first, before setting out to reform it. Others,

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[464] BEVIR, Mark, 2010, *op.cit.*

[465] PAWLAK, Mikołaj, SROKOWSKI, Łukasz, 2014, *op.cit.*
LISIECKA, Krystyna, PAPAJ, Tomasz, CZYŻ-GWIAZDA, Ewa, 2011, *Public Governance koncepcją zarządzania w administracji publicznej.* Katowice : Wydawnictwo Uniwersytetu Ekonomicznego.

[466] PETERS, B. Guy, 2010, *op.cit.,* p. 328

[467] *Ibid.*

[468] *Ibid*., p.329

[469] *Ibid*., p. 326

however, were in favor of direct implementation of NPM-based policies[470]. It would seem that some such principles were indeed adopted. One good example seems to be the prevalence of the idea of *friendliness* and the evolution of administrative terminology towards the use of the word *client*, or even *host*. The idea of standards of service that place the clients and their satisfaction in the center was seen in opposition to what was perceived as the old style of administration under communism. In the Department of Foreigners, for instance, it was common for the officers to stress that this is not a public institution as one would traditionally understand it, that is to say one where the client may be disparaged and easily dismissed. It is also noteworthy that a multitude of programs was implemented across Poland, both locally and centrally, all referring to the idea of *friendliness*. Those were accompanied by publications, reports, evaluations and conferences guided by the same theme. A particularly striking example is provided by Lisiecka, Papaj and Czyż-Gwiazda[471] when they discuss a 2009 conference entitled "Directions for perfecting the quality of service provided by public administration. The client in the heart of the civil servant".

This turn towards a client-friendly and open administration finds itself reflected in the spatial organization of public institutions, with the spread of open-space offices. The project of the Department's new building was one example, with one open hall on the ground floor housing the desks where clients are to be received, as opposed to the separate and closed offices at the previous site of the institution. The tendency to adopt such a style and terminology for the relationships with the public seems to indicate that the Polish public administration practices once again a mixed model: while formal hierarchy remains firmly in place and efforts are made to established a rule-based bureaucracy, elements of NPM are also present.

Another example from the Department of Foreigners can prove illuminating as to the articulation of those principles in practice. The formal structure of employment in the Department was clearly hierarchical and may appear constraining, as employees were recruited through competitive procedures for specific posts in specific sections – on the surface, this left little space for the management to change the allocation of workforce according to need. However, in practice, a series of arrangements was made, allowing for employees to be moved between posts. Thus, during my stay in the information section, one employee was sent to work there while in fact occupying a post in the invitation section, and another was on a replacement contract from another section – both were transferred to those actually occupied positions informally. In interviews as well as in informal conversations, one member of management explained to me that personnel was routinely allocated according to

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[470] PAWLAK, Mikołaj, SROKOWSKI, Łukasz, 2014, *op.cit.*
[471] LISIECKA, Krystyna, PAPAJ, Tomasz, CZYŻ-GWIAZDA, Ewa, 2011, *op.cit.,* p. 130

the needs at a given moment, regardless of the section they were formally employed in. The end of August and beginning of September 2014 was moreover a period of intense rotation of personnel, which provoked notable changes in organization. Several employees left the Department, while new positions were created. Additionally, employees on leave were returning, forcing the Department to terminate replacement contracts. This situation gave rise to negotiations and bargaining among directors and coordinators in order to determine which section and which service would get the most (and the best) employees. While some of this took place inside the formally existing structure, some arrangements were more informal and temporary. The acceptance of these practices by the direction can seem as a case of "letting the managers manage" inside a context where a strict hierarchy would otherwise preclude any flexibility.

In addition to this, one should also note the spread of subcontracting – another form of decentralization advocated for by tenants of NPM – in Polish public administration, in particular concerning non-administrative tasks. The Department of Foreigners provides another illustration, since it subcontracts both its security and cleaning services to private companies. The subcontracting of security services, which can seem less significant in other public institutions, can seem as a particularly blatant case of devolving crucial state prerogatives to private actors in the context of the security logic widespread in the treatment of immigration.

While introducing NPM principles has been a popular option, it finds a competitor in the conception of New Public Governance. Where NPM relies on market logics, Public Governance stresses the role of networks. While in NPM citizens are seen as clients in search for the best and most cost-efficient service, Public Governance pictures them as partners of the state partaking on equal terms in the process of policy-making and implementation. As a correlate, the task of government is not seen as a centralized, one-sided service provided by the governing to the governed, but as "public organizations' partaking in coordination networks"[472]. It is argued that such a view is better suited for the realities of today's world, as it "highlights phenomena that are hybrid and multijurisdictional with plural stakeholders who come together in networks"[473]. In practice, in addition to the market-based and client-centered approach of NPM, this also implies a higher degree of participation of civil society in policy implementation, in particular through the actions of various third-sectors actors. A part of the state's tasks is thus transferred to private actors and members of the public get a greater say in the running of public administration. Additionally, as Peters notes, "[t]his informality is valuable when dealing with clients on the margins of society who fear formal authority. As

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[472] LISIECKA, Krystyna, PAPAJ, Tomasz, CZYŻ-GWIAZDA, Ewa, 2011, *op.cit.,* p. 66
[473] BEVIR, Mark, 2010, *op.cit.,* p. 2

immigrants, and many illegal immigrants, have become an increasingly important component of the social service population for example these new clients are generally less threatened by voluntary or even market-based organizations than they are by purely public sector service deliverers"[474]. While in Poland the social service is as of yet only marginally open to immigrants, those remarks seem to hold for the immigrants having to deal with other public institutions. The frequent contacts between immigration-related public institutions and NGOs in the field of immigration policy can thus be read as elements of this last approach and demonstrate that it is present in Polish public administration. Those NGOs sometimes act as watch-dogs and pose themselves in opposition to public institutions, but in other cases cooperation and division of tasks can be observed. In particular, the above described advantage of informality encourages some immigrants to turn to non-governmental actors for assistance, thus allowing those latter to take on a a part of public administration's workload, especially when it come to providing information. Moreover, besides NGOs, for profit private companies also provide services to immigrants, mediating their contact with public institutions. While one could say that in case of Masovia the activity of NGOs is to a certain extent encouraged by the authorities, the activity of for profit intermediaries is viewed with suspicion but made possible by the relatively easy procedure for establishing legal representatives. The same procedure also makes it possible for companies employing foreigners to take care of formalities in their name. Different forms of cooperation with private actors seem thus to be an integral part of the Department's policies and mode of functioning. Furthermore, these practices have a highly decentralized nature. While the possibility to establish representatives exists nation-wide, the commercial use made of it by private companies depends on the local demand for such services. As to the cooperation with NGOs, it exists in one form or another in different locations, but often arises from local initiatives. Several bigger, nation-wide NGOs are present, but smaller organizations with a more local reach also play a role.

Interestingly, those local specificities interact to a degree with processes and policies on the European level. In particular, funding from the EU constitutes an important resource for NGOs, but also, indirectly, for the public institutions cooperating with them, be it through joint programs or through the possibility to rely for assistance on thus founded organizations. The funds in question – attributed through the European Fund for the Integration of Third Country Nationals at the time of the field research – are granted on a case by case basis, for specific projects. Hence, the activity they fund is by definition limited in scope and often local. In this sense it bypasses, so to say, the level of central national government and

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[474] PETERS, B. Guy, 2010, *op.cit.,* p. 329

connects directly the regional level to the European institutions. This can be put into perspective with processes observed by Arcimowicz, Kurczewski, and Chmielewska-Szlajfer[475] with reference to the agencies of local government – indeed, these authors note that Poland's membership in the EU has given rise to a series of reconfigurations of power between the local and the national level, as local government institutions gain agency through their interaction with and participation in European frameworks.

Another example of European influence on the models of public administration can be seen in the wide range of institutions that aim at promoting the idea of public governance, some directly operating inside the EU framework, some independent but European in reach, including organizations and forums such as EUPAN, or the European Institute of Public Administration to name just a couple, or awards such as the European Public Sectors Award[476]. This promotion of a certain vision of governance is also accompanied by the spread of the concept of *good practices* as a tool for improving standards in public administration. One can note that the exchange of such good practices has also been promoted in the domain of migration policy[477] and has been taken up, in Poland, by various NGO and think tanks, as exemplified by conferences, reports, and publications referring to this idea[478].

This overview of models taken into account in shaping Polish public administration raises two sets of questions. Firstly, despite their differences, all of the above conceptions present a certain vision of the relations between the civil servants as representatives of the state on the one hand, and a national society and the citizens constituting it on the other – the public that the administration deals with is assumed to be composed of the country's nationals. While immigrants' interests can to a certain extent be defended by civil society actors, such as NGOs, they are not directly counted among the stakeholders who have an influence on the functioning of the administration they face. One is hence entitled to wonder how those conceptions apply to an institution whose public are mostly foreigners – are they the intended receivers of the institution's services? Or are they only the object of its actions as it goes about

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[475] ARCIMOWICZ, Jolanta, KURCZEWSKI, Jacek, CHMIELEWSKA-SZLAJFER, Helena, 2011, *op.cit.,* p. 371

[476] LISIECKA, Krystyna, PAPAJ, Tomasz, CZYŻ-GWIAZDA, Ewa, 2011, *op.cit.,* p. 95-108

[477] This is particularly visible when it comes to immigrant integration with tools such as the European Website on Integration, where it is possible to submit examples good practices (see: https://ec.europa.eu/migrant-integration/index.cfm?action=furl.go&go=/integration-practices)

[478] Notably, "Good practices of integration" is a regular column in the Migration Bulletin (Biuletyn Migracyjny) published by the Warsaw University-based Centre of Migration Research (http://biuletynmigracyjny.uw.edu.pl/). Other organizations who also refer to this concept in their publications include for instance the Institute for Public Affairs (see for example: BIENIECKI, Mirosław, PAWLAK, Mikołaj, 2010, *op.cit.*). One could also mention the "Urban Migration Policies" project by Fundacja Inna Przestrzeń which includes an action called "Open Cities" which includes a list of cities considered to implement *good practices* towards immigrants (website of the project, in Polish: http://www.innaprzestrzen.pl/co-robimy/aktualne-projekty/138-miejskie-polityki-migracyjne).

its mission of service to the state's interests? Those questions will be crucial when discussing the data gathered in the field.

Secondly, it has been shown here that the prevalent practices in Polish public administration draw on all three traditions discussed. This raises the question of the consequences of such a mix of different conceptions for those working within this framework – which conceptions do they adhere to? How do they interpret them and how do they affect their daily work? The following part of the section attempts to answer this question.

II.2.1.c. In search of the *good* civil servant – ethical codes, public perceptions, and self-definition

The above discussed models and conceptions serve to shape the organization and modes of functioning of public administration. What is more, they also imply a certain vision of the kind of attitudes and behaviors that those employed in those structures should adopt. They aim not only to be models of good administration, but also contain models of the good civil servant. Given the coexistence of elements of different conceptions in the making of Polish public administration and the organization of the Civil Service corps, one is entitled to wonder how this model of the civil servant is written into the requirements imposed on public sector employees, but also how it translates in practice into the employment structure, and lastly what conceptions of their own role and place the members of the corps identify with, and how are they perceived by the public. This section addresses those four topics consecutively.

The institutional change in Polish public administration was conceived not only as a change of the structure and organizational model, but also as an opportunity to change a certain style of service delivery or type of practices associated with the previous political system. Thus, a furious Polish client of the Department who, upon learning he will not be received that day, took issue with the organization of work at the Department exclaimed "This is absurd! This is the People's Republic of Poland! We are in 2014!" [FJ, 17.07.14]. The turn towards a client-centered approach is not only a way of drawing inspiration from the popular model of NPM, but also a proof of what can be described an a "pro-citizen nature of the reform of administration"[479]. As discussed in previous chapters (particularly in I.2.3.) the very terms used to describe the administration, its employees, and its public under the previous regime have become discredited and have come to be part of a stereotypical vision of civil

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[479] ARCIMOWICZ, Jolanta, ŚMIGIELSKA, Joanna, 2011, Władze samorządowe, urzędy i urzędnicy w badaniach lokalnej opinii publicznej. In : *Zależność czy współpraca? Dialektyka praktyk urzędowych*. Warsaw : ISNS. p. 34

servants – a vision Jolanta Arcimowicz characterizes thus: "the civil servant is a lazy person, negligent, unreliable, and lugubrious, who – sitting among office appliances as unattractive as themselves (dusty folders, dirty glasses, and broken computers) – accomplishes no useful work whatsoever"[480]. Despite what may seem as a caricature aspect of such stereotypes, the reform of public administration was accompanied by an authentic change in attitudes and mentality. Interestingly, as noted previously, this change was welcomed by both civil servants and the general public as simultaneously a form of modernization and an effect of Europeanization. Terms such as "civilizing of the administration, Europeanization of institutions, or Europeanization of standards"[481] are used practically interchangeably to refer to changes in organization and infrastructure, but also in the quality of service and the attitudes towards clients. This perceptions are to an extent based in reality, as Europeanization "constitutes an effective driving force for catching up and fixing deficiencies due to the lack of adaptation of Polish administration to modern norms of functioning"[482].

The efforts to foster such a mentality shift take primarily two forms: various programs aiming at educating public administration employees on the one hand, and the widespread introduction of ethical codes in public institutions on the other. This second solution has been as popular as controversial. Authors and policy-makers have pleaded in its favor as a means of imposing uniform standards of service, and of cultivating what is referred to as a "civil servants' ethos" that has been "severely strained by the regime change and the incoherence of the law"[483]. The introduction of formal codes of conduct is seen as a necessary precondition of proper functioning of public administration, as exemplified by scholarly publications[484] and the growing number of documents applying this idea. Meanwhile, civil servants themselves are divided on the topic: while some admit the importance of such documents, others remain skeptical towards those initiatives, arguing either that they are repressive[485], or that they are useless given that the existing social and, according to many, religious norms and values should be sufficient to regulate the behavior of all members of society[486]. Nevertheless, establishing written codes has become a common practice in Polish public institutions. An Ethical Code for the Civil Service was first introduced on October 11, 2002 and applied to all institutions and members of the corps. It has since been replaced (as stipulated by the Act on

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[480] ARCIMOWICZ, Jolanta, 2010, *op.cit.,* p. 307

[481] ARCIMOWICZ, Jolanta, ŚMIGIELSKA, Joanna, 2011, *loc.cit.*

[482] *Ibid.,* p. 35

[483] BĄK, Dariusz, 2007, *Etos urzędnika*. Warsaw : Wydawnictwa Akademickie i Profesjonalne. p. 80

[484] ARCIMOWICZ, Jolanta, 2011, Urzędnicy samorządowi o kodeksach etycznych, standaradach zawodowych i ich naruszaniu. In : *Zależność czy współpraca? Dialektyka praktyk urzędniczych.* Warsaw : ISNS - Institute of Applied Social Sciences. University of Warsaw. p. 193-194

[485] KUCHARCZYK, Jacek, TRUTKOWSKI, Cezary, 2004, *Postawy członków Korpusu Służby Cywilnej wobec kwestii etycznych. Raport z badań*. Warsaw : Instytut Spraw Publicznych, p. 6-7

[486] ARCIMOWICZ, Jolanta, 2011, *op.cit.,* p. 182-183

the Civil Service[487]), by a corresponding ordinance of the Prime Minister[488]. Simultaneously, since no such document exists centrally for the instances of local government, particular institutions have been introducing their own codes, as "mainly spontaneous initiatives, arising either as a reaction to observed irregularities, or from a wish to adapt the style of work to European standards"[489]. The documents in question tend to define the attitude employees of public institutions should adopt in their work, but also in more general terms they outline a model of the kind of person a civil servant should be, referring to values, behaviors outside of the workplace, and principles they should bear in mind. Thus, the 2011 Ordinance of the Prime Minister distinguishes "rules of the Civil Service" and "ethical rules of the Civil Service corps". The first category describes the principles of functioning of public administration as defined by the law, including items such as legalism, respect for human rights, impartiality and neutrality, professionalism, responsibility for one's acts, or rational use of resources. The second category stresses the issue of image: civil servants are expected to uphold a positive and dignified image of the institution in the eyes of the public through the respect of conventional rules of politeness, but also through adopting an open and friendly attitude towards clients. In stressing impartiality, this part of the document includes not only the requirements of avoiding conflict of interest or of resisting political pressure, but emphasizes that civil servants should publicly distance themselves from attitudes that could justify suspicions of partiality. A mention is also made of the loyalty due by civil servants firstly to citizens to whose service public administration is dedicated, and secondly to the state and the public good. In this sense, the Ordinance defines the civil servant as a person of high moral qualities, dignified, fair, and dedicated to the service of the state and its citizens - they are required to treat their work as a form of public mission.

To a certain extent, those requirements are echoed by the definition civil servants provide of their own profession. Notably, in a study conducted by Jolanta Arcimowicz, it has been observed that "the term 'service' has a deep meaning and significance for respondents, it permeates their way of thinking about the profession they exercise, which they perceive in terms of a mission, a calling, or placing oneself at the disposal of the state, its institutions, its citizens"[490]. However, this author also notes that differences exist between employees of the Civil Service and nominated Civil Servants, the later being more likely to adopt a mission-oriented vision, while the former tend more often to view their profession as comparable with any other job. When asked to name same characteristics of a "model civil servant"

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[487] Journal of Laws of 2008, No. 227 item 1505
[488] October 6, 2011, No.70
[489] BĄK, Dariusz, 2007, *op.cit.,* p.81
[490] ARCIMOWICZ, Jolanta, 2010, *op.cit.,* p. 277

Arcimowicz's respondents preponderantly quoted the Act on the Civil Service. They often added, however, that conforming to those requirements demanded a particular set of predispositions – that there was a personality type better fitted to this profession than others[491]. Moreover, many emphasized the importance of what Arcimowicz, following Ossowska, names "soft virtues"[492], namely traits that allow conflict-solving and create a warm, friendly relation to the public. The civil servants' take on ethical codes is also interesting, as it reveals the way formal models of behavior are translated into practices. Despite the above-mentioned disparities in opinions about the usefulness of ethical codes, on the declarative level civil servants mostly agree with the principles inscribed in those documents. However, when it comes to practical application, differences in interpretation and doubts about the exact meaning of those principles can be noted. A good example is the issue of corruption discussed by Kucharczyk and Trutkowski[493]: in these authors' study, the respondents spoke firmly against corruption, but were unsure as to whether specific behaviors that were described to them constituted acts of corruption. Many of them considered for instance that accepting gifts from clients is not inappropriate when one has no direct influence on their case or when the decision has already been taken. Beyond a certain confusion as to the meaning of the principles professed, this can also point to the kind of dilemmas civil servants face in everyday practice: in the case of a client offering a small gift a conflict exists between the principle of impartiality and the requirements of politeness. The results of rejecting a client's offer can in fact be detrimental to the image of friendliness that the civil servant is supposed to uphold[494]. Likewise, while legalism is a widespread attitude in public administration, civil servants also admit to making arrangements that push the limits of the law in order to help clients[495]. In this case, service is clearly interpreted as being above all due to citizens. Even in the presence a relatively clear code of conduct and a unified model of behavior, everyday practice forces civil servants to navigate a myriad of small, individual decisions, where different values and aims must be weighted against each other.

The difficulties of such a task might in part explain the bitterness of civil servants concerning the way their work is perceived by the general public and their conviction that their portrayal in the media is biased and unjust[496]. Indeed, public opinion polls made regularly since the late 1980s reveal, consistently over time, that public administration and its employees tend to be seen in a rather negative light. Although, as a 2007 survey by the CBOS

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[491] *Ibid.,* p. 287
[492] *Ibid.,* p. 299
[493] KUCHARCZYK, Jacek, TRUTKOWSKI, Cezary, 2004, *op.cit.*
[494] For a detailed discussion of this example see: ARCIMOWICZ, Jolanta, 2010, *op.cit.,* p. 50-51
[495] *Ibid.,* p. 246
[496] *Ibid.,* p. 309-310

research center[497] shows, the overall opinion of public administration is slowly improving, and despite the fact that most people report that their cases have been successfully treated[498], the evaluation of the quality of service by pubic administration remains at best average. More importantly, a high percentage of citizens appears to doubt the impartiality of civil servants, with 56% of respondents in 2012 convinced that cases are settled based on personal relations and 39% accusing civil servants of corruption[499]. Other common reproaches include putting own comfort before duty towards clients (44%) and not paying attention to clients (43%)[500]. Similar opinions are recounted in the works of a number of scholars: for instance Lisiecka, Papaj and Czyż-Gwiazda[501] refer to a low evaluation of the quality of governance in Poland; Szczot[502] explains this low opinion of civil servants by criticizing an excessively productivist conception of the administration and a low level of qualification of the persons recruited; Arcimowicz [503] draws both on her own studies and on public opinion polls to note that around the year 2004 the lack of trust in public administration has reached an apogee of sorts and it remains relatively constant since. Arcimowicz continues to observe that while in many cases the perceived corruption in public administration does not find ground in fact, this idea seems deeply ingrained[504]. Given those perceptions of the Civil Service in public opinion, it is not surprising to see that the profession of civil servant is associated with low prestige and is rarely named among the most desirable career paths, especially for young people[505].

The above-mentioned studies hence reveal a rather low level of trust in and satisfaction with public administration, but also, implicitly, point to "an image of what constitutes good government and proper administration"[506], which seems to feature importantly traits such as neutrality and impartiality, but also openness towards clients and an attentive, involved attitude on the part of civil servant. However, whether this model is put into practice, and if so in what manner, depends not only on the officers' adherence to it, but also on the material means at their disposal, on the incentives they are presented with, and the conditions they work in.

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[497] CBOS Public Opinion Research Center, 2007, *Z wizytą w urzędzie - doświadczenia związane z załatwianiem spraw urzędowych*. Warsaw.
[498] CBOS Public Opinion Research Center, 2012, *Urzędowa rzeczywistość w oczach Polaków.* Warsaw.
[499] CBOS Public Opinion Research Center, 2012, *Obywatel w urzędzie*. Warsaw.
[500] *Ibid.*
[501] LISIECKA, Krystyna, PAPAJ, Tomasz, CZYŻ-GWIAZDA, Ewa, 2011, *op.cit.,* p. 120
[502] SZCZOT, Jacek, 2007, Pozycja urzędnika we współczesnej administracji. In : *Etos urzędnika*. Warsaw : Wydawnictwa Akademickie i Profesjonalne. p. 43
[503] ARCIMOWICZ, Jolanta, 2010, *op.cit.,* p. 322
[504] *Ibid.,* p. 325
[505] *Ibid.,* p. 310-317
[506] PETERS, B. Guy, 2010, *op.cit.,* p. 34

II.2.1.d. Models versus reality – employment structure and work conditions in public administration

In order to understand how the above-described set of ideas, perceptions, and requirements delineating the models of civil servants' profession translates into practice one has to talk about the concrete conditions of work in public administration and the characteristics of its employees.

As of 2014, Polish Civil Service corps counted 120412 members, out of which only 6,4% (7675 persons) were nominated Civil Servants[507]. Arcimowicz suggests that the low percentage of employees who choose to compete for nomination can be explained on the one hand by the conditions of employment and the limited advantages of this status as compared to that of simple employee of the corps[508]. On the other hand, the frequent changes in legislation can also be responsible for the little interest employees show in nomination – when the conditions and requirements of the examination do not appear clear and the advantages gained are susceptible to change, it might be difficult for employees to consider the Civil Service as a career path worthy of important engagement in terms of time and effort. This seems to be confirmed by the views of the Civil Servants Arcimowicz spoke with, many of whom expressed "disappointment when the effort put into passing the examination and obtaining nominated Civil Servant's status did not translate into expected change in professional situation"[509].

Instability might also be among the factors responsible for the high level of fluctuation of the Civil Service workforce. For instance, in 2008, this fluctuation in ministries and Voivodeship Offices reached 20%, as 13427 people left the Civil Service, many of them deciding to seek employment in public institutions, but not as members of the corps[510].

Another explanatory element might be the salaries in public administration. The average monthly salary in the corps was 4846 PLN before tax in 2014. However, important variation of the salaries must be noted: they ranged between 1486 PLN (without benefits) for some employees of fire brigades and up to above 8000 PLN for positions in diplomacy. Within this range, 8186 positions are remunerated below 2000 PLN monthly, while the

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[507] KANCELARIA PREZESA RADY MINISTRÓW - SERWIS SŁUŻBY CYWILNEJ, 2015, *Zatrudnienie i wynagrodzenia w służbie cywilnej w 2014 r.* [online]. [Accessed 3 May 2015]. Available from: http://dsc.kprm.gov.pl/sites/default/files/zatrudnienie_i_wynagrodzenia_w_sc_w_2014_r.pdf

[508] ARCIMOWICZ, Jolanta, 2010, *op.cit.,*p. 108

[509] *Ibid.,* p.125

[510] *Ibid.,* p. 119-120

majority of employees earn between 2000 PLN and 3000 PLN[511]. For comparison, the average national monthly salary for the year 2014 was of 3783,46 PLN[512]. Not only is the income of public administration employees relatively low, the variation between salaries in different institutions and even for different positions within the same institution can appear baffling. Arcimowicz notes that many of her respondents considered the system of salaries to be incoherent and based on unclear criteria[513]. She also indicates that this may cause personnel flows between different agencies, as those institutions who grant lower salaries lose their employees to better-paying ones; this is for instance the case of Voivodeship Offices and the Offices of the Marshals[514]. A good illustration of the variation in salaries can also be found in an episode at the Department of Foreigners, when one of the employees changed positions within the Department. He recounted that his salary was now paid not be the Voivodeship Office but by the Ministry of Interior. Even though the Ministry, unaware of the levels of income in the Department, gave him what he described as the lowest salary for its own employees, it was still higher than that of most of his colleagues, including more senior and higher ranking ones. This might to an extent explain why the employees of public administration feel inclined to seek better financial conditions in other public institutions or in the private sector.

Indeed, for many people, especially younger employees, the Civil Service is not an intended definitive career path, but a transitory solution, aimed at gaining experience before attempting to take up employment in the private sector. In certain cases, while employees wish to remain in public administration, they plan to move from one institution to another as their experience grows and with it the chances of finding better paid positions [Interview with member of management, Department of Foreigners, female, 42]. At the same time, work in public administration can be an appealing option for people over 50 years old by virtue of its stability[515]. However, as those people are to retire soon this does not ensure a continuity in the workforce. In terms of age, the majority (57,4%) of Civil Service corps members are aged between 31 and 50, while 31,1% are between ages 50 and 65, and 10,4% are below 30[516]. In 2009 the average age in public administration was 32[517]. With the exception of the graduates of the National School of Public Administration, younger people tend to occupy assistant

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[511] KANCELARIA PREZESA RADY MINISTRÓW - SERWIS SŁUŻBY CYWILNEJ, 2015, *op.cit.*

[512] GUS (Central Statistical Office), 2015, *Zatrudnienie i wynagrodzenia w gospodarce narodowej w 2014 r.* [online]. Warsaw : GUS. [Accessed 3 May 2015]. Available from: http://stat.gov.pl/obszary-tematyczne/rynek-pracy/pracujacy-zatrudnieni-wynagrodzenia-koszty-pracy/zatrudnienie-i-wynagrodzenia-w-gospodarce-narodowej-w-2014-r-,1,17.html

[513] ARCIMOWICZ, Jolanta, 2010, *op.cit.,* p. 119

[514] *Ibid*., p. 120

[515] *Ibid.,* p. 318

[516] KANCELARIA PREZESA RADY MINISTRÓW - SERWIS SŁUŻBY CYWILNEJ, 2015, *op.cit.*

[517] ARCIMOWICZ, Jolanta, 2010, *op.cit.,* p. 115

positions corresponding to the lowest echelons of the hierarchy.

Higher education is a prerequisite of employment in the Civil Service, but a look at the specialization of the employees can also be instructive: 30% are graduates in social sciences, 25% specialized in law, while 11% graduated in human sciences, and 7,5% followed an administration program[518]. Knowledge of foreign languages is also required. In order to apply for nomination as Civil Servant, a person must know at least one working language of the EU or one of the following languages: Arab, Belorussian, Chinese, Icelandic, Japanese, Norwegian, Russian, or Ukrainian[519]. The level of qualification required can contribute to explain the frustration of some members of the corps over the lack of perceived prestige of their profession.

Another sticking feature of public administration workforce is its high feminization. In 2014, 69,8% of the corps consisted of women. This percentage reaches 72,6% for Voivodeship Offices. However, it falls to 49,1% and 47,9% for higher Civil Servant positions and middle management positions respectively. It is the highest (76%) for assistant positions[520]. Thus, on the hand one could say that public administration is to a significant extent a pink-collar profession. On the other hand female employees are mostly present on the lowest echelons of the hierarchy. This is far from being specific to Poland, but is part of a more global trend – be it because of blatant cases of discrimination, or more systemic forms of exclusion, women make up the majority of positions in public administration but only a minority reaches positions associated with power and responsibility. Moreover, feminization of a profession often goes hand in hand with a lack of prestige in its public perception – the Polish public administration is no exception from this point of view.

Concluding, one can see that despite the various conceptions and efforts aiming at creating a class of professional civil servants capable of delivering a high quality service to the public, this process encounters a certain number of obstacles. The profession did not gain the level of prestige expected and a high rotation rate indicates that those who pursue a life-long career specializing in public administration are still few. Among explanatory factors one could name on the one hand the instability and uncertainty of employment conditions, which changed radically several times since 1989, in addition to varying across different institutions. On the other hand, the above-described situation seems partly due to a lack of means, especially concerning the financial conditions of work in administration. To gain a better comprehension of this situation, it can be interesting to introduce here some elements of the empirical data gathered in the Department of Foreigners, as they can illustrate how the above-

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[518] *Ibid.* Data from 2009.
[519] Act on the Civil Service, Journal of Laws of 2008, No. 227 item 1505
[520] KANCELARIA PREZESA RADY MINISTRÓW - SERWIS SŁUŻBY CYWILNEJ, 2015, *op.cit.*

described characteristics of public administration in Poland translate into everyday life practices among civil servants.

II.2.1.e. Conceptions of public sector employment and management in the Department of Foreigners – three illustrations

To conclude this section, examples from the field research in the Department of Foreigners can be illuminating as to the coexistence of different models and conceptions of public administration and the Civil Service.

Indeed, the employees themselves are divided in terms of visions of their own work. Some describe it as a job as any other, though perhaps more interesting because of the contact with foreigners. While they enjoy it and appreciate aspects such as contact with the public, they do not consistently insist on the specificity of public administration as workplace. If they do so, they often refer to negative aspects such as low salaries and unfavorable opinions among the public. However, elements of a vision centered around service to the common good also exist, sometimes discernible in the views of the very same persons. To illustrate this, one can refer to the case of two officers of the Masovian Department of Foreigners, who shall be referred to here "Officer 1" and "Officer 2".

Officer 1 is an example of a person holding a very coherent, public service-oriented view of his work. He explicitly describes it as a "mission", stating that it requires a certain personality type and a readiness to put oneself at the disposal of the public. He displays detailed knowledge of the laws and regulations applied and seems to enjoy perfecting his understanding of the legislation. When in doubt, he refers directly to the legal texts, regularly checking details of the Act on Foreigners or other relevant acts. In his dealings with clients he adopts a benevolent but neutral attitude, avoiding all excessive familiarity while maintaining a calm and friendly stance that seems to stem less from sympathy towards individual clients and more from a self-imposed exigence of professionalism. It is not rare to see him forgo his own comfort in favor of accomplishing a task. At the same time, privately, he shows little understanding for ignorance or incompetence, be it on the part of colleagues or clients. This public service-oriented stance is also accompanied by a certain level of frustration: Officer 1 is acutely conscious that the material and financial conditions of this work are far from perfect and appears doubtful as to career perspectives in public administration in the future. As a consequence he adopts a critical stance towards the political sphere and public institutions. He can be seen as the perfect illustration of a person who, while displaying the kind of attitudes that policy-makers would like to foster in civil servants, is highly dissatisfied with his position and perhaps likely to leave the Civil Service in the face of limited advantages associated with the job.

In comparison, Officer 2 adopts a much less uniform stance and is harder to classify among the above-discussed models of the public servant. She does not express attachment to the idea of civil service as such and seems motivated in her career choices by other factors, including the specificity of working with foreigners. She displays curiosity and interest towards the cultures and customs of the people she encounters in her daily work – interest that extends beyond the workplace and into her free time

activities, including travel, culinary experiences, or literary taste. She seems to approach some of the clients with genuine sympathy and expresses regrets that the fast pace of the work leaves no space for getting to know them better. She is also more likely to display empathy towards foreigners. Paradoxically, this can in some cases lead her to adopt attitudes that appear less professional, as they are less rule-based. It can also mean at times that displaying friendliness towards one client can inconvenience another, for instance when she takes the time to chat with a person she sees often and to put them at ease, but in doing so, delays the service for those still waiting. While she fulfills her tasks dutifully, she also takes the time to preserve herself from exhaustion and to ensure a basic level of comfort. She spends a certain amount of time planning and discussing vacation and leisure activities that she clearly looks forward to – the work itself, while important, is not always the center of her attention. She seems to approach her job in the public sector as no different from any other, although interesting because of institution-specific perks such as the contact with foreigners, or more general advantages, related to stability for instance. Similarly to Officer 1 however, she is dissatisfied with the material conditions of the job, especially with her earnings, and jokes routinely about switching jobs. When she speaks of the Department specifically as belonging to the public sector, it is mostly in this negative light.

Officers' attitudes towards their job thus vary importantly from one person to another as they are motivated by divergent conceptions of what being employed in the public administration means. The results this has can sometimes appear surprising, or paradoxical, as a reserved stance towards clients in private can translate into competent benevolence in daily work, and empathy can cause inconvenience. Nevertheless, the style and outcome of every given interaction with a client is highly dependent on the way the officer views their institution, their own place in it, and the nature of their work. The particular experience of each foreigner contacting the Department is thus the result of a larger framework within which those views and attitudes are formed and practiced. In this context, it can be worrying to see the overwhelming dissatisfaction of the officers with their work conditions. Regardless of what their initial motivation and approach are, they are rapidly tested by this constraining reality.

The two above-described examples show the divergence of attitudes and conceptions between people. They have been chosen for their salience and clarity. It is however also possible, and in fact common, for the same person to display elements of different approaches. With regard to the distinction between classical bureaucracy and NPM, this can be illustrated by the relation of one of the members of middle management to his team. Indeed, placed at the head of services, the directors must adopt a certain style and strategy of management. On the one hand, this manager seems attached to the idea of hierarchy in his choice of a leadership model. On several occasions, he describes himself as a father-figure to his team. He also bluntly uses his title to command respect – for example, when a client is causing trouble, he does not hesitate to insist that he is not just a front-line officer in the hope of thus wining the confrontation. In that sense, he maintains a distance between the different

echelons. On the other hand however, he also actively makes attempts to reduce this distance. He is on first-name terms with most of his team. On many occasions he initiates informal exchanges with them, through jokes or teasing for instance. He also accepts a certain level of familiarity on their part, going as far, for example, as apologizing to an employee who reacted to his criticism by lecturing him angrily. Moreover, his management style is characterized by flexibility, employees being dispatched where they are most needed, regardless of the job position they formally occupy. It is also pro-active in the sense that he is personally present among clients, doing rounds in the Department and intervening where he sees fit. He describes his own motivation as linked to the importance of contact and his taste for "solving human problems". Often, this seems to entail reacting to the situations as they arise, curtailing pre-established structures and solutions if necessary. This second set of elements – the reduction of distance within the hierarchy, the flexibility, the active stance – clearly belong in a NPM style model of leadership. This particular director's overall management strategy thus reflects what has already been shown for Polish public administration at large: the establishment of a classical, bureaucratic hierarchy is accompanied by the introduction of elements of more flexible and more participatory approaches.

The Department of Foreigners in not an isolated island – the way its employees and managers react to daily tasks and challenges is guided by the same conceptions and discourses that exist in public administration as a whole. The conditions of work are dependent both on the characteristics of the whole public sector and on the Department's place within it. The interpretative instruments with which officers approach their activity are partly an outcome of those factors.

However, the officers themselves often emphasize that receiving foreigners is a *specific* job – that it requires extra skills and exposes one to a different set of pressures. In chapter III, this specificity will be examined in detail. While the Department of Foreigners of the Masovian Voivodeship Office shares many characteristics with other public institutions, this difference is not without relevance. All of the conceptions and ideas invoked above are, more or less implicitly, based on the idea that the clientele served consists of citizens. References to the public sector's mission to serve citizens are common in the literature. Among the arguments advanced to underline the quality of service due is also the idea that citizens' taxes pay the salaries of the public sector[521]. Even the semantic dilemmas linked to the shift from a classic bureaucracy to a client-centered one reflect this, as many authors use the words "client" and "citizen" interchangeably[522]. This highlights an important point about

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[521] ARCIMOWICZ, Jolanta, 2010, *op.cit.,* p. 278
[522] For instance:
ARCIMOWICZ, Jolanta, 2010, *op.cit.*

the Department: the same administrative framework which works usually in the service of citizens, is used here to treat the cases of foreigners who cannot draw on their belonging to the political community to justify claims to good service and fair treatment. The balance between serving the interests of the state and those of the clients is in those circumstances tilted towards the first alternative.

To understand how this affects the interactions inside the Department, it is necessary, however, to take into account all aspects of the context those interactions take place in. The models and principles characteristic of public administration are one such factor. Their translation into daily practices at the Department is impacted not only by the fact that the agency is part of public administration, but also by the specific place it occupies within those structures. One must hence look at the nature and place of the institution the Department is a part of and which is most directly responsible for translating state policy into local application – the Voivodeship Office.

II.2.2. Voivodeship Offices and their role in immigration regulation

The phenomenon of migration is by definition a multi-level one, having the ability to link global processes to local events and vice-versa. This is clearly visible in the case of the Department of Foreigners – the consequences of global migration flows are dealt with by a local level agency, itself a part of an institution whose very role is to constitute a link between the state and the region. Indeed, the Department is a subdivision of a bigger institution – the Voivodeship Office. The following example featuring a visit from the head of the Office – the Voivode – serves as a reminder of this hierarchical relation.

> In the morning we are warned that the Department is expecting a visit from the Voivode. He arrives in the information section accompanied by the Director of the Department, who introduces us and praises the presence of so many volunteers. The Voivode thanks us for our help. He then encourages the clients present to voice their concerns and remarks. An awkward silence follows – the clients seem surprised by the situation and uneasy. Finally, they both introduce themselves and describe their cases, but neither of them has any comments. [FJ, 18.09.14]

This occurrence can serve to emphasize two crucial aspects of the relations between the Department and the Voivodeship Office. Firstly, the hierarchical structure is clear: the Voivode is the superior official and the employer of all the officers in the Department, who seem keen on pleasing him and making a good impression. Second, the question addressed to

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ARCIMOWICZ, Jolanta, KURCZEWSKI, Jacek, CHMIELEWSKA-SZLAJFER, Helena, 2011*, op.cit.*
CZAPUTOWICZ, Jacek, 2008*, op.cit.*

the clients can appear as an example of an attempt at both reaffirming this structure and creating a friendly, positive image of the institution. Indeed, by asking for comments in front of the officers, the Voivode implicitly encouraged the clients to appeal to him in case of shortcomings observed in the work of the officers. He presented himself as the ultimate authority with the power to discipline and overrule the decisions of his employees. At the same time, the probability that the clients would effectively voice any concerns in such a public context was very low – the question served less to invite real feedback, and more to create an impression of openness and attentiveness to the clients' needs. Both those aspects are crucial to the functioning of the Department and point towards the necessity to analyze the place and role in state structures of Voivodeship Offices in general and the Masovian Office in particular in order to understand the context in which the Department operates.

II.2.2.a. Voivodeship Offices in the institutional framework of the III Republic of Poland

Since the administrative reform of 1999[523] Poland is divided into 16 Voivodeships which constitute the largest subdivisions of the state, themselves divided into poviats (or counties) and gminas (or communes). They are also the smallest units of state administration, the governance of poviats and gminas being entrusted to the instances of the local government. This means that the Voivodeship level is the one where state administration and local government administration coexist and interact.

The head of the government administration in the Voivodeship is the Voivode, who represents the Council of Ministers in the field. This implies that the Voivode is responsible for the application of government policy in a given region[524] and the translation of general policies into region-specific applications. It endows the Voivodes with a set of coordinating and controlling powers. They have direct command over a certain number of regional agencies, referred to as unified Voivodeship administration and ranging from small local services and guards, through various inspections, to larger offices[525]. They can however also issue commands to other Voivodeship level agencies, including, in exceptional cases, to those depending from the local government. With reference to the unified Voivodeship administration the Voivodes coordinate, set directions, guarantee the conditions of its

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[523] Journal of Laws of 1998, no 96 item 603

[524] MROCZKA, Kamil, 2011, Wojewoda i administracja rządowa w województwie w świetle przepisów ustawy z dnia 23 stycznia 2009 r. In : *Administracja rządowa XXI wieku, Szanse, wyzwania i zagrożenia*. Warsaw : Mazowiecki Urząd Wojewódzki and Dom Wydawniczy Elipsa. p. 21

[525] ZIELIŃSKI, Eugeniusz, 2001, *Administracja rządowa w Polsce*. Warsaw : Elipsa. p. 85

functioning, and take responsibility for its actions[526]. They can also issue acts of local law aimed to complete the existing legal order. Those can stem from the powers vested by the Act on Voivode, or from other Acts[527]. Indeed, while the Act on the Voivode is the main source of law concerning the functioning of this institution, provisions concerning it can be found in other acts as well, in many cases defining the Voivode as the first or second instance body for decisions in specific domains[528]. The Act on Foreigners is one such example, placing the Voivode as the main decision-making body in the procedures concerning the legalization of the residence and work of foreigners. The Voivodes can further delegate this power to employees of Voivodeship Offices acting on their behalf.

The Voivodeship Office is an agency assisting the Voivode in the accomplishment of those tasks. It is headed, besides the Voivode, by two vice-Voivodes. While those three officials are nominated by the Prime Minister, the Director of the Voivodeship Office, and all the Directors and employees of its Departments and Bureaus, were members of the Civil Service at the time of the study and remained independent from the political sphere. Each Voivodeship Office is divided into Departments and Bureaus according to an internal statute[529]. Typically, those include a certain number of units dealing with internal matters, as well as Departments specialized in each field of the Voivode's responsibilities. While in Masovia the Department of Foreigners and the Citizens' Affairs Department exist separately, in all other Voivodeships those two are grouped as one agency. The Department of Foreigners nevertheless has a Citizenship Service responsible for granting and recognizing Polish citizenship, while the Citizens' Affairs Department deals with issues relating to Polish citizens.

This implies that the different Departments tend to be specialized in one specific area of activity. Despite being situated in the overall framework of the Voivodeship Office they do not necessarily have extensive knowledge of each other's aims and activities. The example of the Masovian Department of Foreigners shows that officers have a very variable extent of information of this type, some being able to instruct clients on the activities of other Departments, while others can only direct them to the appropriate institution. Moreover, this knowledge is not required and giving information on another Department's area of activity is seen as counterproductive, since the person will be better informed by the relevant institution itself. Such a specialization can also occur within one Department. Typically, it is common for

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[526] *Ibid.*
[527] CHMAJ, Marek, BIDZIŃSKI, Mariusz, 2012, *Administracja rządowa w Polsce*. Warsaw : Difin. p.146
[528] *Ibid.*, p. 149
[529] ZIELIŃSKI, Eugeniusz, 2013, *Administracja rządowa i samorządowa w Polsce*. Warsaw : Wyższa Szkoła Administracyjno-Społeczna w Warszawie. p. 205

foreigners to inquire about the acquisition of Polish citizenship – a matter depending from the Service of Citizenship of the Department of Foreigners. The course of action for officers of others Services in those cases is to give out a paper with the address and phone number of the relevant Service and to inform the client that those questions are not dealt with here.

In some cases, one could think that physical distance also plays a role in the way an institution's environment is structured[530]. The fact that Departments that have separate locales – as the Masovian Department of Foreigners does – might lead them to entertain looser relationships with others. Moreover, it is also possible for a Department to be required, in the course of its activity, to stay in frequent touch with other public institutions. In the case of matters pertaining to immigration this will be discussed in the following section.

A particularly interesting issue is that of relations between the Voivode and the local government. From the point of view of the law, local government is in charge of all matters concerning local society that can be dealt with without state intervention, drawing on the principle that "the government administration should only be burdened with those public responsibilities of local significance that cannot be accomplished by the local government"[531]. On the Voivodeship level, it coexists with the government administration – a dualism inspired both by historical Polish solutions and by the example of Western European countries[532]. Contrarily to government administration however, local government exists also on the gmina and poviat levels. The instances of local government consist of a parliamentary body – the sejmik, chosen in general elections; and an executive body – a collegiate board elected by the sejmik and headed by a marshal (marszałek). The Voivode has a certain number of prerogatives with reference to the local government, mainly concerning the control of those bodies from the point of view of legality and efficiency. It is also possible for the Voivode to commission the instances of the local government with a part of the tasks of the government administration on the basis of a partnership. However, the local government remains independent and disposes of its own budget. Moreover, the tasks of local government on the Voivodeship level include shaping a development strategy for the Voivodeship, as well as applying a policy for the region[533]. Thus, the local government is responsible for elaborating its own policy on regional matters. Comparing this with the position of the Voivode allows to underline one of its essential aspects: the purely executive nature of this institution. While the Voivode does take decisions in a certain number of specified domains, those decisions are a matter of application of a preexisting law. Contrarily to the elective bodies of local

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[530] EGEBERG, Morten, 2012, *op.cit.* p. 160
[531] ZIELIŃSKI, Eugeniusz, 2013, *op.cit.,* p. 259
[532] *Ibid.*, p. 193
[533] *Ibid.,* p. 364

government, the Voivodes do not shape the policy they apply. This has direct consequences for the Departments of Voivodeship Offices whose task is to assist the Voivode in this duty of policy application. As it will be discussed further, it is common for the officers of the Masovian Department of Foreigners to see their work in terms of pure implementation of the Act on Foreigners. It is important to note that this self-perception corresponds to the Department's actual position in the institutional framework of the Republic of Poland, even though it is argued in the following chapter that in practice – be it directly or indirectly - the Department and its employees are invested with a certain amount of discretionary power.

II.2.2.b. Managing international flows at a local level

Thus, as shown above, the Voivodeship is situated "between the central power and local, territorial units"[534], with the Voivode and the assisting Office being responsible for the application of government policy, including policy on migration.

The Voivode is responsible for the administrative decisions in all proceedings concerning the legalization of foreigners' stay and work, as well as in a number of citizenship-related procedures. Specifically, those responsibilities include: registration of invitations for foreigners in the national registry of invitations; issuance of temporary residence permits, permanent residence permits, and EU residence permits; prolongation of visas in exceptional cases; granting of tolerated stay; registration of EU citizens and their family members, as well as granting them permanent stay; administrative decisions concerning the recognition and granting of Polish citizenship[535].

The Voivode accomplishes those tasks through the intermediary of the Department of Foreigners. Officers are entitled to act on the behalf of the Voivode, who remains nevertheless responsible for the decisions taken. The appeals body for those decisions, as previously mentioned, is the Chief of the Office for Foreigners. The Department is dependent for its financing, facilities, and, partly, its human resources management from the Voivodeship Office, and responsible before the Voivode.

The Departments of Foreigners of Voivodeship Offices function in an environment of other local and national institutions dealing with similar matters. To understand how migration is managed on the local level, one must account for this environment. The role of the Office for Foreigners has been discussed above. One could note here that contrarily

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[534] *Ibid,* p. 360

[535] ROKICKI, Jacek, 2011, Rola wojewody w procesie legalizacji pobytu cudzoziemców. In : *Administracja rządowa XXI wieku, Szanse, wyzwania i zagrożenia*. Warsaw : Mazowiecki Urząd Wojewódzki and Dom Wydawniczy Elipsa. p. 70-72

Voivodeship Offices, the Office for Foreigners is specialized in the treatment of those issues and has a more direct influence on the policy-making process. Besides the Office for Foreigners, which intervenes in the decisions of the Departments only in its capacity as appeals body, other institutions are involved, be it in a punctual manner, in the process of decision-making in individual cases. First of all, every application filed with a Department of Foreigners must be examined by the police, the Border Guard, and the Internal Security Bureau, in order to determine the authenticity of the documents submitted, and to evaluate the potential risks of a foreigner's presence to the country's security. This has very tangible consequences for the course of the proceedings, since it adds thirty days to their length and requires that the applications be submitted in three exemplars. The Departments of Foreigners have little contact with the police and the Internal Security Agency besides this routine check, but they do maintain relations with the Border Guard, as it was previously noted.

The policy shaping capacity of the local government comes into play with reference to immigration mainly through the prerogative of setting a strategy for the development of the labor market. The most important instrument in this domain is located on the poviat level – it is the starosta (the governor of a poviat) who conducts the test of the labor market and issues information about the impossibility of filling the needs of the market with local labor. This document is delivered by the poviat level Labor Offices[536]. Thus, local government instances play an active role in molding the conditions of admittance of foreigners in a given region, while the Voivodeship Offices merely apply them by requesting documents proving that foreigners conform to those conditions.

Voivodeship Offices thus exist at an intersection between the national level government policy and a local level one, neither of which they can directly influence.

Moreover, although in theory there cannot be question of any conflict between the competences of the government administration and local government instances from the point of view of the law, the extent of power each of those actors wields can nevertheless be open to competition and negotiation. In this context, links to the international level can serve as a supplementary resource allowing for reconfigurations of the power relations between those institutions[537]. Immigration can be used in a similar manner, as Jacek Rokicki notes in a Masovian Voivodeship Office sponsored publication, stating that among opportunities linked to the Voivode's immigration related tasks one can name the "strengthening of this agency's position in the system of administration in the context of a constant transmission of its

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[536] For a detailed discussion of the powiat level local government and dependent institutions see: ZIELIŃSKI, Eugeniusz, 2013, *op.cit.*
[537] ARCIMOWICZ, Jolanta, KURCZEWSKI, Jacek, CHMIELEWSKA-SZLAJFER, Helena, 2011, *op.cit.*

competences to the agencies of local government on the Voivodeship level"[538]. Simultaneously, he stresses the augmentation in immigration flows to be expected and wonders how long they can be managed solely by the Voivodes without devolving part of the responsibility to local government institutions. In both cases, this issue appears as crucial in a process of bargaining and negotiating a balance of power between those two types of institutions.

Indeed, those agencies can contend for different kinds of resources and those can include popularity and importance in the eyes of the public. A very clear example of an approach viewing image and attention from the public as resources can be found in Ivetta Biały's chapter in the aforementioned book edited by the Masovian Voivodeship Office[539]. The author lists the advantages and drawbacks of constructing a PR strategy for public administration and considers relations with other institutions mostly from the point of view of their potential to advance such a strategy. The presence of higher level state administration in the same city is seen in terms of competition for the media's attention, whereas the actions of lower level institutions dependent from the Office are presented as opportunities for image creation. In this context, the question of immigration can be both a risky and a paying topic, as it can attract media attention and is a vital issue for a number of non-governmental actors. This can explain the reactions of the Department of Foreigners officers to articles that were published regularly. Those publications would usually focus on the crowds of applicants. They tended to attract attention and prompt *ad hoc* solutions from the Department's direction. At the same time, the collaboration with NGOs on questions of migration can also be seen as an occasion to strengthen the institution's position and to ameliorate its image. In the Masovian case, it would seem that the Voivodeship Office is acutely conscious of such risks and opportunities.

II.2.2.c. Modernization and image creation at the Masovian Voivodeship Office

As previously mentioned, a recurrent discourse present in Polish public administration combines modernization and Europeanization in a vision of what a desirable, or normal, administration would look like – a vision that is the driving force behind tangible changes introduced in public institutions[540]. A similar process is noticeable in the case of the Masovian

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[538] ROKICKI, Jacek, 2011, *op.cit.,* p.75

[539] BIAŁY, Ivetta, 2011, PR administracji publicznej – wyzwania i zalety. Doświadczenia Mazowieckiego Urzędu Wojewódzkiego w Warszawie. In : *Administracja rządowa XXI wieku, tome I.* Warsaw : Mazowiecki Urząd Wojewódzki and Dom Wydawniczy Elipsa. p. 29-38

[540] ARCIMOWICZ, Jolanta, KURCZEWSKI, Jacek, CHMIELEWSKA-SZLAJFER, Helena, 2011*, op.cit.,* p. 35

Voivodeship Office, which appears to be making efforts not only to introduce new solutions in its functioning, but also to make them known and advertise them, not only to modernize and innovate, but to create a modern and innovative image in the eyes of the public.

As Ivetta Biały[541] recounts, the Masovian Voivodeship Office has adopted its first communication strategy in 2008. This was accompanied by an increase in importance and independence given to the Office's spokesperson and their team, which has doubled in numbers from four to eight people. The spokesperson has gained oversight over each public appearance of the Office's representatives and over any action that can have consequences in terms of image. More generally, the aim has been a mentality shift among the Office staff leading them to take into account the importance of communication and image creation.

An important element in this process is the introduction of technological innovations. While the systems used in the everyday work of the Office are in most cases introduced centrally (this is for instance the case of the national "Pobyt" system used by the Department of Foreigners), the creation of a web-page has been entirely in the care of the Office itself and stemmed from a preoccupation with both delivering a good quality, easily accessible service and with creating a positive image. The web-page, existing in several languages, has won awards from media outlets and specialist associations[542]. In this case, the ideas of modernization and of image creation are clearly linked.

A specific part of the public, whose opinion can be particularly important for public administration, are NGOs, especially in as much as they play the role of "watch dogs" and explicitly define their own function in terms of surveillance of the activities of the public sector. Warsaw being characterized by the existence of a particularly active third sector, all public institutions in the capital come under close scrutiny of this kind of organizations, and this is even more striking when it comes to the issue of immigration, as a number of such agencies advocate for immigrants' rights. The Mazovian Voivodeship Office has hence to adopt a strategy of cooperation with actors of the third sector. As it was previously mentioned, the Department of Foreigners is a good example in this domain, having put in place different forms of exchange and collaboration with NGOs. Some of those have a mainly informative function and can be interpreted as part of a communication strategy. Similarly to the dialog with the media recommended by Ivetta Biały[543], the Forum of Foreigners – a regular meeting gathering representatives of the Department and the third-sector – aims at establishing relations of partnership, but also to inform NGOs about the Department's activity and dispel potential criticism. It takes the form of presentations by the Department's representatives

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[541] BIAŁY, Ivetta, 2011, *op.cit.,* p. 34
[542] *Ibid.*, p. 37
[543] *Ibid*., p. 35

centered around the current situation of the institution and any recent evolutions or innovations, followed by questions from the NGO members. It gives the later the opportunity to voice concerns or objections, and allows the former to address them. It thus plays the double role of gathering advice and information from NGOs and of assuring them of the Department's openness to dialog. Likewise, allowing NGOs to evaluate the Department's work – notably in the case of the two studies conducted by the Association for Legal Intervention in 2009 and 2013 – gives the Department an occasion to benefit from external expertise, but also fulfills a role linked to communication and helps develop friendly relations with the organizations concerned. The cases of direct partnership with NGOs are even clearer with this respect. As previously mentioned, this partnership has been put into place at the Department in the context of an EU-financed project. This can be put into parallel with the relation established between modernization and Europeanization. Indeed, the idea that the evolution of Polish public administration should be inspired by European examples and practices is widespread among third-sector actors as well, notably through the reference to the idea of good practices.

Thus, in recent years, the Masovian Voivodeship Office has been making efforts involving elements such as communication and PR, technological innovation, and public-private partnerships. To put this in perspective with a point discussed earlier, it would seem that the direction chosen by the Office's leadership on the one hand draws on the conceptions of New Public Management and Public Governance, and on the other partakes in the idea – widespread in public administration and the third sector – that modernization is inherently linked to Europeanization.

II.2.3 Structure and functioning of the Masovian Department of Foreigners

The preceding discussion allows one to map certain aspects of the environment in which the Department of Foreigners is situated. This environment can be said to exist on three distinct levels: the entire framework of Polish public administration and Civil Service, as well as the different conceptions at the foundation of this framework; the network of regional level institutions within which Voivodeship Offices play a specific role, but also have to negotiate their position; and the totality of the Masovian Voivodeship Office, and the strategies and directions chosen by its leaders. All of those elements find themselves reflected in the everyday running of this institution. The following section provides a brief description of the organization and characteristics of the Department itself.

Arriving for the first time in the Department one late afternoon during the preparatory stage of my research, I encounter an entry hall mostly empty of clients. I am uncertain as to whether I will be able to enter without a clear motive. Although there are security guards present in an office separated from the hall by a window, there is no reception desk of any kind and no one stops me to ask any questions or provide any guidance. Next to a staircase leading to the upper floors, a ticket distributing device can be found and a set of signs and notices on the wall informs of the purpose of different offices. The different parts of the agency are referred to by letters and a notice opposite the ticket machine explains this organization, but the information seems outdated: the signs are quite old, some printed on plaques slightly yellowed by age. Some items have been partially covered up with printed paper bearing new information. I have trouble making out the exact organization of the institution. Next to those indications, a variety of more colorful posters bearing the logos of several NGOs can be found. While they brighten up the formal setting, their great quantity does not add to the clarity of the message conveyed.

Upstairs, I am confronted with a corridor with a series of doors on both sides. I do not understand all of the descriptions on the doors - "realization of decisions" appears a particularly baffling term. I am immediately struck however by the presence of a sign at the end of the corridor – consisting of the familiar golden stars on a deep-blue background it clearly indicates where EU citizens are received in a separate section of the building[544].

Thus, upon first encounter, some features of the Department's functioning – such as the division of clients into EU citizens and third country nationals – are immediately visible. Others demand a more detailed knowledge of the procedures specific to this institution. The aim of this section is to untangle the complexities embodied by the hectic display of information described above. The following sub-sections explain the organization of the Department both from an inside perspective, as officially described and lived by officers, and from the point of view of the outsider, in the form of the "path" a client must follow to get their case handled successfully.

II.2.3.a. Main tasks and organization of work

As it was already noted, the Department's role is the application of the Act on Foreigners. In the context of this legislation, the Voivode is responsible for an array of decision that they deliver by the intermediary of the Departments. This involves a series of tasks. Firstly, the Department is responsible for issuing decisions on registering invitations for foreigners in a national registry[545]. Those invitations are to be later presented to the consulates for visa applications. Secondly, the Department treats applications for residence permits. This implies gathering and examining documents proving the alleged circumstances of stay, and, in the case of permits on the basis of family reunion, marriage, or Polish origin, conducting

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[544] This passage is taken from non-systematized personal notes preceding the field journal. For photographs illustrating the appearance and organization of the Department see Appendix 3.

[545] ROKICKI, Jacek, 2011, *op.cit.,* p.70

interviews. Thirdly, the Department examines applications for work permits. Fourthly, it registers the stay of EU citizens and their family members. Fifthly, it is responsible for granting and recognizing Polish citizenship.

This finds a reflection in the Department's organizational structure. The institution is divided into seven services: the Service of Citizenship and Reparation, the Services of Legalization of Stay I and II, the Service of Realization of Decisions, the Service of Work Permits, the Service of Internal Affairs, and the Service of Legalization of Stay and Work (this last one having been recently added as a consequence of the introduction of the joint stay and work permit by the 2013 Act on Foreigners). Out of those seven, only the Services of Citizenship and Reparation, of Legalization of Stay II, of Work Permits, and – more occasionally – of Realization of Decisions, have a direct contact with the public. The other Services are responsible for examining the applications and deciding the merits of particular cases. The separation of those two functions (the contact with the public and the decision-making) was introduced in 2011, when the Service of Legalization of Stay was divided in two[546]. The division is reflected in the vocabulary used within the Department, where the decision-making officers are commonly referred to as *inspectors,* regardless of their actual rank. This change in organization has been primarily motivated by a wish to protect the inspectors from potential pressures. The previous situation – when one inspector treated each case from the reception of the application to the issuing of the decision – was believed to expose the person taking the decision to the potential discontent of the client. However, this change has met with ambivalent reactions. On the one hand, it did prevent the clients from voicing their anger directly to those in charge of the decision-making and gave the officers who have contact with the public the possibility to shield themselves form potential aggression by invoking their own lack of agency on the matter. On the other hand, it has made the circulation of information much more complicated and prevented the clients from getting first-hand information of the evolution of their case[547]. In practice, this leads to a situation where a client seeking to know the advancement of their procedure has to contact, the information section in person or by phone, and the officers then proceed to look up the case in the computer system and often, when the data they have access to is insufficient to give a clear answer, to call the responsible inspector. In some cases, this leads to a mediated conversation between the client and the inspector, where the information section officer is

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[546] KLOREK, Natalia, KLAUS, Witold, 2013, *op.cit.,* p. 17

[547] A similar form of organization has been noted in French consulates, with the same justifications and comparable outcomes.
See: ALPES, Maybritt Jill, SPIRE, Alexis, 2013, Dealing with Law in Migration Control: The Powers of Street-level Bureaucrats at French Consulates. *Social & Legal Studies*. 2013. Vol. 23, no. 2, p. 264

forced to relay answers back and forth. The Department is working on making some of the information about the stage of a case's advancement available online, but no such possibility exists so far.

Similar criticism has been formulated concerning the division of Services into sections: while it has limited the scope of tasks that one officer has to be proficient in, such specialization also lead to a worsening of communication and, in some cases, to the officers' ignorance on matters beyond their section's direct concerns. The sections are based on type of activity, with each one accomplishing one task, or a few related tasks. For instance, the Service of Legalization of Stay II, where this study was mainly conducted, consists of the following sections: reception of applications, invitations, delivery and retracting of decisions, visas, and information. A separate section, located in another building, deals with the registration of EU citizens. Some officers might accomplish only one task within their section – the reception of applications, for instance. Some others might combine several activities – for example, the same office that delivers printed permits is also responsible for Polish Travel Documents. The section of information is the most polyvalent one, informing clients on all matters related to the activities of other sections. A similar, task based division exists in other Services, as separate sections take care of each type of permit and each particular procedure.

In terms of spatial organization, at the time this research was conducted the Department was situated in a two-story building, the first and second story of which were occupied by offices, while the ground floor only hosts the chancellery, the security check, and the cash desk (where one could also photocopy documents at a small fee). Thus, each type of procedure was treated in a separate office, although when several offices dealt with the same matters they could be connected, as it was the case for the reception of applications. The chancellery ensured the smooth running of the Department by taking care of correspondence, providing printed materials, and receiving simple documents. Those latter typically included declarations of appointment of a representative, but during the period of observation, due to high rates of applications, this was extended to include all documents that did not need to be certified as conform with originals, although they were than treated not as having been received by an officer, but according to the same procedure as those send by post. A separate room was provided for the submission of documents missing from an application and the taking of fingerprints. The part open to the public also included a room where interviews were conducted. The division between the sections that received the public and those that made decisions was inscribed physically in space through the existence of a door at the end of one of the corridors beyond which the other services were located and where the public was not allowed. Similarly, the distinction between EU and non-EU citizens translated into a physical

distinction: as shown in the passage quoted above, those two categories used to be received in different parts of the building, until the office for EU citizens had been moved to a nearby location in the headquarters of the Voivodeship Office itself. The spatial separation of those two categories of clients left a mark in the form of the EU flag indicating where European citizens used to be received. The offices of the coordinators and directors of sections, services, and even of the Department itself were not as clearly separated from the public eye. The direction of the Department was situated at the end of a corridor and around a corner from the main receiving area, but without any door dividing the two. The director of the Service of Legalization of Stay II and the section coordinators had their offices located among all the others, often next to their relevant section. In many cases, those offices were open to the public and the directors and coordinators received clients, especially those whose cases were more complex or who could justify their need to be received urgently. In addition, an information help-desk run by the Association for Legal Intervention was for a time situated in one of the corridors, near the information section.

The Department was open from 10 am to 18 pm on Mondays, and from 8 am to 16 pm on all other days, with the exception of Wednesday, when it was in theory closed to the public and the officers were given time for administrative and maintenance tasks. However, this had been gradually evolving to allow clients to make appointments on Wednesdays. Appointments were also possible on other days, leading to a situation where offices received simultaneously clients coming in without an appointment and those who did arrange one – this was usually taken care of by different officers within the same section or office, but punctual arrangements between officers were possible. There was no specific time provided for breaks, even though officers were entitled to take them. The moment and length of those breaks was thus left undetermined and officers had to gouge by themselves how much time they could allow themselves to take. Depending on their section and the facilities at their disposal officers spent those breaks in different ways: in the information section, for instance, a separate, closed room existed for the officers answering phones, which allowed those on duty elsewhere to come there and take their breaks in relative isolation; in other sections, where no separate facilities closed to the clients were available, officers would leave the building for lunch, or find ways to eat in their office.

The inflow of clients was managed with the help of an electronic ticket system. Those arriving at the Department were asked to take a ticket to a specific section or office, which then indicated their place in the queue and the number of people waiting. The officers each had access to this system on their computers, allowing them to call in the next client when they were ready, but also to see how many clients were waiting for each section and what the

average waiting time was. Following the increase in the number of clients after May 2014, a person from the information section was placed at the entry to assist clients with the choice of section and direct them to appropriate offices.

After I have completed the observation, several modifications were introduced to this organization. Firstly, the help-desk held by the Association for Legal Intervention closed as the project it was part of came to an end. This caused some reorganization within the information section, as officers have to take over the tasks previously fulfilled by NGO members. Secondly, decisions, previously delivered in person, have begun being send by post only – this meant that the members of the relevant section no longer had contact with the public; however, it has also lead to an increase of inquiries about the decisions directed at the information section. Thirdly, since April 1st 2015, it was no longer possible to submit a stay permit application without an appointment. All appointments must be made by phone or by email, and officers only receive those who made previous arrangements.

Another significant change took place when the Department moved to a new location. Hence, while the organizational scheme of the agency and the basic principles of work organization remain similar, the spatial aspect described here has been altered.

In addition to the Department, delegatures of the Voivodeship Office in other cities also receive applications from foreigners, as does a Residents Service Center run by the City of Warsaw. Those applications are then transferred to the Department which examines them and delivers decisions.

II.2.3.b. Workforce characteristics and work conditions

Concerning the workforce of the Department, its employees are all members of the Civil Service and several characteristics are similar to those noted earlier for the totality of the corps. More detailed data on this topic provided by the Department in 2016 is presented in Appendix 4. While some small changes took place between the period of fieldwork and the date when this data was established, the general characteristics remained constant.

The most striking one is perhaps the feminization of the workforce (40 men as compared to 185 women were employed in 2016), which in the case of the Department goes beyond the lowest positions and concerns the whole structure of the institution. The Director and both vice-Directors of the Department are women, and so are all but one directors of Services. Among the employees men are also in minority, often working in the company of an all female staff in a given section or office. In the information section this gave place to a

series of (mostly well-received) jokes and nicknames given to the only male employee of the section (for several consecutive days, for example, all his colleagues referred to him by the female form of his name). Some specific functions in the Department are however fulfilled nearly exclusively by men. This includes some professions traditionally seen as male-dominated (IT specialists, security guards...).

The workforce is also younger than the average, and this concerns all echelons of the hierarchy. Similarly to the rest of the Civil Service, higher education is mandatory for all employees, and so is foreign language proficiency. The background of the officers is mostly in social science, economics, or humanities.

The rotation of the staff is also very high. This is to an extent linked to the two above-mentioned elements: feminization and the young age of the employees. Indeed, their combination leads also to a higher rate of maternity leaves. This in turn means that a relatively high proportion of officers are working on replacement contracts (13 officers in 2016), which decreases the overall stability of employment. This is however far from being the only cause of fluctuation. For many employees joining the Department directly after graduation the job is but an occasion to gain experience before moving on to more attractive positions. It can also be argued that many find the conditions of employment discouraging.

Indeed, among the relatively low salaries in the public sector in Poland, those in the Masovian Department of Foreigners rank around the average or lower. For instance, two positions in the Department were advertised by the Masovian Voivodeship Office as of May 2015[548], both with a salary up to 2500zl. In fact however, especially after tax, the officers mostly claimed to receive salaries below 2000zl. Moreover, as already mentioned, the Department is no exception when it comes to the instability of employment and the lack of clarity of career opportunities in the Civil Service. Not only do the salaries and the responsibilities of a given position often not match, but the scale of possible career advancement is rather limited. There are two main grades possible: specialist and inspector, and both are divided into two sub-grades. Within every Service and section, besides the director and the coordinator all employees have the same status and the same range of responsibilities. Offering me employment at the Department, one of the directors characterized the job thus: "I cannot promise you the moon, but it is a career opportunity" [FJ,09.07.14] and went on to describe this career as slow but certain if enough effort is put into it. While attractive to some employees, this situation is clearly not appealing to everyone.

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[548] BIP MAZOWIECKIEGO URZĘDU WOJEWÓDZKIEGO - starszy inspektor w Wydziale Spraw Cudzoziemców WSC.I.11.Z z 28 kwietnia 2015 r. nr 169079, 2015. *Bip.mazowieckie.pl* [online]
BIP MAZOWIECKIEGO URZĘDU WOJEWÓDZKIEGO - starszy specjalista w Wydziale Spraw Cudzoziemców WSC.II.29.Z z 30 kwietnia 2015 r. nr 169146, 2015. *Bip.mazowieckie.pl* [online]

When combined with the intense work rhythm (the officers often do unpaid overtime, especially in the services responsible for examining the applications), the job can be frustrating, as exemplified commonly by conversations among officers where they complain, half-jokingly, about their material situation.

Another essential element concerning the workforce is the preparation the officers get to treat the specific questions the Department deals with. A relative lack of formal training can be noted – a situation not uncommon for similar institutions in European countries[549]. The Voivodeship Office requires all its employees, interns, and volunteers to undergo two training sessions: a health and safety related one and one on the protection of personal data. Both result in a formal certification necessarily for legal employment in public institutions. The Department's officers share this training with all Voivodeship Office employees: it is organized by the Office, takes place in its headquarters, and last several hours each. The health and safety training is also the occasion for finalizing some formal arrangements concerning employment – the signing of contracts, or the delivery of ID badges for instance. Besides those two required sessions, the Department occasionally organizes or co-organizes other forms of training concerning different aspects of the institution's work. For instance, topics such as inter-cultural dialog, or dealing with work-related stress have been the object of trainings organized by NGOs for the Department, while the Border Guard invites the officers to training sessions and conferences about issues linked to security, or document verification among others. The officers are mostly content with the later type of training, describing it as practical and useful, while the former kind appears too abstract and unrealistic to them, especially given the material conditions of their work (some have argued that the advice received with reference to handling stress for instance would only apply if the officers effectively had the time to think about their own comfort and well-being). A type of training particularly popular among the officers are study visits in other European countries. Providing examples of practices from abroad and knowledge that can sometimes come handy in everyday work (for example on the exact status of documents delivered in other countries and recognized in Poland), those visits are also attractive as an opportunity to travel. However, outside of those punctual occurrences, no regular formal training is provided for newly employed officers. While a basic knowledge of the Act on Foreigners is required, the practice of its everyday application is something newcomers learn on the job. In fact, knowledge of the law does not equate ability to work on cases, since the exact rules pertaining to issues such as documents required, or the procedure to follow are established by ordinances, or internally by the Department. Hence, a person arriving in the Department has to acquire a body of

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[549] See for instance: SPIRE, Alexis, 2008, *op.cit.*
EULE, Tobias G, *op.cit.*

knowledge both formal and practical on a very short notice. While for the officers responsible for taking decisions the transitional period might be longer, those who deal with the public spend between a few days and a couple of weeks observing others' work before assuming their duties. The information section is often the first section where new recruits are sent, as it deals with the widest range of issues, which is seen as good training for work in other sections. This was also the reason behind my volunteering in this particular section, where I was asked to start receiving clients (with the assistance of the officers with whom I shared the room) on my third day. Prior to that, since I declared having read the law, the officers advised me only to read the informative leaflets the Department provides to clients and I was given the opportunity to observe their work for two days. While some new officers, anxious and unsure of their own abilities, ask to be given a longer period to learn and only start independent work after a couple of weeks, such short periods of training are in fact very common. This has important consequence for the way knowledge is acquired and put to use. More attention will be paid to the notion of practical knowledge and its transmission in chapter III.

II.2.3.c. Structure in practices – a client's path through the Department

While the previous sections discussed how the work is organized and what are the characteristics of the job from the officers' perspective, it is also important, in order to understand the daily work of the Department, to look at how this translates into the clients' experience: what is the path a person arriving at this institution has to go through to see their case treated?

Any client entering the Department in the summer of 2014 went through an entry hall with the chancellery on the one side and a security desk on the other. On days open to the public, the security guards scrutinized the clients only in a general manner, watching over the entry. On Wednesdays and after closing hours, the door at the end of the hall was closed and one had to report to the guards and give a reason for entering.

However, entering the building itself could be a challenge. In times of increased activity, as the period from spring 2014 to spring 2015 had been, people started queuing outside the Department during the night. In the period of observation, some reported arriving as early as four or five in the morning. By the time the door opened at 8 or 10 am, the queue could reach over a hundred people. The employees sometimes had to squeeze through the crowd – a task rendered difficult by the mounting tensions. It was not rare for the people

waiting to take those entering for other clients and attack them for trying to avoid the queue. Hence, the opening of the Department was a hectic moment, when people crowded the door and often pushed to enter. Altercations and violent arguments were common, as were quarrels and insults exchanged with the guards. The Department only issued a limited number of tickets for the main sections for each day, so those who arrived late could not be received or could have to wait for hours. This lead to a fierce competition for the first tickets, that some would try to profit from: a phenomenon of *ticket trade*, also labeled *queue mafia* by some clients, had been observed, where people queued during the night to take the early tickets and sell them to those at the end of the queue. Clients and NGOs had complained about this, but the Department representatives had consistently claimed having no control over such practices, as they could not prevent people from taking tickets and the police, when called, could not arrest a person unless caught directly in the act of selling the ticket. Moreover, some professional intermediaries acquired the habit of taking several tickets, for the different cases of all the clients they represented, effectively preventing other clients from accessing the Department. Measures had been put in place to limit both those practices: the device delivering the tickets was operated by an officer, especially in the early hours. At the very beginning of the work day the direction ensured that those officers were male, as it was believed they would be better at handling conflict and violence should it arise, and would be seen as more respect-inducing by clients. An informal rule had been established that a ticket for application submission could not be delivered unless the foreigner was present in person with a filled-in application in hand. During the period of observation, due to the increase in applications, a limit of the daily number of tickets distributed for some sections was established. This was mostly the case of the reception of applications section, where 100 tickets were distributed per day – a limit that could be reached within the first hour after opening on busy days. Additional possibilities for submission were introduced as a reaction to this situation, including extra receiving offices available on appointment, and lists of prearranged meetings on Wednesdays and in some cases Saturdays. The person on duty in the entrance hall was required to inform clients about those arrangements, as well as the possibility to submit applications in the Residents' Service Point of the City of Warsaw, and by post. Applications could also be left at the chancellery, although this had the status of an exceptional arrangement, and officers were asked not to advertise it too widely.

Once a person entered the building and passed in front of the security desk, they arrived in a small hall where the ticket machine was situated. They were then given a ticket or, if no officer was present, could take one themselves by choosing the appropriate type of service from a menu on the screen. The options available, each associated with a letter, were

the following: D – application submission, C – delivery of printed permits, B – delivery of decisions (that is to say, documents certifying whether a particular status was granted and the issuance of which preceded the printing of the permit in card form), H – submission of missing documents and fingerprints, G – permit and visa extensions, and travel documents, W – stamps confirming the submission of an application (in the case where the previous stay permit has expired such a stamp confirms the persons right to legal stay), F – information, and E and Z – submission and delivery of invitations (those last two rooms mostly receive Polish citizens). Having selected the desired type of service, the person was then directed to the corresponding room. It is however noteworthy that the system was not easily understandable to clients, many were confused as to what ticket to select, and mistakes were common. For instance, clients frequently confused the delivery of decisions with the delivery of printed permits, and those seeking to renew a permit often were unsure as to which section they should head to. The presence of an officer at the entrance solved those issues to a certain extent, although mistakes and confusion were not entirely avoided. The direction and the officers stressed multiple times that the aim was to prevent the clients from wandering around the building.

Having obtained a ticket, the clients were then required to wait for their turn. This could take up to several hours depending on the section. The two corridors leading to most of the offices were equipped with chairs, as well as vending machines, and a children's table. Screens showing the ticket numbers of the clients being received were placed above office doors and at the entrance of each floor. Some of those also displayed information, for instance about the alternative possibilities of application submission. Many clients with tickets for later hours chose to leave the Department and come back when their turn got closer. However, it was not always easy to estimate the time of waiting, so those who left took the risk of missing their turn.

As for the procedures themselves, the most common reason for coming to the Department was the submission of residence permit applications. Since the entry into force of the 2013 Act on Foreigners this was all the more the case, since applications for the joint residence and work permit were also received by the Service of Legalization of Stay II. In order to apply for a residence permit – regardless of its length and type – the foreigner had to submit three copies of an application form accompanied by the required documents, as well as a confirmation of payment of the administrative fee. The form had to be filled in in Polish – a difficult task for those whose language skills are not perfect, especially given the length of the document (the form was 19 pages long in the case of temporary residence permits, and only slightly shorter for other permit types) and its formal character. The officer receiving the

application checked it for any mistakes, verified the provided documents, and took the foreigner's fingerprints. If some of the documents were missing, the application could still be submitted, but the client would be required to deliver the necessary papers within a time limit. The documents were divided into formally required ones without which no procedure could be started, and all others. In both cases a letter was send or given to the applicant informing of the necessity to complete their application, however the documents of the former category were required within a week from the reception of the letter, while the other ones could be delivered within a month in theory, and in practice early enough for the inspector to examine them before the set date of the decision. Once an application had been submitted, a stamp was apposed in the client's passport, certifying that their stay was legal until the obtainment of a decision. In ideal circumstances, the application was then transmitted to the police, the Border Guard, and the Internal Security Bureau, who had a month to give their opinion. Only then could an inspector examine the documents, which typically took up to a month, meaning that the overall time from submission to decision delivery was around two months. This however was provided that no documents were missing and no additional information was necessary. If such issues did arise, the inspector was entitled to prolong the procedure, and send a request for additional documents. If such a request was not honored within the specified period the application was dismissed. Once a decision was taken and made official, the client was until recently asked to receive it in person. Since the completion of the observation this has been altered, and the decisions are now send by post. The next step was the printing of the stay permit card, which could also take up to one month.

A separate office was provided for submission of missing documents and fingerprints. Throughout the period of observation this had been one of the busiest rooms in the Department, regularly running out of time to receive all the interested clients.

The clients could follow the advancement of their case by inquiring about it in the information section, where officers had access to most of the data through a computer system. They were not entitled to inform clients about the outcome of their case, but in practice they usually either did so overtly or conveyed it in less explicit ways, especially if the decision was positive. The information section also instructed clients about different possibilities of legalization of stay and work, checked filled in application forms (but did not help fill them in), and assisted with solving more complex cases. A similar role was played by the help-desk run by the Association for Legal Intervention, the difference being that the employees of the NGO did not find themselves in a situation of conflict of interest if they filled applications or wrote letters for clients, leading the officers to direct those requesting such assistance to the help-desk. Receiving the decision was a relatively easy and quick procedure, requiring the

client only to present an ID. The decisions are now sent by post. The officers I had the occasion to speak with since this new practice was introduced seemed to have reservations about this innovation, claiming that it lead to an increase in inquiries about the state of cases, effectively adding to the already heavy workload. The officers also recounted that in many cases decisions were going missing.

More generally, documents sent by post would get misplaced or delivered late on numerous occasions, in part due to the life circumstances of many migrants who often switch residences or are registered at an address different from their actual place of residence[550].

Printed cards must be delivered to the holder in person. On this occasion, all the personal data, as well as fingerprints were verified.

Those services and steps of the procedure made for the majority of the Department's activity. The offices dealing with matters relating to invitations received a significantly lower number of clients, while requests of visa extension or travel documents were only occasional.

It is also noteworthy that the directors and coordinators of sections and services allowed in exceptional cases for clients to contact them directly to seek solutions to particularly complex or urgent situations. Older clients, clients with small children, or pregnant women were usually guided to the director's office or received outside of the queue. The officers were instructed not to inform clients of the phone numbers and locations of the management unless the case seemed to demand special treatment. Nevertheless, a number of clients knew the whereabouts of the relevant directors and headed to their office when confronted with difficulties. It was also common for directors or coordinators to assist clients who approached them while they went about their other tasks.

Despite those efforts to assist persons in need, the contact with the Department was usually strenuous and stressful for clients. The length of the application forms and the variety of documents associated meant that it was difficult, especially for non-Polish speakers, to submit an application correctly without assistance. The difficulty of obtaining a ticket, combined with a lengthy wait, forced foreigners on occasion to take a day off work to come to the Department, without a guarantee that they would successfully advance their case. The overall time necessary for the obtainment of a new permit amounted to around three months for routine cases. Often, the previous permit expired during this time, leaving the foreigner in a situation where they could reside in Poland, but not reenter the country if they left, and in some cases where they could not take up legal employment. In those circumstances, it was

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[550] A residence registration system (meldunek) exists in Poland, all inhabitants being required to register with a commune (gmina) office. While this system is being gradually abandoned, registration was still mandatory at the time of the study and administrations still use the registered address unless informed to do otherwise.

understandable that many opted for the services of professional intermediaries.

The moment of contact between a foreign client and the Department of Foreigners is thus not an isolated event, but is structured by a series of factors pertaining to the conception, organization, and practical functioning of a system larger than this one front-line institution. This system is characterized by a number of inner tensions: be it between traditional, meritocratic and hierarchical bureaucracy, and a New Public Management-influenced approach, conceived as modern and European; between the theory and the practice of Polish public administration, where the lack of means often stands in the way of preconceived goals; or between different types and levels of public administration, complementary in theory, but nevertheless striving to secure resources and gain legitimacy in the eyes of the public. The officers who receive foreigners and treat their cases are inscribed in the overall framework of Polish public administration, their life conditions, aspirations, and opinions influenced by both the material conditions of their work and by the different mental frames provided by the context of their activity.

However, as previously noted, the fact that the clientele of the Department is mostly constituted of foreigners opens a series of questions that go beyond the frames of reference common for all public institutions. If the administration serves citizens, are foreigners merely objects of action, while the intended receiver of the service is in fact the state? If a client-centered approach is to be adopted, whom are the officers supposed to treat as clients? And, more importantly, to whom are they accountable, if those they work with have no leverage on a state they are not citizens of? The answers to those questions are not to be found in the above-discussed conceptions, based on an assumption of dealing with a relationship between the administration and citizens. The officers are not given clear, explicit directions in this respect, although that does not mean that no implicit guidelines can be discerned. Chapter III looks at the attempts of the officers to make sense of this situation, as well as a the details of their underlying assumptions and the influence this has on the outcomes of interactions.

Chapter III

Everyday life at the Department of Foreigners of

the Masovian Voivodeship Office

The considerations of the previous chapters have made it possible to situate the Department of Foreigners of the Masovian Voivodeship Office within both the overall structures of Polish public administration and the framework of Poland's migration policy. It is in this context that the everyday work at the Department takes place, but it is also postulated here that an understanding of this very context is incomplete without looking into the daily practices through which those institutional structures and public policy goals are implemented and embodied. As Vincent Dubois notes, an ethnographic examination of the concrete, everyday actions and gestures through which policy is implemented is far more than a simple source of additional knowledge in relation to more macro-level analysis[551]. It has the potential of revealing internal contradictions and paradoxes of a policy, that would otherwise remain hidden. Like in the case of the welfare policies he describes, such an ethnography can serve as "antidote for the mix of common sense, ideology, and bureaucratic expertise that dominates so often the public debate"[552]. It is also in this space of direct, everyday interaction that Goldfarb sees the operating ground of the "politics of small things"[553] - outside and besides of "big" politics, where state policies are defined and ideologies clash, it is in those interactions that human beings meet, talk, and define meanings, thereby ultimately bringing forth change. Thus, this work draws on the idea, expressed also by Lipsky, that street-level bureaucrats do not merely apply policy, but rather, through their daily activities, make policy[554]. In this sense, the following chapter is an examination of the complex relationship between policy and practice.

While it has been shown in the preceding chapter that the existence of a cohesive migration policy in Poland is a debated issue, I operate here under the assumption that – despite its imperfections and contradictions – one can speak of a state policy towards this issue. This policy is seen here as expressed in the legal provisions pertaining to the entry and residence of foreign citizens in Poland, as well as in programmatic documents such as the 2012 "Poland's migration policy – current state and postulated actions" document produced by the Council of Ministers, and guidelines received by the Department. Practice refers here to the patterns of behavior, habits, and *ad hoc* solutions adopted by the officers in the course of their daily work.

Thus, this chapter consists of an analysis of the empirical data gathered during fieldwork. It is based on the three-months long participant observation conducted at the Masovian Department of Foreigners between June and September 2014, as well as the

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[551] DUBOIS, Vincent, 2012, *op.cit*.
[552] *Ibid*., p. 85
[553] GOLDFARB, Jeffrey C, 2006, *The politics of small things*. Chicago : University of Chicago Press.
[554] LIPSKY, Michael, *op.cit.*

subsequent semi-structured interviews with officers, members of Department management, NGO representatives, and members of other organizations in the Department's environment. The chapter presents and examines excerpts of the field journal kept during the observation period, as well as of the interview transcripts. By this means, an attempt is made to add to the comprehension of the country's migration policy through an exploration of its functioning on street level.

It is worth noting here that much of what was observed of the everyday life of the administrative agency under study can be seen as typical of street-level bureaucracies as analyzed by Lipsky[555]. Indeed, in his work Lipsky pointed towards a certain number of systemic factors inherent to the very nature of public administration. Those factors have a significant impact on the ways jobs in those professions can be done, on the constraints street-level bureaucrats face, and the solutions at their disposal. In as much as the Masovian Department of Foreigners fits Lipsky's definition of a street-level bureaucracy and possesses many of the same characteristics, it is subject to similar processes and dynamics. Thus, Lipsky is a common reference in the following pages. However, a number of specificities exist in the case studied here, not least of which are the ones due to the nature of the clientele. Indeed, dealing with non-nationals can be considered to alter significantly the nature of the work accomplished by a public administration agency. In this sense, one of the questions asked throughout this chapter is to what extent the Department of Foreigners can be seen as a typical street-level bureaucracy and in what measure its particular goals, the nature of its public, and the context of its work produce a unique set of circumstances that pushes the analysis to diverge from Lipsky's understanding of public administration.

The previous chapter has shown that a multiplicity of actors participate in what is referred to here as the field of migration policy. It has also been pointed out that those actors hold divergent, and sometimes contradictory conceptions of this policy. Those different understandings of how immigration should be dealt with, what the goals of such a policy should be, and what the role of different organizations and institutions involved should be are akin to what Thornton and Ocasio[556] refer to as institutional logics. Several such logics can be identified by examining the work of the Department, with three main goals emerging as particularly salient: efficacy, where the focus is on smooth functioning of the agency, while issues of power and discretion tend to be ignored; image-creation, where the preservation of an impression of hospitality and a good quality of service are paramount; and control – an objective little visible, yet pervasive in the daily life of the Department. This chapter looks successively at those three aspects of the work and interactions in the agency under study.

[555] LIPSKY, Michael, *op.cit.*
[556] THORNTON, Patricia H., OCASIO, William, 1999, *op.cit.*

<u>Chapter III.1. "So it seems there is no Polish migration policy"[557]:</u>
<u>downplaying discretion and prioritizing efficiency</u>

Throughout the course of this study, one view that occurred commonly – in interviews, as well as informal conversations – was the idea that Poland, in fact, has no migration policy. Different variants of this idea were expressed by different actors: some would bring it up jokingly as a reaction to information about my research, others would use it as a factual description of the situation, while others yet would not go as far as to deny the existence of such a policy but would bemoan its lack of coherence and clear political direction. As it has been shown in previous chapters, it is true that Poland's approach to immigration has only slowly emerged over the last two decades and, during the period of this study, the issue was far from being central to Polish public debate. Much of the criticism that participants expressed concerning the coherence of migration policy and the lack of well-planned, systemic solutions can be seen as justified. However, it is also undeniable that the law the officers of the Department of Foreigners apply, and the way in which it is applied, stem from a set of choices. Be it on the level of central state institutions where the law is promulgated, or on the level of the Voivodeship Office and the Department where the organization of the officers' work is decided, choices are being made and guided by certain aims, perceptions, and principles. Moreover, those aims, perceptions, and principles are closely linked to the interests and goals of the actors present in the field and result from their mutual relations and interactions. The view that Poland's migration policy is inexistent or incoherent, while not untrue, can, to a certain extent, obscure this reality.

A similar discrepancy exists on the level of the Department's daily activities. From the point of view of the foreigners approaching this institution, it is the site of considerable power: it is where decisions concerning their life and future are being made. The interaction with the Department staff can have fateful consequences. It can determine whether a person can reside in Poland, whether they can work legally, or whether they are permitted to be reunited with their family. The main activity of the Department is, in this sense, decision making. Moreover, in this chapter an attempt will be made at showing that even when no decisions are being made, the face-to-face interactions at the Department can have a crucial influence on foreigners' lives. However, as it will be demonstrated further, the awareness of this considerable power is rare among the officers. A more widespread opinion is that the Department solely deals with the application of the Act on Foreigners and that the decisions taken mostly flow directly from the law. Once again, this view does correspond to the official

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[557] Quote from interview with a NGO representative (female, in her 20s).

role and goals of the institution. However, it can also be seen as erasing the instances where the officers' choices have a bearing on the clients' lives.

This chapter offers a reflection on the exact extent and nature of the officers' discretionary power and a discussion of the Department's perceived powerlessness, including it's sources and its ramifications. In particular, it focuses firstly on the way the Department's place in the institutional framework linked to immigration, and more generally, in the organizational field, can structure the officers' understanding of their own power of discretion and, hence, their interactions with clients. Secondly, the careful balancing of different principles guiding the officers' actions – among which efficiency takes the foreground – is analyzed. Thirdly a discussion is offered here of the place and role in the Department of two forms of discretion – what Tobias Eule terms "discretion by law" and "discretion in case-handling"[558]. Based on the data from the observation in the Department and the interviews, it is argued that the case-handling itself, and in particular the face-to-face interactions with clients, can constitute a site of discretionary power.

Those three points are analyzed bearing in mind that, as Piotr Sztompka reminds his reader, focusing of everyday life allows one to transcend the divide between structure and action, since "on the level of everyday practice, we find indeed the reflection of overall social structures, and of individual actions"[559]. Here, the practices observed in everyday interactions between officers and clients of the Department of Foreigners are seen on the one hand as revealing of the way in which structural factors shape the officers' ideas of their work and their position, which in turn shape their manner of interacting with clients and handling cases. On the other hand, this chapter looks into the ways the officers cope with the work conditions and requirements imposed by those structural factors: how they perceive, interpret, and transform them. The individual interaction, or the handling of a given case, thus appears as an outcome of a complex intertwining between those two sets of phenomena.

III.1.1. Limited power within state structures

When asked about the margin left for individual officers' interpretation when applying legal rules and state level policy, one participant described it thus:

> Participant: "There is always [a margin], because it is impossible to simply set some indicators, that from here to here there can be a decision for a year, and from here for three years. Because here he worked three months illegally, or for instance three months

[558] EULE, Tobias G, *op.cit.*

[559] SZTOMPKA, Piotr, BOGUNIA-Borowska, Małgorzata, 2008, *Socjologia codzienności*. Cracow: Znak. p. 32

on another post, and here for instance for two and a half months. This simply cannot be done, this cannot be avoided, because if we put up such barriers, it would turn out the agency is insensitive and only sees the letter of the law. On the other hand, when we do not have such things, someone will appeal, that wait a moment, in this case it was similar but [the outcome] is something else, and in the end there is no good solution. Those things happen, and we try to make it unified, but it is impossible with so many factors. For instance, several people handle a case, one will pay more attention to this, another one to something else, and even between two people you have inconsistencies, and both have the same documents, but both can be right. But the problem is of this kind, that it has to be balanced somehow, and in law, it is impossible to balance, it is one thing or another. […]"

Researcher: "And do you have some general guidelines about this, about how to interpret certain provisions?"

Participant: "Well yes, there is something like that, that for instance we have such a situation, that we have to go in that direction, that the decision should look this way or that, there is such a thing, except that even despite fixing such kind of frames, which are not very rigid, well, this cannot be avoided. And this is both positive and negative, because as I said, no matter what you do, the glass will be half full or half empty. Because either we are going to be this bad bureaucrat who only sees the letter [of the law], and not the subsections of the law, and will treat it literally, or we will be a person who can, despite all, go one way or the other". [Front-line officer, Department of Foreigners, male, in his 20s]

This account sums up very well the kind of dilemmas that characterize the officers' work and the ambiguity of their position in relation to the overall framework that defines migration policy. The variety and complexity of cases they treat does not allow for an automatic, unproblematic, and literal application of black-letter law. Such an application would not only be inexact, but also unfair – those who ignore the individual stories and particular circumstances behind each case run the risk of becoming the "bad bureaucrat", of being judged too formalistic and insensitive. However, discrepancies in the interpretation of the law can also be seen as proof of arbitrariness and unfairness. Whatever solution is adopted, "the glass will be half full or half empty". The exact extent of power and discretion left to the officers is never clear and always problematic.

Indeed, as Michael Lipsky stresses, discretion is a crucial, but also a highly ambiguous, characteristic of street-level bureaucracies. The very nature of such institutions – positioned as the link between formal public policy directives and concrete human lives – is responsible for the extent of discretionary power they hold, and for the ambivalence of that power. Indeed, while the role of such administrative agencies is meant to be purely executive, discretion cannot be eliminated, since "street-level bureaucrats often work in situations too complicated to reduce to programmatic formats" and "that often require responses to the human dimension of situations"[560]. They are required to treat as impartially as possible a wide variety of situations where issues of equality, fairness, and objectivity are often far from clear. As Lipsky puts it, "street-level bureaucrats are constantly confronted with the apparent

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[560] LIPSKY, Michael, *op.cit.,* p.15

unfairness of treating people alike"[561]. This also implies a very particular interplay of the principles of universality and particularity: "[e]xisting *for* the citizen – that is to say the concrete [individual] – the civil servant must not forget that he is a representative of state institutions – that is to say the whole"[562]. Discretionary power is intimately linked to this interplay, as the civil servant is only entitled to interpret the law in order to be better equipped to act towards the common good.

A correlate of discretionary power is responsibility. As Jerzy Supernat notes, that concept in fact covers two separate but related phenomena. On the one hand, what he labels "objective responsibility" refers to "responsibility in front of someone and responsibility for something"[563], that is to say accountability as defined by hierarchical relations with the institutions and the duties formally attributed to a person. "Subjective responsibility", on the other hand, is "rooted in individual convictions concerning loyalty, conscientiousness (conscience) and identity"[564]. Subjective responsibility is the inner feeling of being responsible that guides a person's actions with reference to the object of the responsibility. Supernat considers the main factor influencing a civil servant's subjective responsibility to be socialization, in the family and during a person's formative years, as well as within the institution itself. The values formed during this process are later transformed into rules that guide actions. Those rules, when they refer to the person's specific role, can become an inner moral code. Ideally, the civil servant's personal code should coincide with the one formed by the profession in its entirety[565]. In addition to socialization, an attempt will be made here at demonstrating, that an important factor shaping the civil servant's sense of responsibility is their position within the structures of state administration and their embeddedness in the interrelations of different actors concerned. In any case, however, the subjective responsibility is distinct from the extent of duty and accountability formally ascribed. The relationship between those two aspects – the objectively existing discretionary power and the inner sense of being in a position of power and responsibility – are the main object of this chapter.

This section examines how the Department's position as executive body responsible for the translation of state policy into concrete decisions is reflected in the officers' understanding of their work and, as a result, in their daily activity. While it can be argued that in this respect the Department is similar to any other street-level public administration agency,

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[561] *Ibid.,* p. 22
[562] KŁOS, Jan, 2007, Pomiędzy sługą a panem - dylemat urzędnika nowoczesnego państwa. In : *Etos urzędnika*. Warsaw : Wydawnictwa Akademickie i Profesjonalne. p. 64
[563] SUPERNAT, Jerzy, 2013, O odpowiedzialności służby publicznej, a zwłaszcza o odpowiedzialności subiektywnej, czyli o poczuciu odpowiedzialności. In : *Służba publiczna. Stan obecny, wyzwania i oczekiwania*. 1. Warsaw : Wolters Kluwer. p. 243
[564] *Ibid.*
[565] *Ibid.*, p. 246

the last subsection addresses the issue of its specificity as related to Poland's migration policy and its perceived lack of coherence.

III.1.1.a. "We are a subject here"[566], or the Department's relation with the Voivodeship Office

As previously mentioned, and similarly to other institutions of the same type, the Department is a purely executive body, responsible for the application of a policy. As one of the participants described it:

> "The Department of Foreigners is one of several units, several departments and offices that are part of the Masovian Voivodeship Office. Its action extends to handling the integrity of [matters related to] foreigners, since the tasks linked to the legalization of residence in Poland belong to the Voivodes. The second instance authority is the Office of Foreigners, but the direct, first instance service happens at the Voivode's [Office]". [Member of management, Department of Foreigners, female, 42].

The participant gives an overview of the institutional framework surrounding the Department. She also establishes a clear link between the fact that the "tasks linked to the legalization of residence in Poland belong to the Voivodes" and the activity of the Department, and its counterparts in other regions. Thus, the power belongs not to the officers, but to the superior institution – the Voivodeship Office. Any decisions taken by the officers are taken in the name of the Voivode, who is in turn an organ of state administration, and whose role is to follow the direction chosen by the government and inscribed in legal provisions.

This poses very tangible limitations on the power vested in the Department management and employees. The members of the management that I have had the occasion to interview state this clearly. In those conversations, the Department was described as part of an overarching administrative structure which defines its general goals, but also its mode of functioning. This concerns some of the most trivial but fundamental aspects of the work of the Department:

> "We work in an environment, we accomplish the tasks that have been assigned to us by law, but we act in a certain environment, that is to say in a certain organization and the Department must be inscribed in that organization. That means that, if for instance an annual plan of action is established and there is the obligation to indicate certain indicators, and so on, then we also have this obligation. If in the whole institution a unified human resources policy is introduced, then, independently of the fact that we are an immigration service and have different needs, we also implement this human resources policy or we are subject to its implementation, because we are a subject here. If some kind of system of electronic case-handling is introduced in the whole institution, then, whether we like it or not, we also make the transition to that system, whether it is of any use to us or whether it is the fifth successive system that we work in, because it is so and

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[566] Quote from interview with a member of the Department's management, female, 42.

we must work with it. If the institution organizes a call for tenders for something, then independently of whether the Department conducts those projects that the Voivode benefits from, we have to fit our calls for tenders entirely into that call for tenders that exists, we cannot do something on our own". [Member of management, Department of Foreigners, female, 42].

A noteworthy aspect of this excerpt is that it reveals a double source of constraint that the Department is "subject" to: on the one hand, due to its role as "immigration service" it has to "accomplish the tasks that have been assigned […] by law"; on the other, it is one of many branches of an administration that has its own prerogatives and internal policies. It is also notable, that the same participant, throughout our conversation used the term "the Voivode" as the active subject of most sentences describing the tasks and actions of the Department or its employees, echoing in this the Act on Foreigners, which in many instances attributes those functions to the Voivode solely, without going into detail of the subordinate structures through which this may be accomplished. Such a use of the term was very common among the participants and constitutes an indication of the way in which the distribution of power is perceived.

Likewise, the participant stressed further that the "Voivode's success is a success of the whole system". Indeed, the Department being subordinate to the Voivode, he is ultimately the person held responsible for its actions. This becomes particularly apparent when the functioning of the Department attracts attention from public opinion. Such a situation occurred when the numbers of clients increased following the entry into force of the 2013 Act on Foreigners. The impressive queue gathering in front of the building before opening attracted public attention and media coverage, resulting in increased interest on the part of the Voivodeship Office. During the first days of fieldwork in June, the Department was visited by a Director General, rising hopes that the outcome of this visit would be increased funds and resources. In preparation for the visit, more attention than usual was paid to the appearance of the premises, with members of the management surveying their orderliness, the disposition of leaflets and promotional materials, or insisting on the presence of features such as a drawing table for children. Such efforts show that the representative of the Voivodeship Office was not only in a position of power, arriving to examine the situation, but also in possession of desired resources. Later, in September, the Voivode himself visited the Department. It can be useful to look again at a previously-described scene witnessed during this visit, as it appears revealing of the relationship between the Department and its superior:

In the morning we are warned that the Department is expecting a visit from the Voivode. He arrives in the information section accompanied by the Director of the Department, who introduces us and praises the presence of so many volunteers. The Voivode thanks us for our help. He then encourages the clients present to voice their

concerns and remarks. An awkward silence follows – the clients seem surprised by the situation and uneasy. Finally, they both introduce themselves and describe their cases, but neither of them has any comments. [FJ, 18.09.14]

In this instance, the Voivode clearly positioned himself as superior to the employees and the Director of the Department, inviting the clients to appeal directly to him and implying that he is both responsible for controlling the officers and entitled to discipline them should any complaints be expressed. The attitude of all present was deferential and the clients' uneasiness can be read as a refusal to take advantage of this opportunity to criticize the officers in front of them. The Voivode appeared as a benevolent, paternal figure and those present acted accordingly.

However, this is not to say that all decisions of the Voivodeship Office are met with agreement and deference. For instance, during a meeting preparing for the Director General's visit, a remark was made that she would like to see the queue dissipated "preferably by tomorrow" and this was met with general laughter. The Department staff seemed to agree that the Voivodeship Office, not having to deal directly with the issue of immigration, was not necessarily competent to understand and judge the situation in the Department.

Moreover, as the passage from the interview cited above shows, the two sets of constraints resting on the Department – legal and organizational – can in fact be distinct, if not contradictory. What is more, there are instances where the interests of the Department or the positions taken by its management align more with those of other actors than with those of the Voivodeship Office. For instance, an NGO member (male, 37) mentioned with satisfaction that during the sessions of the Forum of Foreigners, the representatives of the Department were likely to stand up to their own superiors and take the side of the third sector actors. He felt that knowledge of common issues and prolonged contact lead to an understanding that was not necessarily shared by higher ranking officials. Those later were – according to the participant – only brought to support certain initiatives as a result of this initial agreement reached with their subordinates. Thus, in some cases, the inscription in an overarching organizational structure can even appear as detrimental to the Department's own interests and needs. In this sense, the notion that the essential decisions are not in the officers' hands corresponds undeniably to the place the Department occupies in this structure.

However, while the autonomy of the Department is very limited, it is not inexistent. An element which could throw a light on the perceived degree of autonomy of the Department are the differences existing in practices of case-handling and decision-making between similar institutions across Poland. Indeed, while the law states the requirements and conditions associated which each kind of status granted by the Voivodes, it does not always precise the

exact modalities of their verification. Thus, while some elements of the procedure are obvious and widespread (for instance, a work contract is generally considered as sufficient proof of a stable income), in certain cases the practices might vary considerably between Voivodeships. One legal professional who acts as intermediary on the part of foreigners in several different regions described examples of such situations [Interview with professional intermediary, male, 35].

Some of them can illustrate the Voivode's power to considerably impact the work of a Department of Foreigners in a region. For instance, in every Voivodeship, the Voivode has the power to decide on a list of professions for which a governor's information about the situation on the labor market doesn't need to be provided for a work permit to be issued. The above mentioned legal professional recounted that the Voivode of Lesser Poland had used this power in a "professional" way, adapting the list particularly well to the needs of the market, so that "people there can have less work treating the cases", whereas in other Voivodeships that requirement produces additional workload and leads to the creation of fake job offers, purposefully crafted to only fit the foreigners companies want to employ. In this case, a skillful use of the Voivode's prerogatives can considerably influence the everyday life of a Department of Foreigners by increasing or decreasing the time needed to handle a case.

However, the same participant mentioned cases that he interpreted as proof of a high degree of autonomy, or even arbitrariness, of the Departments of Foreigners. He considered that even between individual officers in one Department the documents required can vary significantly, pointing to a margin left for discretionary treatment of cases. Interestingly, this questions also appeared when talking to the management of the Department. My interlocutor was conscious of the regional discrepancies and deplored their negative consequences. She established a difference between organizational and material issues, which are decided on the level of the Voivodeship Office, and individual decisions on foreigners' cases, where the power is delegated to the Departments.

> Researcher: "And concerning those, lets say, individual decisions, I gather you take them entirely...?" [...]
> Participant: "In the foreigners' cases we have autonomy, precisely, we have autonomy, which unfortunately is linked to the fact that we do not decide uniformly, because as I said before about the exchange of information, of examples, of *cases* [in English], about communication, this should be done in real time". [Member of management, Department of Foreigners, female, 59].

She then proceeded to explain why greater uniformity would have been useful, describing a situation from the past where there was no possibility of efficiently communicating important information to other Voivodeships. Likewise, she noted that foreigners "prefer" certain types of procedures in certain regions, according to what types of status are the easiest to obtain.

Thus, it becomes clear that while the Department operates in conditions established by the institutional structure it is part of, within those conditions there is a margin left for discretion when it comes to the most crucial task – that of handling individual foreigners' cases.

Lipsky notes that typically in street-level bureaucracies one observes the coexistence of a degree of discretion with specific work conditions imposed from the outside. As a result, the "fact that street-level bureaucrats must exercise discretion in processing large amounts of work with inadequate resources means that they must develop shortcuts and simplifications to cope with the press of responsibilities"[567]. Thus, agency-specific practices emerge. A similar situation can be noted in the Department: the work conditions and the distribution of resources depend to an important extent on the general policies adopted by the Voivodeship Office and the Department has little to no control over them; within this framework, the officers have to deal with an important case-load involving decision-making on their part. The practices that appear as a response will be the subject of subsequent sections. However, another important consequence of this particular mix of discretion and constraint needs discussing first: the way the officers themselves view the hierarchical relation between their workplace and the Voivodeship Office.

Indeed, the excerpts quoted above come from an interview with a representative of the Department's management. They show an awareness of the general conditions of functioning of the institution, as well as its exact position within state structures and in relation to other institutions. However, the perspective of front-line officers appears to be slightly different. That is not to say that they have no knowledge of the overall structure of the Voivodeship Office or the institutional context in which it operates. Nevertheless, in their daily work they have little direct contact with other departments or agencies of the Voivodeship Office. This separation is accentuated by the Department's physical localization outside of the main Voivodeship Office building[568]. In this context, it may appear significant that in the officers' conversations the Voivodeship Office is referred to by the name of its location: a clear distinction is made between *us*, *here* and other, more remote parts of the institution. The Voivodeship Office is the officers' employer and all employment related issues are settled there, from recruitment procedures, to internal exams, to training. Every new employee, intern, or volunteer undergoes a training session at the Voivodeship Office, including general information about the institution, a safety training, and a data protection training. The sessions are common to all subdivisions of the Office and possibly the only context when employees may meet colleagues from outside their department. They end with the issuing of official badges – a marker of the employees' belonging to the institution. However, from that point on,

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[567] LIPSKY, Michael, *op.cit.,* p. 18
[568] cf. EGEBERG, Morten, 2012, *op.cit.,* p. 160

the contacts become much more limited. The officers might need to visit the main Office with issues concerning their employment, or when training sessions are organized. Those, who wish to apply for another post within the Department partake in examinations organized at the Voivodeship Office. Furthermore, the Department's field of expertise is close to that of another subdivision, namely the Department of Citizenship and Repatriation, leading to clients sometimes addressing one of those agencies instead of the other – the officers must then be able to inform such a client or deal with the aftermath of decisions, and sometimes mistakes, made by their colleagues. However, beyond those rare instances, the contact is sparse. None of the front-line officers interviewed mentioned the Voivodeship Office (safe one, who indicated she chose the job encouraged by a friend who works in the main Office). In conversations during fieldwork, the Office was only discussed in the above-mentioned rare cases of contact. The officers may be aware of the hierarchical structure of the institution that employs them, but this awareness does not necessarily surface in their daily work. While they go about their tasks, the organization of the Department, the material resources available, or the accepted practices of case-handling appear as objective facts, as the basic constraints within which one has to operate. When those issues become a subject of interest or contention, this usually concerns the distribution of resources and duties within the Department. Officers try, for instance, to secure the best quality equipment for their section, or quarrel over who is responsible for certain menial tasks. They might take issue with the decisions of their immediate superiors – the section coordinators and the directors. They share the common knowledge that resources are short and do not meet the ever-increasing needs. But direct references to the Voivodeship Office's influence on work conditions are rare, or as vague as remarks that a particular resource was *given.* In those later cases, it is impossible to decide whether this is a reference to the Voivodeship Office, or to superiors within the Department. While in the perspective of the management the relation to the Voivodeship Office appears as a source of constraints, but also a site of potential conflict of interest, or negotiation and cooperation, it would seem that the front-line officers mostly experience it in the form of the objective work conditions under which they accomplish their daily tasks. While seen from the outside, by NGO members or intermediaries, as well as from the point of view of the management, the Department appears to have a degree of autonomy, this is much less visible when talking with the front-line officers. In those conversations, a sense of powerlessness in the face of harsh work conditions and heavy work-load prevailed. Thus, one could say that the Department's place in the organizational field, and in particular with reference to the hierarchy of state institutions, influences the views of participants on their own work and the extent of their power and autonomy. Differences in those views seem to

depend in turn on the person's position in the Department.

As mentioned above, the material conditions and organization of work imposed by the overarching institution are only one of the constraints under which the Department operates. The other one is the law itself. However, as it was shown in this subsection, the law does not define every detail of the procedure to follow, leaving space for difference in application among different regions. This begs the question: how are those practices of application produced? And who decides on an interpretation?

III.1.1.b. Where does the law come from?: views on law-making and interpretation strategies

Within the above-mentioned constrains, the officers go about the daily task of the Department: applying the law to individual cases. Thus formulated, this task seems to imply an obvious element of interpretation. However, this appears much more problematic when the officers' own views on this point, as well as their daily practices, are examined.

It must be first noted, that an important part of the cases treated by the Department are fairly routine. Not only could I observe this by watching the officers at work, but it was confirmed later in interviews, be it with the officers themselves, or with actors outside of the Department. It can also be put in perspective with Tobias Eule's observations in Germany, where a similar preponderance of routine cases was manifest in immigration offices[569]. Indeed, most issues institutions of this kind deal with are indeed rather simple: residence and work permits are usually issued on the basis of a list of required documents and the task is limited to their verification. As one of the participants noted, more complex situations arise when examining the cases of refugees and asylum seekers, or citizenship applications. In those cases, a person's individual circumstances must be looked into in detail. However, those questions are the responsibility of different agencies and a vast majority of the people they concern never appear in the Department, leaving it to deal mostly with the repetitive treatment of the least complex cases. Those routine activities are not experienced as leaving any ground for discretion. Rather, there is an established practice of handling them that the officers learn when they first join the institution and follow automatically. When asked for a description of their work day, many recited such a routine list of gestures and actions and often used impersonal or plural forms to describe those activities.

Hence, as Eule notes, if one wants to examine the margin of interpretation left to the officers, one must turn to the less usual, contentious cases. Indeed, while the vast majority of

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[569] EULE, Tobias G, *op.cit.*

clients address the Department with routine claims, there is no lack of situations where the application of the law to an individual set of circumstances is far from obvious. In the information section in particular an array of such cases could be observed, as the clients turn to this section for advice when they are unsure of their course of action. Thus, I have had the occasion to observe the officers' treatment of such cases, and have inquired about them in interviews. What emerges from those observation and replies is, on the one hand, a difference between two types of interpretation strategies, and on the other a clearly perceived hierarchy of institutional actors responsible for such interpretation.

The officers who interact directly with clients seem divided among those whose treatment of such limit cases is more rule-bound, and those whose approach can be referred to as hierarchy or institution-bound. The first category consists of officers whose first reaction to uncertainty of interpretation is to turn to black-letter law. For them, the first step is to consult the text of the Act on Foreigners. If that proves insufficient to elucidate their doubts, they might turn to other legal provisions, concerning the labor market, the granting of citizenship, or refugee status for instance. Some of those officers also proceed to interpret uncertain cases by deduction and comparison: when no direct answer can be found in the Act on Foreigners, they'd compare the problematic passage with other parts of the Act, or with other Acts, and deduce a plausible interpretation. For instance, at one point a client inquired about the obligation to inform the authorities of her divorce when she had been granted permanent stay on the basis of her marriage [FJ, 17.06.14]. The officer she talked to began by consulting the Act. Finding no such information, he consulted his colleagues, and when they could not answer either, he deduced that no such obligation existed, since no mention of it was made, while in other parts of the Act where similar obligations were established they were explicitly mentioned in the text. Similarly, the same officer claimed that "if someone has good memory and can make links between things, they'll be able to cope" with the job [Interview with front-line officer, Department of Foreigners, male, in his 20s]. Officers who turn to the rule-bound strategy of interpretation only consult their colleagues or superiors when no answer can be found in the law, or when they have doubts concerning their own knowledge of the legislation. On occasion, they expressed doubts as to the competence of some of their superiors, evoking cases where those later gave interpretations that turned out to be wrong or outdated.

The other category of officers are those for whom the first reaction is to turn to other members of their team. They usually begin by consulting other officers present in the room with them, or other members of the same section. Failing to find answers with them, they address their question successively to different echelons of the hierarchy. Some might begin

by calling the inspectors responsible for decision-making, guided by the conviction that since they will be the ones to decide, their interpretation should be the one given to clients. Others might privilege their immediate superiors as source of information. But in all those cases, the prevailing source of authority is experience: the officers consult those who, in their perception, know how things are done.

Evidently, those two approaches are not entirely mutually exclusive, and the same officers might turn to one or the other at different moments, or rely on a mix of both. General tendencies can however be noted. Moreover, the second approach seems to be the prevalent one, especially given that it is in a sense encouraged by the training the officers receive.

Indeed, while a basic knowledge of the law is a requirement of the job, and all officers are expected to have carefully read the Act on Foreigners, there is no formal training period. Newcomers are paired up with other members of a section and instructed to watch them work. After a period of passive observation, they are gradually expected to take on their responsibilities. During this initial period they work under the supervisions of colleagues. Another officer is always present with them and they are instructed to consult them should any doubts arise. They are also given the phone numbers of other section members, as well as the section coordinator. With time, they learn the numbers of a wider array of people and are able to contact decision-making inspectors, or members of other sections when needed. Such a form of training gives rise to what Eule describes as "traditions of interpretation"[570]. Likewise, Alexis Spire notes in the French case that, in the absence of juridical training, the officers "find themselves forced to refer to bureaucratic routines that have been elaborated by their hierarchy, and of which they understand neither the meaning nor the stakes"[571]. In the Masovian Department as well, the officers are far from experiencing their job as exercising power, but rather as the execution of a routine – one that is learned by experience and, hence, that those higher ranking or longer employed know better.

Thus, a hierarchy of actors responsible for the interpretation of the law emerges, which one member of the management summed up in the following terms:

> "In order. The section. Senior Voivodeship inspector, that is to say the coordinator of the section, or specialist. And then there is always the director. And above the director, the director of the organizational unit. Which doesn't mean that the director of the organizational unit or the director are like a fortune-teller with her crystal ball, it only means that they have to find a solution, that they then start searching for a solution and must decide something. That's when the employee... simply the whole ladder comes into action..." [Member of management, Department of Foreigners, male, in his 30s].

The responsibility for an interpretation of a complex case is thus passed up the hierarchy, as if

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[570] EULE, Tobias G, *op.cit.*
[571] SPIRE, Alexis, 2008, *op.cit.,* p. 44

up a "ladder", until it is transmitted to the highest ranking officers. As this participant stresses, the directors are responsible for taking the final decision, all the more so given that they have to sign all formal decisions issued to clients. The decision thus appears not a much as an individual choice, as a collective act of the "whole ladder", the whole institution, and while some echelons of the hierarchy are associated with more responsibility than others, none of the actors involved is expected to possess a final truth, a solution revealed right by the metaphoric "crystal ball".

However, whatever the position of a person within the hierarchy and whatever their stand on the rule-bound or hierarchy-bound approach, all the participants were in agreement that there is one more instance above the highest ranking members of the Department: the Office for Foreigners. Indeed, the Office is the appeals body that reviews any cases where clients are dissatisfied with the Department's decisions. In this sense, many of the officers consider it as the ultimate source of interpretation of the law. When the new Act on Foreigners came into force and the Department had to treat certain kinds of cases for the first time, many expressed the opinion that the right interpretation will not be known until a client files an appeal and the Office for Foreigners gives its verdict. In this sense, the Office acts as a last resort source of interpretation. Other appeals bodies can sometimes play a similar role. For instance, when asked about the potential consequences of officers in the Department making mistakes one member of the management stated:

> "Besides, above us, there is the second instance, and above the second instance there is the complaint to the court. After the complaint to the court, to the Voivodeship Administrative Court, there is... (...) the decision of the Voivodeship Administrative Court can be appealed from, to the Supreme Administrative Court". [Member of management, Department of Foreigners, male, in his 30s].

Thus, those agencies, who have the power to correct any wrongful decisions, can also be seen as safeguards that come into play when the officers commit errors. The above statement appeared in the context of a discussion of the individual officers' accountability for their acts and decisions, and can be seen as evidence of the way in which the subordinate place of the Department of Foreigners in the administrative framework works towards alleviating the officers' subjective responsibility.

It is also true that the Office of Foreigners is an institution with a higher degree of power and agency than the Department. Most notably, it takes directly part in the process of law and policy-making. This prerogative was described thus by one representative of the Office:

> Researcher: "When you mentioned the role as expert, when shaping policy is concerned, if I understand you correctly, it means that the government or the legislator contacts you

with requests for expertise?"

Participant: "Regularly, firstly because we are the initiators of legislative change, so those initiatives are followed by expertise and analysis on our part. Secondly, we have a central statistics unit, we are in possession of the registry of foreigners in Poland, from which a lot of interesting data can be drawn and statistics can be created, trends can be defined, etc. Thirdly, we are perceived – and recently I encounter this very often – as the most adequate unit of state administration for all issues concerning foreigners. I say we are perceived, because this perception is not always appropriate, we are but a cog in a whole system. As a result, all sorts of questions and demands are addressed to us, that we are not in position to answer, but we are always able to redirect them to the agency appropriate for answering or solving them. That's it, that's how I see our role". [Office for Foreigners representative, male, 38].

This excerpt underlines a series of differences between the position of the Office and that of the Department within the field. Firstly, the Office has the right to initiate legislative change. It is crucial in the shaping of the law, as it is in the Office that first drafts of legal provisions are written, and it offers suggestions at later stages of the legislative process. It operates based an extensive knowledge of migratory phenomena and of the institutional framework designed to deal with them. This can be contrasted with the above mentioned descriptions of the lack of communication between regional Departments of Foreigners, as well as with the following statements from the Department management:

"Yes, we call attention to those issues at every meeting, we have this prerogative, the Voivode has it. Legislative initiative is possible, and we present such requests, such proposals of changes in the law, proposals of different solutions. What the Office will do with this, I don't know. The Voivode has no power to present a project of law, because that's what the Office of Foreigners is for". [Member of management, Department of Foreigners, female, 42].

It is clear that the position of Office for Foreigners in the field of migration policy is much stronger than that of the Department and allows for a more active stance. The Office partakes in the creation of the relevant legislation and often has a final say concerning its interpretation. However, interestingly, in the interview conducted at the Office the participant had a much more nuanced view of this power. Specifically, he considered that while the Office does exercise a certain unifying influence on the practices of the Departments of Foreigners, be it through appeals procedures or through direct exchange of information, it does not posses sufficient authority to impose an interpretation. There is no hierarchical dependence of any kind between those institutions and while the Office does have certain control functions, they are of a limited nature. The participant described thus the efforts at unification of practices:

Participant: "[…] However, the Voivodes are not dependent from the Chief of the Office, this is a completely different organizational structure, they are independent in their decisions. When we speak of unifying the practices, we speak firstly of jurisprudence, and secondly of the promotion of good practices in this respect and interpretations that should

be applied as a whole in all Voivodeships. But this is rather mental work, persuading rather than commanding".

Researcher: "So there is no dependence..."

Participant: "There is no organizational or professional dependence". [Office for Foreigners representative, male, 38].

One could thus consider that the degree of autonomy and discretion of the officers of the Department of Foreigners is in fact greater than they perceive. While it is possible to identify existing hierarchical relations and specific cases where an actor gets the final say, it is much more difficult to establish clearly, based on the statements of the participants, where the power to interpret the law and translate it into concrete action is truly situated. None of the participants I talked to (safe the one member of the Department management quoted above) claimed that power for their own organization or echelon of the hierarchy. It would seem that, to a certain degree, this power – as the officers see it – becomes diffuse. This is accentuated by the fact that the training the officers receive does not strictly differentiate between what is inscribed directly in the law and what is due to bureaucratic practice. In the process of learning the job, I was given the informative leaflets that the Department distributes and asked to begin memorizing them. Reading the Act on Foreigners was encouraged, but never verified. This means that by the point when I started giving information to clients, I could have relied solely on the material produced by the Department and the expertise of colleagues. As most of the officers have no legal training strictly speaking, even an attentive reading of the Act on Foreigners – a text commonly recognized by experts I interviewed as particularly unintelligible – might not suffice to grasp all its subtleties. It is the daily practice and the interaction with colleagues that ultimately gives most of the officers the basis of the knowledge with which they operate. This in turn means that, except for those who put in an extra effort, it might not always be clear where a specific requirement comes from and whether it is a direct consequence of the law or an interpretation made at one of the echelons of the hierarchy. In either case, from the perspective of a front-line officer, the rules they apply appear as independent of them, established elsewhere. They are considered to flow directly from the law, and all contention is read as a question of competence, of defining who is the most competent to identify the right interpretation of the legislation – arbitrariness or discretion are not considered as an existing option.

This idea that the officers themselves do not in fact have power can also serve as a psychological mechanism shielding them from the negative emotional impact of the job. Indeed, as Lipsky notes, jobs in street-level bureaucracies are typically characterized by high levels of stress linked to the impossibly to adequately process the high workloads[572]. In

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[572] LIPSKY, Michael, *op.cit.,* p. 31

addition to this, street-level bureaucrats tend to work with populations that require their assistance all the while being expected to discipline the very same people, leading to emotionally trying situations. This is also the case in the Department. Notably, several years before the period of the study, an organizational change was introduced, separating the tasks of client reception from those of decision-making. Previously, the same officer who first received a client was responsible for the treatment of their case. One aim of this reorganization was to alleviate the pressure the clients could exert on officers. Under the new conditions, a client only has contact with officers who do not have immediate influence on the decisions taken. Any frustration with the conduct or the outcome of the proceedings directed at them can be dissipated by pointing out that they are as powerless as the client themselves. When this responsibility is not removed from the officers, it can lead to extremely high emotional costs of the work, as the example of one of the mangers can show. This is the same participant who was the only one to explicitly state that he had to personally take final decisions in the case of interpretation uncertainty. When asked about how officers cope with stressful or conflictual situations, he painted an image of the job as emotionally exhausting and haunting:

> "My arm hurts here, that's how I cope. My arm hurts, from here it radiates to the hand [laughter]. Now, I will tell you how I cope. Firstly, one cannot take it to heart, too much. But that only works in the short term, in the end one starts to receive this information anyways. Me, personally, I try to cope with it by letting it go in one ear and out the other. That is to say, I solve a case and automatically forget it. If you ask me what I did half a year ago, I simply don't remember. […] Here, we have to join quality and quantity, I have to solve one situation to start another. I finish one, only to start another. I finish the second one to start a third one. The more situations I go through, the more people I help, so I simply try not to remember the cases. […]
> In fact, it is very important to forget this work completely, and one has to occupy oneself with something. One has to occupy oneself so that one's own thoughts from work can't catch up. In my case for instance, I do everything to tire myself physically so much that my mind doesn't follow. Because when I come [home], I feel well physically, but my head is so devastated by people's problems, that I sit down – the problems from work start catching up with me, the work catches up with me, when I'm on my way to work – the work catches up, when Sunday afternoon comes – I start thinking about work, so that's why [I need] the physical escape from work. That is to say running, biking, other exercise, trips, doing anything only not to stop. When one stops, something catches up. Something, that you don't want to catch up with you..." [Member of management, Department of Foreigners, male, in his 30s].

This passage shows very vividly the strain that the task of "helping" and "solving situations" can take on a person. The burden of responsibility follows the participant even outside of work, while the impossibility to deal with the stress through direct action takes a physical toll on his body ("my arm hurts"), and he describes a series of strategies for shielding himself from its impact or working through the emotional aftermath of decisions he has to take. That strain can be alleviated if officers do not feel that helping or solving clients' problems is

within their power.

However, such a feeling of limited agency also complicates the interaction with clients. Indeed, as seen in chapter I.1., the perceived relative power of participants shapes the interaction. It is part of how each person present interprets the situation and determines the kind of behavior that they believe to be due to one another. As Theodore D. Kemper reminds his reader, issues of status and power are also crucial for an interactionist theory of emotion: they determine who gains emotional energy from an interaction[573]. As he notes elsewhere, emotions arise as a result of anticipated, imagined, or remembered social relations[574]. In the case discussed here, however, the issue of power is unclear. From the clients' perspective, the officers employed at the Department hold the power to make or break their life and their plans, while those very same officers do not see themselves as possessing such significant degree of agency. The interpretations are, in a sense, mismatched, leading to anger and frustration on both parts, as exemplified by the following excerpt from an interview:

> "Sometimes this gets really tiring already, because how many times can one explain and answer for somebody for whom we have no responsibility, and to that, the [delay caused by] the post is added, and [the clients'] irritation that it lasts so long". [Front-line officer, Department of Foreigners, female, 27].

The participant thus underlines a discrepancy in perceptions where the clients consider the Department – and every one of its representatives – as responsible for the entirety of circumstances surrounding the treatment of their case, while for the officers it is clear that their agency is limited and certain matters are all together out of their hands.

It should also be noted that, as Bourdieu points out, the very denial of one's own agency on the part of bureaucrats can be a form of discretionary power. He speaks of an attitude he refers to as *perinde ac cadaver,* as an act of transforming oneself into an object[575]. A civil servant having recourse to such behavior presents themselves as a mere instrument of the law without any power over the rules they apply. However, this attitude always implicitly supposes its opposite: the possibility to bend the law, to go beyond established rules. The capacity to choose between those two is, in and of itself, a source of power.

In the case of the Department of Foreigners, a particular position within a structure of interrelated actors, combined with the need to preserve a certain emotional balance, leads to a perception where power becomes diffuse and hard to situate, while the rules applied become taken for granted and seem to be devoid of any chosen political direction. This vision can, hence, be related to the above-mentioned idea that Poland does not have a coherent migration

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[573] KEMPER, Theodore D, 2011, *Status, power and ritual interaction.* Burlington, Vt. : Ashgate.
[574] KEMPER, Theodore D, 1978, *A social interactional theory of emotions*. New York : Wiley.
[575] BOURDIEU, Pierre, 1990, *op.cit.,* p.87

policy.

III.1.1.c. A perceived lack of coherence of migration policy

To understand the specificity of the way Poland's migration policy is perceived by those who apply it, it is interesting to compare it with a contrasting case – that of French immigration offices described by Alexis Spire[576]. Unlike Poland in the summer of 2014, France undoubtedly has a migration policy and this policy is an object of heated public debate. Moreover, this policy tends to be restrictive and an important part of the political scene is either overtly or euphemistically hostile to immigration. While it can be argued that the situation in Poland has evolved in a similar direction since 2015 and the announcement of a potential increase in the inflow of refugees, during the time when this study was conducted that was not the case. The agency studied by Spire operated under a policy aiming at controlling and decreasing the inflow of immigrants. This policy goal found clear reflection in the everyday work and interactions in the agency. The very work conditions and the process of socialization of officers tended to lead them to act in accordance with this political agenda. The limited knowledge, the high workloads, and the routine ways of dealing with both those constraints, produced a context where the rules applied tended to be interpreted in a restrictive sense. At the same time, Spire offers a typology of officers' attitudes towards their work and the policy they implement. While a certain number of them resisted, acting in a way more benevolent towards foreigners than the agency required, and another group acted pragmatically, treating this job as any other and focusing on accomplishing the task with maximal efficiency and minimal effort, a whole category of officers presented a zealous attitude, adhering unconditionally to a hostile discourse concerning immigration. Significantly, those were the employees with the longest time on the job and the greatest degree of dependence on the hierarchy. They tended to see all the foreigners addressing them as potentially fraudulent and saw their own mission as confronting an uncontrollable flood of people and limiting its nefarious consequences.

No such idea of their own role could be observed among the officers of the Masovian Department of Foreigners. While some of them expressed hostile or critical personal views on immigration as a phenomenon, those did not necessarily find direct reflection in those persons' view of their own work, nor in their attitudes towards clients. What is more, it would be difficult for the officers to adhere to or reject state policy goals, since they mostly believed them to be inexistent or incoherent.

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[576] SPIRE, Alexis, 2008, *op.cit.*

The image of migration policy that emerges from the conversation and interviews with the Department employees ranges between that of a lack of coherence, and that of an irresponsible lack of vision and understanding. A clear example of the first view is present in an interview with a representative of the management, who deplores the absence of a "regular migration service" in Poland:

> "And this migration service – which in this case is a Civil Service, because we are employees of the Civil Service corps, the employees of the Voivode are – it is linked to a very close cooperation with all institutions that have relations with foreigners. And as I said, the phenomenon of illegal migration, illegal work, the Border Guard, the police, that is to say those force agencies. And then there are also the phenomena linked to the work of foreigners in general, so straight away there comes in the ZUS [social insurance agency], the tax offices, the work inspection, the district work inspection, and so on. And all of this is connected together and the whole handling of foreigners and the whole system of foreigners' reception in Poland as in any other country moves in the direction of such a regular migration service. It has not yet, as we can see, undergone construction change, that is to say systemic [changes]. As twenty years ago the Voivode handled foreigners, so he still does, only twenty years ago it was the Minister of Interior, and then in order the Office of Repatriation and Foreigners, and then the Office for Foreigners who was the second instance, but besides nothing has changed. But the building of cooperation, of a network of connections between all those institutions that deal with foreigners, the number of quarries and the interest in such computer records linked to foreigners is approaching a kind of critical moment. And at some point, if this phenomenon that we have, the scale of the migration phenomenon will grow, then simply this critical moment will be passed and it will be necessary to do something systemic, some systemic solution, for instance linked to a merging of different databases, the access to the Central Registry of Foreigners which is a computer system. I do not know, the creation of a sort of regular migration service, it could be under the Voivode, under each Voivode, so that is has this sort of institutional character, and not an accidental one, as it does now". [Member of management, Department of Foreigners, female, 42].

The participant envisions such a service as a well-planned, structurally coherent, public institution combining the competences and prerogatives of all agencies dealing with foreigners, in contrast with the current, "accidental" system build through a series of adjustments without any overall "systemic change". She speaks in favor of a greater communication between such agencies and a centralized, cohesive approach to migratory phenomena. While this participant's perspective is more global than that of most front-line officers, this idea of a lack of coherence is recurring.

Another opinion, that sometimes accompanies it, is that Poland's approach to immigration is very liberal – a view that stands in stark contrast with the diagnostic of both academic and third sectors authors, who often describe Poland's policy as restrictive[577]. As one participant put it:

> "I would say that we are too open, that this has been a problem for a long time, that we should rethink this, whether we should not limit this migration policy. This was already

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[577] See for instance: GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p. 63

postulated in the 90s, that we are too much. I would despite all regulate this, [the fact] that too many foreigners arrive. It seems to me that in other countries this policy is different, since we are very tolerant when it comes to foreigners, especially when they are of another faith. I would introduce greater discipline, when it come to the entry of foreigners into Poland. I think that there might come such a time and period, when it will be too late, that is what I am saying". [Member of management, Department of Foreigners, female, 59].

Many officers also share the view that the new Act is a liberalization of law towards foreigners. In some cases, like the interview quoted above, the officers seem critical of this, although some spoke in favor of selectively liberalizing the regulations for those groups of foreigners that can be useful on the labor market:

"First I would start from directing [the policy] towards certain groups in particular, like for instance we have this nice thing, that the universities bring in students. A student is after all a person who will be a graduate, who will acquire skills and competences for different types of jobs and for working here somehow, for the good of this country. That is to say, addressing specific groups, for instance young people, plus helping for instance, I do not know, those groups who work for example caring for older people, that is to say those people who now work without a permit or on the basis of a declaration. And in addition, allowing work without permit in jobs such as farm worker, collecting fruit and such, the kinds of jobs where Poles, lets not hide it, will probably not run happily to Grójec for instance to gather apples for 5 zloty an hour. So I would liberalize more the issue of those simplest jobs […]". [Front-line officer, Department of Foreigners, male, in his 20s]

In this view, Poland's migration policy is still seen as in need of further centralization and better systemic solutions, but liberalization is seen as a permissible option, provided it serves the Polish population: attracting qualified young people, or allowing for jobs that no Polish citizens wish to take on to be filled by immigrants are seen as beneficial.

The officers' view of a liberal law is also linked to several other ideas. One is that the aim of the government, or the law-makers, is to attract foreigners to Poland. Often, this goes hand in hand with the association made between emigration from Poland and immigration into Poland: the foreign population is presumably meant to complete the demographic deficit created by low birth rates and massive departures. Another idea constitutes a judgment on this state of affairs: that the policy-makers are short sighted and do not measure the consequences of their decisions. This is linked to yet two other sets of ideas. On the one hand, it can be read as part of the widespread condemnation of the lack of coherence of migration policy. Bringing more foreigners in when there is no coherent system to accommodate them is presented as irresponsible, and the need is underlined for more selection criteria to facilitate the entry and employment of those foreigners who can benefit the economy. On the other hand, one encounters certain fears – also present in society at large – concerning newcomers and their presumed cultural difference. It is feared that alien populations will fail to assimilate, creating ghettos and causing social tensions. This apprehension might be fueled by perceptions of the

situation in the West. Both those ideas – the lack of coherence and the potential threat – can be understood as deriving from the feeling that Poland is not ready to receive any significant number of foreigners. In the light of that feeling, any facilitation of foreigners' stay in Poland appears as unreasonable.

While one could expect that such views would lead the officers to resist this perceived liberal stance and tend towards a more restrictive approach, this is not the case. When those opinions are expressed, the officers do not establish links between them and their own work or mission. On the contrary, they describe their goals and tasks as either simply the application of the law, or providing service and help to clients. One should also note that the idea of an excessive liberalization is presented here in a condensed form and was expressed in a much more diffuse and implicit manner by the officers – none of them presented it as a set of principles systematically guiding their actions. Some declined speaking about immigration policy at all, claiming that they never though of it before. While those views were expressed when I inquired explicitly about policy aims, they do not seem to be on the forefront of most of the officers' preoccupations on a daily basis. In fact, in their everyday work, a vast majority of officers seems to fall into the "pragmatic" category in Spire's typology, focusing on the accomplishment of required tasks.

As it has been illustrated in chapter II.2., in many cases personal views on immigration and foreigners do not translate in a simple manner into attitudes at work. On of the officers discussed in II.2. is such an example: while he might wish for a policy more centered around Poland's economic needs and has expressed critical views about certain groups of foreigners, in his daily treatment of clients he adopted a professional and benevolent attitude. In fact, his manner of behaving on a daily basis did not depend as much on his views on immigration or migration policy, as it did on a certain idea of the civil service: he attributed a high value to concepts such as professionalism, competence, and merit, and judged and treated people according to those principles. Likewise, another officer – quoted above criticizing Poland's migration policy as "too open" – tended to be helpful but expeditious with clients, making all efforts to find a solution to their problems, but speaking in a manner that tended to put them in their place, so to say. She did hold views critical of an excessive liberalization of migration policy, but, significantly, she also expressed a set of ideas concerning the role of the civil servant: she bemoaned the passing of a time when all officers in an agency knew each other and identified with the institution, which gave them prestige and status. She also noted that "once, a client who came had respect for the civil servant, things were different in the administration, when a client came, [she] felt like a civil servant" [Member of management, Department of Foreigners, female, 59]. One could consider that her attitude towards clients

was at least in part due to this idea that clients owe deference to the civil servant who addresses them from a position of authority. Thus, as those examples illustrate, it would seem that the attitudes and behaviors of the officers in interaction with clients depend more on their view of the civil service and their own role as civil servants than they do on their opinions on immigration policy.

A process similar to that described above with reference to power and discretion seems to be at work here: a downplaying of the importance of choice and decision-making in the production of the rules the Department of Foreigners is meant to apply. While it is true that Poland's migration policy can lack coherence on some points and is far from a comprehensive, systemic approach to the issue at hand, in the officers' views concerning it one could see a certain blurring of the elements of the policy that do result from conscious, informed choice. Unlike the civil servants described by Spire, who knew they applied a set of directives that tended in a certain direction and resulted from a specific reading of the situation, the policy as an orientation and a choice of goals was not the primary focus of the officers in the Department. They rarely seemed to perceive their work as situated within a framework meant to strive towards a specific conception of the future, but rather concentrated on the application of rules, the production of which was mostly outside their scope of vision.

This is reflective of the executive position the Department occupies within this field of policy. Indeed, dependent from a superior body not specialized in the issue of immigration, and endowed with less agency than a specialist institution such as the Office for Foreigners, the Department, which in fact deals with the vast majority of issues concerning foreigners in Poland, disposes of a very limited amount of power.

To compare this situation to that of another Polish administrative agency, one can look to Beata Glinka's work on the change and development of a public sector organization, where she applies a neo-institutionalist approach and comes to the conclusion that the functioning of this agency is "largely dependent on various games played in inner configurations as well as in contacts with the environment and its different components"[578]. If the functioning of an organization can be understood as a form of a game, this also implies that – just like in a game of cards – the players are given a certain *hand,* a certain amount of assets or resources they can dispose of to play the game to their advantage. However, in the case of the Department, that hand appears to be rather weak – a situation reflected in the understanding of the job by the officers. This subordinate position, together with the strains of the heavy workloads and the emotionally difficult cases, leads the officers to overlook what little discretion and choice their work does nevertheless involve, and focus solely on their roles as executors.

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[578] GLINKA, Beata, 2011, Zmiana i rozwój organizacji, czyli w co grają ludzie?. In : *Etnografia organizacji*. Sopot : Gdańskie Wydawnictwo Psychologiczne. p. 261

III.1.2. Regulating the inflow of clients and assuring efficiency

A non-negligible factor in this downplaying of agency is the extremely heavy workload that the Department has to deal with, and which manifests itself in two forms, corresponding to the tasks of reception and case-processing. On the one hand, there is an ever-growing backlog of cases to be treated, embodied in the piles of paperwork accumulating in the building. On the other, there are the clients visiting the Department in person in great numbers. Neither of these can be dealt with adequately, despite the best efforts on the part of the institution and its individual employees. While before the entry into force of the new Act on Foreigners the backlog and the press of people on the premises had been temporarily contained, shortly after May 2014 the situation deteriorated. The numbers of foreigners submitting applications skyrocketed and have been growing ever since[579]. The managers of the Department, in inside meetings as well as in interviews, insisted on a conjunction of explanatory factors, including notably, besides the change in law which encouraged foreigners to apply for residence permits, the social unrest and then the armed conflict in Ukraine which prompted many Ukrainians to leave home and seek employment and residence in Poland. In response, additional employees have been hired and working hours have been extended to include Wednesdays (previously reserved for maintenance and housekeeping tasks). Gradually, the same became partly the case of the last hour of work. The inspectors in charge of case-processing worked even longer hours, as they were required to process cases within a certain time limit and often stayed longer or came in earlier to meet the deadline. In the spring of 2015, with the numbers of applicants becoming unmanageable and attracting media attention[580], the Department opted for a change of work organization. The reception of applications for residence permits became limited to those who previously arranged a meeting for a given day. However, while this reduced the most visible symptoms of the work overload – the queue forming in front of the building – in fact, it did nothing but shift the workload elsewhere. Firstly, high amounts of applications continued to be received, adding to the piles of paperwork waiting to be processed by the inspectors. During the summer of 2015 the officers as well as the foreigners and their representatives I had the occasion to talk with spoke of several months-worth of backlog and a waiting time extended to six months. Secondly, the increasing delays, combined with the move towards sending the formal decisions by post instead of issuing them personally, lead the clients to contact the

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[579] See Appendix 1 for a diagram presenting this evolution.
[580] *Uwaga! TVN*, 2015, "Jak traktujemy cudzoziemców?". Online video. 23.03.2015. Available from: http://uwaga.tvn.pl/reportaze,2671,n/jak-traktujemy-cudzoziemcow,162171.html

Department more frequently with inquires concerning the status of their case. Thus, the improvement concerning the reception of applications simultaneously increased the workloads of other sections, notably the section of information, which additionally lost the support it previously received from the NGO-operated information desk that closed as the project it was part of came to an end. This seemingly hopeless struggle against the ever-growing numbers of cases to treat is reminiscent of Lipsky's thesis that backlog and resource inadequacy in street-level bureaucracies are not the exception, but are, in fact, chronic and systemic. Given the nature of the service provided by public administration, there is no limit to the demand, he explains, and hence if "additional services are made available, demand will increase to consume them. If more resources are made available, pressures for additional services utilizing those resources will be forthcoming"[581]. Another, related, reason why even an increase in resources does not solve the problem was given by one of the participants:

> "[...] increasing constantly the number of posts is not a good direction. Because you can always increase, always have needs, that can be seen in the statistics, here it increased by 130%, so we should have 130% more people, that is to say from 200 we should go to 250. But firstly where to get them, and secondly did anyone ever try to manage a 250-people team in two different locations? This is impossible, all books on management and other wise people say that. In management, there is the rule of one hand, that is to say that's how many [people] I can handle, five, and [there is] 250 people. When I start to confuse my own employees with foreigners, things are not well. So this is not the right direction, that we constantly need people. Systemic changes should be made, that would allow us to serve the same number of clients with less people [...]". [Member of management, Department of Foreigners, female, 42].

In the view of this participant, not only does the demand increase with the offer, but also the very system built to treat that demand becomes inefficient as it grows and accumulates resources it cannot successfully put to use. Thus, the very conditions of functioning of street-level bureaucracy render the overload inevitable. In Lipsky's words, "[s]ome jobs just cannot be done properly"[582]. The need to deal with this impossible workload easily overshadows other concerns and partakes in the erasure of discretionary power from the officers' self-perceptions.

III.1.2.a. Managing the inflow

Under those circumstances, managing the inflow of people and cases becomes a pressing aim of the officers' daily activities. Here, I concentrate on how this is achieved in the sections that deal with the reception of clients, as opposed to the ones who treat the received applications.

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[581] LIPSKY, Michael, *op.cit.,* p. 33
[582] LIPSKY, Michael, *op.cit.,* p. 31

The officers are aided in their tasks by the electronic ticket system which allows for an orderly queuing of the clients and a monitoring of the numbers still awaiting service. However, while this system permits individual officers and their superiors to regulate their work rhythm, the tickets themselves become an object of contention. During the time of the study, the number of tickets distributed per day to clients seeking to submit an application was limited to approximately 100 – a number estimated to be treatable by the available workforce within the opening hours and established to avoid situations where a client receives a ticket, waits for their turn, and is turned down after hours of waiting. However, this system created a rush during the beginning of the work day, when clients would strive to be among the lucky 100 to be received. A queue would form during the night and the moment of opening, as previously mentioned, was practically always accompanied by scenes of disorder and sometimes violence. Hence, the electronic queuing system could not be left to function without supervision. Intervention was necessary to ensure a smooth distribution of tickets. In the first hours of work this involved mostly managing and diffusing any conflict that may erupt, as well as avoiding irregularities, such as the previously mentioned ticket trade or the issuing of several tickets at a time to professional intermediaries. As a result, a rule was established that during the first hour a ticket for the submission of applications only could be given if the foreign applicant was present with a filled in, correctly dated application. An officer was posted at the entry and put in charge of the ticket-printing device. The role of that officer was all the more important that the organization of work and the names of the sections were not immediately transparent to all clients. Any – quite understandable – errors could cost a person several hours of waiting in vain, and many clients simply did not know where to turn with their request. The officer at the entry was thus responsible for directing clients to the right rooms. The process of managing this first rush of clients at the opening was often referred to as *the unloading of the queue*. However, even once this was achieved, it remained essential, as members of the management as well as front-line officers stressed on several occasions, to avoid clients "wandering about" the building, which is why, most days, an officer was present at the entry throughout the opening hours.

The fear that people might *wander about*, aimless or lost, causing confusion and rising tensions, appears legitimate when one looks at the spatial organization and presentation of the premises. The Department was located in an antique building near the city's historical center – a building classified as monument, and hence, impossible to alter or reorganize. The client who arrived at the Department was first met with the small, often overcrowded, entry, from which a staircase leads to the reception rooms. Those rooms were organized along corridors, in a manner that presented the visitor with a series of identical doors. The corridors

themselves served as waiting spaces. While efforts had been made to indicate different sections and offices, those indications could appear difficult to read, all the more so because several successive systems of signalization overlapped: older schematics remained in place, while newer ones, including information screens linked to the queuing system, had been added. Moreover, a variety of printed informative materials adorned the walls of the building, accentuating the sense of visual confusion. In those conditions, the visitor was indeed at risk of losing their way, especially in the most crowded hours.

Once those risks limited and the initial massive inflow of people redirected to appropriate offices, the management consists of dealing quickly with each incoming case, so as to avoid an accumulation of people waiting. The officers are under constant pressure to work at a fast pace and treat as many cases as possible. This pressure partly may come from their superiors as in the following passage from field notes:

> Around 2 pm. the coordinator drops by and asks why are we going so slowly, as there is still plenty of people left. I decide to stay on a little longer and I end up working past 3 pm. [FJ, 27.06.14]

However, besides the supervision of superiors and their insistence on rapid work rhythm, this passage illustrates two other points. Firstly, the coordinator only insists on a faster work cadence because there are still clients waiting while the Department should close its doors to outsiders in an hour. In fact, the pressure that superiors exercise is often but a reflection of the pressure all the staff collectively experiences. If the incoming clients are not dealt with fast enough the work hours will be longer and the waiting people might become disorderly, making the work even more harrowing. Secondly, in the discussed case, I could have left on time, but that would have left the officers in the room with more work. Working too little or too slowly and creating a hold up has consequences for other members of the staff, be it in the form of an increase in workload, or a more tense workplace atmosphere.

However, managing the inflow is not only a question of swift treatment of the highest number of cases possible. Working fast is less important than working efficiently, that is to say in a way that avoids the creation of difficult or unmanageable situations. Mismanaging the flow of people and allowing their number to accumulate can lead to tensions and a loss of control. This can depend on seemingly insignificant behavior on the part of officers. As I had an occasion to learn for myself when posted at the entry to redirect clients, details as trivial as standing a step closer to the ticket-printing device could lead to clients queuing up to ask me questions, instead of taking a ticket, and hence overcrowding the small space, leading to confusion and conflicts. The management of the workload also involves a certain skill in handling one's own presentation and in taking control of an interaction. When talking to

clients, officers must be careful not to cause the conversation to drag on, or, in the words of one manager: "You can't spend time feeling sorry for the client, you have to answer fast and concisely!" [FJ, 26.08.14]. However, too much concision can lead to more questions, or complaints – a careful balance must be found that will satisfy the client and make them leave. Another member of the management described such a strategy for dealing with clients:

> "In my opinion, you can quickly dumbfound him [the unsatisfied client]. There is no sense in discussing, no sense in apologizing, in entering into trivial detail, "I'm sorry, but w have a hard situation, few employees, rain and snow outside, and it's cold and the aura is not right, you see for yourself, you should understand us, show a little empathy...". No! You have to hit him with the facts straight away: "you have the possibility to make an appointment by phone", "when does your legal stay end?". When he gets concrete facts, concrete answers, a concrete person, he has no time to quarrel with us, and we don't lose energy to defend ourselves, instead we go directly to counterattack […], but a positive counterattack, because we give him straight away a solution to the situation". [Member of management, Department of Foreigners, male, in his 30s].

This particular participant's preferred strategy for dealing with clients consisted of taking charge, not allowing for doubts or criticism to emerge, and focusing the clients' attention on what can be done, rather than the problems they are faced with. The search for balance is nevertheless present: the aim is to "dumbfound" the client, but this can only be done by offering an actual solution. This strategy involves both an effort to satisfy the clients and an attempt to do it in a way that disciplines them.

Outside of their appointed stations, the officers also must be cautious not to provoke hold-ups. They do not linger in the corridors and many avoid direct eye contact, so that clients would not address them with requests that could lead to a gathering in the corridors and a disruption of the work routine. Thus, the officers' conversations and outside appearance are carefully crafted to communicate the exact degree of availability that they can allow for without compromising the swift running of the institution.

In all of the above described instances, the aim is to distribute the clients between different locations and to control the time they spend there. The expression "flow of clients" is used here deliberately, as it reflect a way of thinking about this form of management. A striking illustration of this is provided in the following quote:

> "[...] we changed the whole system of management of the movement of the client inside the building for a more modern one, that generates statistics and shows us where, in which places the quantity of client increases, decreases […]". [Member of management, Department of Foreigners, male, in his 30s].

This participant used the singular form of the word "client" throughout the interview, but the expression "the quantity of client" is particularly telling, as it makes "client" sound as a form of goods or material that flows through the building.

The situation where the number of clients exceeds capacity for processing and where officers can be continuously solicited for service thus makes the work rhythm and the movement of people within the premises an important stake, but also creates the need to manage those people like a flow to be directed, distributed, and contained. While this might not take forms as extreme as the kind of "people-work" described by Goffman with reference to total institutions[583], it does to an extent lead to situations where "people can take on somewhat the same characteristics as inanimate objects"[584]. Another example of extremely repressive management of people is provided by Alexandra Hall[585] in her work on immigration detention centers in Great Britain. She develops the concept of "bodywatching" to describe the practice where the detainee's body becomes reduced to an object to be organized and managed, but also to be surveyed and deciphered for signs of potential disruptive behavior. While the Department has little in common with the extremely coercive setting of a closed detention facility, and differs from it markedly in both its aims and methods, the concept can be useful when reflecting on the management of clients as bodies and on the kind of skill it requires. Indeed, in managing the "quantity of client", the officers mostly manage the movement of bodies that must be distributed in a given space with the least disruption possible. To obtain this, a certain skill similar to the cautious scrutiny described by Hall is necessary – the officers must be able to read the atmosphere among the clients and the behavior of individuals so as to identify the cases that can be treated rapidly to move the queue forwards and anticipate those that might create hold-ups.

However, the parallel with those very drastic practices of people-work has its limits. Goffman speaks of a "set of characteristic problems […] found in the constant conflict between humane standards of one hand and institutional efficiency on the other"[586]. While present in "total" institutions, this conflict is exasperated drastically in a case where the people to be processed are not inmates or patients dependent on the staff and deprived of their freedom, but clients entitled to a service. The need for institutional efficiency remains crucial, but a much greater importance is taken by what Lipsky refers to as "the myth of altruism"[587]. The Department is expected to act in the service of the people it receives, even though it is impossible to do so adequately, given other requirements such as equity and efficiency. The necessity to balance diverging goals and expectations becomes particularly visible when one looks at the way officers are brought to handle individual cases and interactions.

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[583] GOFFMAN, Erving, 1991, *op.cit.* p. 73
[584] *Ibid.*
[585] HALL, Alexandra, 2012, *op.cit.*
[586] GOFFMAN, Erving, 1991, *op.cit.,* p. 76
[587] LIPSKY, Michael, *op.cit.,* p. 71

III.1.2.b. Striking a balance between quality and quantity – diverging practices and individual cases

There is an error on the first page of the application form. [The officer] agrees for the client to run find an empty first page while she continues processing the rest of the form. [FJ, 31.07.14]

In a conversation, [the officer] mentions that, by principle, a civil servant does not have the right to write an application for a client, nor a formal letter, but she does it sometimes to gain time. Filling in a whole application with a client can take up to 30 minutes (in general, when the whole application needs to be filled in, the client is sent to [the NGO-operated help-desk]), so it is easier to take a person's passport and do it yourself. [FJ, 03.07.14]

An intermediary enters, asking if she can let in two people, including a Vietnamese woman who does not speak Polish (she herself still must assist another client in filling in her application). [The officer] suggests the Vietnamese woman enter, since her colleague [in the same room] is receiving an intermediary who can translate. [FJ,14.08.14]

"Sometimes we can even accommodate [a client] and accept that small document, because it's a pity [not to]. But then again, sometimes it depends what comes up, but sometimes this in turn generates [a situation] where people from the outside see that we take that document, and why we have taken that one, and not theirs. So that also happens. Women with children or pregnant women, we receive them outside of the queue, which people also look at in different ways, some understand, and some [ask] why. Because that child is crying". [Front-line officer, Department of Foreigners, female, in her 20s].

Such examples, not uncommon in the daily running of the Department, show the various ways in which the officers must balance different and often conflicting imperatives to maintain order and preserve the efficient functioning of the institution. In fact, in those passages, four distinct goals – sometimes related, sometimes contradictory – can be discerned. Firstly, the officers aim to work efficiently, to treat cases swiftly by preserving work routines that make this possible. Secondly, they aim to fulfill their mission of service: to assist clients, guide them through the procedures, and receive them in a satisfactory fashion, or, to quote again Lipsky's expression, to maintain the "myth of altruism". Thirdly, the aim is also to treat people equitably and fairly, as well as with respect for the rules established by the law. And fourthly, it is to preserve an image of the institution as fair and benevolent, an image of dignity and neutrality associated with the civil service. This last aim will be the object of chapter III.2. Here, it is treated only briefly, as related to the other goals discussed.

Those goals can be conflicting and intertwined at the same time. For instance, in the first passage quoted, the officers' choice is rather straightforward: she opts in favor of both efficiency and altruism by giving the client a chance to complete the application while she works, but against fairness and obedience to the rules by ignoring the guideline according to

which the client must have a correctly filled in application. A similar situation occurs in the two following passages: the officers choose to bend the standard way of proceeding, or even the legal rules, in order to process the client faster, more efficiently, and with more benefit to both parties involved. However, in the fourth passage things become more complex: the officer speaks of a conflict between an altruist approach ("it's a pity") and the requirements of both fairness and image-building. However, it is unclear which of the two solutions is more beneficial from the point of view of efficiency. A client who feels overlooked while others receive special treatment might become unruly and threaten the work routine. However, so might a client whose situation would justify special treatment and who didn't receive it. Moreover, while making exceptions might create a negative image, so can refusing to make them in the case of people widely considered as vulnerable, such as pregnant women or women with small children. Ultimately, how an officer chooses to balance those imperatives depends on how they evaluate every individual situation. At any point in time, the officers must be able to estimate the threats to each of those goals and strike a balance that will be the least detrimental to all. As a result, the way a particular client is treated may depend less on a policy or a set of ideas, and more on the way an officer weighted those imperatives against each other at a given moment.

It is important here to say a little more about the idea of "humane treatment", as some officers called it. In order to define it more precisely, one can look to the way officers described it in interviews:

> "Here the contact is more humane. Just like us now, we sit at a desk and talk. Not like when there is a glass wall and a metal detector. When someone is sick, or with kids, we receive them right away". [Front-line officer, Department of Foreigners, female, n/a].

> I still have a slightly different approach to the client, I'm not yet so keen to see only paper and, truth be told, I really approach it differently, despite this fatigue that's sometimes really close to the limit. Nevertheless, I sometimes treat the clients perhaps in a more humane way, I tray to find a solution and understand such a person. [Front-line officer, Department of Foreigners, male, in his 20s]

Those passages provide us with a list of characteristics of what can be considered as humane treatment. Above all, such treatment demands empathy, it requires seeing the other as a person, not as "paper", and being able to put oneself in their place. From this kind of empathy grows a form of understanding – a capacity to be tolerant when faced with another person's difficulties. It also involves an element of normalcy, of common sense – the interaction unfolds "just like [when people] sit at a desk and talk", as if the relationship was friendly and personal, instead of professional. In a sense, one could say that this last element differentiates this idea of humane treatment from simply the care or service functions of bureaucracy

constitutive of Lipsky's "myth of altruism". When discussing the psychological profile of Polish culture, Paweł Boski introduces the idea of a "humanism of everyday life" or "naive humanism"[588] illustrated by Polish expressions such as "a humane human being". He sees the fact that such expressions do not translate well into foreign languages as proof of their reflecting a set of country-specific ideas and attitudes. He defines this quality of being "humane" as a refusal of universalistic, rigorous norms in the name of compassion and understanding for particular circumstances. He stresses that this attitude "has – like any other cultural solution – two sides of the coin. On the one hand, it fosters a more personal (de-bureacratized) character of everyday relations, on the other hand, however, it favors their pathologization in the form of nepotism, corruption, bias, impunity of the privileged, etc."[589]. This dichotomy is similar to Lipsky's dilemma of the "myth of altruism" but it differs in that this "everyday humanism" goes beyond a service function characteristic of street-level bureaucracies. It is a moral stance existing in society at large and conflicting at times with other imperatives of the civil service. As Arcimowicz notes, the work of the civil servant is fraught with dilemmas, not the least of which figures the conflict between legalism and the interests of the clients, but also between legalism and other commonly accepted norms of behavior. It can manifest itself in examples such as the aforementioned case of the small gift[590], where accepting it is against formal rules but not accepting it is against the rules of common politeness. Treating a person "humanely" in such a case could mean breaking the rule not to offend them. Another striking example was provided by one of the Department of Foreigners officers who would repeatedly allow former interns and volunteers (myself included) to enter restricted areas of the institution. She would continue doing so despite being reprimanded by her superiors, claiming that it simply was not acceptable to treat people she knew and who had worked alongside her like strangers. The particular relationship she had with those people and the gratitude she believed the Department owned them for their work prevailed in her eyes over the official guidelines or the need for equal treatment. This idea of "humane" treatment also manifested itself in the belief that the role of the Department is to help clients. However, this is where the issue of efficiency becomes pertinent once again. As one of the participants said, in a previously quoted passage: "[...] we have to join quality and quantity [...]. The more situations I go through, the more people I help, so I simply try not to remember the cases". A vicious circle is thus created, where efficiency becomes the necessary condition for humane treatment, all the while making it impossible to truly pay attention to individual cases, and hence leading to an unpersonalized, objectifying approach.

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[588] BOSKI, Paweł, 2009, *Kulturowe ramy zachowań społecznych*. Warsaw : PWN. p. 377
[589] *Ibid*., p. 378
[590] ARCIMOWICZ, Jolanta, 2010*, op.cit.,* p. 250-251

The picture of this careful balancing of quality and quantity that the officers have to accomplish wouldn't be complete without mentioning the impact client strategies have on the officers' ways of approaching the above discussed goals. One category of clients provides a very clear illustration of this interrelation: the professional intermediaries. Indeed, while the lone foreigner punctually visiting the Department also chooses a certain strategy of approaching the institution, the intermediaries, who visit it daily with a variety of – sometimes difficult – cases have much more possibilities to elaborate such strategies. Moreover, while, as Lipsky notes, "[c]lients are not a primary reference group of street-level bureaucrats"[591], there does exist in the Department a discernible collective stance towards intermediaries, albeit a complex and uneasy one. This uneasiness can be found in the following passage from an interview:

> "From a certain point of view, it is helpful, because of the complexity of the legislation, I am conscious of that, I don't look at it favorably. But unfortunately the complexity of the legislation causes the foreigner to get lost in it, and I'm not surprised that he is. And he simply needs someone's advice. On the other hand, in simple cases, where one could settle the case by oneself, the intermediaries make cash and also prolong the procedures more than necessary […]. So this is a kind of zone that I have mixed feeling about. On the other hand, for example, on a third hand in fact, documents prepared for the Vietnamese, for resident [permits], because that's the majority of the cases I encounter, are very well prepared. And one Vietnamese person by himself could probably not do it, but the intermediary prepares it and there's a decision, he knows what is needed, and in fact that's a case that can be judged and closed. Whether those documents are faked for the occasion or not is a different question […] Nevertheless one should also remember that this is reception of third country citizens, which means that some foreigners who arrive are desperate […] and the intermediaries use that too, they abuse it to a certain degree, there is a set of intermediaries that are known to us from a very negative side […]". [Member of management, Department of Foreigners, female, 42].

The activity of the intermediaries is legal. It is at times helpful, as it allows clients who would otherwise be unable to cope with the requirements to do so successfully. It is also useful to the officers, since it allows them to deal with a certain amount of "well prepared", easy to treat cases. However, it tends to be seen in the Department as a door open for dishonesty and abuse. This is especially the case given the familiarity between the officers and the intermediaries: not only do they meet on a daily basis, but some of the intermediaries used to work in the Department. It is not surprising to see some of them choose friendliness and familiarity as a way of advancing their cases. Hence, warnings such as this one are issued to the officers:

> During overcrowded periods the activity of intermediaries increases. The director underlines that [the officers] shouldn't engage in chats with them in the corridors, even if, by the very force of things, [they] know them. It is something that happens in front of the clients and it is a conscious, "perfidious" strategy of auto-promotion: the client might think "they all know each other, they are colleagues". [The officers] should behave

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[591] LIPSKY, Michael, *op.cit.,* p. 47

professionally and not give any cues that such relations might exist. [FJ, 25.06.14]

The activity of the intermediaries thus brings and additional layer to the complex tissue of intertwined goals and principles that the officers already navigate. This is all the more the case, that such activity, in fact, also significantly simplifies the officers' work. As the participant quoted above mentions, an application prepared by an intermediary is easier to process than one prepared by a regular client. It is also more likely that if an intermediary is present, the reception of the application will be swift, as they know the procedure and guide their clients through it. The truth is that on a daily basis, the interests of intermediaries and officers often align: both categories want as many cases as possible to be processed as fast and as smoothly as possible. Hence, maintaining an image of impartiality would often require renouncing important gains in terms of effectiveness – a choice difficult to make given the workload. It is notable, that the cautious attitude towards intermediaries is more common in sections more responsible for image-building, such as information section, while in the sections dealing exclusively with the reception of applications the officers seem to be more commonly on friendly terms with intermediaries. The strategies of the intermediaries thus lead to a simplification of work routines, but also to an additional difficulty in terms of officers' image and self-presentation.

The case of intermediaries and the simplification of the officers' work they can bring about also draws attention to another point. While a significant part of the officers' energy is consumed by searching for a balance between efficiency and quality of service (be it understood as humane treatment, or as fairness), the official goals of the institution are not the only ones to be taken into account. The officers are also inclined to seek to protect themselves from the strain of work and to alleviate the impact of the harsh work conditions.

III.1.2.c. Work conditions and strategies of self-preservation

"If only the foreigner could look at us differently too: that we also have to go to the toilet – because myself, yesterday I have only been once, and I ate my breakfast at 1 pm. After all, that break is legally established". [Front-line officer, Department of Foreigners, female, n/a].

As illustrated by this passage from an interview, the work conditions at the Department can be very trying and often even the minimum of comfort the officers are in theory entitled to is in fact not guaranteed. This is partly due to the above-discussed difficulty of managing the inflow of clients: the workload has to be dealt with and any officer who stops to take care of their own needs is creating hold-ups and making the situation even harder for colleagues. It is thus not uncommon to see officers give up their breaks or eat at their work

station in between receiving clients. The problem is accentuated by the material conditions of work and the spatial organization of the building. The officers responsible for client reception work in separate rooms and have to walk trough the corridors to leave their workstation. Even if a common room for employees did allegedly exist, the officers were mostly disinclined to use it, as it was small, ill-equipped and required crossing an important portion of the crowded building to get there. Being seen by clients while eating, carrying food, or simply resting was considered as potentially disruptive since clients – who were already waiting long hours – could complain that the officers were slacking and not doing their job properly. Thus, when I once asked officers if I could make a private call in the corridor, one of them informed me that the clients should not see us passing private calls, and that it was the same for food. He added that when there is more than thirty people waiting in the queue we shouldn't even go to the toilet. I was unable to determine if that last statement was a joke, but even if it was, it speaks to the strain under which the officers work. Moreover, in order to go to the toilet an officer must take a key (toilets for the staff are separate from those for clients and locked); there is usually one key per section and it is kept in one of the rooms, so that taking it requires entering another person's work-space or asking colleagues for it. It is impossible to do so without being noticed.

Thus, the clients' bodies are not the only ones being controlled and scrutinized. In a twist on the logics of visibility and control described most notoriously by Foucault[592] and applied to immigration service by authors such as Alexandra Hall[593], the officers of the Masovian Department of Foreigners are actually much more exposed to an omnipresent gaze than their clients. Constantly present in the public eye, they must control their gestures and self-presentation, which involves sometimes sacrificing their own comfort. This becomes particularly striking when put into perspective with the situation of other public administration agencies. For instance, in her work on the office of the Ombudsman, Jolanta Arcimowicz draws on Goffman's conception of inner and outer facade of an organization to describe the setting in which the civil servants employed at the office work and where clients are received. The reader gets a picture of a space strictly divided between what is accessible to the public or not. Moreover, this space is impressive and serves as the background for rituals that underline the dignity of the institution and mark its inner hierarchy[594]. The employees of the Department find themselves working in very different conditions. A thorough analysis of the division of the Department into backstage and front-stage, as well as of the potential application of Goffman's classical conceptions to this particular case will be given in chapter

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[592] FOUCAULT, Michel, 1977, *Discipline and punish*. New York : Pantheon Books.
[593] HALL, Alexandra, 2012, *op.cit.*
[594] ARCIMOWICZ, Jolanta, 2003*, op.cit.,* p. 67-71

III.2. It can however be noted here that, as far as the front-line officers are concerned, this divide is constantly put into question: the officers must fend off numerous attempts to approach them outside of the provided spaces and what little space is reserved for them exclusively is always at risk of being invaded. In this sense, the public gaze is all-present.

In this context, it seems logical that the first step towards preserving a minimum of personal comfort requires removing oneself from this gaze. The participants were very critical of NGOs publishing accounts of officers allegedly "hiding" from clients. However, while I witnessed no officer hiding to escape difficult cases or unwanted clients, the very nature of the work conditions makes a certain form of hiding necessary. It is simply impossible to remain constantly in the public space, and since no other space is provided, the officers must make do with what little means are left. In the sections that have at their disposal rooms inaccessible to the public those are used as common spaces, where members of the section may rest and socialize. The section of information, for instance, disposes of a telephone room where the officers answer client calls and which is also used by members of the section as a place where they may retreat to eat their lunch, or drink a hot beverage. The officers would also use those breaks to chat and share stories of the cases they encountered. In other sections, the officers would sometimes leave the building to have lunch, often going in groups or pairs. Once removed from the public eye and safe in a private space, the officers would encourage and reassure each other as to the legitimacy of taking that time for themselves, as for instance in the case of an officer who reacted to my rising to leave the room with: "Stay, have another coffee, accompany us in our misery" [FJ, 09.07.14]. The work conditions were also a frequent subject of jokes, such as when an officer entering the telephone room to find a group of her colleagues there exclaimed "And you people only eat and eat!" and another officer – who was rather thin – answered with "As you can see in my case!" [FJ, 04.07.14].

Another way of escaping the constant pressure of the workload is by striving to control the work rhythm. The electronic queuing system allows the officers to know exactly how many clients are awaiting their service and adapt their cadence accordingly. However, this does not only make it possible to accelerate the service when the queue is growing long, but also to slow down if it diminishes or if one wants to take time for oneself. For instance, an officer of the information section during busy hours would wait a few seconds between clients, and if no client appeared after their number had been called they'd wait a couple of minutes to give them a chance to arrive. However, towards the end of the day, when the queue was smaller, they would shorten that time to "click the numbers" as fast as possible and be done within working hours. If the queue became small during the first hours of work, on the other hand, they would slow down to avoid creating the impression they are idle and could be

given additional tasks.

In addition to such routine, small acts of self-preservation, the officers allow themselves a series of more punctual gestures. Those include all other ways of taking time for oneself, such as briefly accessing social media when no one is watching. They also include deviations from the expected role, moments when, so to say, the officer lays down the mask worn in front of the clients: cursing once the client is gone or off the phone is one example. As Goffman states "[i]n every social establishment, there are official expectations as to what the participant owes the establishment"[595]. Those concern, in the case here discussed, both the officers and the clients, and hence for both of those categories "[...] we find that participants decline in some way to accept the official view of what they should be putting into and getting out of the organization and, behind this, of what sort of self and world they are to accept for themselves. [...] We find a multitude of homely little histories, each in its way a movement of liberty"[596].

However, if there is one efficient way for street-level bureaucrats to resist and cope with the harsh conditions of the job, it is by elaborating "shortcuts and simplifications" as Lipsky reminds his reader[597]. And if those shortcuts and simplifications are to be effective, the clients must cooperate at least to a certain degree with the bureaucrats' work routines.

III.1.2.d. Producing the *good client*

It was mentioned before that the officers' attitudes towards clients depended on the one hand on their vision of their own role as civil servants and on the other on the balance they managed to strike between different and often conflicting goals put before them. Their behaviors are thus guided by what they themselves, their superiors, and the beneficiaries of their service believe a good officer to be. However, in any interaction, the actors posses a definition not only of their own role but also that of the other. They act towards a set of expectations as to what they are owned by others and how other participants should and might behave. Thus, it is also necessary to ask who, from the officers' perspective, is a *good* client? What do they expect their clients to be and what attitudes do they value on their part?

If discerning valued attitudes is not always easy, one common point immediately attracts attention in the officers' statements about clients and it concerns an attitude they all unanimously condemn. The Polish term *roszczeniowość* used in those cases can be translated

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[595] GOFFMAN, Erving, 1991, *op.cit.,* p. 267
[596] *Loc.cit.*
[597] LIPSKY, Michael, *op.cit.,* p. 18

as *sense of entitlement*. It describes the attitude of someone who believes themselves to be in a position to make demands and aggressively pursues what they consider is due. The meaning officers associate with this word is visible in such accounts:

> [The officer] says the work with clients is hard. […] She says that the Poles, together with clients "from the East", from "beyond the Eastern border", are the worst. Those are the most entitled clients. "They don't understand much, or they pretend not to". [FJ, 15.07.14]

> "[...] because some of them understand that things are what they are, and some are very entitled, they have a very pretentious attitude". [Front-line officer, Department of Foreigners, female, 27].

> "Of course [focusing on not harming the client] might be right, but it is often exploited, like for instance now the foreigners from the East, form Ukraine, in many cases are very mannerless, they don't come politely to ask, but instead they act entitled […]". [Front-line officer, Department of Foreigners, female, 27].

The *entitled* attitude hence appears as opposed to politeness, but also to a willingness to accept the rules clients are being submitted to. A good client is one who "understands", who sees both the requirements of legislation and the work routines of the Department as non-negotiable and independent from the will of the participants. As one officer put it:

> "[…] a lady or a gentleman comes in and immediately starts quarreling, I don't really understand that. This is the law, that law is established by our Parliament, signed by the President, and I can't, against that law, say anything else, [I can't say] say that the gentleman will certainly get [a permit] or that the lady wont". [Member of management, Department of Foreigners, female, 59].

The "entitled" client is the one who questions the rules on the basis of which the officers work. Inversely, the kind of client the officers value is one who upholds the officers' idea of themselves as benevolent executors of the law. This is also linked to accepting their expertise and competence, and hence one's own dependent role – the clients are expected to acknowledge the officers' interpretation of the law as correct and not question it with their own understanding of their rights and duties.

An interesting element of this model of the good client is the issue of knowledge. On the one hand, the officers expect the clients to have a certain grasp of the rules that are being applied to them. The failure to follow those rules is often interpreted as proof of the clients' negligence and ill-will. One officer for instance told me in an informal conversation that complications are mostly the clients' fault as they often do not take care of their own cases and "then act surprised". She also considered that the foreigners who obtained a permit as a result of the abolition procedure several years prior were the worst, since they were given a chance to regularize their status and often did nothing about it [FJ, 20.06.14]. On the other hand, however, the less informed the clients are, the more likely they are to rely on the

officers for information and to trust their decisions. Ignorance produces compliance. Thus, one officer for instance told me that Polish clients are more difficult than foreigners, although not always, as foreigners sometimes relied on intermediaries [Interview with member of management of the Department of Foreigners, male, in his 30s]. What was implied in this statement was the idea that the better a person knows their rights, the harder they are to deal with. The ideal client, hence, is informed enough to accept the rules, but not enough to contest them.

This is why Polish clients are reputed to be particularly difficult to deal with. To an extent, that opinion corresponds to a reality: it is in fact noticeable that the Poles arriving in the Department are often outraged by conditions that foreigners have grown to consider usual. It is not rare to see Polish clients get angry at the officers informing them they have to wait, despite that waiting time being considerably shorter than for most foreigners (Poles mostly approach the Department seeking to register invitations for foreigners – a procedure less common and thus dealt with more swiftly than others). However, this is also reminiscent of the ambiguity discussed in chapter II.2. – it is unclear who is entitled to service and on what basis when the civil service treats the cases on non-nationals. The Polish clients feel entitled because they are citizens and have all the grounds to consider that the officers' mission is to provide them with a service. The position of a foreigner is more precarious and the officers' critical reaction to the disgruntled Polish clients shows that they are in fact more used to encountering people who are unsure of their rights.

Under the conditions of heavy workloads and limited resources it is imperative for the officers to obtain a minimum of client cooperation. One factor instrumental in crating compliance is the setting of the interaction. From the very fact that the clients need to come in for service, though the long and strenuous waiting time, to the organization of the work-space, the context is meant to remind the client of their dependence. However, the most visible manner of producing desirable clients and gaining their compliance in the Department comes from the pressure to speak the language of the administration. The most obvious form of this is the predominant use of Polish as the language of communication. While in writing this obligation is legally imposed – I was repeatedly informed by officers that members of the Civil Service cannot communicate on paper otherwise than in the official language of the country – in face-to-face encounters the use of Polish is not necessary, but facilitates the exchanges considerably. The clients must fill in application forms in Polish, and any requests, decisions, and informative letters sent out to them are also issued in Polish. This leads not only to situations where the foreigners in fact sign documents they only partly understand, but also to rather surprising practices such as answering in Polish to emails written in other

languages. Speaking Polish is not an absolute, formal obligation when dealing with the Department, but the clients are forced to communicate at least partly in that language. Clients who can speak Polish or are able to find a translator are more likely to fill in their applications correctly without officers' assistance, more apt to understand the requests of the institution, and quicker to find their way through both the overcrowded, stressful space of the Department and the meanders of legal proceedings.

What is more, another, subtle, form of language imposition also takes place, as it was briefly discussed in chapter I.2. When receiving a client, the officers must identify the elements of the legislation to apply in order to process the case, and hence have to make the client fit one of prescribed categories. This is as much a function of the law itself, which stipulates the cases when a permit may be granted and the requirements of each status, as of the organization of work which, for instance, leads the officers to rely on informative leaflets to explain the procedures and thus to start conversations by identifying the leaflet to reach for. Thus, the circumstances of the client's life, which may initially be presented in the form of a story or an account of the situation as the client experiences it, become translated into the formal language of the institution. Ideally, for example in the information section, at the end of a conversation the client has exchanged the details of their life for a list of documents to provide. Moreover, the language the clients are thus lead to use is not one they are likely to be familiar with, even when they do speak Polish. It abounds in unusual, complex terms, often quite similar to each other and easy to confuse (compare for instance the Polish terms *zaświadczenie* and *poświadczenie*, both meaning *attestation* but employed to describe a different range of documents). The officers – fluent in this language – appear as experts, while the clients are lead to depend on them to guide them through the procedures. The example of the use of language thus shows how, through the everyday interactions with officers, the clients are brought to conform to the needs and expectations of the institution.

Such a process of producing in the clients the kind of obedient and deferential attitudes that fit the needs of the procedure is not without potential costs. Indeed, as David LeBreton underlines, the idea of the pernicious effects of an imposition of status is present in the works of a wide range of interactionist authors[598]. An actor who sees a status imposed on them loses autonomy and the effects of that extend beyond the immediate interaction, affecting their sense of self. In the case of an administration dealing with the reception of foreigners this takes on a particular importance, as Tobias Eule notes in a powerful account of an arrest of an immigrant by German immigration officers that he witnessed[599]: the man, who finds himself residing illegally in the country after having already had some run-ins with the law, describes

[598] LE BRETON, David, 2012, *op.cit.,* p. 56
[599] EULE, Tobias G, *op.cit.*

a series of negative experiences with the institutions to which he refers collectively as "Germany". This example shows with a striking clarity that, for foreigners, the street-level bureaucracies they must deal with represent the entirety of the receiving state and, to an extent, also of the receiving society at large. It is hence to be expected that the status they are ascribed in those institutions will be perceived as one the receiving society imposes on them, with all the psychological consequences this may entail. It is very likely that the effects of the imposition of the role of the obedient client on the foreigners visiting the Masovian Department has a similar impact.

If an imposition of a compliant attitude is to be effective, however, the officers must dispose of sanctions that they can apply for disrespecting the order they attempt to maintain. This in turn brings one to examine again the issue of the officers discretionary power.

III.1.3. Exercising discretion or fulfilling obligations?

So far, the officers' perception of they own power as very limited has been examined, and it has been suggested that, while the particular place the Department occupied in the state structure indeed leaves little place for autonomous decision-making, a certain degree of discretion nevertheless exists. This section delves deeper into this issue, to determine the exact breadth and nature of that discretionary power.

As Tobias Eule notes, a difference can be made between discretion by law and discretion in case-handling[600]. The first occurs when the legislation itself leaves place for decision-making on the part of those who apply it. It refers to the situations "too complicated to be reduced to programmatic formats"[601], when an individual interpretation is necessary for the law to be implemented correctly. Discretion in case-handling, on the other hand, describes the more subtle, often unexpected, ways in which the bureaucrats everyday action can impact the lives of the clients, and the margins left for autonomous action within the work routines. This section discusses successively those two forms of discretion, before looking into the meaning that the officers of the Masovian Department of Foreigners attribute to them.

III.1.3.a. Discretion by law

Although the role reserved for the officers of Voivodeship Offices is mostly that of implementing a policy they have no part in making, there are situations in which the

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[600] *Ibid.*
[601] LIPSKY, Michael, *op.cit.,* p. 15

legislation implies the necessity of an interpretation in order to determine if a particular foreigner's case meets the criteria required for the granting of a status or permit. This applies exclusively to the inspectors, that is to say the officers responsible for decision-making. The officers responsible for the direct contact with the clients do not formally have the possibility to refuse an application or otherwise make decisions based on their own judgment. This does not mean that they do not otherwise exercise discretion, but this aspect will be discussed in the following section.

A good example of the kind of discretionary power the inspectors are entrusted with is the case of the temporary stay permit "on the basis of other circumstances". This form of legalization of stay is made possible by the 2013 Act on Foreigners. It covers a wide variety of circumstances that justify a foreigner's stay on the territory of Poland. Some of them automatically entitle the person to a stay permit – this concerns mostly family members of the holders of certain European permits, as well as unaccompanied children, and the holders of stay permits from another EU member states who can justify they need to reside in Poland[602]. However, in other cases, the Act states that a permit "may be granted", thus allowing for an appreciation of the particular conditions under which a given person wishes to legalize their stay. A list of possible circumstances is provided – including for instance those studying in Poland, graduates of Polish universities seeking employment, members of religious communities, or victims of human trafficking – but it is not exhaustive, as the last point extends the list to all those who are subject to circumstances that justify their stay in Poland[603]. A person applying for a permit on this basis has to provide documents proving the particular elements of their situation that support such an application. They also have to fulfill requirements concerning income, health insurance, and in some cases place of residence. Thus, the inspectors examining such a case have the responsibility of deciding whether the situation indeed justifies a person's stay. They are also the ones to evaluate whether the provided documents are sufficient to prove that such circumstances indeed exist.

Not only are they the sole judges of the appropriateness of the documents in the cases not specified by the law, but, in fact, even in the cases that are included in the Act the list of documents can be subject to some debate. An example of this was provided when it became apparent that an error was made in writing the Act – the granting of a permit to graduates seeking employment requires a proof of a stable and regular income, that is to say – employment, which in fact defeats the very purpose of such a form of legalization. After clients and NGOs approached the Department with questions concerning this particular procedure, a solution was sought out. During a meeting with NGO members, a representative

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[602] Journal of Laws of 2003, No 128, item 1175, p. 52

[603] *Ibid*., p. 53

of the Department stated that a guideline was issued to the inspectors to treat those cases liberally. However, urged by those present to provide a definite reading of that part of the legislation, she called one of the superior officers responsible for decision-making to establish a list of documents to be provided. As a result, she changed her answer, stating that a proof of stable and regular income must in fact be presented unconditionally, but that a declaration from the foreigner's family that they provide such income will be sufficient [FJ, 27.08.14]. However, in the weeks that followed I had the occasion to observe diverging practices concerning those cases – some inspectors would ask for the declaration, some for a history of the foreigner's bank account, and most for both those documents. This example shows that in fact, in a certain number of cases, the inspector's personal judgment is what determines the fate of a case and, hence, a client. Other such situations include visa prolongations, short term permits (up to six months, on the basis of exceptional circumstances), or permits based on marriage or Polish origins which both may include an interview where the inspector is responsible for determining the plausibility of the clients' claims.

Those cases, rare as they may be relative to the vast majority of routine cases with well-established unified procedures, do reveal a certain margin of autonomy left to the officers. This however, as previously stated only concerns those who work in the services responsible for decision-making. Another, more subtle and less visible, form of discretion is available to all officers.

III.1.3.b. Time and information as limited resources and sources of power

Despite the very limited power vested in individual officers of the Department by the law, they can have a significant impact on the clients' lives and on the processing of their cases through the control of two essential resources: information and time.

Immigration law in Poland, similarly to the other cases previously quoted[604], is extremely complex. Several participants have pointed out in interviews that the new Act on Foreigners is particularly difficult to comprehend, as it extensively refers the reader to other, related, pieces of legislation. This is accentuated by the fact that the people most concerned quite often do not know Polish sufficiently well to understand such a convoluted legal text. A certain effort is made by the Department to render the legislation accessible by the publication of informative leaflets or the providing of essential information on the website. However, the information given in person by the officers remains crucial, especially in non-routine cases. In reality, while the same rules apply to all, a knowledge of both the formal requirements and the

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[604] SPIRE, Alexis, 2008, *op.cit.*
EULE, Tobias G, *op.cit.*

work routines can give a client a signification advantage. In any institution of this kind, it is possible to "work the system"[605], and "street-level bureaucrats exercise discretion by providing this information [on how to work the system] on a selective basis. This becomes one of the few ways they are able to favor clients without directly abridging bureaucratic norms of fairness"[606]. Similarly, while it is true that the receiving officers cannot refuse an application, they do have the option to advise a client not to submit it if it has no chance to produce a favorable decision. Such advice can allow the client to correct or complete the documents submitted and thus obtain a status they would otherwise be refused. Even small gestures consisting of making an additional effort to inform a client can in fact determine whether someone will be allowed to stay in the country and on what terms. The officers are, to an extent, conscious of using this option as a form of sanction. Thus, when discussing different kinds of clients with me one officer first mentioned that some are polite while others might be more difficult to deal with. She then continued to say that

> […] the officers try to act so as to meet the clients halfway. "When we like them, we will answer them in such a way that they will get out of any situation" she says. "When we don't, we will only answer according to the law". [FJ, 24.06.14].

Within the limits of the law, various small arrangements are possible and the officers' capacity to find and advise such arrangements gives them considerable power – a power they are keen to use when the clients attract their sympathy or compassion.

While those arrangements can concern various aspect of the law, one could argue that in daily work one of the scarcest resources and most obvious sources of power is in fact time. It has a very significant bearing on the clients' lives in at least three different ways. Firstly, not unlike in any other institution providing a service to its public, the time it takes to be served is essential to the comfort and well-being of clients. In this specific case, the important number of clients and the fact that the contact with the institution is mandatory makes this issue all the more significant. The extremely long waiting hours can be not only a source of discomfort, but be detrimental to the clients in more tangible ways: many are forced to take a day off from work to visit the Department, in some cases traveling there from outside Warsaw. Other small inconveniences, such as paying for a parking place, add up to make waiting to be received at the Department not only a tiresome, but a potentially costly experience. This in turn means that the officers' ability to receive people more or less swiftly, to shorten or lengthen the waiting period, and ultimately to serve a client on a given day or send them away, is in fact a source of considerable power. It is also one of the dimensions of their work the officers have the most control over, as in the daily running of the institution there is a number of occasions

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[605] LIPSKY, Michael, *op.cit.,* p. 64
[606] *Loc.cit.*

when officers have to decide on their own whether and when to receive a client. Certain established practices exist – such as giving priority to pregnant women, people with small children, or the elderly – but on numerous occasions officers make small decisions of this kind, where, as it was discussed earlier, they have to weight efficiency against empathy, or against fairness. It is common, for instance, for officers to decide to receive a client whose turn has not yet arrived if no one else is present in the waiting room. However, on other occasions, the same officers may turn such a client away in the name of maintaining order and fair treatment. This judgment is often based on how detrimental to the overall functioning of the institution such an action might be: whether it is subjectively perceived as an insignificant punctual arrangement, or a breaking of the normal patterns of behavior likely to incite insubordination and chaos among clients. Likewise, an officer might deviate from the usual course of action to assist a client in navigating the Department (for instance accompanying them to the relevant office or informing the officer in charge of their case of their presence) thereby shortening the time it takes to solve an issue, or limit the assistance to informing the client and letting them fend for themselves. Here again the decision depends on a range of subjective factors, such as the potential consequences of leaving the work station at a given moment, but also the perception of how complex a client's case is, and how cooperative they are showing themselves to be. Likewise, the decision to perform small favors for clients, such as for instance photocopying a document directly, instead of sending the client back to make photocopies can determine whether an application will be received on a given day. The same applies to the question of whether clients can be put in direct contact with inspectors in charge of their case. While it is agreed upon that direct phone numbers are not to be given to clients, the extent to which contact is permitted (for example redirecting calls, or inquiring about cases by phone rather than just relying on the information from the computer system) are left to the appreciation of officers. Those decisions, while often routine and hardly memorable for the officers, can lead to entire hours or days of time lost or gained, and determine to a significant extent a client's experience with the institution. This would be the case of any street-level bureaucracy that deals with a significant workload. However, the nature of the cases the Department deals with brings additional importance to matters of timing.

Indeed, the second way in which time counts at the Department is through its place within immigration law: in order to remain, or work, in the country, foreigners are required not only to meet a series of criteria, but also to do so within a specific time limit. Thus, timing can in fact be the fine line separating legality from illegality. The failure to submit an application on a given day can mean that a person's residence permit will no longer be valid, forcing them to leave or face being banned from entering the country again. Miscalculating

the length of previous residence, or having even a short interruption in the period of legal stay, can mean waiting additional years before gaining permanent residence or citizenship. The lack of correspondence between dates on different documents (job contracts, marriage certificates, applications, previous residence and work permits, etc.) can also lead to a negative decision. Hence, it is crucial for foreigners to be able to apply on specific days and to be well informed on the intricacies linked to the timing of the procedures, once again placing the officers in a place of both power and responsibility, and opening the way for discretion.

The third way in which time plays a role is linked to the nature of the Department's clientele. The foreigners visiting the Department are, by very definition, mobile people whose lives are most often stretched across borders. The impossibility to travel can have far-reaching consequences: for an employee who is required to make business trips it can mean losing a job; for a scientist it can mean being unable to attend conferences and present one's work; for families it can mean being separated, or unable to visit sick relatives, or be present for weddings, births, or funerals. These are people who – when immobilized – are isolated from crucial aspects of their lives. In this context, the very length of the proceedings at the Department becomes an issue of importance. Indeed, while it is possible to apply for residence of any kind up to the last day of validity of the previous document, only a new residence card gives one the right to cross borders freely. While a case is being processed, the person's stay in Poland is legal as attested by a stamp apposed in their passport, but the stamp does not allow reentry: the person may leave, but will not be able to come back, unless they manage to obtain a new visa, which in turn means additional costs in time and money. The best course of action is to remain in Poland until the delivery of the card. Even under best possible circumstances the procedure is lengthy: a non-negotiable period of 30 days is required for background checks by police, Border Guard, and security services, followed by an examination by an inspector which can take roughly a month as well, and additional three weeks are needed for the card to be printed and delivered, making for a total period of around three months from application to card delivery. Delays or additional inquiries at any stage may stretch this period. Moreover, in the months following the entry into force of the new Act on Foreigners in May 2014 a significant backlog was accumulated by the Department, leaving the inspectors unable to hand out decisions within the usual time limit. Under those circumstances it is common for foreigners to find themselves confined to the territory of Poland for months on end. To a certain extent, this is independent from the will of officers. Part of this period is mandatory, while other parts are determined by the sheer quantity of work. However, this situation also allows for a certain amount of discretion. A case can be dealt with before others if it is judged particularly urgent. A client can be informed more or

less swiftly that additional documents are needed. As in the other cases, a series of small decisions can accumulate to a have a significant impact on a client's life.

In this context, it is not surprising that an important part of contentious situations at the Department concern timing. Every day during the summer of 2014 the "unpacking in of the queue" in the morning gave ground to considerable tensions, including arguments that bordered on physical violence. Likewise, during the day, much more conflict was generated by time-related issues – long waiting time, people entering offices before their turn, clients being turned down at the end of the day, decisions or cards not being ready on time – than by actual outcomes of the proceedings. Moreover, negative decisions were often presented as due as much to the non-fulfillment of legal requirements in general, as to the failure to do so on time. It was also more common to see clients unhappy with delays in the handling of their case than those who questioned the decisions themselves.

One can also view as significant the way the issue of fraud appeared in the officers' comments and conversations. Indeed, it is apparent in the work of authors such as Spire[607] or Eule[608] that immigration offices can be very concerned with the prevention of fraud. Spire describes how, in the French case, negative attitudes towards foreigners are justified by the belief they they are out to exploit the system, and how the officials feel a constant pressure to remain vigilant. In the Mazovian case, the idea of the fraudulent client was also present, albeit to a much smaller extent. What is interesting, however, is that in many of the cases when this was discussed with me, or in my presence, the officers did not refer to fraud related to the basis of legal residence – such as fake documents, or lies concerning one's life circumstances – but to "cheating" on matters often related to timing. This first type of fraud was of course also discussed: mixed couples in particular were often subject to suspicion; the idea of false documents appeared several times, and one officer discussed this at length with me (although it can be noted that she had just returned from a training with the Border Guard specifically centered on this issue). However, an equal if not superior number of discussions on fraud included above all accusations of skipping one's turn in the queue, or lying about meeting the required deadlines. This was also present in the interviews: one participant [Member of management, Department of Foreigners, male, in his 30s], for example, returned repeatedly to a case that had clearly angered and outraged him that day, where a client claimed not only to have submitted an application online (which is impossible, but could be a genuine mistake), but also to have done so within the required time period, when the Department's computer system showed him logging on to the server a day too late. The vehemence of such

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[607] SPIRE, Alexis, 2008, *op.cit.*
    ALPES, Maybritt Jill, SPIRE, Alexis, 2013, *op.cit.*
[608] EULE, Tobias G, *op.cit.*

accusations was often accompanied by a justification based on the idea of respect for the institution as a manifestation of the state, but also on a certain vision of fairness. A client who skipped their turn, or a person who sold queue tickets was not only undermining the authority of a public institution, but also acting in a way detrimental to other clients. Moreover, such behavior was blamed for the officers' own lack of trust towards clients. Thus, an officer recounted to me practices supposedly adopted by professional intermediaries, consisting of "borrowing" small children or pregnant women to get priority in the queue, and added that once upon a time the officers would indeed invite such persons directly in, but now they can no longer do it as they have been "fooled" several times. Compared to their French counterparts, the officers seemed much less concerned about foreigners actually residing in Poland illegally, working on the black market, or receiving undue benefits. In fact, foreigners who confessed to the two former offenses were often treated similarly to any other client. The officers were exasperated with the supposed negligence or ill-will that put them in such a situation, and reacted rather sternly, but appeared to have neither the will nor the possibility to punish them in any way, and usually proceeded to inform them dutifully and seek out a solution for them. What they objected to most virulently was being directly lied to or attempts at getting ahead of the usual system – behavior grouped under the term of "conniving" *(kombinowanie)*. While the officers reproved fraud in general, many of its manifestations were out of their control: the authenticity of documents, for instance, is verified by the Border Guard, and mixed couples are subject to specialized interrogations. Hence, they tended to focus on the small, mundane occurrences that were within their power to spot and prevent. The example of fraud can thus in fact be seen as an illustration of time as a precious resource that the officers see necessary to control and doll out according to their own sense of fairness.

One could also argue that it is in the management of time that the officers are left the most latitude. One of the questions most obviously left to the inspectors' individual judgment concerns time: it is possible for any client to write a letter requesting an accelerated procedure. In practice, this means that an inspector, upon being informed of circumstances that make a given case urgent, can choose to give it priority, or weave some of the usual practices (for instance, contact a client directly by phone to request missing information). The decision to do so depends entirely on the inspector's appreciation of the case and on the workload they are dealing with at that moment. Finally, it is also questions of timing that allow the officers the greatest latitude for solving complex cases or assisting clients in need (or refraining from doing so). One such example is a case of a woman who came to Poland just before the end of her tourist visa [FJ, 25.07.14] – she planed the trip in advance, and when her flight was postponed did not realize the visa had a fixed duration and would expire

two days after arrival. Once in Poland, she realized her mistake, but could no longer find a flight that would allow her to leave Polish territory on time. She approached the Department's information section looking for a way to prolong her legal stay sufficiently to return to her home country. The officers debated this situation among themselves and came up with a solution: the woman was advised to apply for visa prolongation, even though it was evident it would not be granted; however, submitting an application would mean a stamp was apposed in her passport and her stay was legal until a decision was delivered, which would take several weeks and would allow her to leave Poland. In this specific case, the law itself was respected, but the officers "played" with the dates and periods of application to allow for a solution that they considered fair. The period necessary for the files to be handled and decided upon was exploited to a client's advantage. Such small, time-related arrangements are in fact common – officers can for instance advise clients to send their application by post – which means it will take longer to receive and treat it – if they know they will need extra time to gather additional documents. They might instruct them to file in two applications and than withdraw one when they need to make sure their stay is considered continuously legal over a period of time. The importance of time as a factor in the proceedings allows for creativity on the part of the officers. It also gives them a significant amount of discretionary power: the fate of a client might depend on the extent to which an officer is willing and able to seek out such creative solutions. Being able to do so demands a good command of the intricacies of every procedure, and the choice to do it implies extra effort, and in some cases may mean risking own reputation – one must also be cautious to maintain the authority of the institution as law abiding, and not to be seen by colleagues as engaging in exactly the type of "conniving" they disprove on the part of clients.

All of the above-discussed cases point towards time as the main source of discretion in the Department's dealings with clients: be it in the daily reception of patrons, or in the handling of submitted applications, time appears as both a key factor for the success of a person's case and a precious resource provoking struggles overs its control.

Thus, in the specific case of an immigration related public institution such as the Department, the stakes of the decisions taken and the mobile nature of clients' lives increase the value they place on their time and make it a source of their dependency. However, this discussion of time as a form of discretion would not be complete if one fails to mention the officers own perception of time. The officers' own time is also scarce – so much so that they must repeatedly sacrifice their own comfort for the sake of dealing with the workload. In this context, it would be difficult for them to experience time as a source of freedom or power. Rather, it appears as something that is constantly infringed upon by the demands of clients

and that must be managed fairly to avoid tension and disorder.

III.1.3.c. Discretion and responsibility

This last point can be linked to what was said in the beginning of this chapter concerning the sense of powerlessness among officers. This section has examined the different ways in which they do in fact hold and exercise discretionary power. However, the contrast between that power and its perception by those who wield it makes it necessary to ask another set of questions: How is power experienced by the officers? And most importantly, where does the discrepancy between the significant impact the officers can have on the lives of clients and their own sense of powerlessness come from?

One way of approaching an understanding of this discrepancy is to look back at the passage quoted earlier where an officer discussed coping with stress [Interview with member of management, Department of Foreigners, male, in his 30s]. He recounts being haunted by memories of the cases he treated and having to strain himself physically in order to ease the emotional weight of the work. In the following lines of that interview, he went on to recount how even during vacation he feels the need to call the Department and see how his colleagues are coping. This passage illustrates the psychological costs of feeling responsible for the clients' fate. Likewise, several officers have admitted in informal conversations that the job has lead them to a certain loss of empathy, as in the following passage:

> [The officer] adds that everyone makes mistakes at first, and that he himself took this
> very much to heart at first, but that one cannot take this so seriously. [FJ, 17.06.14]

 As it was previously suggested, denying power can in fact mean denying responsibility, which in turn might be a strategy of self-preservation under stressful conditions.

Moreover, given the heavy workload, it is understandable that the officers prefer to treat routine cases: ones that do not require creative solutions and do not risk to cause emotional reactions on the part of clients. The discretionary power that becomes apparent in the complex cases is often seen as additional work, as something the clients can demand and the officers must provide. Likewise, making decisions for clients or giving out decisive information can be seen as a burden and a risk, a responsibility better to be avoided:

> The officer also tells me about clients who insisted she help them to choose between two
> options. She refused, considering it was their choice and not wanting to be held
> accountable for it. [FJ, 09.08.14]

> The officer tells me not to check the details of the filled in application forms [when
> receiving clients in the information section]. Later, during the procedure, they can turn out

to have been filled in improperly, and it is better to avoid the clients' reproaches. [FJ, 12.08.14]

The first passage shows the officer's unwillingness to out-step their official prerogatives out of fear that such actions could turn against them if the clients were to be unsuccessful in their application. The officer in question did not specify whether she actually possessed the knowledge necessary to advise the clients, but regardless of this, issuing advice on uncertain issues was out of question for her. In the second passage, the officer warned me against encroaching on the responsibilities of colleagues, in order to avoid discrepancies and subsequent complaints. In both cases, taking on more agency or making decisions that do not directly flow from the regulations was seen as a risky endeavor. A paradoxical situation is thus reached: what the clients may experience as examples of the officers' power and their own dependency, is experienced by the officers not as an excess of freedom but an excess of responsibility and, hence, and additional obligation and an increase in workload, not to say a risk.

In fact, the manifestations and perceptions of power discussed throughout this chapter point to an ambiguous position of the officers. While at a first glance they may appear to be the ones given the prerogative to control the clients and wield power over them, a more careful examination reveals various ways in which their experience can diverge from this vision. Constantly exposed to the clients' gaze, given little space and time for their most basic needs, and overworked due to the inadequacy between the resources and the workload, the officers find themselves under pressure to perform. Faced with incompatible goals, they must constantly balance fairness, empathy, and efficiency, and may be subject to criticism if they fail to do so. Employed by an agency with little power of decision or autonomy, they rightfully feel they are neither in charge of policy-making, not the source of ultimate interpretation of the law. Given those numerous constraints to their feeling of agency, their own ability to "make policy" by the accumulated force of small, everyday acts[609] not only eludes them, but in fact appears as an additional responsibility that weights them down.

Drawing on the works of Bourdieu, Spire refers to immigration officers as "the dominated dominating"[610], insisting that they are in fact the lowest echelon of the administrative hierarchy, relegated to a place which reflects in its marginalization the position reserved for immigrants in the receiving society. This appears to be indeed the case of the agency discussed here. Superior in power to their clients, but subordinate in any other sense, the officers find themselves in a highly ambivalent place. That place – while in some ways

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[609] LIPSKY, Michael, *op.cit.,* p. 83
[610] SPIRE, Alexis, 2008, *op.cit.*

typical of street-level bureaucracy[611] – is also reflective of the particular role this agency plays in the field of migration policy in Poland. To use Diane Vaughan's terms[612], what is at play here is both the organization-as-field and the organization in the field, both the inner workings of the Department's everyday life and its position within the wider organizational field.

The Department is impacted by the entirety of this field – that is to say, not only the legal rules or administrative hierarchies that constitute the framework of its activity, but also by values, norms, and definitions held by all the participants of the field, which in turn serve to determine the institution's goals. So far, the focus on the goal of efficiency has been analyzed and it has been pointed out that in order to preserve it the officers must carefully balance it with other objectives. Furthermore, the prioritizing of efficiency was examined in connection to a tendency to downplay the officers' discretion, and both those elements had been related to the position the Department occupies within state structures. Indeed, the particular mix of power and constraints that characterizes the officers' work leads them to cope with significant responsibility all the while feeling that their hands are tied – an ambiguous situation which fosters the above mentioned tendencies.

However, throughout this chapter, other aims and norms could also be seen. The importance of efficiently dealing with the workload was demonstrated to come into conflict with other goals expected of a public administration, such as fairness. Those conflicts can be all the more difficult to navigate that the contradictory objectives interact in complex ways – efficiency and fairness might be opposed at times, but on other occasions one can be impossible to attain without the other. Such complexities testify to the importance of the field within which the Department exists as a space of shared – though sometimes conflictual – definitions, conceptions, and values. Beyond a simple implementation of the legislation, the agency under study is also permeated by principles arising from the interplay of actors in the field. The following chapter examines another such set of goals and principles: namely, what can be described as an endeavor of providing a client-friendly service and of showing hospitality.

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[611] LIPSKY, Michael, *op.cit.,* p. 40
[612] VAUGHAN, Diane, 2008, *op.cit.*

Chapter III.2.
"Receiving multicultural clients"[613]: preserving a friendly image

When asked about the goals of the Department, one officer described them as in such a manner:

> "The goals of the Department? Well, above all receiving multicultural clients. The legalization of foreigners' residence. […] Rising the standards of client service [laughter]". [Front-line officer, Department of Foreigners, female, in her 30s].

This passage, and the phrase "receiving multicultural clients" in particular, is interesting in several regards. First of all, it moves the focus away from the formal aim of policy application and towards the client reception as main objective. Indeed, in the quoted excerpt, the officer names one goal – "legalization of foreigners' residence" – that is a direct result of the legislation applied, and two goals that have more to do with the face-to-face interactions with the public. Secondly, such a change of focus also implies that the quality of that reception matters. Thirdly, the term "multicultural clients" points towards a specificity of the clientele. that requires a particular treatment – a form of sensibility to the potential differences between self and other. Whereas the previous chapter explored the issues of efficiency and discretion, this quote points beyond the question of how to apply the law the most adequately and towards the treatment reserved for the clients and the quality of the face-to-face contact that takes place at the Department. It is also notable that the officer presented those views in a slightly joking manner, laughing as she spoke of the standards of service. As it will be shown later in this chapter, this can be read as an indicator of the rather complex relationship the officers maintain with this particular aspect of their work.

As previously noted, the officers work under a pressure to perform. However, performing does not only mean accomplishing tasks swiftly and effectively. It can also refer to the act of putting on a performance, of presenting oneself in a certain way. Analyzing the quality of contact implies looking at this type of performance, the forms it takes, and the aims it strives to achieve. According to Goffman every interaction is such an act of self-presentation. The concept of "face" defined as "an image of self delineated in terms of approved social attributes"[614] allows to conceive instances of face-to-face contact in terms of a ritual where all participants aim to maintain this image of self for others as well as themselves. This is all the more the case of interactions in the context of a public administration, where the civil servants' image is not just their own, but is intimately linked to the image of the agency that employs them and, through it, of the state itself. As has been

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[613] Quote from interview with an officer of the Department, female, in her 30s.
[614] GOFFMAN, Erving, 1967, *op.cit.,* p. 5

previously mentioned, this is accentuated further in a state agency dealing with immigrants by the fact that, for a foreigner arriving in a new country, this may be a rare instance of contact with the institutions of the receiving society and, as such, it might come to exemplify, to some extent, the country as a whole[615]. The officers of the Department of Foreigners can thus be seen as responsible not only for the handling of cases and decision-making, but also for the creation and preservation of an image of their organization and the state it represents.

In chapter I.1. the interactionist approach to the self and other in face-to-face contact has been contrasted with critical voices that see this perspective as cut off from either the power relations in which any contact is embedded[616], or from cultural meanings that give it its significance[617]. The possibility of reintroducing those aspects into an analysis inspired by classical interactionist works was discussed, in particular by referring to the notion of interpretation of the situation by interacting actors. It has been shown that both power structures and cultural patterns can be seen as crucial for the formation of such an interpretation and can thus be brought back into the interaction. The previous chapter (III.1.) was centered around issues of power, focusing on the place of the Department of Foreigners in the hierarchy of state institutions and in its relations to other actors of the field of migration policy. It was argued that the relatively weak position within those structures and relations leads actors within the Department to experience a sense of powerlessness, that can also be a strategy for avoiding the psychological pressure of the job, and that has an impact on the behaviors and attitudes adopted during interactions with clients. As the constant visibility of the officers and the need to balance various goals of the organization – including the preservation of a certain level of client satisfaction – were discussed, those considerations also made apparent the issue of performance and image creation. In this chapter, those questions will be examined further and related to the shared meanings that structure the interactions of actors in this context.

The everyday actions of the officers of the Masovian Department of Foreigners can be seen doubly in terms of performance. Firstly, in as much as any social action is performative and any interaction implies the actors' attempts at successful presentation of an intended image of the self, the face-to-face exchanges between officers and clients of the Department are no exception. Secondly, as it will be demonstrated in the following section, within the Department itself as well as in the fields of which it partakes, a particular emphasis is put on the issue of image creation. The officers' actions being constructed as a performance is not just an inevitable feature of any interactive context, it is also a behavior that is valued and

[615] cf. EULE, Tobias G, *op.cit.*
[616] BOURDIEU, Pierre, 2000, *op.cit.*
[617] ALEXANDER, Jeffrey C, GIESEN, Bernhard, MAST, Jason L, 2006, *op.cit.*

encouraged in this particular environment. This emphasis on image creation, as well as the kind of image the officers are expected to create, are shaped both in the "organization-as-field"[618] and in the wider field, among other actors the Department interacts with. They are a function of the cultural codes shared by actors inside the Department and their partners in the organizational field. When the everyday life of this institution is approached thus, it becomes apparent that the Department in fact functions at an intersection of two such sets of cultural codes: one specific to the organizational field of immigration policy, the other characteristic of Polish public administration as a whole.

The following section examines the question of image in those two contexts of the Department's functioning, before going on to look at the performance itself. The first sub-section deals with the spread of the idea of image management in Polish public administration, relates it to the influence of New Public Management, and shows how it impacts the life of the Department. The second sub-section focuses on the audiences of the officers' performance and demonstrates how the attitudes valued by the various recipients of those acts of self-presentation become reflected in the officers' behavior. The third sub-section focuses on the moments of interaction themselves, looks at the Department as a stage for the officers performance, and presents a reflection on the strategies put in place by the officers and on the emotional costs of such a pressure to perform.

Before proceeding with this analysis, a useful illustration of most of the elements and lines of thought discussed above can be provided by the following excerpts from the field journal pertaining to one of my first contacts with the Department during the Open Day on a Saturday in June 2014, already mentioned in previous chapters. Organized shortly after the entry into force of the new Act on Foreigners, the Open Day aimed at informing potential clients, but also constitutes a clear example of an action intended to construct a positive image of the agency. It included both informative events, such as presentations by officers and members of the Boarder Guard concerning the changes introduced by the new law, and purely image-building elements, such as food stands or a children's corner.

> The Open Day lasts from 10 am to 4 pm. I arrive around 1 pm. In front of the entrance there are several stands run by various NGOs. An officer of the Department greets newcomers […]. Inside, three more officers place stickers [with a logo of the Department and the words "Open Day"] on the visitors' clothing and distribute programs (in Polish, Russian, Ukrainian, Vietnamese, and Chinese). They are positioned a the bottom of the stairs, forming a sort of gate. The officers are all wearing t-shirts with the Department's logo. All the site is decorated for the occasion with balloons, the staircase is adorned with posters welcoming visitors.
> On the first floor, to the left a "World Cuisine" stand is positioned. Women, dressed either in the Department t-shirts or in Polish traditional costumes, offer food from a table placed across a corridor (effectively blocking the entry to further parts of the building).

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[618] VAUGHAN, Diane, 2008, *op.cit.*

The food is scarce, but I am informed that in the morning the buffet was very popular. To the right, a children's corner has been placed. There are two or three children present, as well as a few officers, a member of the Boarder Guard in uniform, a woman in traditional Polish dress, and a few parents. There are some tables with crayons and paper on them and balloons.

On the second floor the rooms [along the corridor] are open and divided by topic. This is where information on different procedures is given. The officers also provide information in the corridor outside the rooms. […] At the far end of the corridor tables are placed for individual conversations, but they are currently empty. On the tables, there are bowls with candy.

Representatives of the police and Border Guard, as well as other public administrations are present.

To the right side of the building, a space for presentations is arranged. There are several such presentations planned during the day (about the new Act, about the Border Guard, both in several languages: Polish, English, and Vietnamese). [...]

One of the officers is accompanied by her young daughter.

The women wearing traditional dresses now wander around the building distributing candy.

On screens [placed at the entry and in the middle of each floor] a film about Chechen people in Poland is playing. […]

I go outside, where there are still the NGO stands. […] Most of the stands have printed materials in Russian, English, Vietnamese, sometimes Chinese [besides Polish]. The stands are all run by one or two people each. […]

[I go back inside and meet some of the officers]. They consider the Open Day a success, there were more people than expected, even though some things could still have been done better. I'm introduced to an officer who runs the children's corner. She tells me that there have been some games with prizes, but now all children are gone. […] The officers tell me that today things are good, but when I will start work I will see the "sad reality": the everyday life is not so easy. The only thing that is similar today to the everyday life of the Department are the rooms themselves. [FJ, 07.06.14]

In many ways, the Open Day, was a brief moment of exceptional change in the Department's presentation and of suspension of normal rules. The usual formality was temporarily abolished, as illustrated by the change in clothing and in spatial organization, but also by the fact that both officers and clients brought their children. The officers themselves insisted that what was visible that day was very different from the "sad reality" of everyday work. However, those attempts at reducing the distance between officers and clients and at producing a joyful and welcoming atmosphere can be read as part of a more general tendency. While the Open Day was a particularly striking expression of the idea that the Department should work towards a *friendly* image, other practices and elements of the agency's functioning point towards that goal on a more regular basis.

In order to understand this aspect of the everyday life of the Department, it is necessary to firstly look at the sources and proponents of this idea of *friendliness* of public administration.

III.2.1. A friendly administration - the issue of image at the Department of Foreigners

The Masovian Department of Foreigners might present a number of specificities linked to the nature of its clientele. and the aims of its activity, but, as it has been previously shown, it is inscribed in larger state structures and highly dependent on them for its functioning. The officers are, for the most part, employees of the Civil Service, and several members of management are nominated Civil Servants [Interview with member of management, Department of Foreigners, female, 42]. Hence, the Department is concerned by any major evolutions or reforms of public administration, and one can argue that it shares a degree of common culture with other agencies belonging to the Civil Service.

One element that can be related to the Department's embeddedness in wider institutional structures and fields is the very idea of image creation as a valid and valuable goal. In chapter II.2. the influence on Polish public institutions of conceptions of public administration that can linked to New Public Management or New Public Governance in Polish public institutions has been shown. It has been argued that one point illustrating the inspiration drawn from NPM is the issue of *friendliness* – an issued that makes the stress put on image management very apparent. The turn towards a client-centered approach typical of those conceptions of public administration is one that requires being enacted and performed. It implies developing a certain form of communication with the clientele., one that conveys this impression of *friendliness*.

This turn can be observed in the Department, but it is not specific to the agency itself, but rather has concerned the entirety of Polish public administration in recent years. As one of the participants put it:

> "[…] this is an element of maybe not a fashion, but a stable tendency in the whole administration, that we move away from applicant, supplicant [*interesant, interesariusz, petent*] towards client. Because the civil service is, as the name shows, a service, so we conduct the proceedings in the service of the citizen […] So this is a tendency in the whole administration, this is not a whim of the Voivode, but just such a client-oriented approach." [Member of management, Department of Foreigners, female, 42]

The participant – a member of the management, with the power to initiate such changes – expresses her own adherence to such an approach associating an evolution of vocabulary with a move towards a client-centered administration. She also points out the links between the changes within the Department, and the Voivodeship Office, and an overall trend in Polish public administration.

This section firstly examines the idea of client-centered public administration as

present in New Public Management, before looking into how this approach is translated in the Polish context into issues related to image and *friendliness*, and finally analyzing the impact this can have on the everyday life of the Masovian Department of Foreigners.

III.2.1.a. Making bureaucracy friendly – evolution of the civil service and its perception in the Masovian Department of Foreigners

As it has been noted in chapter II.2. the reforms that Polish public administration underwent since 1989 have drawn on several traditions and conceptions of the civil service, but one important inspiration have been the trends regrouped under the label of New Public Management. Even if, as Kulesza and Sześciło[619] point out, "[i]t cannot be excluded that the authors of [government documents concerning the intended model to be adopted by Polish public administration] just like Moliere's Mr Jourdain do not know they speak in prose and do not base their propositions directly on the foundations of NPM, but rather refer to its postulates somewhat intuitively", it is undeniable that this approach has taken root in the imagination of those designing and reflecting upon the shape of Polish public institutions. Chapter II.2. has demonstrated that the issue of image is crucial to this conception. When authors speak of altering the treatment of citizens, the point is firstly to make the civil servant conceive and approach the citizen as a client entitled to a service, and as a result to make the person interacting with a public agency *feel* like a client. Changes in presentation of the agencies, in vocabulary used, as well as in the evaluation of civil servants' work have been discussed. Importantly, it has also been noted that in the Polish case, the country's entry into the EU was met with civil servants' hopes for a "pressure put by EU institutions on the application of European standards in public administration"[620]. This Europeanization is often, in turn, understood, as a "civilizing" process[621].

Thus, it becomes apparent that in the course of the reforms Polish public administration underwent since 1989 the question of image and the value placed on the production of a positive perception of public institutions have taken an important place. The *friendliness* that is supposed to be the guiding norm in public institutions' relations with clients is as much a matter of concrete outcomes in the manner of handling cases, as it is of appearances and impressions.

The Department of Foreigners of the Masovian Voivodeship Office undergoes the

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[619] KULESZA, Michał, SZEŚCIŁO, Dawid, 2013, *Polityka administracyjna i zarządzanie publiczne*. Warsaw : Lex a Wolters Kluwer business. p. 151
[620] ARCIMOWICZ, Jolanta, 2010*, op.cit.,* p. 185
[621] ARCIMOWICZ, Jolanta, KURCZEWSKI, Jacek, CHMIELEWSKA-SZLAJFER, Helena, 2011*, op.cit.,* p. 35

same evolutions as any other agency of public administration might, and has not escaped the trend pushing for a more *friendly* approach to clients and emphasizing the production of a positive image. This is all the more the case given that, as it was discussed in chapter II.2, the Masovian Voivodeship Office has in recent years been actively elaborating a communication strategy aimed at image creation[622]. While the term *friendliness* itself was only rarely encountered, be it in interviews, conversations, or documents and materials produced by the Department, certain elements point towards that idea in all of those instances.

Most notably, the officers themselves seem to subscribe to the above-described vision of progress from an old-style administration under the previous regime towards a new, more client-centered one. This is often described by referring to the officers' own experiences as clients of other agencies.

> "[Work in the Department] is not a stereotypical kind of work in public administration" [an officer] tells me. "There are many young employees, so there are no old officers who get angry at each client when he wants anything at all". She continues: "Client service is the priority" and ads that "here, the officer waits for the client, not the client for the officer". She refers to her own experience in another public institution: she had to wait for a long time because the officer there simply went out. She point towards a certificate proving the high quality of service (there is one like it in nearly every room of the Department). "This is not a place where you can just sit at your desk" she says, adding that the work rhythm is fast. [FJ, 25.09.14]

> "Because we are also clients of public administration, and we can look at it from the other side: how it looks when you come to a place, be it an administration, or a doctors office, and how you would like to be treated. I would like such an administration... when I come there, I would like to be its client, in the sense that I wouldn't feel like an applicant, but a person who has some kind of rights". [Front-line officer, Department of Foreigners, male, in his 20s]

> "But [some people] have this mentality, and generations have to pass, people who will learn that when they go to a public administration they are not applicants, they are clients, and there is the civil servant, and he takes money for this, and he is there for the people". [Member of management, Department of Foreigners, female, 59].

In all such instances, an emphasis is put on the vocabulary, with the term "client" being presented as a symbol of the modern, desired approach to relations with the public. A connection is established between the vocabulary change and the ideas of youthfulness and modernity. Younger people are seen as naturally inclined to follow this trend, while older civil servants are described as proponents of the "stereotypical" and discredited model of bureaucracy. Moreover, a client is described as a "person with some kind of rights", thereby effectively associating the client-oriented administration with the new, democratic order. This link between an evolution of attitudes and an evolution of language was perhaps best summarized when one officer told me:

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[622] BIAŁY, Ivetta, 2011, *op.cit.*

"[…] a lack of habit (*zaszłość*) means that... it often happens that people refer to clients, and the clients say this too, that they are... applicants [...], or they scream at them, or they speak in a raised voice […] – because they forget what their role is. A civil servant is there to help those people, and not so that... in a small commune in Poland, somewhere, a lady thinks that if she screams at someone she will be so big. She is still small, there has simply not yet been someone there who knows his rights. […] Because a civil servant is there to... to simply help people, and not in order to sit and count the time, or play with a phone, and count how much time is left till the end of the day". [Member of management, Department of Foreigners, male, in his 30s].

Here, the description of the "lady" who tries to make herself important by mistreating "applicants" corresponds to a vision of the previous system, while the new, democratic order is associated with a public administration that receives "clients" who know their rights and are entitled to good treatment. The persistence of this former attitude is explained as a form of "habit". The Polish term *zaszłość* used in this context refers specifically to the habits acquired during work and linked to routines. It also connotes something out-dated or something that happened in the past. The vocabulary change and the attitude change are treated as quasi-synonymous. Thus, the perceived and desired change of mentality has direct repercussions on the practices, norms, and material conditions of work at the Department.

III.2.1.b. Fair and friendly? The productions of image in the Department of Foreigners

The officers' and managers' adherence to such a vision of a modernized, client-centered administration finds a series of applications in their daily work, as well as in the organization of the Department. The use of what is considered proper vocabulary is perhaps the most striking element, and it becomes even more important in direct interaction with the clients. The term *client* is, of course, one the officers stick to even more rigorously in public, but it is not the only instance where vocabulary is important. During one of my first days on the job, for instance, I have turned to an officer sharing the room with me for advice on a case. In the information section where I was working that day all three desks are placed in the same room, with two of them placed side by side, with a wooden screen between them. This means that while I could lean back and towards the officer by my side, our conversation was still public and definitely within the client's earshot. Unwittingly, I have referred to the client in third person, as "he". Once he was gone, the officer reprimanded me that in his presence I should have opted for the more formal form "sir" (*Pan*, also used in the first person in Polish) [FJ, 24.06.14]. Likewise, I was instructed to be cautious when using the term "illegal" - it should not be applied to people or their actions (ex. "you reside in Poland illegally") but only to formal status (ex. "your stay will become illegal"), as one officers explained [FJ, 08.07.14].

While such displays of politeness are aimed at producing a friendly, respectful, and reassuring impression, as it has been discussed, *friendliness* is not the only goal – so is producing an image of fairness and lack of arbitrariness. This in turn is achieved by the use of the formal vocabulary of the institution. The officers tend to use exclusively the official terms for each document, or stage of the procedure, while the clients, struggling with the often confusing language, use more generic terms (such as *document,* or *paper*). When the officers adapt to that use of language, following the clients lead, it is either as a light-hearted joke, or because they can see the client will not understand them otherwise. The strict application of a formal language maintains an image of a rule-bound administration at the same time as it produces compliance, since it allows the officers to appear as experts in their field.

However, it is interesting to note that the use of a specific vocabulary, and in particular a polite and respectful one, varies among sections. While in the information section the officers rigorously stuck to both a formal language concerning procedure, and to the rules of politeness, this was less the case in other sections I had the occasion to observe. In those sections, the use of titles or pronouns, and the general tone of the conversation, seemed much more dependent on the individual officer, or even on the individual interaction. This can be illustrated with the following exchange from the application reception section:

> An officer receives clients. The conversation is composed of short questions and answers.
> Clients: "We want to apply for a residence permit".
> Officer: "On what grounds?".
> The client has two documents with her. A man accompanying her (perhaps an intermediary) explains that one is "like our ID card".
> The officer: "This, sir, is a passport, not an ID card".
> […] The officer addresses the client as "you" [using the familiar form, both in singular and plural form]. [FJ, 12.08.14]

In this example the officer's manner is in stark contrast with what I have witnessed in the information section – she appeared impatient, did not hesitate to rather harshly correct the client's vocabulary, and used formal and familiar forms of address interchangeably. This specific officer's attitude towards clients seemed highly dependent on her ability to communicate with them: she'd be friendly towards Polish intermediaries, but also foreign intermediaries who spoke Polish well, but much more brusque with those who had trouble communicating in the language. The officers in this section, as well as several other, would thus vary greatly in terms of attitude and treatment of clients. This observation concerning the difference between the information section and other sections is also corroborated by conversations I had with members of the former. While in private some of those officers themselves would not abstain from expressions that could be considered as racially charged, they recounted with an amused disdain instances where someone in another section used

words or formulations they considered inappropriate in a client's presence. For example, one officer spoke with me about an otherwise competent officer who, seeing a client from an African country, told her that she had recently received a women from the same country with the same name, and exclaimed: "she was all black, just like you!" [FJ, 15.07.14] – a reaction the information section officer clearly found unacceptable. There may be several explanations concerning the degree of attention officers in the information section pay to issues of vocabulary and politeness. One factor can be the relatively small size and cohesive nature of the section: the officers work continuously together and adopt the same practices. Another possible explanation is the function of this section, which is closely linked to the issue of fostering friendly relations with the public. Indeed, created and equipped as part of a project co-managed with NGOs, the section's role is to provide information and assistance to clients, making the Department more accessible and, thus, more friendly. It was established as one of a series of initiatives taken in a spirit very similar to that recommended by NPM.

Indeed, in a manner coherent with the overall communication strategy of the Voivodeship Office[623], the Department has participated in partnerships with non-governmental organizations and taken initiatives to adopt a client-friendly stance. One such example is the above-described Open Day. Two more noteworthy undertakings are the EU-funded collaborative projects "Information Center for Foreigners" I and II which allowed for the presence of NGO consultants on site, and the Forum of Foreigners where the Department's representatives meet regularly with members of non-governmental and migrant organizations to hear out their suggestions and postulates. The latter initiative has earned the Voivodeship Office a prize in the first edition of the "Professionals in the service of citizens" competition organized by the Chief of the Civil Service Corps[624] and has been promoted as a good practice in an associated publication[625]. The Department's communication strategy can thus be seen as part of an overall trend concerning state institutions.

Moreover, the very site bore proof to the Department's participation in various projects aimed at ensuring the quality of service and to its cooperation with third sectors actors[626]. The "Information Center for Foreigners" project lead to the installation on the premises of an information desk run by the Association for Legal Intervention, which functioned until the winter of 2014 and constituted a very apparent reminder of the Department's cooperation with NGO. Furthermore, as it is visible in one of the excerpts quoted above, most rooms in the

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[623] BIAŁY, Ivetta, 2011, *op.cit.*

[624] KANCELARIA PREZESA RADY MINISTRÓW - SERWIS SŁUŻBY CYWILNEJ, 2014, *op.cit.*

[625] SZEWCZYK, Izabela, 2014, Forum Cudzoziemców w Mazowieckim Urzędzie Wojewódzkim w Warszawie. *Przegląd Służby Cywilnej, Departament Służby Cywilnej, Kancelarii Prezesa Rady Ministrów.* 2014. Vol. Nr 1 (28).

[626] For photographs illustrating this point, see Appendix 4.

Department displayed an ISO-9000 certificate, as well as other diplomas for the quality of service. A common feature of all publicly accessible spaces was also the presence of posters entitled "Standards of Client Service", listing the rights and obligations of clients. This display clearly had for objective making apparent the Department's commitment to the idea of a service-oriented administration. While those visual materials point towards the principles of fair treatment and respect for the clients' rights, others can be more directly associated with the idea of friendliness. Some rooms, for example, displayed pictures and drawings made by children in Masovian schools as part of a Voivodeship-funded competition meant to promote positive attitudes towards foreigners. One could also interpret the profusion of displayed posters and flyers as having a double role: both informing the clients and making visible the efforts made in their favor.

Indeed, the displayed materials can be divided into three categories. Firstly, a certain number of them were produced exclusively by the Department itself and were of a practical or formal nature. They included signs indicating rooms and sections, information about opening hours and any changes in functioning, and instructions concerning the procedures. They tended to be rather bland, as they were mostly printed out in black and white on copy paper, with the exception of permanent signs. Secondly, similar information was also conveyed in a more appealing and visible form in materials produced by NGOs, or as a result of collaboration with them. This category included posters, booklets, and leaflets informing clients about details of the procedures and explaining the existing possibilities for legalization. As it has been previously noted, in the case of the materials printed as part of a partnership with non-governmental organizations, the Department relied on them heavily as a means of facilitating interactions with clients. Thirdly, some of the displayed posters and leaflets informed the clients of the activities of NGOs. They contained contact details of organizations providing legal assistance, announcements about ongoing programs and projects, as well as general information about foreigners' rights that were not necessarily related to the work of the Department (for instance, information about a campaign to combat racism). Those two later categories of materials could be displayed as long as they were produced by non-profit organizations. At the same time, the Department enforced a strict policy of prohibiting any advertisement by for-profit legal representatives. All of the above-mentioned materials existed in several languages.

While this kind of display was obviously useful for foreigners trying to legalize their stay or work, there were two ways in which it also contributed to image creation. Firstly, providing a profusion of information was a visible manifestation of efforts to make the institution more accessible. Secondly, cooperation with NGOs – actors advocating for the

rights of foreigners and providing them assistance – presents the Department as a safe and friendly space. In this last respect, the contrast with the treatment of for-profit organizations is interesting. Not only were they banned from displaying any information or advertising their activity in any way on the premises, but posters in various languages entitled "Before you engage an attorney" warned foreigners against dishonest representatives and advised them on when and how to seek such assistance. One professional intermediary complained about this in an interview, expressing bitterness over NGOs and the Department choosing to warn against intermediaries in general instead of teaching foreigners to select them wisely [Interview with professional intermediary, male, 35]. This attitude towards professional intermediaries can be read at the same time as an obligation arising from the neutrality of state institutions, an attempt at undercutting dishonest practices, and a showcasing of the fact that such attempts are being made.

Another important element of an NPM approach to public administration is measurement of client satisfaction and evaluation of civil servants' work. The coexistence of a preoccupation with results and a preoccupation with image can also be noted here: knowing the clients' opinions and needs allows an organization to respond to them accordingly, which on the one hand can improve the functioning of the organization, and on the other improve its relations with the public. Moreover, being consulted allows clients to suggest improvements, but also to feel included and treated as partners. One example of application of this idea in the Department was the system used for measuring client satisfaction. While it had a practical use, it was also made visible in a very clear way. The results of the measurement used to be made available on the agency's website. They were also quoted by Department representatives in communication with the press and academic institutions[627] and an increase in satisfaction from 40% to 97% was mentioned. Those measurements were produced through a device itself made visible in the Department building: in the middle of both floors, in front of the staircase, a table was placed with two transparent urns marked with symbols of a green smiley face and a red sad face. The clients exiting the Department were encouraged to throw the tickets they used to queue up into one of the urns. It is difficult to assess the reliability of thus obtained statistics. Furthermore, as this measure consisted of a yes or no question, it did not, in fact, provide feedback as to the reasons of the clients' satisfaction or dissatisfaction. Some clients wrote comments on their tickets, but those cases were rather exceptional. The tickets being distributed per type of request, a letter printed on them allowed to identify which sections a client visited, but this form of feedback remained limited. The measurement may be treated as

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[627] For instance: SZEWCZYK, Izabela, 2013, Forum Cudzoziemców. *Biuletyn Migracyjny* [online]. 2013. No. Dodatek/ 44. Available from:
http://biuletynmigracyjny.uw.edu.pl/dodatek44listopad2013/ forumcudzoziemcow

an indication of the results of other actions taken, such as collaboration with the non-governmental organizations which was believed to have improved client satisfaction[628], but it did not in itself provide much ground for improvements. It did, however, constitute a space of expression, allowing clients to voice their opinion and producing a feeling of greater inclusiveness.

Moreover, concerning the evaluation of officers' work, the Department has on several occasions opened its doors to outside observers. My own study is one such example, but it was not the first time the officers encountered researchers or experts who observed them at work. Most notably, two previously mentioned evaluations were conducted by the Association for Legal Intervention, as a part of a larger collaborative project. The titles of the published reports - "A friendly institution" and "A friendlier institution?"[629] – point to the central place occupied by the idea of *friendliness*. Furthermore, during the summer of 2014, a survey questionnaire for a study conducted by the University of Warsaw based Center of Migration Research was available in the Department, although I have not observed any clients taking interest in it, nor any officers encouraging them to do so. Nevertheless, an openness to such initiatives was evident.

Thus, through participation and organizing of various projects, collaboration with non-governmental actors, and openness to outside evaluation, the Department subscribes to a vision of public administration typical of NPM: an administration centered on the client's needs, accessible, welcoming, and ready to receive feedback. All the steps taken in this direction can be seen as fulfilling a double role. One the one hand, they introduce small but tangible improvements that bring the agency closer to this ideal of client-friendliness. On the other hand, they are made visible and serve to produce a positive image. As in the example of the Open Day*,* actions aiming a providing information and assisting foreigners (rooms open for consultation, presentations organized) are associated with elements aimed at creating a welcoming impression and showing the Department's good will (balloons and decorations, children's corner, food stand and distribution of candy).

While the strategies of image creation are important to understand the setting and conditions in which everyday interactions in the Department take place, so is the image that this institution is trying to avoid. Indeed, the overall perception of public administration in Poland tends to be rather negative[630], including ideas of corruption, nepotism, and inefficacy. The officers of the Department have on multiple occasions shown themselves weary of such a

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[628] *Ibid*.
[629] KLAUS, Witold, 2009, *op.cit.*
    KLOREK, Natalia, KLAUS, Witold, 2013, *op.cit.*
[630] ARCIMOWICZ, Jolanta, KURCZEWSKI, Jacek, CHMIELEWSKA-SZLAJFER, Helena, 2011*, loc.cit.*

picture of their profession in the public eye, expressing frustration at the discrepancy between what they perceive as hard work conditions and the clients' presumed idea that they "only sit here, drink coffee and eat sausage" as one officers put it [FJ, 24.06.14]. This may in some cases go hand in hand with a general distrust for state institutions and a feeling of injustice:

> The officer accuses politicians of dishonesty and of making a profit at the people's expanse. He expresses criticism for those in power in general. He, as well as other officers present, tell me of their annoyance at the fact that civil servants are the object of complaints and are accused of laziness, when they themselves work in such strenuous conditions. [FJ, 16.06.14]

The idea of public administration that civil servants are encouraged to uphold is the very opposite of those accusations: in addition to being friendly, public institutions are expected to be fair, neutral, diligent, and respectful of legal rules. Hence the constant pressure on the officers to avoid giving any ground to such attacks and the previously discussed need to be discrete when preserving one's own comfort on the job. Since the organization of work and the layout of the site caused the officers responsible for contact with the public to be constantly exposed to the clients' scrutiny they had to be careful not to open the possibility for any accusations. This could concern presumed "laziness", but also collusion with intermediaries or favoritism for certain clients. This was for instance illustrated by the Director's advice to avoid the intermediaries' "perfidious" attempts to create an impression of proximity that the clients could read as proof of collusion [FJ, 25.06.14]. However, as it has been shown in the previous chapter, friendliness and fairness do not always go hand in hand. Ultimately, it is the individual officer's call whether to uphold a rule and remain neutral or show compassion and appear friendly.

In all cases however, the issue of the impression an action will create was crucial. The Department's inscription within the framework of state administration and the Civil Service means it is impacted by the ongoing reforms of the public sector, including those concerning communication with the public and image creation.

However, once this preoccupation with image production has been established, an essential question remains: that of the public this image is addressed to. Indeed, as evidenced by the use of the term "citizen" in much of the literature of the subject[631], the actions of public administration are first and foremost seen as service due to nationals. Not least among the reasons for this is the fact that citizens are effectively responsible for paying civil servant's salaries through taxes[632]. Implicitly, a client-friendly administration is in fact a citizen-friendly

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[631] For instance: ARCIMOWICZ, Jolanta, 2010*, op.cit.*
  CZAPUTOWICZ, Jacek, 2008, *op.cit.*
  KULESZA, Michał, SZEŚCIŁO, Dawid, 2013,*op.cit.*
[632] ARCIMOWICZ, Jolanta, 2010*, op.cit.,* p. 278

one. What happens, then, when the friendly and welcoming attitude is extended to those who do not have the leverage that comes with being a country's citizen? Are foreigners the sole and the main recipients of the Department's communication strategies?

III.2.2. In search of a public – models and targets of the officers' performances

If the officers' contact with clients at the Masovian Department of Foreigners is viewed as performance, the above-discussed ideas of *fairness* and *friendliness* are part of the script. They are constitutive of the definition of what a civil servant should be like and how a public institution should treat its clientele. They are part of what Guy Peters defines as "political culture" – "an image of what constitutes good government and proper administration" shared in a given society[633]. Before going on to explore how that image is enacted in the individual officers' daily performances as they interact with clients, it is necessary to identify the audience of this performance.

Indeed, as it was shown in chapter I.1., the presence of an audience is one of the crucial elements of social performance, and so is this audience's capacity to "decode what actors have encoded"[634]. While the other elements – such as systems of collective representations, means of symbolic production, or social power – come into play in such a decoding, the performance only makes sense if a public is there to witness and understand it. It is this audience that the actors must convince of their authenticity if the performance is to be successful.

This also implies that both parties – the actors and the audience – must share an "already established skein of collective representations that compose culture – the universe of basic narrative and codes and the cookbook of rhetorical configurations from which every performance draws"[635]. This set of common representations may be shared by groups of varying nature and size: an organization or an organizational field can be seen as two among them. Thus, identifying the audience also helps understand what set of representations is going to be mobilized in a given performance. The above discussed idea of a client-friendly administration based on an NPM perspective is a result of the Department's belonging to a wider institutional framework which shares this conception. However, other members of that framework are not present to observe the interactions at the Department. If they ever become the public of the performance taking place there, it is very occasionally, for example in the

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[633] PETERS, B. Guy, 2010, *op.cit.,* p. 34
[634] ALEXANDER, Jeffrey C, GIESEN, Bernhard, MAST, Jason L, 2006, *op.cit.,* p. 34
[635] *Ibid.,* p.58

form of competitions such as the one mentioned above[636], or when complaints are voiced and must be looked into, as in the case of the Voivode's visit to the Department described in the previous chapter. Apart from those brief instances, other public administration actors are not the primary audience for this performance. Defining the composition of the audience can allow for a better comprehension of the exact interpretation of the client-friendly image being enacted, as well as for the inclusion of additional elements in to this frame.

III.2.2.a. Appeasing the clients

When examining the officers' work of client reception as a form of performance, the clients themselves seem to be the most likely audience. This view appears to be confirmed by certain accounts of the officers, many of whom insisted that the policy of the agency was to prioritize client satisfaction.

> "My opinion is that our agency, the Department has the wrong approach, because we pander [to the clients]. The whole approach of the Department is not to hurt the foreigner. […] but I think that this is also the fault of the main guidelines on how inspectors should behave in such direct contact, because there are many cases, for instance when receiving applications: the foreigner comes – this is a real example from a month ago, from the training – the foreigner comes without a ticket, sits down, while people have to wait for a ticket several hours, then practically half the day in the queue to the office, and he comes without a ticket, sits down, without looking directly at the inspector who receives the applications. The inspector demands his tickets, he says he misplaced it somewhere, he does not have it. The lady tells him he will not be received without a ticket, asks him to leave. He avoids eye contact, does not leave, the inspector cannot cope, the coordinator arrives and demands categorically that he leave the office. Then, the director comes and says: all right, receive the gentleman. Then she leaves, the situation is calmed down, and the gentleman bluntly says "What did you make a fuss for? I knew anyway that you will have to receive me".
> […] if this gentleman will start quarreling, security will not be called, but the director will come, and either take him to his office and sign him up [for a meeting] for application reception, or for examination of the documents, and they will try at all costs to appease the client". [Front-line officer, Department of Foreigners, female, 27].

In this case, not only was the officer convinced that her superiors tended to consistently give reason to clients, she also thought this was the case regardless of the client's attitude. In the above passage, the client's behavior is presented as disrespectful and the decision to accommodate him is not a matter of simple, mutual politeness, but goes beyond it, and shows a will to make sure the client is satisfied, or at least "appeased". Avoiding confrontation and preserving a positive impression of the institution seems in this scene more important to the director than for instance the officer's own image. The officer is in fact instructed to sacrifice her "face" by going back on her decision in order to serve the client. Several other officers

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[636] KANCELARIA PREZESA RADY MINISTRÓW - SERWIS SŁUŻBY CYWILNEJ, 2014, *op.cit.*

expressed similar opinions on what they described as the agency's tendency to prioritize the well-being and satisfaction of clients. This would seem to confirm the supposition that the clients, as the primary receivers of service, are also the audience of the performance associated with it.

Such a view would also fit a classical goffmanian vision of the interaction ritual. In Goffman's view of interaction the main audience of each actor's performance is the other interacting party. His analysis is mainly focused on face-to-face contact and, as the very term indicates, it poses each individual as responding first and foremost to the other participants of that interaction. Thus, adopting such a perspective would pose the clients of the Department as the officers' most direct partners in interaction and, hence, the audience of their performance. Lipsky, however, argues that for all street-level bureaucrats "[c]lients are *not* a primary reference group [...]"[637]. This role is more often played by professional or peer work-related groups, while the clients, whom the bureaucrats only see briefly and who are rarely organized as a group, do not posses the leverage to influence the culture of the administration. This can only be amplified when the clients in question are foreigners, as it means they lack even the slim amount of leverage that nationals might have in the same situation. Their rights are conditional on the status the administration grants them and their influence on the shape of public institutions is very limited. If one adds to that the relative weakness of migrant organizations in Poland[638], one is entitled to wonder if the clients of the Department have enough potential power to be truly taken into consideration as main public of the officers' attempts at creating a positive image. While they are the most directly concerned party, they have little to no means of holding the officers accountable for the treatment they receive. This in turn begs the question of how is the above mentioned tendency to give priority to the clients' satisfaction possible.

In fact, there are at least two ways in which foreigners can in fact gain leverage over the Department's officers: one is the power they have to disrupt the immediate interactions, and the other is the recourse to professional intermediaries.

Concerning this first point, one could review in this light the efficiency preserving strategies discussed in the previous chapter. Many of the actions taken by officers to maintain work routines and prevent clients from becoming disruptive, are in fact ways of appeasing them by creating a certain impression. The conditions of reception produce understandable frustration in clients and the aim is to redirect their anger away from oneself and the Department by convincing them of one's good intentions.

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[637] LIPSKY, Michael, *op.cit.,* p. 47
[638] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p.171

"You have to be calm, because anger breeds anger, aggression breeds aggression. Of course, you cannot let [the clients] walk all over you, so that a client will stand here and scream at me. But first of all, tranquility and composure, and this spreads to the other person. They understand that through anger they will not get anything done. The point is to let the other party know we are trying to help". [Front-line officer, Department of Foreigners, female, n/a].

The idea of *friendliness* can thus also be an instrument in the officers' attempts to maintain order: a client persuaded of the officers' good will is more likely to comply and make the work easier, while working with angry and non-cooperative clients is time-consuming. As the excerpt above suggests, the officers must simultaneously preserve a degree of authority and prevent the clients from "walking all over" them. In every interaction, an officer must hence produce an image of both themselves and the institution as competent and benevolent – a reassuring image which is a precondition of efficient work. This form of leverage available to clients is reminiscent of Lipsky's remark that "street-level bureaucrats characteristically are pressed with heavy case loads and demands for quick decisions, so that clients can impose salient costs merely by taking workers time"[639]. In the cases discussed by Lipsky this is related to the fact that time is cheap for clients, but not for bureaucrats. This aspect is evidently less obvious in the case of immigrants, for whom time can be determinant for instance in obtaining a permit, keeping a job, or maintaining family ties. However, as the status granted by the Department is the precondition of any legal activity on the territory of Poland, they have no choice but to accept those costs. Time is not cheap for them, but it is often a price they are determined to pay.

Another variant of this form of leverage available to clients within the interactions themselves is the impact they can have on the officers' self-image. Indeed, while for some officers the job is simply a temporary solution, or a necessity, many expressed their liking for the work they do:

"In general, I like working with foreigners. I have done it before for seven years". [Front-line officer, Department of Foreigners, female, n/a].

"When you do something, you have to do it right. Otherwise, you can change your job. All the more so that for this job, you need to have some sense of mission". [FJ, 24.07.14]

"I like people and this job suits me, I cannot imagine myself sitting eight hours looking and working on documents only". [Member of management, Department of Foreigners, female, 59].

"When you can work so much with people and you really help them, this gives you a lot of satisfaction, a sort of better existence in life". [Volunteer, Department of Foreigners, female, 43].

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[639] LIPSKY, Michael, *op.cit.,* p. 58

Statements such as those show that the officers who enjoy their work do so to a great extent because they value the interaction with clients and take pride in the quality of the service they provide. For some, like the participant in the first passage, this may be associated with the specific characteristics of working with foreigners, a population she found particularly interesting. For others, as exemplified in the second excerpt, a preference for people work in general might be the motivation. Others yet see their job as a sort of mission – one which has to be done right, and which in the final count serves to help people and give them a "better existence".

This is coherent with Goffman's vision of interaction as ritual. Indeed, for Goffman, what is at stake when people interact is each participant's "face" and thus, ultimately, their self-image. Through collaborating with others in the endeavor of preserving every participant's face, the actor is allowed to maintain a certain idea of themselves. By accepting to adjust to the cues others give, the actor is able to maintain the belief that "he is what he wants to be"[640]. The image a person has of themselves, and the kind of behavior they might expect from others, are intimately linked to the relations they entertain with those other actors, including questions of status or prestige (in a footnote, Goffman[641] explicitly mentions the hierarchy of the civil service in this context). If the ritual is disrupted and the reactions do not match expectations, a person might find themselves "out of face" or "in the wrong face"[642], which tends to provoke negative emotions. The excerpts previously quoted show that for the officers maintaining positive relations with the foreigners they receive, "helping" them, and doing their job "right" are important elements of a self-image that allows them to enjoy their work. By getting angry, or breaking down in front of the officers a client signifies to them that this image is inconsistent with reality. This can force them to step out of their role, and find themselves out of the face they would wish to maintain. The image of competence and benevolence is both a means of keeping the clients calm and an aim in itself: it allows for the interactions to remain relatively pleasant and for the officers to feel good about themselves. It becomes however difficult to preserve if the clients become upset. One can consider in this light the officers' common aversion to any behavior they read as a way of exerting pressure: crying, attempting to provoke pity, or expressing anger. One officer described this to me as "playing miserable" [FJ, 03.07.14], clearly interpreting such outbursts as a strategy and an attempt to push her out of her official role. Thus, the very fact that the clients can refuse to comply with the expected form of interaction means they have the possibility of imposing emotional costs on officers.

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[640] GOFFMAN, Erving, 1967, *op.cit.,* p. 43
[641] *Ibid.,* p. 10
[642] *Ibid.,* p. 8

Another strategy available to clients is the recourse to professional intermediaries. The persons who make a living out of assisting foreigners with legal procedures are not only most often Polish citizens, but are knowledgeable when it comes to foreigners' rights and to the options open to them. When they are themselves foreigners, they usually have resided in Poland for extended periods of time, posses a stable legal status, speak the language well, and have significant knowledge of immigration law. That is to say, they are not in the kind of situation of vulnerability many other foreigners find themselves in. Some of the intermediaries have previously worked for the Department themselves and are familiar not only with the law, but also with the inner workings of the institution. As one such intermediary put it:

> "Here, my experience in the institution, in one service, then in another, is key. It is a plus. Contacts with the Ministry of Foreign Affairs, with the President's Chancellery, they are very important. Some are afraid to call, I'm not afraid, I make the call. [...] Because I have such experience, [I know] that this is needed, and this is needed, and this is needed [referring to the required documents]. [...] Someone who has not been a civil servant doesn't know that oftentimes one can't say that it's the civil servant who is bad, who doesn't feel like it, it's just the law [...] So such experience gained on both sides, on both sides of the barricade, this side and that one, that is a plus for my company". [Professional intermediary, female, 44].

Other intermediaries can be legal professionals, whose training concerning the law and the overall institutional framework can be superior to that of many officers. Moreover, they are aware of the avenues of recourse available to them and their clients. One intermediary for instance, not only described to me in detail the instances where, in his opinion, the practices of different Voivodeship Offices varied from the European Convention on Human Rights, but also recounted having on multiple occasions contacted the Ombudsman when he believed foreigners' rights were not respected [Interview with professional intermediary, male, 35]. However, while the intermediaries can increase the chances of a foreigner's case being settled favorably, their interactions with the Department are of a professional nature and do not involve the issues of quality of client reception or of the perceived *friendliness* of officers. Intermediaries might intervene when cases are treated in an unlawful fashion, when negative decisions are issued, or when time limits for case treatment are not respected. However, when the more routine situations are concerned, the intermediaries' job consists precisely of dealing with the kind of unpleasantness the foreigners want to avoid. Long waiting hours, complex and confusing procedures, and stressful interactions are in a sense expected elements of the job, as they are the reason the market for those services exists in the first place. Moreover, as the excerpt above shows, familiarity with the institution and its employees means that the intermediaries may sometimes be inclined to share the officers' perspective and empathize with them for the harsh work conditions, rather than consider them responsible for the clients'

discontent.

Not only does the very role of the intermediaries not favor them as producers of cultural codes, but the ambivalent relation the Department entertains with such companies means that the officers are often wary of them and uneager to adapt to their expectations. The suspicion of dishonest or exploitative behavior, that the interviewed intermediaries themselves also expressed concerning other firms in their field of activity, prevent them from appearing as actors whose perception of the Department must be taken into account. Rather, as it has been mentioned, distancing oneself from intermediaries can be part of the officers' efforts to prove their competence and professionalism to clients. The intermediaries' own attempts at friendly behavior are read by some of the officers as a strategy for gaining the officers' trust and obtaining favorable treatment. Indeed, building good relations with officers can be an important advantage and the officers are very aware of the instrumental character such relations can have. As one person who had volunteered at the Department put it:

> "It's a very interesting thing, because when there is a new person who is going to work [at the Department], contact has to be made and they try right away to establish such contact" [Interview with volunteer at the Department of Foreigners, female, 43].

Hence, while the intermediaries can in many cases successfully defend the clients' interests, they do not appear as a group likely to influence the Department's self image and the officers' attitudes in interactions with foreigners.

Both the above-discussed forms of leverage thus remain limited in impact. While they do lead the officers to adopt certain attitudes, those attitudes are not as much determinant for the systems of meaning prevalent in the Department, as they are a means for the officers to inscribe their performance within already existing systems and maintain a corresponding self-image. Foreign clients do constitute an audience that needs to be convinced of the authenticity of the friendliness and competence of officers, and they are in a position to make the work of the agency more difficult, but they are not the ones who can hold the Department accountable should the performance fail. The clients thus appear as an audience for the officers' performance in the sense that they are its primary witnesses. The "myth of altruism" Lipsky[643] mentions is one street-level bureaucrats tend to believe themselves. It is part of a self-image they are inclined to preserve and failure to do so causes frustration. However, as they do not constitute a cohesive group and are not Polish citizens, foreigners lack the leverage to impose the norms and cultural codes that dictate what the agency should be and what image of itself it should produce. They might be the receivers of the performances guided by certain norms, but they are neither the creators, not the guardians of those norms. This role is reserved for other

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[643] LIPSKY, Michael, *op.cit.*

actors. As it has been shown in the previous sub-section, those can be other members of public administration who share common conceptions of the direction in which all such agencies should evolve. However, as it could be noted in the previously discussed examples of image-building activities of the Department, another set of actors is very present: non-governmental organizations and more generally representative of Polish civil society.

III.2.2.b. Civil society and third sectors actors as partners and watch-dogs

One intermediary explained thus his interpretation of a change of work organization in the Department, where the queuing was replaced by a system of appointments made by phone:

> Participant: […] "A scandal was made in *Uwaga* [a popular information show on the Polish television network TVN]. They introduced the telephone queue, and the dates [of appointments] are even worse, because now, even if someone was to stand for three days and sleep in a tent he will not be able to submit an application. And practically nothing happened. Immediately after that scandal, on the one hand they have introduced the telephone system, on the other they have prolonged the period of case treatment by a month. […] And that is how the queue was overcome, but a stack of cases to be treated was created […].
> Researcher: You speak of a scandal, I must have missed it – can you tell me what happened?
> Participant: There was a recording in *Uwaga* in TVN, there was a whole 30 minutes material and it showed what it all looks like, the security guards' approach to foreigners, which was indeed objectionable. Now it got a little better.
> Researcher: And you think that this change, the fact that there are appointments, is a result of this?
> Participant: Yes, because it was a matter of a few days, the program was on Wednesday or Friday, somewhere during the week, because I did not see it on television, my wife called me to watch it on the Internet. It was all shown and practically a week after, two weeks after, on a Saturday there was a so-called Open Day, balloons, face painting, application reception, the telephone queue was introduced, the television was there, showing that it is all pretty. Except that during the same time the periods for proceedings were extended". [Professional intermediary, male, 35].

The event discussed here happened after the observation period this study is based on and I did not have the possibility to witness the decision process that lead to the change in organization. However, given the chronology of the events, the interpretation suggested by the participant seems plausible. In fact, the attention paid to media coverage of the Department was visible during my period of observation. Whenever a piece on the agency's activities was published, it was not uncommon to find a copy of a newspaper opened on that article on the table in the information section's telephone room – one of the employees or, more often, a superior would bring it in for the officers to read. The idea that, if the queue gets too long "the media will come again" [FJ, 17.06.14] was expressed. The preoccupation

with the public portrayal of the Department could also lead, as is suggested in the excerpt above, to image-building activities such as an Open Day. Those instances point to the Polish public as the addressee of the Department's communication strategy.

However, it was in fact rather rare to see the media take an interest in the Department. Some of the higher ranking members of management were asked to speak publicly on the situation of the institution and other immigration-related issues, but the everyday functioning of the Department was not a common object of such scrutiny. Even the increased interest in the phenomenon of immigration sparked in 2015 by the refugee "crisis" brought in to the public spotlight above all the Office of Foreigners as the main institution specialized in those issues and the body responsible for the treatment of refugees. Like the material published by TVN[644], most cases of media coverage of the Department centered around the most visible aspect of the heavy workloads the agency faces: the queue. Some attention was more recently paid to the appointment of the former Director of the Department as the Voivodeship Office's spokesperson on the issue of migration[645]. Nevertheless, such coverage remains rare and rather superficial in content. One could consider that such limited attention in news outlets reflects in fact the limited amount of interest for those issues on the part of the general public. Hence, the audience for the Department's image creation is not as much the Polish public as a whole, but rather the specific actors within civil society that can be considered stakeholders when it comes to the treatment of foreigners. An important category of such actors are non-governmental organizations and, to a lesser extent, academic circles.

In chapter II.1 the presence of a number of such organizations in the field of migration policy in Poland was discussed, as were their links and interactions with state institutions. However, in order to understand how those relations might influence the attempts made in the Department to construct a *friendly* image of the agency, it is necessary here to look into the way those organizations see their own role, the motivations guiding their members, and the aims and ideas they hold with reference to public administration.

Most NGOs can be considered as a type of socially-oriented organizations[646], and as such they are usually motivated in their activities by an idea of service to a community, or of working towards the common good. Many of the NGO members I have talked with described

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[644] Uwaga! TVN, 2015, *Jak traktujemy cudzoziemców?* [online video]. 2015. Available from: http://uwaga.tvn.pl/reportaze,2671,n/jak-traktujemy-cudzoziemcow,162171.html

[645] For instance: *Radio Dla Ciebie*, 2015. "Pełnomocnik ds. migracji. "Funkcja odpowiadająca aktualnym wyzwaniom" . Online. 11.09.2015. Accessed 15.10.2015. Available from: http://www.rdc.pl/informacje/pelnomocnik-ds-migracji-funkcja-odpowiadajaca-aktualnym-wyzwaniom-posluchaj/

[646] MRZYGŁOCKA-CHOJNACKA, Jagoda, 2014, Rola i czynniki zaufania w działalności organizacji zorientowanych społecznie. In : *Pomiędzy i wenątrz, Instytucje, organizacje i ich działania*. Warsaw : IPSiR UW. p. 163

the motivation for their personal involvement in their organization in those terms:

> "I cannot even imagine not working for an NGO, not at all. I cannot imagine working in commerce, in a corporation. Because this work gives something incredibly valuable, that is to say a sense of meaning, that I did not move a stack of paper so that someone could gain more money, but that with my work I have contributed to the fact that someone's life will be better, that they will be able to live normally. And I find that that is what is the most valuable about this work, this satisfaction that you do something meaningful, that you can see tangible effects of this work, that is important". [NGO member, female, 27].

The idea of making a difference, of working towards positive social change, and advocating for a cause one believes in appear as essential motivation for involvement in this kind of activity. In the case of organizations working in the field of immigration, the group whose good is at stake are primarily foreigners. Many of my interlocutors recounted working for other NGOs before, but most of them, in addition to a general preference for work in the third sector, also spoke of convictions or interests guiding them specifically towards the well-being of immigrants as a cause. One participant for instance began by attending courses in immigration studies abroad:

> "I have had interest in those questions for a long tome, I left for [name of a foreign city]. I knew there were immigration studies there and there was a lot of courses […]. I did not want to come back, it was great there […]. And that's when I checked the NGO website and I found an announcement, that they were looking for someone". [NGO member, female, in her 20s].

In this case an initial intellectual interest for the issue of migration was later transformed into active engagement through work in the third sector. Another person described a mix between interest in humanitarian work in general and specifically in work with foreigners:

> "[…] I studied humanitarian aid for a year before in the Department of Law and Administration of Warsaw University. I think this has given me a lot, because I knew the international law concerning refugees and also migrants. […] I also worked for two months in [another Warsaw-based NGO specialized in assisting immigrants], although I did slightly different things there. And I have somehow been gravitating around this topic for a while. And I cannot hide it has been a long while that I have thought of becoming an integration counselor, because I have looked at this work, I wondered what it consisted of, and I came to the conclusion it was a very interesting job". [NGO member, female, in her 20s].

Given this orientation towards the common good, and specifically the engagement in favor of immigrants, among NGO members what ultimately guides the actions of many NGOs is a will to ameliorate society, to promote a specific vision of social life. As Polish Migration Forum – one of NGOs active in the studied field and cooperating with the Department – states on its website:

> "We want Poland to be a country where people of different races, religions, and cultures live in peace and mutual respect, striving for understanding and cooperation. We consider that people are equal, regardless of race, nationality, ethnic origin, opinions, religion, or

other factors. We want for the rights of people to be honored and for everyone to be treated with respect, independently of their origin or race".[647]

One can distinguish three types of activities NGO engage in when it comes to foreigners living in Poland. All three reveal key aspects of the kind of society those organizations strive to bring about. First of all, NGOs engage in advocacy for the rights of foreigners. This is the case especially of bigger organizations, for whom migrant rights are just one aspect of a more general commitment to the defense of human rights or the state of law. They monitor the activities of state institutions, participate in public debates, and postulate changes both in legal regulations and existing practices. The Association for Legal Intervention website sums up this goal:

> "We also undertake activities that aim at introducing systemic change in law and in social policy, for example through participation in conferences, consulting legal acts, commenting legislation, producing expertise and expressing opinions".[648]

Those attempts at influencing policy and practice can take two forms. On the one hand, NGOs of this type provide assistance to public institutions, in particular in the form of various trainings:

> "Another thing are the trainings, workshops for very different groups. On the one hand those are Border Guards, policemen, civil servants, employees of MOPS [welfare centers], that is to say the people who encounter foreigners in their work. Those are anti-discrimination workshops, inter-cultural workshops, [about] inter-cultural contacts, but also concerning specific cultural zones. Often they themselves, specific units of the Border Guard or the police, approach us, that they would like [a workshop] for instance about Afghanistan. And we conduct those workshops for extended periods, and we always do it in such a way that there is a trainer, a responsible person, usually a Pole, although that's not an obligation, who will organize this workshop so that it makes sense, and the co-conductor is a foreigner, who represents a given culture, but who has been trained by us during one of the projects in how to tell about his culture and who is prepared that he can be met with different reactions, different questions. And he can survive such a workshop in a way that's safe for him, because it's not obvious that any Syrian can talk about Syria, that when someone asks him a controversial question about Islam he will not start boiling, for instance. So these are people who know how to keep a certain distance, who are prepared that they may come across different people in such a workshop. […] There are also workshops for volunteers, for students, for school children, pre-school children, those are slightly different kinds of workshops, they concern similar topics, but they are run in a different way". [NGO member, female, 27].

This passage shows how, through the very manner in which they attempt to educate public servants, NGO members defend a certain vision of society. Not only do they work towards transmitting the knowledge they believe to be essential for foreigners to be treated respectfully to those most directly in contact with them, but in doing so they are careful to

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[647] Polskie Forum Migracyjne, 2015, O nas. *Forummigracyjne.org* [online]. 2015. [Accessed 28 November 2015]. Available from: http://www.forummigracyjne.org/pl/aktualnosci.php? news=201&wid=36

[648] O SIP | Stowarzyszenie Interwencji Prawnej, 2015. *Stowarzyszenie Interwencji Prawnej* [online]

include foreigners themselves as educators and to provide them with adequate training that will shield them from the potential unpleasantness of such encounters.

In addition to such educational activities, the help provided to the public sector can also include evaluations, research, and the production of recommendations as to how to ameliorate the functioning of state institutions. On the other hand, while they may offer help to public institutions, those organizations' primary aim is the protection of foreigners and hence they also act as "watchdogs" in relation to institutions such as the Department of Foreigners – hence, evaluations and recommendations play a double role.

A second type of activity is help provided directly to foreigners. This can include free of charge legal assistance, either provided in the organization's offices, or consisting of accompanying the foreigner to various appointments with state institutions, and sometimes also translating during formal interviews. Some organizations assist foreigners with a broader array of daily matters, such as accessing medical services, or education, and looking for accommodation and work. Several organizations provide language courses. This kind of activity is the most common among the organizations I have had the occasion to conduct interviews in. In the case of migrant organizations, or smaller organizations for whom this is the main focus, the motivation for this kind of activity is often described as "[n]eeds, first of all needs, it all starts with needs" [Migrant organization member, female, 46]. Participants have described the origins of such projects as the realization – through own experience or through conversations with foreigners – that a need for assistance existed, leading to the elaboration of activities that answer this need.

Thirdly, many organizations conduct activities that can be seen as purely cultural. Those projects share certain goals with the above-described educational activities, as they often constitute attempts at fostering open and tolerant attitudes among members of Polish society through an encounter with the cultures and customs of other countries. However, instead of formal training, this type of activity includes mainly the organization of and participation in cultural events. It is typically the domain on migrant organizations:

> "Most often we reach out in our cultural offer, because for years now we have been organizing for instance the [Ukrainian] Independence Day in Warsaw, and this is an event not only for Ukrainians, who take part in [celebrating] the independence of their country in Warsaw, but this is also an offer for the outside. Because […] there is not only a celebration of independence as festivity, but a representation in a sense of Ukrainian culture for the inhabitants of [the district of] Żoliborz, of Warsaw, of the whole of Poland. So we also organize various exhibitions and meetings in the Ukrainian House, there has been a lot about Maidan, about the so called revolution of human dignity, so that was a source of information for Poles too, about what is happening in Ukraine, there was a meeting about the elections.[..] So the Ukrainian House and such festivities of ours, or the organization of any kind of celebrations, that is also a way of representing Ukraine and Ukrainians outside, for the Polish community". [Migrant organization member, female,

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"I think that [the projects we currently conduct are] above all different events, different readings, meetings with inhabitants of different regions of Poland, mostly Warsaw, contacts with different cultural centers such as museums, libraries, district cultural centers, schools, so that we have more mutual contact. And various Vietnamese days, exhibitions of Polish and Vietnamese paintings, art spectacles, this kind of thing". [Migrant organization member, male, 55].

One of the goals of such activities is also community building – both between foreigners and Polish local communities, and within specific groups of foreigners themselves.

Looking at those activities, it is possible to form an idea of the kind of society towards which those NGOs see themselves working. First of all, it is a society where the rights of each individual – Poles and foreigners alike – are respected and their needs taken into account. Secondly, it is a society characterized by open-mindedness and interest towards those who come from different backgrounds and cultures. Thirdly, in a way that is not necessarily related to foreigners but rather has to do with the mode of functioning of those organizations, this implicit conception also contains a vision of the relationship between the state and the third sector: one where state institutions cooperate with organizations, take their opinions under consideration, and treat them as partners. Indeed, one thing that is apparent in all the above-described activities is the cooperation with public sector actors.

This conception of the preferable relations between public and non-governmental actors is not only consistent with elements present in Public Governance approaches[649], but is also recommended by many other analysts of organizations. For instance, drawing on Sztompka's conception of trust[650], Jagoda Mrzygłocka-Chojnacka not only underlines the importance of such partnerships for the proper functioning of socially-oriented organizations, but also insists that an essential element is fostering a "culture of trust" among the parties of such a relationship. She defines such culture as based on a positive perception of the partners, a mutual interest in their activities, and a mutual trust funded on credibility[651].

However, while on the one hand the above-discussed NGOs seem, for the most part, eager to partake in cooperation with public institutions, their relations are complicated by the role of watch-dogs that many of them also identify with. This can lead to an undermining of trust. For instance, during the time of the fieldwork, the Association for Legal Intervention filed a complaint to the European Commission against Poland for its non-respect of the Directive 2008/115/EC of the European Parliament and of the Council of 16

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[649] LISIECKA, Krystyna, PAPAJ, Tomasz, Czyż-GWIAZDA, Ewa, 2011, *op.cit.*
[650] SZTOMPKA, Piotr, 1999, *Trust*. Cambridge, UK : Cambridge University Press.
[651] MRZYGŁOCKA-CHOJNACKA, Jagoda, 2014, *op.cit.,* p. 173

December 2008[652], concerning foreigners' access to free legal assistance. Informing me about this, one officer expressed disappointment: the Association cooperated with the Department and its members worked on site for an extended period of time, but the occurrence seemed to serve as a remainder that the presumed colleagues working alongside the officers were in fact following a very different agenda [FJ, 08.10.14].

Both those aspects of the role played by non-governmental organizations are observable in the relations the Department of Foreigners entertains with some of them, and both of them impact the way the institution and its members strive to present themselves. The management of the Department seems to subscribe to a similar belief in a beneficial character of contacts with the third sector. Cooperation indeed takes place and takes various forms. As it was previously noted, the presence of NGOs is very visible in the Department, with a variety of printed materials displayed in the building. The description of the Open Day provided above also shows that NGOs are invited to participate in events organized by the Department and are offered space to showcase their activities. The previously discussed project "Information Center for Foreigners" allowed NGO members to work directly on the premises, in addition to including a series of collaboratively created materials, such as the informative leaflets distributed to clients, which bear side by side the logos of both NGOs involved – the Association for Legal Intervention and Polish Migration Forum – as well as that of the Department. Besides this institutionalized form of cooperation, more punctual events also take place. During the time of my fieldwork for instance, one foundation was temporarily allowed to set a stand outside the Department and provide information on legalization procedures. An officer of the information section was sent to assist the NGO members whenever the workload allowed it [FJ, 18.08.14]. Those forms of collaboration are beneficial to both partners: the NGOs gain an opportunity to accomplish their goal of assisting foreigners and to reach a wider audience with their activities, while the Department sees its workload slightly alleviated. Indeed, the work accomplished by NGOs in those instances mostly consists of taking on some of the tasks that would otherwise befall the information section. In addition to that, providing help with filling in applications and assembling required documents means that the officers receive more correctly constituted applications, which are easier to process. As a result of this kind of collaboration a form of mutual trust does indeed arise, especially in the instances of prolonged contact. Thus, the officers of the information section were most often on friendly terms with the members of the Association for Legal Intervention present on site [FJ, 24.06.14; 19.09.14]. Those later in turn often came to the officers for advice on how to best inform clients. It is however worth noting

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[652] The full text of the complaint is accessible online: http://interwencjaprawna.pl/wp-content/uploads/skarga-dostep-do-bezplatnej-pomocy-prawnej.pdf

that a certain conflict of interest did exist: the two groups accomplishing the same tasks, the officers often seemed compelled to reassert their superior qualifications and legitimacy by criticizing any errors made by the members of the Association [FJ, 30.06.14]. This was all the more the case that many clients did not distinguish between the NGO-run help-desk and the official information section, so that any mistake committed by former was most often attributed to the latter.

One example that perhaps crystallizes all facets of the very complex relationship between the Department and non-governmental actors is the Forum of Foreigners. The Forum is a common initiative, organized regularly by the Department with the assistance of an NGO member, and the support of the Voivode. It is always attended by high-ranking Department representatives and open to any person or organization interested in the issue of immigration in Poland. Most of the major organizations active in the field send delegates to each meeting, while some other organizations appear only occasionally. The Department representatives usually start by presenting the current situation of the agency and discussing any important issues of the moment (such as the abolition campaign, or the new Act on Foreigners), and sometimes make a presentation on planed or undertaken innovations in the agency's functioning (new computer systems, or plans for a new site for instance), before opening the floor for questions. The other participants then have the opportunity to ask questions, voice concerns, or give suggestions. The Forum has been an occasion for authentically constructive exchanges and has allowed for small but tangible changes. For instance, during the Forum that took place while I was conducting fieldwork [FJ, 30.06.14], suggestions were made that Polish institutions could follow examples observed by participants in other countries and hire foreigners to assist with the work of immigration officers. At that very time the Department was facing a massive increase in the numbers of its clients and was looking for ways of expanding its workforce. The suggestion was very well received in this context. The Department representative deplored the fact that hiring foreigners as full-time immigration officers was not legally possible in Poland and implied that accepting them as volunteers would be a way of "sneaking them in" that could later lead to a change in law. Throughout the following months a rotating team of two foreign volunteers worked in the information section and the practice was maintained after the completion of my fieldwork. Most volunteers were either themselves members of migrant organizations, or were directed to the Department by NGO members.

It is also undeniable that the kind of contact and cooperation that the Forum is an example of has an important role in fostering trust between partners. One NGO member who has collaborated closely with Department representatives on the organization of the Forum,

praised the Department in such terms:

> "[…] what we succeeded at is entering into close collaboration with the Masovian Voivodeship Office, with the Department of Foreigners, so that we noticed during certain meetings that suddenly it is the Director of the Department of Foreigners who speaks in a harsher tone and in a language more direct than that of the civil servants that are in theory her superiors, that is to say the Ministry of Interior. And [she speaks more like] non-governmental organizations, and says it in a clear, intelligible, and comprehensible manner. And it's the Voivode who fights for those regulations that should finally make the reception of migrants easier. And that too is, in a way, the effect of our long-standing cooperation and of the fact that the Director of the Department of Foreigners is one of those partners". [NGO member, male, 37].

The participant sees the cooperation as successful since it lead to the development of common language, a common viewpoint, and common interests. It would seem that the above listed conditions for the existence of a culture of trust – perception of the partners, a mutual interest in their activities, and a mutual trust funded on credibility[653] – are indeed united. It is also notable that, among the NGO members I spoke with, those who had prolonged contact with the Department were also the ones to most clearly blame the difficult conditions foreigners are submitted to on contextual or structural factors rather than on the officers themselves.

The existence of such a space where dialog is possible and a form of understanding can be reached is reminiscent of Goldfarb's conception of the "politics of small things"[654]. On a local level, outside, or somewhat below the level of "big" state policy, interested actors and stakeholders manged to meet and communicate around their everyday preoccupations and activities, leading, in some respects, to a common definition of the situation. As in the cases discussed by Goldfarb, such a common redefining of the situation has provided the ground for tangible change, albeit limited one. The appointment of foreign volunteers is one such example. Not only did their presence serve its purpose of assisting the foreign clients, it also fostered further the initial understanding, as the volunteers could provide a link between the perspective of the officers and that of clients. This was exemplified for instance by an exchange between one of the volunteers and an officer, where the former noted that since she began working in the Department her view of the agency had changed for the better:

> "You are really nice here. People say different things, but now I know." [FJ, 24.07.14]

However, besides the tangible impact of those exchanges, it is also clear that the Forum of Foreigners, as well as other similar forms of cooperation, also have a more image-related function for all actors involved. The NGO members appear in this context also in their quality of watch-dogs and advocates. The Department representatives must, for their part,

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[653] MRZYGŁOCKA-CHOJNACKA, Jagoda, 2014, *op.cit.*
[654] GOLDFARB, Jeffrey C, 2006, *op.cit.*

maintain a certain idea of the dignity and cohesion of public administration – an excess of the attitude described by the participant quoted above would risk undermining their credibility with their own hierarchy. Thus, as visible in the minutes of the past Forums of Foreigners[655], a significant portion of the meetings is devoted to questions from the public. Many of them are akin to reproaches from NGO members, to which the Department representatives respond rather defensively. While variation can be noted between different organizations, some of them are quite vehement in their accusations. Thus, such meetings are not only the occasion for NGO members to voice concerns, and for the Department representatives to listen, but also for both parties to be seen doing so.

From the perspective of the Department officials, cooperating with NGOs is also a way of avoiding their criticism by including them in the functioning of the institution. A good example of the image-building role of such cooperation are the printed materials present in the Department. During the Forum in July 2014 an NGO member reproached the Department representative that the materials her organization had printed had not been displayed. On this occasion, the Department official present stated that there is already such a quantity of posters and various announcements displayed that it is impossible to make out their messages. She nevertheless agreed to display the new posters. This occurrence shows that the visual materials exposed in the Department building are not only there for informative purposes – in which case their abundance would be counterproductive – but also as a manner of manifesting the good will of the institution towards the organizations printing them.

Be it as a vehicle of tangible change, or as an image-building strategy, the cooperation between the Department and third sectors actors has effects on the officers' work and their way of presenting themselves and their institution in interaction. The culture of trust between those actors stems from the development of a common language and a common set of values. Among those, *friendliness* is once again key. As the titles of the evaluations by the Association for Legal Intervention ("A friendly institution" and "A friendlier institution?"[656]) show, it is a criterion of judgment for the non-governmental actors. It is part of both a vision of Poland as a welcoming country for immigrants, and a public administration accessible to its public.

This is not the only term and criterion brought to the table by NGOs and adopted by the officers. Another example is the term "multicultural clients" used, among others, by the officer quoted at the opening of this chapter. Indeed, it is not uncommon to see officers

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[655] The minutes, as well as other documents concerning the Forum, are accessible online:
http://mazowieckie.pl/pl/dla-klienta/ngo/fora/8426,dok.html
[656] KLAUS, Witold, 2009, *op.cit.*
KLOREK, Natalia, KLAUS, Witold, 2013, *op.cit.*

include the idea that the aim of their work is providing a specific kind of service demanding a special skill set: a service addressed to "multicultural clients" [Interview with front-line officer, Department of Foreigners, female, in her 30s]. While this does not correspond to the official function of the institution – the application of law to foreigners on Polish territory – it does echo the trainings that the officers underwent as a part of the Department's cooperation with various third sector actors[657]. It is also notable that, as previously discussed, the officers the most prone to the use of such terms and the most strictly adhering to the idea of *friendliness,* are those employed in the information section, that is to say those who have closely collaborated with NGO members in the context of a common project.

Thus, it would seem that the third sector actors the Department interacts with not only play an important role as an audience of the Department's communication strategy, but, through the development of a common culture in the process of cooperation, they are the producers and the vehicles of norms and values in the light of which the officers' attitudes and behaviors are evaluated. While the clients are the immediate public of the officers' performances, the third sector actors have at their disposal structures and resources that give them leverage – be it in the form of help they can offer, or criticism they can voice. As such, they are not only the audience of those performances, but also partake in the creation of the cultural codes that shape them.

This account of the relationship between the Department and third sector actors would not however be complete without one last element: its inscription in the context of European institutions.

III.2.2.c. *Good practices* and Europe as a model

Another concept that is common to both the discussed categories of actors is that of "good practices", and the associated idea of drawing from foreign models to ameliorate the functioning of the administration. The term itself is one promoted by European institutions, particularly when it comes to migrant reception and migration management, for example through the production of catalogs of good practices pertaining to immigrant integration[658]. It is also used in the context of exchanges between the immigration services of member states. The Masovian Department of Foreigners has participated in such exchanges and, as a result, published a *Journal of Good Practices* assembling "Insights and recommendations gathered

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[657] Reports on the cooperation with non-governmental organizations for the years 2013 and 2012, Accessible online: http://mazowieckie.pl/pl/dla-klienta/ngo/fora/8426,dok.html

[658] EUROPEAN COMMISSION - EUROPEAN WEB SITE ON INTEGRATION, 2015. *Ec.europa.eu* [online]

during study visits in select countries of the EU"[659]. Both the visits and the publication were funded from the European Fund for the Integration of Third Country Nationals. The recommendations issued in this publication echo some of the previously mentioned ideas – they include the creation of a more coherent migration policy and a more consistent legal framework; the creation of "one-stop-shop" type offices where a foreigner could not only apply for legalization but also settle all other administrative and everyday life matters; and the inclusion in the work-force of "cultural mediators". Once again, one encounters the criticism of lack of coherence levied at Poland's migration policy, but also the ideas of an accessible, *friendly* public administration, open to foreigners and sensitive to cultural difference.

The two last postulates – one-stop-shops and cultural mediators – are particularly interesting in the context examined here. They appeared following a visit to Portugal and were present not only in the aforementioned publication, but also in the suggestions issued by NGO members during the Forum of Foreigners [FJ, 30.06.14], as well as in one of the interviews [NGO member, male, 37]. It were in fact those suggestions that lead the Department to take on foreign volunteers. This example shows that some of the ideas that shape the officers' perception of their work and their goals in fact exist in a nexus including the Department itself, third sector actors, and Europe, understood both as the EU and as the collection of other member states who can serve as models. Other European states are recognized as more experienced when it comes to immigration, and attributed a certain degree of legitimacy, both by actors within the Department and by members of NGOs.

An important element of the influence the EU has on Poland's migration policy and relevant public institutions is funding. One example of the way the use of EU funds can both foster cooperation between the Department and NGOs, and promote a certain set of ideas about the role of the institution can be found in the above-mentioned projects "Information Center for Foreigners" I and II co-run by the Department of Foreigners, in the context of which the Department received funds to acquire equipment for the information section, among other things.

> "Until recently, and I hope that it will be resumed, [there was] the "Information Center for Foreigners" project, which was carried out with the Association for Legal Intervention and Polish Migration Forum. The Voivode was a partner, it was financed from the resources of the European Union, this Fund for the Integration of Third Country Nationals. Polish Migration Forum is a sort of platform organization. And in the context of this project there were trainings conducted, it was possible to make different purchases linked to the equipment of this building, and the parts linked with the reception of foreigners. An information desk for foreigners was also financed, which was run together by the employees of the Voivodeship Office and of the Association for Legal Intervention. Leaflets were printed, posters informing [about] the entry [into force] and the use of the

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[659] WYDZIAŁ SPRAW CUDZOZIEMCÓW, 2015, *Dziennik dobrych praktyk, Spostrzeżenia i rekomendacje zebrane podczas wizyt studyjnych w wybranych państwach UE*. Warsaw.

new Act, a lot of leaflets and informative brochures about the new regulations, that is all from that fund, it was produced in the context of that project. And this is what the cooperation looks like right now". [Member of management, Department of Foreigners, female, 42].

Thus, the possibility to obtain funds for common projects pushed the public administration and the NGOs to cooperate by providing them with opportunities to facilitate their work and ensure better work conditions. However, such funds, as their name indicates, are attributed for specific aims, in this case, actions that are likely to support the integration of foreigners. Those actions – trainings and purchases linked to client reception, informative materials, or assistance to foreigners in need of legal advice – are rather similar in content to the kind previously discussed as part of the client-friendly approach.

The impact of such funds is all the more tangible that this form of financing was crucial for the functioning of a significant part of non-governmental organizations whose activities focus on migration, as demonstrated by the difficulties those agencies experienced since the coming to an end of the activities of both the European Fund for the Integration of Third Country Nationals and the European Refugee Fund[660].

As to the public institutions benefiting from this type of support, as was the case in the context of the above-mentioned projects, several of the participants indirectly expressed the view that this was a form of externalization of the costs of Poland's migration policy by proxy of the third sector. NGOs – funded directly by the EU on a project basis – take on part of the tasks of the state:

[Speaking of education of children in the context of immigration] "[…] the Polish state has three inter-cultural assistants financed by the state [...] I don't remember if it is three or five, but anyways it's an absurdly small number, and the rest are financed by non-governmental organizations, or by the school's own means, or by the parents, or something like that. […] So I have the impression that there is no Polish migration policy. [NGO member, female, in her 20s].

"[…] it becomes apparent in meetings with the Ministry of Interior... the Department of Migration Policy is the representative here... without saying it directly, but they do say it, that maybe finally thanks to the EU funds, the ones who are usually granted to NGOs, like AMIF, they will be able to finance their migration policy. While we have this impression, that, even though our process is not perfect [we should] not replace the state". [NGO member, male, 37].

Thus, in a way, certain norms, in particular with respect to the integration and reception of migrants, are transferred from the EU to local Polish institutions such as the Department, by the intermediary of NGOs, but by-passing state-level institutions. While in previous stages of the development of Poland's migration policy the impact of the EU was rather direct, notably

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[660] *Biuletyn Migracyjny,* 2014, Imigranci w Polsce. [online]. 2014. [Accessed 1 April 2016].
Available from: http://www.biuletynmigracyjny.uw.edu.pl

when it came to the adoption of the *acquis communautaire*[661]*,* nowadays it thus seems mostly to take the form of funding.

The common resorting to EU funding can also be used, as Mikołaj Pawlak does in a 2013 paper, to underline the importance of the question of legitimacy and common norms in the relationship between public and third sector actors. Indeed, the interactions between those actors seem to lead to a certain extent to the creation of a common understanding of the issues at hand and the reference to the EU framework is instrumental is fostering such an agreement. The case of the Department, and its involvement in European funds, seems to confirm an interpretation proposed by Pawlak in his paper on the role of imitation in shaping immigrant integration policy. In this paper, the author analyzes the process of drafting of the 2012 document proposed by the Council of Ministers and entitled "Poland's migration policy"[662]. The document was submitted to a public consultation, in the course of which an array of NGOs were contacted and gave their opinion, in addition to public sector actors with expertise on the issue. The fact that the NGOs and the public institutions involved have experience with European funding agencies provided them with a common semantic and conceptual framework. Their shared recognition of EU institutions as legitimate actors worth imitating resulted in the adaptation of fragments from technical documents linked to European funds as parts of the text thus created[663]. Hence, it would seem that EU funding agencies and programs play an important role in what can be described as the emergence of an organizational field of migration policy, by encouraging contacts between actors, and providing them with common points of reference and models. Extending to the whole field Meyer's and Rowan's[664] thesis that rules institutionalized in organizations function as myths that can foster legitimacy, one can say that the object of interaction between the actors concerned with migration policy in Poland is indeed legitimacy.

This seems indeed to be partly the object of the above-discussed interactions between the Department of Foreigners and NGOs: the non-governmental actors seek to maintain legitimacy by adhering to their double role as trustworthy partners and watchful controllers, while the state agency tries to present itself as both competent, and friendly and open to dialog. It is in this context that an important role is played by the reference to Europe – understood both as the EU and the sum of its members – which is seen by most of the actors engaged as possessing a high amount of legitimacy, and thus in turn serves as a means of

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[661] WEINAR, Agnieszka, 2006, *op.cit.*
[662] PAWLAK, Mikołaj, 2013, *op.cit.*
[663] *Ibid.,* p. 119
[664] MEYER, John W., ROWAN, Brian, 1977, Institutionalized Organizations: Formal Structure as Myth and Ceremony. *American Journal of Sociology*. 1977. Vol. 83, no. 2, p. 340. University of Chicago Press

legitimizing one's own actions. The third-sector actors in particular refer to international norms as a way of justifying a rights-based approach to migration. This is made particularly salient by the fact that the European framework provides a possibility of filing complaints against the decisions of Polish institutions – a possibility that some NGOs do not hesitate to use. The conviction that Poland's migratory situation will follow the same path as that of Western European states[665] reinforces the tendency to treat those countries as models.

The influence of the EU is thus significant despite the decrease in direct prescriptions or constrains, as compared to the accession period. It consists of funding projects and activities that are deemed valuable. In the case of the European Fund for the Integration of Third Country Nationals for instance, those are the projects that present the possibility of encouraging the integration of immigrants. Pawlak considers that in the Polish context the idea of integration has become a tool of legitimacy building for actors in the field of migration policy[666]. He points to both EU funding projects, and academic works as sources of definitions of this term. Through the propagation of this vocabulary, the EU institutions who use it also participate in creating a framework to which actors in the Polish context collectively refer to legitimize their actions. It is notable that some of the activities funded as beneficial to immigrants' integration – such as the project "Information Center for Foreigners" – are also the ones who contribute to a *friendly* image of the institution.

One can also note that, whether it is the concept of trust as applied to socially-oriented organizations by Mrzygłocka-Chojnacka[667], or that of legitimacy as described by Pawlak[668], what emerges from those accounts is the existence of a common language and set of ideas shared by various actors in the field of migration policy, the reference to which grants those actors the recognition of their partners. It is precisely this kind of code that Alexander[669] describes as the basis of a successful social performance. The discussed examples seem to point to the clients as an immediate audience of such performance at the Department, but not as creators of those very norms. This role is reserved partly, as seen in III.2.2.1 to other members of public administration, but also, very notably, to representatives of Polish civil society, and in particular members of the third sector, as well as, by their intermediary, the academics who create the concepts they use[670], and the European institutions who fund their activity. The actions of the Department as a whole and of its individual members thus have a

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[665] GÓRNY, Agata, GRABOWSKA-LUSIŃSKA, Izabela, LESIŃSKA, Magdalena, OKÓLSKI, Marek, 2010, *op.cit.,* p. 59
[666] PAWLAK, Mikołaj, 2011, *op.cit.*
[667] MRZYGŁOCKA-CHOJNACKA, Jagoda, 2014, *op.cit.*
[668] PAWLAK, Mikołaj, 2011, op.cit.
[669] ALEXANDER, Jeffrey C, GIESEN, Bernhard, MAST, Jason L, 2006, *op.cit.*
[670] PAWLAK, Mikołaj, 2010, *op.cit.*

double destination. They are meant for two publics: the more immediate one present in the interaction, and an implicit, more distant one who partakes in the creation of the norms that the actions are evaluated by.

III.2.3. Self-presentation and emotion in interaction

After having looked into the kinds of conceptions to which the image created by the officers is meant to conform, and the public it targets, this section turns to the way this performance is enacted and received in practice.

One element that is immediately striking, is the failure of the actions taken to produce the image intended, as exemplified by an exchange I had with one of the officers:

> We also talk about how unrewarding the job is. The employees often are met with the clients' frustration, they are underpaid, and do not get recognition. The officer finds that public opinion presents civil servants as lazying around. This bothers him more than the small pay, since he sees the work in administration as something of a vocation. He claims that [the officers] make all possible efforts for the clients, sometimes they fill in applications for them, do things at the limit of legality, they bend the rules. [FJ, 16.06.14]

Such complaints were not uncommon on the part of officers and their frustration with the way they are perceived goes to show that the image-building activities seem to somehow miss their objective.

Indeed, if one refers to Alexander's definition of social performance[671], its success implies an identification of the audience with the actor. Such an identification refers to feeling, and more specifically to feeling together: identifying with someone means adopting their perspective and feeling the way they feel. In other words, identification calls for empathy. While instances of participants showing or expressing empathy during observation or in interviews were not rare (36 excerpts were coded under this term), it is meaningful that the emotion most commonly observed was anger. In the field journal, I noted 34 occurrences which have later been coded as expressions of anger. However, if one adds those coded under "tensions", "conflicts", "exasperation", "outrage", and "frustration" that number raises to 119 occurrences. Of course, any observation of emotion and ascribing of terms on the basis of expression is inherently problematic, since, as Turner and Stets note[672], even the assigning of emotions to "positive" and "negative" categories is far from simple and can be highly context-dependent. In my observation, and subsequent analysis, expressions of emotion were noted and coded based on the person's facial expressions, gestures, tone of voice, but also the

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[671] ALEXANDER, Jeffrey C, GIESEN, Bernhard, MAST, Jason L, 2006, *op.cit.*

[672] TURNER, Jonathan H, STETS, Jan E, 2005, *The sociology of emotions*. Cambridge [UK] : Cambridge University Press. p. 288

content of what they were saying. In addition to that, instances where I was informed of a person's emotion by a third party (ex. an officer recounting an encounter with an angry client) were coded according to the informant's interpretation of that emotion. The number of occurrence noted thus remains more of a general indicator than a precise measurement. However, even allowing for imprecisions in observation and a degree of subjectivity in interpretations, the preponderance of emotions that one could consider akin to anger remains clear.

If, following Hochschild, one considers emotion as an indication, as "a clue to an underlying truth, a truth that had to be dug out or inferred, a truth about the self vis-a-vis a situation"[673], one cannot but wonder what this amount of anger and tension can indicate in a context where much effort is made to avoid it. How does an institution which puts so much thought into being *friendly* cause so much frustration? Or in other words, why does the performance of *friendliness* fail?

In order to understand this, one must now look to the performance itself – to the acts, and attitudes of the officers as they interact with the clients. The previous sections have given an account of the codes according to which such performances are constructed, of the audience that is meant to witness them, and of the image of both the civil servant and the administration that is considered desirable. The following sections provide an analysis of how that performance is produced and of the costs it imposes on those who partake in it.

III.2.3.a. The Department in a dramaturgical perspective

Goffman famously compared social performance to a theatrical performance, complete with a setting "involving furniture, decor, physical lay-out, and other background items which supply the scenery and stage props for the spate of human action played out before, within, or upon it"[674]. This setting and props are constitutive of what Goffman calls the "front", that is to say instruments available to actors for their performance. Other equipment at the actors' disposal includes what Goffman refer to as a "personal front", that is to say the marks of the actor's role or persona that follow them around, including insignia or details of appearance. By making use of this equipment each actor seeks to influence the definition of the situation of others and convey a certain image of themselves. When established and clearly-identifiable social roles exist for each actor, they usually come with an associated front. The actor, in those cases, does not as much construct, as choose and adopt a particular front. A situation such as an interaction within a public administration agency can appear as a typical case of

[673] HOCHSCHILD, Arlie Russell, 2003, *op.cit.,* p. 31
[674] GOFFMAN, Erving, 1956, *op.cit.,* p. 13

such a codified context, where the roles of client and civil servant are well defined. In this section, the "front" available to the officers of the Masovian Department of Foreigners is examined. The question of the coherence of this front, and of the role the officers are expected to perform within it, is also posed.

For most of the officers responsible for client reception, the setting – or stage – of their interaction with incoming clients is their work station. However, for the clients, the performance begins as soon as they enter the building. The entry – leading through a narrow corridor in front of the security desk – remains the visitors of the official character of the institution and of its importance. It marks the fact that entry into the building can be conditional: on certain days and during certain hours only clients with appointments are admitted and the security guards are entitled to request that those coming in identify themselves. The clients are then met with the ticket distributing device, which informs them of an important part of the rules of the institution: the necessity to submit to the waiting and to do so within the provided queuing system. Thus, a part of the setting places the clients in a role that requires and fosters their compliance with the rules and work routines of the Department. Simultaneously, as was previously noted, the numerous printed materials displayed in the halls and corridors can be considered as props meant to assure the clients of the benevolence of the institution and its agents.

Once the clients enter a given room, they are met by another series of props. Some of them are the ones previously seen in the corridors. Others have the characteristic of situating the Department within a larger context. For instance, all of the rooms feature Poland's national emblem – a trait common to many public administration agencies. Another recurrent element in most of the rooms where client reception takes place is a map of the world, printed as wall-paper and covering a whole wall. It constitutes a visual reminder of the Department's role in the management of international flows of population. It is not uncommon to see clients examining it attentively or discussing it between themselves [FJ, 12.08.14, 25.09.14]. Another common detail are stickers placed on equipment that has been purchased with the help of European funds. Bearing an EU flag and the name of the funding program, they place the Department within a European framework. Likewise, a reminder from a time when EU citizens were received in the same building as other foreigners (this part of the Department's activities was moved to the main Voivodeship Office building) can be found at the end of one of the corridors, where two parts of the building are joined by a staircase and a symbol representing the EU flag is placed above the door. This constitutes one more marker of the European context of the Department's functioning. The visible existence of that separate space for EU citizens clearly marks them as a different category of clients: one that receives

preferential treatment.

All the above-described elements tend to emphasize two main characteristics of the Department's intended image: the formality of the setting, and its *friendliness*. Interestingly, while there is no official dress code for the officers, those two elements can also be found in the unofficial guidelines concerning appearance that the employees of the Department learn from one another. Those guidelines seem to exist exclusively for women. A female officer is expected to cover her shoulders, and one of the officers recounted that, having once crossed a corridor in just a tank-top dress at closing hour, she got a "cross look" from one of the managers [FJ, 08.07.14]. Another officer explained that sandals or any shoes with uncovered toes were not acceptable, due to the type of clientele. that includes for instance "people from Arabic countries" who might be shocked by such attire [Interview with front-line officer, Department of Foreigners, female, n/a]. Here again, both a general idea of respectability befitting the official character of the institution, and a preoccupation with the comfort of "multicultural" clients are present. This former element is further reinforced by the officers displaying their badges on their clothing when going about their tasks around the building.

However, the most salient element of the "front" at the officers' disposal is perhaps the work station itself. It is typically composed of a desk with a computer on it. Some other electronic equipment is sometimes present (such as devices for taking finger-prints, or printers), but in many cases those instruments are shared between several officers. The presence of the desk and the computer screen structures the interactions. Clients will typically come into a room when their ticket number is announced, be greeted and invited to come forward by the officer who called them in, and sit at the desk opposite the officer. The roles are thus clearly inscribed in space: there is a receiving person, and a received one, an officer who owns their work space and a client who is invited into it. This clear distinction between client and officer, marked by the two sides of the desk is also present in the vocabulary: officers sometimes refer to clients or, more often, intermediaries, as "the other side" [FJ, 08.07.14, 10.07.14]. The same term was used by one of the interviewed intermediaries, who used to work in the Department when she spoke of "experience gained on […] both sides of the barricade" [Professional intermediary, female, 44]. It is also telling that when forced to interact with clients outside of their assigned work stations, the officers tend to keep those encounters brief, partly due to the conviction that if they start making exceptions from usual work routines, especially in a visible space, the clients will require them to do so constantly. The work station, by contrast, is a space where the officers have a greater possibility to control the definition of the situation, where the roles are clear, and the interactions remain predictable.

The computer present on every officer's desk plays an important role as the officers interact with it as much as with the clients. The facts described by clients are checked against the ones already in the databases, information about the case is given based on an electronic system of data management, and any new information brought by the client is entered into that system. The reception of an application also includes the registering of finger-prints. The actors' interaction is organized through, or around, the computer. This has the result of giving an air of objectivity to the officers requests and statements – they appear as coming not from the individual person but from somewhere within the system. Indeed, the computer system gives the officers access to two databases: a national one called *Pobyt* ("residence") and an internal one called EOD (standing for "electronic data circulation") or zeto (after the name of the producer). The later in particular is useful in maintaining the circulation of information within the Department, as it contains all documents produced for a given case by all the officers who have treated it, including the application received, the letters sent to the client, but also drafts of documents and internal notes destined for other officers. In this sense, the whole structure of the Department is present at each officer's desk in the form of the computer screen. It is notable that the clients do not have access to the screen – for practical reasons, as it is turned in the opposite direction, but also by reason of official guidelines. Indeed, it is considered a requirement of personal data protection that persons not in possession of an official clearance be prevented from as much as getting a glimpse of the databases. While some officers may on occasion break that rule and turn the screen towards the client to show them a document, most often it is rather strictly enforced and respected. Thus, an officer responding to a question or verifying information refers to a system invisible to the client, and constituting a connection with other officers and the whole of the Department hierarchy.

Due to the place the databases play in the interaction, the officers' performance also contains an element of translation. The receiving officers are a link between the client and the officers responsible for case treatment and decision-making. This relationship is reminiscent of Goffman's description of the difference between "front" and "backstage":

> "A back region or backstage may be defined as a place, relative to a given performance, where the impression fostered by the performance is knowingly contradicted as a matter of course. There are, of course, many characteristic functions of such places. It is here that the capacity of a performance to express something beyond itself may be painstakingly fabricated; it is here that illusions and impressions are openly constructed"[675].

The Department does indeed have such a backstage – a fact made clear by the very vocabulary used by the officers. Indeed, when speaking about the services where the cases are treated and the decisions made, the officers in the services responsible for client reception

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[675] *Ibid.,* p. 69

refer to them as "the back" (*zaplecze*), a term otherwise used for instance to describe the back room of a shop. Furthermore, similarly to Goffman's description of the backstage, this part of the Department is situated at the end of one of the corridors, in another part to the building and separated from the places accessible to the public by an imposing door. While in the public spaces a certain appearance or "front" must be maintained, no such necessity exists in the "back". Officers there are informal in their conversations and do not have to pay attention to the way they speak about clients.

Simultaneously, as one officer noted, not seeing the clients personally and being confronted with a heavy caseload can lead to a form of desensitization:

> "If you […] sit in a given section all the time, and only see cases, cases, and paragraphs, perhaps you don't notice the other person". [Front-line officer, Department of Foreigners, male, in his 20s].

While there is a clear distinction between a "front" where attention to the clients and preoccupation with the image produced are key, and a "back" where decisions are made but image is not an issue, unlike Goffman's description of the relation between those two regions, in the Department those spaces are inhabited by different people. Goffman speaks of a situation where the same actor passes from one space to another, takes time to prepare their performance or to rest in the more informal space of the backstage. In his conception, the backstage is a place where the performing actor can retreat to remove themselves from the public gaze. In the Department, however, a separation of those two spaces has taken place in 2008, mainly in the hope of reducing the possibility of corruption or of clients pressuring the officer in charge of their case. For the same reason, the names of the officers assigned to a case are no longer automatically made known to the client[676]. This means that in fact the officers responsible for contact with the client perform, in a sense, for the inspectors in the "back". They act as a form of filter, relaying information, but also withholding or packaging it appropriately in order to maintain a "front" for themselves, their colleagues in the "back", and the whole institution. This includes a variety of small acts and situations to handle. In some cases a form of translation is needed: a document in the system might be written or entitled in an informal fashion, but must be spoken of in official, formal terms; an inspector might use familiar terms in a phone conversation, but the receiving officer must relay that information in a more acceptable form. Sometimes it is a question of deciding what information to give and when to deny access: many clients try to contact the inspector responsible for their case directly, but the receiving officers are given the guideline not to give away direct phone numbers to the "back". Instead, they make the calls themselves, transmit the information, and

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[676] KLOREK, Natalia, KLAUS, Witold, 2013, *op.cit.*

thus at times find themselves in situations where they must not only choose what to reveal of what they've been told, but also take the responsibility of explaining decisions they had no part in making.

This part of the job is considered as demanding particular skills. When I began answering phones in the information section, one of the officers insisted I be given this task later, as it takes time to become assertive enough and to know what information can be given to whom [FJ, 27.06.14]. One telling example of the kind of situation requiring tactful handling in producing a "front" for the officers in the "back" is occurs when officers inform clients about final decisions. Any officer of the information section can see the status of a case by examining the documents present in the database. When a decision has been made, a project of the final document is present. However, such a document needs to be signed by a service director to become valid. The officers are allowed to inform the client that a decision has been prepared, but not what the contents of the unsigned document are.

> "And now foreigners come to us, come to the information [section]. [They ask:] 'What is happening? What about the decision? When will it be ready?' But how do we know when it will be ready, when that does not depend from us at all? Or: 'Can you check in the system if the decision is ready?' Even if I see it, I cannot tell what decision it is, he has to receive it". [Front-line officer, Department of Foreigners, female, in her 20s].

It is not uncommon for the officers to find themselves in a situation where they are confronted with a ready decision, and inquiring, anxious clients, but cannot easily give the information away to reassure them. Some officers make the choice of informing clients of positive decisions, but withholding the information about negative ones, for fear the clients will try to contest that verdict and could use the fact they have been told about it outside of the official procedure against the Department. However, this in turn means that a refusal to tell the client what the decision is will most likely be read as a sign that it is negative, leading to more anxiety and questions. Handling those situations in a manner that is not unpleasant or disrespectful to the client, but remains within the official rules and maintains an image of professionalism on the officers' part can be extremely difficult.

The separation of the client from the decision-making inspector aims at producing more neutral, objective, and impartial decisions. It also has the effect of shifting the responsibility of showing and defending this impartiality to the receiving officers – a task all the more difficult given what Lipsky calls the "apparent unfairness of treating people alike"[677]. This relation between "front" and "back" in the Department seems to reflect very well Goffman's remark that when a team works together on a performance, "if [that] performance is to be effective it will be likely that the extent and character of the co-operation that makes

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[677] LIPSKY, Michael, *op.cit.,* p. 22

this possible will be concealed and kept secret"[678].

While they are responsible for the creation of a "front" for the whole institution, the receiving officers rarely have a "backstage" available to them. As was previously noted, many of them manage to negotiate such spaces and retreat to them briefly from time to time. Between colleagues – in the information section's telephone room, or at the work station in between clients' visits – officers slip back into informal language, vent emotion from previous interactions, chat about non-work related issues, or joke together. However, as discussed in chapter III.1, those instances are always brief and being exposed to the public view is a much more common circumstance. The receiving officers find themselves constantly maintaining a "front", with little to no time and space to take care of themselves and prepare for this performance. This situation is not without an emotional toll, especially since emotion – its display and its management – is an essential part of the performance those officers work on creating.

III.2.3.b. Emotional labor and client management

As shown in the introduction of this chapter, emotion, and negative emotion in particular, is an important part of the daily life of the Department. Not only does the tense atmosphere imply that emotions such as anger, frustration, or outrage are commonly expressed, but also the officers' collective efforts to impose and maintain a certain definition of the situation and of the institution's relation to its clients necessarily require they deal both with the emotions of clients and their own in a specific manner. The idea of a client-centered civil service, as well as the expectation that the Department be a *friendly* agency place the officers in the services responsible for client reception in the position of service providers. As such, they are expected to show a certain attitude towards clients. As it was discussed earlier, that attitude is mostly expected to be competent but benevolent. However, producing such an impression is not just a matter of following certain gestures or using certain words, but is intimately connected to the question of feeling. *Friendliness* is, after all, first and foremost a description of a feeling shared between two people: one party feels friendly towards the other, while the other thus experiences their manner as friendly. The term describes both the inner state and its outer manifestation. What is required of the officers is thus the kind of "deep acting" described by Hochschild[679] and discussed in chapter I.1. In the Department, the clients are not only meant to intellectually understand that the agency is benevolent, but, if the ideal

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[678] GOFFMAN, Erving, 1956, *op.cit.,* p. 64
[679] HOCHSCHILD, Arlie Russell, 2003, *op.cit.*

of *friendliness* is to hold, they must *feel* welcome and taken care of. Likewise, the competence and professionalism of a public institution, and the compliance expected in return, must be *experienced* if their performance is to be effective.

The situation of the officers of the Department of Foreigners is similar to that described by Hochschild in commercial settings in that they too do people work and provide a service. It displays however a set of particularities, as they work for a public agency and deal with a specific population.

This first element means that they are guided by a different set of feeling rules, that is to say principles by which actors judge what they *should* feel. Hochschild compares two types of commercial settings in which emotional labor is key, albeit in very different ways: the work of the airline hostess and that of the debt collector. She describes those two jobs as "polar opposites", but emphasizes that they are similar in that they both demand emotional labor[680]. Even if the job of an airline hostess is to enhance a costumers status, while that of the debt collector is to deflate it, the techniques used are the same, and so is the focus on a certain feeling above others. However, the job of a street-level bureaucrat is inherently characterized by goal ambiguity[681] – the officers are expected to be at the same time strict and friendly, neutral and emphatic.

In addition to this, while the commercial aspect is not present in public administration, there are other ways in which the stakes are considerably higher when the clients to be handled are foreigners. Firstly, the stakes are high for the clients themselves: while, if a hostess fails in her performance, a client of an airline risks at worst to experience an unpleasant flight, a foreigner interacting with the Department is uncertain of their legal status, and hence of the possibility to remain in Poland and build a life there. The emotional reactions of clients are thus more likely to be extreme. Secondly, the question of status plays out in a much more radical way in those circumstances. While the feeling due to another is always an indication of their status, and a mark of how the situation is being defined, civil servants speak of others' status not only in their own name, or the name of a private actors such as a company, but in the name of the state. When the people they interact with are not members of that state, it is very likely that they experience the emotional labor done (or not done) for them as an indication of their status within that state. Thus, the officers of the Department find themselves following diverse, and sometimes contradictory, sets of feeling rules in a situation where the stakes are high and the reaction likely to be intense.

The first aim is thus to contain those intense emotional reactions in a way that will be efficient but will not contradict the feeling rules. When asked about the ways of dealing with

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[680] *Ibid.,* p. 138
[681] LIPSKY, Michael, *op.cit.*

emotionally trying situations, the officers responded consistently in a similar manner:

> Researcher: "So what should one do in such a situation? How to handle it?"
> Participant: "Explain calmly, keep calm, and that's all. If you talk calmly there is not problem. You shouldn't lose your temper and it's going to be OK". [Front-line officer, Department of Foreigners, male, n/a].

> "You should remain calm, because anger breeds anger, aggression breeds aggression". [Front-line officer, Department of Foreigners, female, n/a].

Those statements describe an idea common among officers: that their role is to contain the negative emotions expressed by clients, to take them in and deal with them, without engaging in arguments or quarrels. As the second of the above statements shows, responding emotionally to the clients' reproaches is seen as a manner of escalating conflict. One officer, replacing the section coordinator for a day, explained to me that in the coordinator's office many clients simply come "to vent", to "scream" and that "if they want to scream, they'll always find something" [FJ, 25.09.14]. The officers, for their part, consider that their role is to refrain from such emotional reactions while in interaction with the clients. It is only once out of sight, once they have existed the "front stage" that emotion can be shown:

> "Everyone has their own technique, when [the clients] leave, it's only then that one can unload the aggression. I don't know whether it is literally, or for instance on a piece of paper, or some pen, then you can talk it out". [Front-line officer, Department of Foreigners, male, in his 20s].

This description of the different venting strategies – through small, harmless acts of violence on office supplies, or through "talking it out" with colleagues – points to the enormous effort put into maintaining a calm, unflappable front. Keeping one's calm is a requirement of the service role of the agency – a competent and welcoming civil servant cannot be seen abusing clients. It is also a way of avoiding perturbations, as an angry client is likely to take more time, attract attention, and cause disorder.

The strategy for appeasing the client and avoiding an escalation of conflict most often described by officers consists of an impassive repetition of information. One participant employed in the section responsible for handing out the decisions to clients and, hence, also for informing them what those decisions are, described his way of dealing with the clients' dissatisfaction:

> Researcher: "And does it happen that clients are unhappy with a negative decision and get angry?"
> Participant: "Yes, of course, that 'I was supposed to get a decision, you take money, but there is no one to give a positive decision'."
> Researcher: "And what do you do then?"
> Participant: "You can read once again the justification of the refusal, the negative decision. You bring attention to where the fault lies on the foreigner's side, to what [requirements] he did not fulfill, that he has 14 days to appeal and that it is not yet the

end of the world". [Front-line officer, Department of Foreigners, female, 27].

Reasserting the rules and stressing the instances where the foreigner did not meet the requirements has the result of moving the blame away from the officer and the Department. One of the advantages of the separation between client reception and decision-making is that officers interacting with clients have the option of emphasizing their own powerlessness in the face of the decisions taken by their colleagues and their lack of influence on the rules they apply. On occasion, clients who get angry end up coming themselves to this conclusion and apologizing to officers for having vented their frustration. Offering an alternative solution is another element of this strategy, pushing the client to focus on what can be done instead of what caused their anger.

This strategy also has the effect of presenting the officer not as another individual towards whom emotion is warranted but as a representative of the neutral and impersonal institution. It allows for a separation of the contradictory elements of the required "front". The individual officer can remain friendly and benevolent, while indifferently maintaining the rules of the institution. As such, it is used with clients who express anger, but also with those who try to plead with the officers or appeal to their emotions to gain preferential treatment.

When this strategy fails, other means are applied:

> "I first tried a method that was fitted to [the client], that is to say if it helped to repeat the same thing, that's what I applied. If I saw that was not that kind of matter, then for instance it was necessary to raise you voice and be strict […] one must simply feel the person out. For a given person there is a given method. Because oftentimes it happened that, for instance I had such a situation recently, that the procedure lasted for a rather long time, the client had been misinformed, she came with her mum, they were ready to file in a complaint or something, and I have appeased them in such a way, talked to this mother and daughter in such a way, because it was not my fault that those documents weren't there, that someone said something wrong, I have so appeased the situation that they left content. I was able to accelerate the decision and they got the card faster than if, for instance, this had consisted of them screaming at me, me screaming at them, they would go complain, they would not submit the documents, they would get a negative decision. It was enough to talk, like a human being with a human being, simply to feel everyone out. One person is calm, you explain to them calmly, another you scream at". [Front-line officer, Department of Foreigners, male, in his 20s].

This passage shows that, while a range of emotional reaction is available to the officers in order to handle a tense situation, choosing among them is in itself a difficult art. The officers must read the clients behavior and anticipate potential conflicts, as well as find the appropriate ways to diffuse them.

All the aspects of such a "front" demand an emotional effort, both in order to convince the client of its authenticity, and to cope with one's own emotions produced in the process. In a way reminiscent of the strategies used by the airline hostesses described by Hochschild, the officers rely on several manners of producing the kind of feeling the situation requires.

Firstly, the belief that the clients should and can put themselves in a position to understand and follow the procedure plays an important role. It allows for a redefinition of a client facing difficulties as faulty, rather than wronged or simply helpless. Likewise, the belief that clients who cry or express otherwise their despair are in fact pressuring the officers can have the effect of alleviating the weight of responsibility and the emotional stress the officers would otherwise experience. Shifting the responsibility towards clients reframes the relationship is a way that facilitates the maintenance of the intended front. In this sense, it is similar to Hochschild's description of the way in which, in order to produce the necessary feelings and the attitude in interactions with clients, hostesses are invited by their companies to imagine themselves in other everyday situations, such as receiving guests at home, or dealing with children. The success of emotional labor hinges on this capacity to redefine the situation in one's own perception: if the hostess can convince herself that the customer who mistreats her is in fact childlike, she will be able to diffuse her anger and respond amiably. Likewise, if the officers see the client as faulty, or irresponsible, they are able to maintain an emotional distance necessary to remain calm and cope with the stress and pressure of their job.

However, at the same time, the friendly and welcoming stance that is also part of the image the officers of the Department try to produce, cannot be kept without a degree of sincerity.

> "If you don't like the other person, then whatever knowledge you have, you will come in because you must, you will always be unhappy, and that is later reflected in human relationships. Because if a client comes and sees that you are grumpy, that you aren't smiling, that you have an expression on you face [that says] 'What do you want from me?', then it will never go well. And I think that's it.
> […]
> Above all, you have to have this quality and you have to know how to talk to the client. I can't talk to the client and look to the side while talking, you have to have eye contact, a smile for sure. I'm not saying that you should laugh, but one must have a calm temper and not create nervous situations". [Member of management, Department of Foreigners, female, 59].

As this officer stresses, not only is it necessary to receive the client with the outer marks of friendliness, such as smiling and maintaining eye contact, but those gestures must stem from the quality of "liking other people". If the sympathy is not, at least to a certain degree, genuine, the clients will spot the subterfuge.

Thus, in a sense, the officers' position is worse than that of Hochschild's air hostess. While the latter only has to produce and display one kind of feeling, the officers must simultaneously maintain two very different views on the situation: a stern approach to the clients that allows for the adherence to impersonal rules, and a degree of sympathy that makes

it possible for them to show a friendly attitude. One participant, who interacted with the Department both as client and as volunteer, summed this up well when she said:

> "[…] the people who work there are normal people, like us, it's just the nature of their work, they cannot allow themselves friendships with foreigners. Once very few people there smiled, now the number of people who smile there is higher than before. I think that this smile breaks a lot of barriers and it makes things easier, because there is a lot of stress there, stress, where there is a lot of cases that must be settled in a short time. There is a lot of stress, because sometimes a client comes and we don't know what to tell him, there is a lot of stresses from different sides, but this simile somehow soothes people". [Migrant organization member, female, 46].

Finding the right emotional response is crucial: it can "soothe" the client and prevent "nervous situations", as well as help the officers themselves to deal with the stress. However, both sympathy and neutrality have their disadvantages. Where one can encourage clients to press for a more preferential treatment, the other can make them feel mistreated and increase the tensions. The "feeling rules" the officers must follow are far from unambiguous. Just like in the case of preserving efficacy, striking a careful balance is necessary, but it is not without a price.

III.2.3.c. When the mask comes off – resistance and distancing

As noted above, the officers' work is not without a certain amount of specific emotional burdens. Many of the participants I spoke to referred to a more or less clearly defined strain the work takes on them:

> "This is a conflict, but there is not even enough strength for conflicts unfortunately. There are sometimes some tensions, as always when working with people, but in general, we try to hold on, although it is difficult sometimes, especially to endure it emotionally". [Front-line officer, Department of Foreigners, male, in his 20s].

Both the exhaustingly conflictual character of "working with people", and the necessity to "endure emotionally" can be seen as inherently linked to the very nature of the job. As it was discussed in chapter I.1., Hochschild speaks of a "transmutation"of emotion work, emotion rules, and social exchange when provided in commercial settings"[682]. In the case of a public administration, this process may seem less obvious, since the services, while paid, are not strictly speaking provided for profit. The people referred to as "clients" are not in the same position as customers of a commercial company – they are both entitled to the service and without a choice to refuse it. Nevertheless, one can argue that the nature of the transmutation demanded of officers is similar to that in commercial settings: the emotion work is accomplished by the officers not privately and according to the feeling rules intimately held

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[682] HOCHSCHILD, Arlie Russell, 2003, *op.cit.,* p. 118

by them individually, but in the name of the Department who employs them, in conformity with rules and standards established by it (and, partly, displayed in written form in every room). The conditions of social exchange are significantly impacted. The very fact that the common vocabulary of the Department includes the term "client" underlines the NPM-inspired endeavor of making the service provided as similar to a commercial one as possible.

Emotional labor done in a public or commercial setting touches the person's self in specific ways. First of all, there is a risk of fusing the person's own self with the identity the company imposes on them[683], which in turn exposes the person's ego when emotionally straining situations arise. This risk can be overcome by differentiating between a work and non-work self. However, in this case the question of how to offers a sincere performance to clients arises. This in turn brings the risk of damaging the person's self-esteem by making them feel "phony" or cynical[684]. Those risks are diminished when conditions are reunited for the worker to take pride and find satisfaction in their work. However, this is hardly the case in the Department. In addition to the extremely high number of clients to process daily, and the demand for a personal and friendly service for each of them, the officers face a contradictory requirement of maintaining a neutral, impersonal stance. What is more, despite the emotional tension, the work in itself can be monotone, making it all the more difficult to be emotionally present at all times. In this context, it is not surprising to see the officers display and describe strategies for distancing themselves from their role and for sheltering themselves from the possible strain of the emotional labor on their own self. Indeed, one of the officers told me in interview:

> "[…] I think that [...] after a while we all become very much this way, everything is done mechanically […]". [Front-line officer, Department of Foreigners, female, in her 20s].

This is reminiscent of the language of the airline hostesses recorder by Hochshild, where an extreme form of distancing from the official role where the worker simply refuses to perform emotional labor is referred to as "going into robot"[685]. In more general terms, many officers described what can be qualified as a dulling of empathy as a result of the job:

> I am told about a client who was very emotional. The officer tells me that in such difficult cases there is nothing to be done and acknowledges that sometimes one "must get rid of compassion" in this work. [FJ, 04.07.14]

> A client with a ticket for a later appointment comes into the room. The officer throws her out: "Pull the other one!" she comments. She then adds that in this line of work one "loses

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683 *Ibid.*, p. 132
684 *Ibid*., p. 134
685 *Ibid*., p. 129

one's sensibility" [FJ, 12.08.14]

> "There comes a moment when it just rolls off you, because one must learn to cut oneself off from it, that there is work and there is life, and you cut yourself off from this. Because otherwise, if you should give attention to each case in a such a manner that you only think about it and you ponder that someone screamed at you, in that case I would land in an altogether different place from this agency!". [Front-line officer, Department of Foreigners, male, in his 20s].

> "The best way to survive such people is to let it in at one ear and out at the other, in order to not take it personally, […] but only to think 'This is only one [person] out of 99'. And bye bye..." [Member of management, Department of Foreigners, male, in his 30s].

In all of those excerpts it is visible that the loss of compassion caused by the job is not something the officers do willingly, but rather an unintended but inevitable byproduct of their work conditions. Among those who said they experienced it, many seemed to regret that this was the case, and spoke of this acquired insensibility as something they "must" do despite their best wishes. Contrarily to the need for genuine sympathy for clients spoken of in the previously quoted excerpt, many officers refuse the emotional labor all together, or strive to keep it separate from their private life. It is a struggle that can be difficult to win, as exemplified by the words of the officer quoted in the previous chapter:

> "Because when I come [home], I feel well physically, but my head is so devastated by people's problems, that I sit down – the problems from work start catching up with me, the work catches up with me, when I'm on my way to work – the work catches up, when Sunday afternoon comes – I start thinking about work, so that's why the physical escape from work. That is to say running, biking, other exercise, trips, doing anything only not to stop. When one stops, something catches up. Something, that you don't want to catch up with you..." [Member of management of the Department of Foreigners, male, in his 30s].

In all those cases, a separation between a real, private self, and a work self occurs.

This effect is also produced by a series of little gestures that aim at differentiating the officers' self from their work role. Those can concern a visible aspect of the officers "front", such as their appearance and the insignia of their belonging to the institution:

> As I leave, the officer reminds me to take off my ID badge, and stresses that I don't have to wear it at all times. He speaks about the badge rather disparagingly, despite the fact that I noted officers – himself included – always wear them at work. [FJ, 20.06.14]

The officers respect the formal rule of wearing the official sign of their role, but may distance themselves from it in private conversations.

A similar role is played by jokes or banter exchanged between officers, when they joke about their work conditions, their low pay, their superiors, or their hierarchy. Once more, this is similar to the behavior noted in Hochschild's study: the message exchanged thus is that the job is "not serious"[686], or at least that the officers are not intending to treat it entirely

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[686] HOCHSCHILD, Arlie Russell, 2003, *op.cit.,* p. 135

seriously. The joke hinges on the shared knowledge that, while everyone works towards maintenance of the required "front", everyone also shelters their own self from the strain of the work by keeping a safe distance from the official role.

Other required aspects of the work, such as the collaboration with third sector actors, can also give ground to small acts of resistance and distancing. For instance, in the context of the common project "Information Center for Foreigners II" a list was distributed every day to each desk in the information room and the officers were expected to ask every client to sign it, so that it would be possible to account for the effectiveness of the project. However, most officers chose to present the list to clients only sporadically, arguing that to do otherwise would be too costly in terms of time [FJ, 16.06.14]. Prioritizing swift provision of service over this required behavior, they also, in a sense, briefly distanced themselves from the goals of friendliness and accountability promoted in the context of cooperation with NGOs.

While officers would express and display solidarity with their colleagues and were willing to make collective efforts, they rarely showed any signs of identifying with the agency itself. One officer deplored this situation in such terms:

> "I do not say that it is everyone, but most of them in fact do not feel the job, that is my opinion, that is how I see it. The majority really do not identify with the institution, and an employee should, since he is working, he should identify. He should know that he works here, that he represents this institution. [The attitude is] 'let it lay', even simple things, every employee passes in the corridor, and there is for instance a table for children, where there are chairs laying around, and he passes by, nearly falls over, but will not push it, will not lift it up, because that is not his job. There is no 'not my job', he is an employee of this institution, he works here, and really no one would be hurt, even if he has a MA degree, if he stops and lifts it up and puts it in place". [Member of management, Department of Foreigners, female, 42].

She contrasts this with a previous time, when the atmosphere was convivial, and the officers identified with their team and their institution. It is significant that – as it was previously mentioned – in this officer's perception, it was also a time where clients showed deference and she "felt like a civil servant". This account thus shows that the identification with the institution is intimately linked to the prestige of the civil servant's role and with the possibility to take pride in the work one is doing. The officers distance themselves from their role when it is no longer possible to fulfill it properly. Through small, daily acts of resistance, and a general loss of empathy, they maintain a distance that allows them to cope with the emotional toll of a heavy workload, but also of contradictory goals when it come to the image they are supposed to maintain.

The contradictions the officers deal with through those strategies of distancing arise from the differing conceptions of what the Department *should* be. They are thus inherently

linked to the codes that guide the performance and to the image that performance is meant to produce. On the one hand, the evolution of public administration in Poland towards an NPM-type approach has introduced the idea of a client-centered administration, which is not devoid of its own paradoxes. The officers are expected to display both a neutrality befitting a public institution and an empathy necessary if they are to focus on the client. On the other hand, other actors active in the field of migration policy in Poland bring similar expectations to the table: the idea of *friendliness* is common in the Department's exchanges with third sector actors, but it cannot be properly enacted without a respect for the principles of fairness and professionalism, with which it might also at times collide in practice.

As it has been shown in the proceeding chapter, this is further complicated by the exigence of efficiency combined with a rather limited margin of decision accorded to the officers by the position their agency occupies within the hierarchy of state administration. Thus, the officers work under a pressure to treat their clients in a friendly and fair manner, all the while ensuring that the interaction does not disrupt administrative routines, and disposing of limited discretion. Maintaining a "front" in such a complex situation becomes extremely difficult and potentially damaging to the officers' self-image. Emotion – and different manners of sheltering oneself from it – is key in understanding how those contradictions are handled.

Another aspect of this highly contradictory position of the officers appears somewhat in the margins of the above-discussed accounts: the clientele of the Department is "specific" [FJ, 26.08.14] in that it is constituted of a majority of foreigners. This calls for a sensibility to the "multicultural" aspect of this work – a term used both in NGO-sponsored training programs and in officers daily language, but never very clearly defined. However, it also implies that the population dealt with is more vulnerable and more dependent from the civil servants' decisions than Polish citizens might be – an aspect rarely mentioned or paid attention to by the officers. This omission can be seen as in and of itself significant and is the object of the following chapter.

III.3. The unspoken task: logics of control and exclusion

Throughout the period of observation and in the subsequent interviews within the Department of Foreigners, while my attention was drawn to different occurrences illustrating the points noted previously – the priority given to efficiency, the downplaying of discretion, the preoccupation with issues of image – I was also struck by the absence of certain themes and questions. Most notably, the issue of immigration control was nearly entirely invisible while working at the Department of Foreigners. This absence stood in stark contrast not only with the descriptions of similar institutions abroad[687], but also with the actual prerogatives of the Department.

Indeed, institutions such as the Masovian Department of Foreigners are part of a framework that follows and perpetuates a logic based on the division of population into nationals and foreigners. The very definition of the nation-state presupposes the separation of those two categories. The state only gives rights and guarantees protection to its citizens in as much as it can simultaneously exclude non-citizens from those same advantages[688]. Moreover, in this logic, the foreign population entering a national territory is not only excluded from the rights guaranteed to nationals, it is also an object of control and supervision – the state's sovereignty hinges on its capacity to exercise such control.

While the Department of Foreigners is not explicitly responsible for controlling the entry of foreigners, to the extent that for instance the Border Guards is, its very existence is due to the enforcing of this separation between nationals and non-nationals. The activity of the Department is the direct application of a logic where there is a need to grant foreigners permission to reside on the territory, and where that permission is defined as conditional.

However, it is an aspect of the Department's work that none of the participants mentioned directly in interviews, and that was just as rare in everyday conversations during fieldwork. This absence becomes all the more striking when one looks back at the comparison with the agency described by Spire[689], where the issues of control were present both is the daily activities of the civil servants and in the views expressed by them in interviews. The fact that the agency deals with a specific category of population – foreigners – which necessitates a thorough form of scrutiny from state authorities was placed in the forefront of the civil servants' preoccupations. In contrast, in the Masovian Department of Foreigners much effort is put into acting as any other agency of public administration might – adopting the same

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[687] For instance: SPIRE, Alexis, 2008, *op.cit.*
EULE, Tobias G, *op.cit.*
[688] BRUBAKER, Rogers, 1992, *op.cit.*
[689] SPIRE, Alexis, 2008, *op.cit.*

fashion for a client-centered approach, following the same vocabulary changes, and posing the provision of a service as the central aim of the institution. The officers' role as "gatekeepers"[690], exercising a prerogative to include or exclude people from the national territory, to grant them rights or limit their perspectives, seems nearly invisible in comparison.

This chapter is thus, in a sense, a negative of the two previous ones – it deals with the missing parts, the elements suggested or implicit in the data, but unspoken or easily overlooked. It concerns what is not stated explicitly and can only be inferred. The analysis proceeds through comparison. The data is examined in the light of other similar studies, as well as of information gathered outside the Department and in the literature of the subject, and the question asked throughout this reexamination is "What is missing?".

III.3.1. Control on the margins – the absent issue

The absence of the issue of control in the Masovian Department is particularly visible when one considers the preeminence of this topic in much of the recent debates on immigration, especially immigration from the global South towards developed countries. Focused on issues of both state security and national belonging, this debate puts control at its foreground. While those questions are crucial to a scholarly understanding of the nature and dynamics of modern statehood, simultaneously they have been co-opted on the political scene by actors making use of an anti-immigrant rhetoric. For both of those reasons, much of Western states' approach to immigration has been framed in terms of controlling the inflow of population, solidifying borders, and insuring security. The invisibility of those issues in an institution most directly concerned with immigration can thus appear surprising – and a point to be further explored. In order to describe and understand the nonappearance of those themes in the case under study, it is necessary here to first recapitulate briefly the place questions such as control and security occupy in the approaches to migration adopted by states and analyzed by scholars. The occurrences and elements that can be linked to the presence of those themes in the Department are then compared against this background.

III.3.1.a. Control and security in the Department and beyond

Control seems an obvious, official function of the Department of Foreigners. The agency's function, as a subdivision of the Voivodeship Office, is to apply government-defined policy as formulated in the form of legislation pertaining to foreigners. Not only does that

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[690] BRUBAKER, Rogers, 1992, *op.cit.,* p. 30

legislation define who is to be admitted on Polish territory and on what terms, it also gives the Department a series of tasks strictly related to controlling non-nationals. While this is not as obvious as in the case of institutions such as consulates vested with the prerogative of granting or refusing entry, or the Border Guard responsible for enforcing this division, the Department is in charge of similar decisions pertaining to those who have been granted entry but whose stay remains conditional. The officers' main task is in fact verifying whether the conditions under which a foreigner's presence is accepted are fulfilled. They assess the correspondence between the requirements foreigners must fulfill to remain and work in Poland, and the documents and testimonies they provide.

Certain elements of the everyday proceedings at the Department are a tangible remainder of the fact that the agency is part of a framework conceived to exercise control. The officers receiving applications begin by asking the clients to show their passports – a gesture necessary for the accomplishment of a number of administrative tasks by the officer, but also one that reminds the client that their presence is conditional on the possession of such a document. As legal residence is necessary in most cases in order to submit an application, the officers also ask for the previous residence permit or visa, and check them against the data in the computer systems. Additionally, originals of all documents must be presented and the officers certify in writing the conformity of the copies submitted. In some cases, the authenticity of submitted documents might be directly verified. While I had no occasion to witness this, I was informed that when doubts emerge as to the authentic nature of a document the Department has at its disposal a device – paid for from the External Borders Fund [Interview with member of management, Department of Foreigners, female, 42] – allowing more thorough verification. Thus, a series of tasks accomplished by the officers aims to limit the possibility of fraud or illegal residence, and thus to better control immigrant populations. Moreover, later in the procedure, fingerprints are taken, and they are verified again when the card is issued. This means that there are at least two instances when the foreigner must be personally present, making the procedure all the more constraining. Notably this type of data collection was for a time reserved solely for foreigners, as Polish citizens were until recently not routinely obliged to have their fingerprints registered and the issuance of Polish identity documents was not linked to such a registry. Thus, non-citizens are submitted to a form of control that touches upon the body itself – something Polish citizens experience to a much smaller degree.

Those measures are not without effect on the clients and one could interpret their reactions as an indicator of the restrictive nature of certain aspects of the Department's functioning. Indeed, in a number of instances clients tended to respond with anxiety or unease

to required elements of the procedure. One element causing much fear and confusion used to be a notification clients received by post informing them that their file had been transmitted to the police, the Internal Security Bureau, and the Border Guard for background checks (this practice has been abandoned shortly after the period of fieldwork). Some clients, unaware that this was a routine action, interpreted it as sign of some suspicion concerning them. The very mention of those institutions – described as "the force agencies" by one of the participants [Member of management, Department of Foreigners, female, 42] – caused disarray, and it was not uncommon for clients to visit the Department just to inquire about the meaning of such a notification [FJ, 29.07.14]. Likewise, the other above mentioned elements of the proceedings – the necessity to show identity documents, or the registration of fingerprints – could cause unease. Another situation that tended to frighten clients was the necessity to submit to interrogations in the case of permits based on Polish origin or marriage, as visible in the case of a conversation between an intermediary and his client:

> An intermediary reassures a client [who has to undergo an interrogation]: the persons conducting interrogations are experienced, it is not stressful, and it is neither an exam, nor an interrogation by the KGB, it is just a conversation. [FJ, 31.07.14]

This conversation is very telling, as it addresses the kinds of fears that clients might have. The interaction with the Department is compared to frightening settings where requirements must be met and a person must submit to other people's judgment. This shows the extent to which, for some, the very contact with the Department is stressful, and the uncertainty and conditional nature of their legal status is a source of anxiety. Likewise, one client who came to the information section after he had been refused refugee status expressed the concern that he might be locked up in a "closed gulag" [FJ, 08.08.14]. While there are many factors that may explain such anxieties on the part of clients – including their previous experiences with administration in their home countries – such instances are also a remainder of the fact that, from the clients' perspective, the Department is part of an infrastructure aimed at exercising control.

Moreover, the existence of such an infrastructure is a world-wide phenomenon and through the inscription within it the Department partakes in a much wider set of conceptions and discourses that shape the way migration is framed and treated. Indeed, the modern nation-state is, in its very conception, intimately liked to the concept of citizenship. That latter, in turn, should not only be understood as a territorial entity but as a "membership organization"[691]. The idea of membership implies inclusion and exclusion – for a certain number of individuals to be members of a group, others must be considered non-members.

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[691] BRUBAKER, Rogers, 1992, *op.cit.,* p. 21

Such a membership is not only a matter of residence within a state's territory, as individuals can be excluded from it despite residence and retain it despite leaving the territory. Rather, it is a permanent status granted and recognized by the state. It is also a precondition for the exercise of rights. The world of modern nation-states is a world entirely divided into such "membership organizations", with the borders between them marking the line between outsiders and insiders. Brubaker distinguishes two types of closure related to this conception of the state: one is territorial, the other pertains to national belonging.

The modern state is territorial in nature and, as Brubaker notes "has a basic interest in the principle of territorial closure – that non-citizens may be excluded or expelled from the territory – and in the administrative capacity to bar the entry or continued residence of non-citizens"[692]. Whether the state effectively chooses to exclude non-citizens and on what terms is another issue. What is crucial, is that is disposes of the possibility to do so. Indeed, such an ability is instrumental to its sovereignty understood as a conjunction of territory, population, and monopoly of power[693]. In this context, full control of a territory becomes an essential part of the way the state and state power is apprehended. It is because mobile populations are inherently destabilizing to sovereignty so defined that modern states strive to make their borders impenetrable to non-citizens. In contrast to the situation in pre-modern states, which were more inclined to prohibit the exit of their citizens seen as a resource, nowadays it is entry which is seen as problematic[694].

However, as states intensify their efforts to control their borders, it also becomes apparent that total closure is an unachievable goal. The persistence of immigration despite policies meant to curb it can be referred to as the "gap hypothesis"[695]. A variety of factors have been advanced to explain this discrepancy between policy goals and results, including Hollifield's "liberal state thesis"[696] which – in addition to economic factors and migrant networks – considers rights as an explanatory element. Hollifield postulates the rise of a "rights-based liberalism" which poses migrants' rights as a limitation to state action. In as much as the receiving state is a liberal one, it cannot exclude non-citizens without constraint.

Another important factor is the transnational nature of migrants' existence. Indeed, maintaining ties with those left in the sending countries and partaking in social networks that stretch across borders, migrants participate in a process that challenges nation-states as the

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[692] *Ibid.,* p. 24
[693] WIHTOL DE WENDEN, Catherine, 2013, *La question migratoire au XXIe*. [Paris] : Presses de la Fondation nationale des sciences politiques. p. 84
[694] *Ibid*., p. 85
[695] BRETTELL, Caroline, HOLLIFIELD, James Frank, 2008, *Migration theory. Talking across Disciplines*. New York : Routledge. p. 191
[696] *Ibid.*, p. 195

sole actors of international relations[697]. Thus, even though "[p]ersisting levels of illegal immigration throughout the world should by no means be interpreted as the failure of states to control their borders"[698] and state action does have a certain impact on migration flows, the gap remains. Restrictive policies do not entirely and efficiently deter potential immigrants.

What is more, with migrants striving to find ways to gain entry despite restrictive policies, a "migration industry"[699] is on the rise as various actors make a profit out of providing assistance to those attempting to cross borders. The border thus becomes the object of a fixation for all actors involved[700], a focal point on which interests, desires, and fears converge.

However, closure at the borders is only one aspect of the exclusionary nature of nation-states. Another aspect remains present even once a person gains entry, and even when they reside in a country for extended periods of time. As the very term "nation-state" indicates, much of the modern conception of statehood is intertwined with the idea of nation. It is not an accident that in Ernest Gellner's classic work nationalism is defined as based on the principle that "the political and the national unit should be congruent"[701]. As Brubaker notes, "[a] state is a nation-state in this minimal sense insofar as it claims (and is understood) to be a nation's state: the state 'of' and 'for' a particular, distinctive, bounded nation"[702]. This understanding of the nation-state underpins closure at the borders – since it can be seen as grounded in the nation's possession of a territory – but it also implies the exclusion of non-members, even when they are residents. Thus, "[d]omestic closure against non-citizens rests on this understanding and self-understanding of modern states as bounded nation-states – states whose telos it is to express the will and further the interests of distinctive and bounded nation, and whose legitimacy depends on their doing so, or at least seeming to do so"[703]. While national belonging and citizenship are not entirely synonymous, they are intimately linked and "formal closure against legal non-citizens may overlap in practice with the informal closure against ethnocultural non-nationals"[704]. This is all the more the case as this issue has been the object of virulent debates on the political scene of many receiving countries, with some politicians capitalizing on anti-immigrant sentiment. Such politicization often draws on another element characterizing the most recent era of international migrations

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[697] WIHTOL DE WENDEN, Catherine, 2013, *op.cit.,* p. 102
[698] CASTLES, Stephen, MILLER, Mark J, 2009, *The age of migration*. New York : Guilford Press. p.205
[699] *Ibid*., p. 201
[700] WIHTOL DE WENDEN, Catherine, 2013, *op.cit.,* p. 90
[701] GELLNER, Ernest, 1983, *Nations and nationalism*. Ithaca : Cornell University Press.
[702] BRUBAKER, Rogers, 1992, *op.cit.,* p. 28
[703] *Ibid.*
[704] *Ibid.,* p. 30

– the fear of immigration as a threat.

Indeed, Castels and Miller[705] speak of the emergence of "the migration and security nexus" as a salient feature of the understanding of migratory phenomena in the post Cold War era. They underline that, while insecurity in sending countries is also a cause of migration, it is preponderantly the threats to the security of receiving countries that have been the object of political debate and scholarly attention. They further speak of three type of perceived threats: cultural, socioeconomic, and political. In the first case, it is feared that the presence of immigrant populations will threaten the cultural unity of the receiving society. In the second, immigrants are perceived as competitors for the existing work force. In the third, it is immigrants' loyalty to the state that is put into question. It is also notable that the connection between migration and security has been cast into the foreground of public debates after the attacks of 9/11[706] and the perceived link between mobile populations and the transnational phenomenon of terrorism has ever since been one of the salient features of those discussions. In the light of the 2011 attacks, it became apparent that states were ill-equipped to deal with threats that are transnational in nature. In fact, one could consider that what is to be found at the core of the fears associated with migration is, more generally, the way that transnational phenomena threaten a certain *status quo*. Be it cultural homogeneity, state sovereignty, or an international order based on nation-states, migration puts into question existing categories and crosses established lines. The insecurity it is associated with is thus as much real as it is perceived – migration is a challenge to the established order both as it exists and as it is imagined.

One response to the transnational character of migrations is regional integration[707] consisting of multilateral agreements between countries of a region facilitating mobility across that zone. One of the most far-reaching example of such cooperation is the European Union. Facilitating the movement of goods and people between member states has been one of the cornerstones of the European project. However, the opening or softening of borders for European citizens within the EU territory is linked to the emergence of new borders. Those can be inner and institutional, as when the visa system distinguishes clearly between those who are free to move within the EU and those whose movement is to be controlled. They can also be territorial and external: the freedom of movement within also meant a tightening of control without, notably around such new dividing lines as the Mediterranean, or Poland's Eastern border[708]. In the case of the Schengen zone in particular, the strengthening of external

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[705] CASTLES, Stephen, MILLER, Mark J, 2009, *op.cit.,* p.211
[706] *Ibid*., p. 207
[707] *Ibid*., p. 195
[708] WIHTOL DE WENDEN, Catherine, 2013, *op.cit.,* p. 93

borders has been presented as a necessary counterpart of the opening of inner borders[709]. Poland is an interesting case in this respect, since the country's entry into the EU and later into the Schengen zone meant that its border became an external border of the Union.

As it was discussed in chapter II.1, during the accession negotiations this resulted in an important pressure on the part of EU institutions for Poland to introduce tighter border controls and stricter rules of entry. Security was the main focus in this context and given that the requirements of the accession process shaped Poland's policy in the area of immigration for an extended period of time, this preoccupation with control could not be without impact. Poland's ability to control its borders was an essential condition of its inclusion in European structures and hence the issue of immigration was primary framed in terms of control. While other preoccupations emerged as Poland's migration policy evolved over the years, a significant part of its framework was based on international agreements that Poland signed and international structures that the country partakes in. Thus, the restrictive aspects of Europe's approach to migration aiming at maintaining external closure can also be found in Poland. The country participates in the European visa system. Frontex – the European agency responsible for the control of external borders – is based in Warsaw. Since the beginning of the accession process Polish Border Guard has cooperated with EU institutions and Poland has received material help in regulating the inflow of migrants from the External Borders Fund.

The rules of inclusion and exclusion of non-citizens are also, to an important extent, depended on Poland's international – and in particular European – engagements. Thus, as a signatory of the Geneva Convention Poland applies a series of rules pertaining to the admittance and inclusion of refugees and asylum seekers – rules that define when those populations must be admitted, but also under what circumstances their claims can be rejected. As member of the EU Poland applies common guidelines concerning not only the securing of external borders, but also the admittance and residence of third country nationals.

When it comes to Poland's own policy goals concerning migration, as demonstrated in the 2012 document "Poland's migration policy – current state and postulated actions", the admission of foreign nationals is to be guided by the needs of the labor market. This means that, while the entry of certain categories of foreigners is to be facilitated, it remains selective and conditional, which in turn requires a form of control intended as a means of selection.

Thus, framing immigration in terms of security and control is a logic as present in Poland as it is elsewhere. Moreover, while until recently the issue had not attracted much attention from the public, the perspective of refugee arrivals that arose in 2015 had sparked

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[709] *Ibid.,* p. 209

much debate and the amount of hostile views expressed towards the potential newcomers[710] seems to indicate that the question of inclusion and exclusion of non-nationals is far from non-problematic in the country.

Institutions such as the Department of Foreigners of the Masovian Voivodeship Office are at the forefront of efforts by states to control the inflow of migrants. They are directly responsible for handling individual cases and deciding who is to be excluded, and whose entry and residence is to be allowed. As it was previously noted, in other similar cases, and notably in the institutions studied by Spire[711], the fact that the agency in question partakes in a framework aimed at controlling migration and vested with the power to exclude tends to be visible and present in the everyday activities of the civil servants involved. Those are the "front-line gatekeepers who deny or limit [non-citizens'] access to the territory, the labor market, voting booths, social benefits, and so on" that Brubaker speaks of[712]. In the light of this fact, those issues appear surprisingly little present at the Department of Foreigners, despite the above-mentioned proofs of their existence.

III.2.1.b. The invisibility of control in the Department of Foreigners

Indeed, among officers, those issues were very rarely discussed, be it in daily conversations I witnessed, or in interviews. As mentioned in the previous chapter, many focus on the service role of the agency, defining their job as one of client reception or assistance. When questions related to control or security emerged, it was often in contexts that distanced them from officers' own activities. For instance, those topics would be discussed with reference to other institutions, in particular the Border Guard, as well as the police and the Internal Security Bureau. Those institutions do indeed have the most obvious power to control non-nationals – they are the ones who can detain them and deport them when their stay is considered illegal, for instance. The Border Guard is also in charge of trainings concerning security issues, and it was notable that the officers who recently underwent such training were more likely to discuss such questions or frame their work in those terms.

In contrast, in interactions with clients, the officers tended to be reassuring and minimize the importance of the controlling or restrictive aspects of their own activity. The above-mentioned fears expressed by clients were often met with surprise or dismissed as a misinterpretation on the clients' part. Thus, the officer asked whether there was a risk of being

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[710] PĘDZIWIATR, Konrad, 2015, Uchodźcy muzułmańscy nad Wisłą niemile widziani. *Biuletyn Migracyjny* [online]. 2015. Vol. 52, September 2015. Available from: http://www.biuletynmigracyjny.uw.edu.pl

[711] SPIRE, Alexis, 2008, *op.cit.*

[712] BRUBAKER, Rogers, 1992, *op.cit.,* p. 30-31

locked up in a "gulag" laughed off that concern, taking up in a joking manner the client's use of the term "gulag". Clients who worried about their file undergoing background checks were advised not to pay attention to this and reassured that it is just a routine procedure. The taking of fingerprints – which often takes time and requires a more prolonged interaction since in many cases several attempts have to be made before the fingerprints are properly registered by the device – was also on many occasions taken rather lightly be officers:

> The officer receives two Vietnamese clients, a father and a daughter. […] The fingerprints fail to register, the officer suggest trying thumbs. She jokes with the client. The client: "Maybe I could give fingerprints for her!". The officer: "Well, if she does something wrong it will all be on you!". The client: "I disappear quickly!". They all laugh. [FJ, 14.08.14]

In this instance, not only did the officers present allow themselves to joke with the client, but the object of the joke was the very kind of situation the Department is supposed to avoid – one where a foreigner commits a crime, misguides the authorities as to his identity, and escapes control. Such situations can be seen in contrast with other similar institutions, for instance the agency described by Spire[713], where issues of fraud were not only taken extremely seriously, but also seen as directly linked to threats faced by the country as whole. As it was mentioned in chapter III.1, in the Masovian Department of Foreigners accusations of fraud and cheating aimed at clients did happen, but they referred most often to internal, small scale matters such as skipping one's turn in the queue or trying to submit an application after its due date, and much more rarely to undocumented stay, fake documents, or false information for example.

Only in two interviews (Member of management, Department of Foreigners, female, 42; member of management, Department of Foreigners, female, 59) the link between immigration and security was directly established. Notably, both participants were members of the management, and both interviews were conducted in the summer of 2015, directly after the potential arrival of Syrian refugees in Poland had made immigration a topic of heated public debate. Moreover, one of those participants was a high-ranking official of the Department whose perspective was less informed by direct experience of client reception and more by contacts with policy-makers. She spoke about the phenomenon of migration in general, as it is framed in political or academic discourse, and adopted a broader and more structural view than that of her employees:

> "This [specificity of the Department] is related to two phenomena, the first one is the scale of the phenomenon, and there is also another side of that phenomenon, that is to say different challenges related to it. Challenges that arise partly because of globalization, both in the positive sense, like the exchange of employees, the reception of refugees, the

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[713] SPIRE, Alexis, 2008, *op.cit.*

granting of international protection, that is not among the tasks of the Voivode but fits the concept of migration; and in the sense of different risks, like terrorist threats, falsification of documents, threats linked to illegal migration, to smuggling, to human trafficking, and so on. And all that is related to the phenomenon of migration". [Member of management, Department of Foreigners, female, 42].

Such direct references to the migration-security nexus were absent from conversations with most front-line officers who seemed to see the control-related tasks they accomplished as no different from any other administrative work requiring the verification of provided information.

The presence of the control-related function of the agency in the organization and the presentation of the site was also rather subtle. While a form of control of entry into the building existed, it concerned Polish citizens and foreigners equally and was not fundamentally different from those encountered in other public institutions. It was present mostly in the form of a small office, separated from the public by a glass screen, from where security guards could supervise those entering the premises, independently of nationality. A similar thing can be said of the use of the term "client", meant to incorporate all categories of people visiting the Department, instead of referring to foreigners only. Not only is there no distinction made between different categories of clients, but a counter in front of the glass screen at the entry is also where a list is kept that all the officers have to sign when they come in to work. The entry becomes a place of control for the officers themselves as well. Thus, the exclusionary nature of the institution is not directly visible in the way its security is managed.

Moreover, the security of the building is subcontracted to a private company. Hence, in this case it is not the state itself who takes care of an issue that could appear related to its sovereignty. Hiring private security guards can also serve to show that the presence of foreigners is not treated as a national security issue in this specific agency. It contributes to a non-coercive image of the institution, as the guards do not have the kind of prerogatives or legitimacy state officials would have. They can intervene in the case of aggression or tensions within the Department, as they did in the mornings when the queue became a source of conflict, but they have no power to detain the persons concerned and their activity is in no way related to the legal status of foreign clients.

Indeed, more generally, no form of direct coercion is present in the Department or exercised by it. The officers control the formal status of clients, but the only way they can punish a failure to fulfill the requirements is by issuing a negative decision, which they themselves are not meant to enforce. Foreigners who find themselves without a legal ground for their stay on Polish territory can interact with the Department with no other inconvenience than the refusal to accept their application. No other authorities are notified in those cases and

while the officers might personally judge such clients negatively, they are still expected to inform them to the best of their ability. What is more, the Department's inscription in a framework that aims at controlling migration is to a certain point deliberately not made visible, as officers informed me on several occasions that, by decision of the director, the police and the Border Guard were not allowed to make arrests or intervene on the site of the Department even when such intervention was required. Immigration-related offenses were not considered sufficient ground to notify such services, but even in the case of known criminals and persons wanted by the police for other reasons, the services were allegedly informed, but asked to wait for the person around the corner, so that the intervention would take place out of sight of other clients:

> I express my surprise at the ease with which clients disclose the fact that their stay or work is undocumented. The officer tells me that clients can be arrested if they are wanted criminals, but not if they are merely residing in Poland illegally. In those former cases a call is made to the Border Guard. However, the director does not accept that the arrest be made on the site of the Department, or even in front of the building, but only around the corner, so that it is not done within sight of clients. By contrast, she did agree in 2008 that an officer be walked out in cuffs by the Internal Security Bureau. An intermediary accused the officer wrongly of something, and she was walked out of the building in front of everyone and detained for 48 hours. It then turned out that she was innocent, and she received an apology, and was offered to come back to work. She did come back, but in [another department]. The officer who tells me this appears outraged by this story, especially given the treatment received by clients. [FJ, 26.06.14].

This was not the only time I was told the story of the officer who was arrested: several officers recounted it as proof of what they perceived as a comparatively lenient treatment of foreigners. Whether this is actually the case or not, it does seem that a certain effort is put into avoiding that the Department be perceived as a coercive institution.

Furthermore, no special measures are taken to ensure the security of the officers – a detail that only attracted their attention when a comparison with another country became possible. Indeed, in the autumn of 2014 a group of officers from the Masovian Department of Foreigners was sent on a study visit to Finland. Upon their return, the issue of security measures emerged in conversations and interviews (both with officers who visited Finland and those who only heard of the visit).

> "But it is not like in other countries – here, I speak of Finland where I was […] – that when there is a newborn baby it has to be brought and shown. But they have big problems with foreigners, a big problem with those from Somalia. I witnessed the reception of a foreigner from an Arab country. There, it is the police who receive them, it was a refugee status application. [The foreigner] is weighted, measured, fingerprints are taken. The policeman might have been tired, but he didn't exchange one word with the foreigner. It is a more objectifying kind of treatment. There is only the ruler, the scale, and that is it. They also have DNA tests, in the case of family reunification, because it happened that they would write that it was his wife, and that was in fact his sister for example. Or when a minor does not have any papers, they measure the thickness of the bones to check the

age, whether it is really a minor. And it is silent there, and here there is noise. Everyone waits nicely in the queue, it is not like here, where it happens that the clients will not let an inspector enter without queuing up [laughter]. The reception takes place behind a glass screen, there is no direct contact, the documents are handed over through a drawer. There is a metal detector. They have very restrictive legislation. But they used to have problems with people from Somalia […] And when a document is fake, for instance, it is directly deportation. It is not like here, that there is further explanation needed. I saw photos of how such deportation takes place: the foreigner is tied up, there is a police cordon. It is a more objectifying kind of treatment. And they are even very proud of their deportation! A man who worked in Frontex told me about a special harness for transporting foreigners. And they also transport them in a helmet, so that they will not hurt themselves or the policemen. That man was surprised when I told him how things are here, he said that he only had seen such things twenty years ago in Ukraine". [Front-line officer, Department of Foreigners, female, n/a].

The picture painted by the officer in the above excerpt is one where the "migration and security nexus"[714] is visible, and where the reception of foreigners by public institutions is handled very clearly as a security issue. The officer describes this situation as opposite to the conditions of reception in her own agency. The "objectifying treatment" abroad is contrasted with "humane treatment" in the Masovian Department where – according to the officer – clients are not treated as potential threats and security is not a salient aspect of the officers' work. While this specific officer was rather favorable to what she saw as the current situation at the Department and critical of the "objectifying" methods she observed in Finland, another officer referred to the same visit but offered a different interpretation:

> "There should be protective measures, for sure it cannot be this way. The whole West has it this way, as [my colleague] has recounted, because she was recently in Finland, in one of the Scandinavian countries, I believe it was Finland, it was Helsinki, so for sure. There are simply glass screens, the documents are placed in a metal drawer, not [like here]. And here, from the whole world, firstly the bacteria, because the employees are also at this sort of risk, of losing one's health for instance, there are different plagues, so for sure, when it comes to protection and all such, for instance from someone coming in with a knife […]". [Front-line officer, Department of Foreigners, female, 27].

In this case, the accounts of practices observed abroad lead the officer to perceive the security measures in the Masovian Department of Foreigners as insufficient and provoked fears of violence and sickness. Even if in the two excerpts the officers' reactions to the treatment of the "migration and security nexus" as witnessed during the study visit were very different, the one thing that all the conversations I observed on this topic had in common was the officers' perception of such practices in opposition to their own work. The example of this study visit and the impressions it left shows that many officers see their own activity as removed from the kind of restrictive, control-related occupation that can be associated with the work of an immigration service. It also pinpoints the real differences that exist between the Department and similar institutions abroad, with the former appearing, at least on the surface, less focused

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[714] CASTLES, Stephen, MILLER, Mark J, 2009, *op.cit.*

on security issues and more similar to in its treatment of clients to any other public administration agency.

However, as it was pointed out in the beginning of this section, the fact that the specific role of immigration-related public administration services as front-line gatekeepers participating in migration control and responsible for the inclusion and exclusion of non-citizens is less visible in this case does not mean it is inexistent. Those aspects are present in a more subtle manner, and their invisibility contributes, to a certain degree, to their normalization.

III.3.2. Control under the surface – othering and inclusion

To a certain degree, the very nature of street-level bureaucrats' daily work favors the perception of the clients as *other,* and a binary division of the work environment into *us* – the civil servants, and *them* – the clients. This division is present in the very structure of the interactions. It is what allows the participants to construct a definition of self and of their own role, which in turn guides their reactions. The administrative interaction is a highly conventional one, where two distinct groups of actors act in accordance with clearly established roles and procedures. The clients are the *other* for the civil servant both in the sense that they are defined as different and in the sense that their presence is what defines the civil servants and makes their work possible. This division is observable in the Masovian Department of Foreigners, notably in the vocabulary and expressions used. Indeed, as it was previously noted, referring to clients and intermediaries as "the other side" is frequent.

> The officer mentions persons who [used to work for the Department] who are intermediaries now. [She informs me that] "it is looked down upon. Because it is a sort of another side of the coin". [FJ, 08.07.14]

> Around 10 am, [one of the volunteers, a foreigner himself] comes to help me. We talk about how strange and interesting it is to find oneself "on the other side" when one used to be a client. [FJ, 10.07.14]

> An officer tells me about a "row" that happened to him. […] According to him, the fault was clearly with the inspector who made a mistake and would not even answer the phone. The client got angry. The officer blames the inspector: "Whether one wears the badge or not, one sits on the other side and represents the institution!". [FJ, 05.09.14]

The last excerpt in particular emphasizes the link established between the official role of the civil servants and the idea of an interaction structured by the existence of two distinct sides. A similar distinction was present in some of the interviews with NGO members, where one participant for instance repeatedly referred to his own organization and other similar actors as "the social side" [NGO member, male, 37]. Beyond the Department, the idea of the relation

between NGOs and public institutions as one between two "sides" – be it of a partnership or of a more conflictual relationship – was also present in the case of a civil servant from the Office for Foreigners who used to work in the third sector and spoke thus of his transition from one to the other:

> "Sitting on the other side of the table, I am able in a sense to look at the whole picture and offer optimal arrangements […]." [Office for Foreigners representative, male, 38].

Be it in their relation to the clients, or to other actors of the field – such as the organizations they cooperate with – the officers as a group are defined in relation to those who are not members of the institution and to whom the actions of the institution apply. In this respect, the definition of the client, the intermediary, or the third sector partner, as *other* is not linked to the specific status of the foreign clientele, but rather it is inherent to the nature of the administrative relationship.

However, it is undeniable that this distinction is deepened and made more salient in the case of an institution dealing with non-nationals. The clients are in a sense selected on the basis of their difference. They are there precisely because they are not citizens and the existence of a specialized institution is the consequence of the fact that categories of population are defined as distinct and requiring specific treatment. The "sides" of the interaction are also the sides of a line that is being drawn between nationals and non-nationals, as exemplified for instance by the following use of the "two sides" imagery:

> "I do not have so much experience, to have a wider perspective, to say how it should be ideally, optimally for all, for the two sides. Both for Poland and for foreigners". [Front-line officer, Department of Foreigners, female, 27].

Here, when referring to "sides" the officer opposes Poland as a whole and foreigners as a group, and presents those two as having potentially contradictory interests that need to be balanced.

Hence, as it was previously mentioned, the power differential – always present between civil servant and client – is greater in this case than in most other. However dependent or helpless the clientele of some of the other public administration agencies might be, the status of citizen grants a basis of rights that foreigners cannot be certain of. By being able to exclude a person altogether from the ranks of those who can reside in Poland, the officers of the Department are at an overwhelming advantage of power over those whose cases they treat.

Moreover, while segments of public administration often deal with populations in position of vulnerability, for instance due to poverty or lack of employment, in the case of the Department's clientele the status of foreigner is added to all other social characteristics of a

person and in many cases takes precedence over them. For an institution such as the Department the fact that a person is not a Polish citizen is of eminent importance, while any other trait, or form of membership and belonging is secondary. Foreign clients are defined in terms of nationality, regardless of other characteristics, including ones that would, under other circumstance, grant them a measure of privilege or shield them from the possible unpleasantness of administrative interactions. The Department might inquire about a client's wealth, or employment, or education for instance, but this takes place in the context of procedures that have already defined the person primarily as a foreigner. This is visible particularly in cases when clients try to fight back against such a broad categorizations by underlining their other qualities. One client I assisted, for example, insisted repeatedly that not only was she of Polish origin, but she had a prestigious education and worked for a law firm. In doing so, she attempted to distinguish herself from other foreigners and to bring the parts of her identity she valued to the foreground. This exchange was in fact very similar to one described by Hochschild, where she recounts a conversation between a debt collector and a woman who owned money for the lease of a piano – the woman insisted on various markers of her social status, thereby trying to bring the debt collector to accept her own definition of herself as a respectable member of the middle class rather than a felonious debtor[715]. Similar exchanges are not uncommon in the Department of foreigners. Furthermore, some clients, instead of underlining their more valued characteristics, would insist that the very status of foreigner did not quite apply to them. Another woman, who was applying for residence on the basis of Polish origins, complained in those terms about not getting a stamp in her passport while she waited for the decision:

> She gets angry that, as a "native Pole" she experiences such difficulties, saying: "Such people (here she makes a gesture indicating slanted eyes) walk around and a native Pole cannot". "My grandfather died for Warsaw", she adds. [FJ, 01.07.14].

Distancing herself from other clients in terms of nationality, race, and family history, she thus refused the status of foreigner imposed upon her. The eagerness with which some clients would attempt such distancing shows the extent to which being a non-citizen can be experienced as a loss of status and a source of distress.

Ignoring the importance of the power differential in this specific kind of administrative relationship and framing it as just a regular encounter with administration may in this context lead to a misunderstanding of the clients' reactions which in turn serves to further distance the officers from those they receive. The fact that the officers' own power is invisible to them normalizes it and makes the act of excluding or including appear as an expression of objective

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[715] HOCHSCHILD, Arlie Russell, 2003, *op.cit.,* p. 144-145

and harmless rules. When the issues of the officers' power and of the imposition of a foreigner status on clients are not taken into account, interactions such as the above-mentioned can easily be interpreted as signs that the clients behave irrationally, that they are being excessively emotional and vindictive, or that they try to exert pressure on the officers. In fact, interpreting the actions of the foreigner as irrational or overtly emotional can be seen as a participating more generally in a process of constructing the foreigner as *other*.

III.3.2.a. Emotion and constructing the foreigner as "other"

The previous chapter has shown how the officers cope with the necessity of emotional labor, manage their own emotions, and attempt to influence those of clients. Mentions have also been made in the preceding chapters of the ways the clients' emotions are interpreted by officers. In particular, it has been demonstrated that many emotional reactions of clients are seen in a negative light, as attempts at exerting pressure, with expressions such as "playing miserable", "conniving", or "acting entitled" used to condemn them. Such an understanding of the clients' behavior can be read as a way of shielding oneself from the stress inherent in this kind of people work, but it also has the effect of distancing the officers from their clientele. As such, it participates in a logic that opposes *us* and *them* as two distinct, intrinsically different categories, where the emotions of one of the groups are validated, while those of the other are delegitimized.

Indeed, the kind of membership presupposed by the division of the world into nation-states tends to define a *we* group composed of citizens of a given state and members of the nation. As a correlate, non-members are defined in opposition to the *we* group, as *other*. That definition does not just divide members and non-members, but also most often contains a series of implicit ideas about the two groups thus established. The characterization of the *other* is a function of the definition of self. The *we* is constructed and exists through its possible opposition with a *them*.

Such a process of construing the self and *other* can also be deeply embedded in the power relations between the two, especially when an important imbalance of power is possible. As previously noted, one analysis of such a link between power relations and representations is contained in Said's conception of Orientalism[716]. This theory became paradigmatic for reflections on this topic, and the kind of processes of construction of the *other* Said describes can be discerned in a variety of cases other than the context of the West's relation to its oriental *other*. What is of particular interest, is Said's exposition of the way in

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[716] SAID, Edward W, 1979, *op.cit.*

which ascribing people the characteristics attributed to *otherness* and producing a body of seemingly objective knowledge of the *other* thus constructed can serve to exert power over the people concerned. Knowledge is thus shown to be intimately related to power, and the links between the West's interests and the creation of a scholarly discourse that both facilitated and justified Western influence are explored. As a result,

> "[i]n the classical and often temporally remote form in which it was reconstructed by the Orientalist, in the precisely actual form in which the modern Orient was lived in, studied, or imagined, the *geographical space of the Orient* was penetrated, worked over, taken hold of. The cumulative effect of decades of so sovereign a Western handling turned the Orient from alien into colonial space"[717].

One element present in such strategies of othering can be the opposition between rationality and irrationality, and the associated interpretation of emotion, which makes domination appear as a necessary rationalization. In the case analyzed by Said, the Orient was apprehended as a space to be civilized and organized by means of Western logic; in contrast, its inhabitants were described as unreasonable and prone to being dominated by their passions, and hence unable to govern themselves. The opposition constructed between the West's rationality and the Orient's irrationality served as basis for Western domination.

While the situation of a public agency dealing with foreign clients is in many ways very different from that of a colonial power consolidating and justifying its rule over foreign territory, two aspects of the dynamic described by Said seem – to a certain extent – also present in the way the officers of the Department of Foreigner relate to their foreign clients. Firstly, looking at the opposition between rationality and irrationality can be useful for the understanding of the way those relations are conceptualized. Secondly, the administrative treatment of cases is accompanied by the creation of a knowledge of the *other* – practical in nature and arising from experience, this knowledge has the appearance of objectivity all the while emphasizing the difference separating the foreign *other* from the self.

A conceptualization of the encounters in the Department in terms of rationality and irrationality is perhaps most clearly visible in the imagery linked to the management of the movement of incoming clients on the premises and of the increasing number of cases to be treated. The very depiction of clients in terms of a flow to be managed implicitly opposes the rational, organizing institution and a disorganized, disruptive mass of clients. As exemplified by the previously quoted reference to "the flow of client" [Interview with member of management, Department of Foreigners, male, in his 30s], such representation construes the clients as a unindividualized crowd, a substance to be processed and requiring rationalization. However, it is worth comparing this perception of the "inflow" of clients with similar

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[717] *Ibid.*, p. 211

discourses and perceptions observed by Spire in France[718]. In this later case, the overwhelming number of clients was seen, at least by a part of the administrative personnel, as example and proof of the fact that the whole country was being flooded by immigrants, which in turn positioned the administration itself as a guardian of the social order, in charge of selecting the right individuals and containing the flow of population. In the case of the Masovian Department, this idea of containment was applied solely to the movement of people within the premises and mostly justified by reference to the benevolent role of the agency. The disruption potentially caused by the crowds was seen as detrimental to the clients themselves, and to avoid it was to make good service possible. As a previously quoted participant put it:

> "[t]he more situations I go through, the more people I help, so I simply try not to remember the cases". [Interview with member of management, Department of Foreigners, male, in his 30s].

The clients are thus forced into the wheels of the administrative machinery seemingly for their own good. Collectively, they appear as a formless, senseless flow that needs to be contained in order for the individual client to be helped. Paradoxically, this also justifies the transformation of the individual into a case to be treated and forgotten. The pressure to keep the clients calm and content, to avoid disruptions and discontent, is also at the root of a form of depersonalized treatment.

When this is added to the above-discussed tendency to ignore the particularly striking power differential between civil servants and foreigners, the clients' emotional reactions become easily interpreted as irrational and counterproductive. The officers might often be aware of the hardships some of their clients undergo and of the importance of the administrative decisions for their lives, and in some cases even of specific factors that can lead foreigners to fear interaction with public administration:

> "And there are also cultural barriers, I don't know that area of Asia very well, but I have heard that for them the administration is synonymous with... well, in general they experience fear when they go to settle something with the administration. That also causes a certain dissonance in communication". [Front-line officer, Department of Foreigners, female, 27].

However, the sheer amount of pressure experienced when dealing with a high number of complex situations makes it difficult to constantly bear that awareness in mind. As one officer put it, "one is a sort of a sponge that absorbs [emotion]" [FJ, 09.07.14]. As it was shown before, the loss of empathy becomes a self-preservation strategy, that leads to a specific reading of the clients' behavior. Thus, strong emotional reactions on the part of clients become framed as attempts at pressuring the officers to grant special treatment. This, in turn, is seen as

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[718] SPIRE, Alexis, 2008, *op.cit.*

inherently irrational, or even childish, since on the one hand the officers' possibilities of action are limited, and on the other the orderly running of the institution is framed as beneficial to all. One could compare this to Alexandra Hall's analysis of British immigration detention centers, where she notes that "the 'otherness' of the detainee (unruly, emotional, undisciplined) was contrasted with the officers' own disciplined, active and rational identity"[719]. The treatment of the clients' emotional reactions seems to point to the fact that something akin to this process is at work in the Department as well. Moreover, seeing their own work as benevolent, the officers have little understanding for those who might approach them fearfully. As the excerpt quoted above shows, even when they are conscious that the clients might have negative preconceptions about public administration, the officers see those preconceptions as a "dissonance", as an erroneous interpretation that does not apply to their own activities and renders the communication difficult.

Another example of an interpretation of clients' distress as irrational can be found in the following passage from an interview:

> "On the other hand, the citizens of Eastern countries, countries East of the Bug River, without generalizing, but that's more or less how it goes, often it happens that the women are so tearful, and in such fits of hysteria, not even tearfulness, that I can't get through to them, only because I can't calm them down. Before I calm them down, seven minutes will pass, and the case is trivial, it will take me fifteen minutes to solve it, and I can say thank you and goodbye, and the lady will leave happy, but five minutes... five minutes are taken by a fit of hysteria and by calming that fit of hysteria". [Member of management, Department of Foreigners, male, in his 30s].

The participant, in the hypothetical case he describes, knows that the situation is "trivial" and the client is at no real risk, her case will be settled favorably and on short notice. The inherently stressful character of interacting with a receiving state administration – a powerful actor with a prerogative to take fateful decisions concerning the foreigner's life – is not taken into account, and thus the expressions of distress are read as unjustified "fits of hysteria" that get in the way of reaching a swift, rational solution.

It is also notable that different emotional states and strategies are attributed to different ethnic groups. As it is visible in the above-quoted passage, the clients from "the East", i.e. ex-soviet countries (mainly Ukraine and Belarus), are reputed to be overly emotional. This is particularly true for the perception of women from those countries, as exemplified in the above quoted statement. This group is also the one most often accused of pretending not to understand and attempting to push for favorable decisions by appealing to the officers' sense of pity. Another group commonly described as excessively emotional are African men, who are reputed angry and aggressive.

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[719] HALL, Alexandra, 2012, *op.cit.*

> During our conversation the officer speaks in an unflattering manner about clients from "the East". In her opinion they are the most difficult, the stupidest, sometimes they pretend not to understand information that does not suit them. She also says that once there was a problem with Nigerians, they were aggressive, threw things around, but now they have calmed down. [FJ, 25.06.14]

Both those types of behavior are seen as attempts at obtaining special treatment, as a way to pressure the officers to overstep the accepted boundaries and go out of their way to help a person. As such, they are met with irritation and suspicion. Notably, remaining calm can also be read as an emotional strategy, as Asian clients are often described as calm, but this poised attitude is interpreted as a sign that they are "conniving", or as, one officer put it "they do not make their entitlement visible" [Interview with member of management, Department of Foreigners, male, in his 30s]. Here, overt politeness is seen as a strategy to manipulate the officers.

Expressions of such sentiments are not daily, but they are common and always practically identical in content. In a way similar to that noted by Alexandra Hall in her study of detention facilities, the officers were conscious of the risk that such generalizations be interpreted as prejudice and were careful to present them as based on experience – not as much stereotype as practical knowledge[720]. It is also true that only some of the participants volunteered such views unprompted, while others only expressed them when asked if they noted any differences among the clients they received. However, there was a striking consistence in all the occurrences where those issues were discussed.

The tendency to construe the foreigners as overtly emotional and incapable of reasonably comprehending their situation is highly reminiscent of the kind of practices of othering deconstructed by Said. In a semblance to what he describes under the term *Orientalism*, those ideas about specific groups have a very specific mode of existence: they are understood as a general truth even when they do not fit individual cases. Moreover, as the example of Asian clients shows, they cannot be proven wrong by the clients simply adopting a behavior that contradicts them, since that behavior is going to be read within the existing mental framework. The preconceptions applied to them are inescapable. The ideas about different groups of clients and how to interpret their behavior are presented as a body of knowledge gained in daily work with those foreigners and useful for future dealings with them. Categorizing clients along those lines is meant to serve the provision of efficient service.

Importantly, this knowledge was shared and learned within the Department. As the officers get little to no training and tend to rely heavily on their colleagues to train them, the

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[720] HALL, Alexandra, 2012, *op.cit.*

ideas and preconceptions accumulated during work are passed on to newcomers. Stories and anecdotes supporting such views are passed around, sometimes as jokes, sometimes as warnings.

> The officer tells me about clients who "cheat", who take two tickets, for instance one upstairs and one downstairs [from two different devices]. "He has a ticket in his hand and wants another one, I tell him 'You already have one' and he tells me 'I do not'. I have to take that ticket from him and show him". He also says there are Vietnamese clients who enter with a filled in application, but without a date, they use the same one everyday. [FJ, 01.08.14]

Two types of behavior that the clients are accused of are visible in this passage. Firstly, the officer complains about them allegedly outright lying: the client is said to have blatantly denied the visible fact that he already had a ticket, forcing the officer into confrontation. Secondly, the accusation that Vietnamese clients use the same application several times in order to counter the Department's internal rule that tickets can only be issued to foreign clients personally present with a filled in application can in fact be linked to a more general claim concerning Asian clients. Indeed, I have encountered more than once the view that those clients can benefit from a perceived resemblance of their features and their names in the eyes of Polish officials. Thus, the racial stereotyping of this particular group – reputed to be similar in looks and prone to "conniving" – is shared and passed on in the form of what appears as practical knowledge. What the officer told me in this case was a cautionary tale, meant to amuse me, but also, and perhaps above all to show me what behaviors to look out for and how to deal with them. While the officer went on to express negative views about Asians in general, the starting point was the kind of practical knowledge that appears undeniable as it is rooted in experience and meant to make sense of it.

This kind of common knowledge can also be seen as a way of overcoming the difficulties linked to inter-cultural communication. Indeed, while some of the officers had the occasion to undergo training addressing that issue, or centered around given geographical regions of their clients' origin, this kind of preparation is only sporadic. Several of the people I spoke with emphasized that their clientele was "specific", in the sense that it varied in terms of cultural background, but few of those people gave me any details as to how that difference impacted their work, or what it consisted of. Despite being aware in a general sense that those differences might exist, in many cases the officers might simply lack the tools to read their clients' behavior or reactions. As a result, they have to look to their colleagues for answers, thus reinforcing and further spreading the body of common representations linked to clients in general and to specific groups or categories in particular. While this might be perceived by the officers themselves as knowledge gained from experience and useful in navigating their

interactions with clients, it also draws from a vast cultural repertoire of images of the *other* as irrational and childlike.

Moreover, deciding what emotional reactions are justified and rational, and which ones are not, is also a way of choosing with what experiences and feelings one is willing to empathize. The line between *us* and *them* is also one between those who can *sympathize* in the literal sense – who can feel together, and those whose emotional states are to remain alien.

III.3.2.b. The conditions of empathy

As it was discussed in chapter III.1., it is not uncommon for the officers of the Department to make references to the idea of "humane" treatment – a Polish term that had been interpreted by Boski as describing a specific psychological attitude characteristic of Polish culture. Empathy is an important part of this kind of "humane"[721] stance, as exemplified by a number of expressions implying that to adopt it is to put oneself in someone else's place. Treating each other humanely implies seeing the particular circumstances of another person's life and being able to empathize with them. Boski contrasts it with an approach to human relations that is based on rules and universal norms, one that refuses to look at the individual, situated case and rejects appeals to emotion. The "naive humanism"[722] he describes values the particular, the interpersonal, the informal. It is not without its advantages: in the case of public administration, it can offer an escape from the kind of impersonal, dehumanizing relations that bureaucratic processing of important caseloads can produce. As its disadvantages, Boski notes the possibility of fostering phenomena such as corruption, nepotism, or abuse of power. However, there is another possible downside to the adoption of a "humane" attitude: the decision to be "humane", to allow oneself to feel for the other and take their individual situation into account, is not dependent on any rule besides the immediate interpersonal situation and the empathy subjectively experienced by the person in question. "Humane" treatment is also linked to the idea of common sense – it is an understanding of the other based on common human experience. However, not all human experience is common, and not all people easily inspire empathy. "Humane" treatment is to a certain extent conditioned by proximity, it can only apply to those to whom the definition of *us* can be extended.

The importance of common experience was stressed in those terms by a foreign volunteer, when I inquired about the impact of her own origins on her relations with clients:

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[721] BOSKI, Paweł, 2009, *op.cit.*
[722] *Ibid.*, p. 377

"[…] I somehow feel that they were more open, because firstly there is language, and secondly, they maybe felt that I maybe understand them a little better […] I think that for sure [that relation] was different, because it is hard to imagine that we have the same mentality. When there is a Russian woman in her forties, and for instance a very young Polish girl, who has only just started work, then it is obvious that even for that reason only there will be differences. But we went through it too, and maybe it is also a personal sensibility. […] [F]or instance such a question: a girl who started work together with me, a young Pole, she still works there I hope, and I do not know if she never went abroad, but she pictured poorly moving around in the world, what papers to show where, what a border control looks like, and such. I understand this, because [for me] crossing the Polish […] border requires a bit of effort. Such young people are inexperienced, how could they know all of this? One has to be inside it". [Volunteer, Department of Foreigners, female, 43].

This participant's own experience of coming to Poland and going through all the procedures this entails served her doubly: it gave the foreign clients a sense of proximity and an impression of being better understood, and at the same time it allowed the participant herself to empathize with the clients and interpret their reactions accordingly. By comparison, the experiences typical of a migrant's life are often ones the officers – such as the young Polish woman mentioned above – do not share and have no means of comparing with their own. Thus, when in an informal conversation about "difficult" clients I once alluded to my own experience abroad and expressed sympathy for those who get confused by the intricacies of the procedure, one officer exclaimed "But you must have read a bit before going!" and showed no comprehension for the situation of those foreigners who do not understand the law that applies to them [FJ, 04.07.14]. Empathy stops at the borders of common experience and "humane" treatment is only possible within those borders.

In contrast, when some form of shared experience can be found, and the client's situation can be situated in the field of known life circumstances, the officers are quick to express sympathy and act upon it. For instance, in interviews, many officers spoke of the long queue and waiting times and found it justified that the clients react negatively to those conditions. This is a situation any person who had had to wait to settle a matter with a public administration can imagine and it is easy to extend empathy to those who suffer from it. Likewise, certain widely shared experiences would often be met with sympathetic reactions:

The officer asks about dates [for an interview]. The client is pregnant and the date must be so arranged that she can be present. The officer takes some time to think, he worries that "women react in many different ways to childbirth". A [female] volunteer reassures him - "it is rather the men", since they do not have "stress hormones". The officer calls his coordinator and sends the client up to see her. Both the officer and the volunteer are extremely friendly and understanding towards the pregnant woman. [FJ, 18.07.14].

In this case, pregnancy was an event common enough and considered unequivocally important enough to elicit sympathy. The officer and the volunteer had a set of knowledge and

ideas about this kind of situation – the strain to the body, the necessity of recovery, the stress, and the ways of handling it – that made relating to the client relatively easy. In general, circumstances such as pregnancy, family matters, or sickness were often met with understanding. This was especially visible when those circumstances were very clear or dramatic:

> An intermediary tells the story of her client to the officer [...]. The client has contracted HIV through the negligence of another person – a contaminated needle was left in the regular trash bin at the hospital where the client worked cleaning rooms. The client is now in treatment and attempting to get a compensation in court, so she would like to get a residence permit on this basis. The officer is visibly very moved, they talk for a long moment, they both express outrage. The officer displays his sympathy for the client. [FJ, 16.09.14].

Cases such as this are relatively simple to judge: the foreigner was rather clearly the victim of another person's mistake and the consequences she had to suffer were widely acknowledged as horrific. The officer expressed no doubts as to the interpretation of this story and did not hesitate to express his emotions vividly.

However, other circumstances the clients encounter are met with a different treatment. Doubts are often expressed as to the legitimacy of the emotions displayed, as shown above. In particular, two sets of ideas emerge as justification for such a delegitimization. Firstly, suspicion can be cast on the veracity of the clients' claims about their situation.

> "I do not say we should not help those people where there is real hardship, like Syria, or Iraq, or Libya, or the area of Ukraine where there is war. Ukraine, I even see it from the decisions, that they get refusals both for refugee status and for subsidiary protection. Because those who come are not citizens of that Ukraine, of that part of the country where the war is. Citizens from Kiev, from Lviv are coming, from the Western side where there is peace. There is no war on the whole territory of Ukraine, so that one can move from one [place] to another. However, like in Libya, Syria, there is war in the whole country, there is misery for the children, and that shooting, and bombing, that is horror, and that is fear, in that case - for sure". [Member of management, Department of Foreigners, female, 59].

> "At first we even opened such a specialized information point, we tried to meet their needs, of those people who left because they fought there, on that Maidan. Of course there were also people who tried to exploit this. And that is a problem for those who really need help. I have received one man who really had fought, it was visible that he went through a lot". [Front-line officer, Department of Foreigners, female, n/a].

In those cases, the officers did not refuse the clients empathy as a rule. They presented themselves as generally sympathetic towards the needs and experiences of those deserving of their compassion, but questioned individual clients' belonging to that category. In the two excerpts above in particular, the complexity of the situation in Ukraine in 2014 was used as an argument against the clients' credibility. The officers expressed solidarity with the victims of repressions experienced in the course of the recent political unrest, or those affected by the

armed struggle in regions of the country, but since all of those circumstances were far from easy to recognize and interpret for an outsider, the general, abstract support for the cause did not necessarily find reflection in the treatment of individual cases.

Suspicion was furthermore justified by benevolence: the suspected lies on the part of some foreigners were presented as detrimental to other members of a given nation. The impossibility to extend empathy to those who might need it is thus justified through the risk of such generosity being abused. Similarly, a strict, indifferent attitude in everyday dealings with clients was explained to me as the result of a loss of trust:

> The officer comments that in this job "one loses one's sensitivity". She tells me about intermediaries who "borrow" children or pregnant women. Once, when officers saw such a person, they would invite them in without queuing up. Now, they do not do it any more, because they have been "fooled several times". Those who really have children suffer from it. But this is the fault of the intermediaries' strategy. [FJ, 12.08.14]

Just like in the case of the clients fleeing Ukraine since the beginning of the political upheavals and the conflict with Russia, a distinction is made between those who "really" require the officers attention, and those who only pretend to do so.

Notably, such suspicions were more common in the case of the clients applying on the basis of circumstances that the Department is entitled to evaluate more closely (for instance Polish origin, or marriage, both requiring not just an established set of documents, but also an interview), even if the officer in question was not the one formally responsible for the evaluation. It would seem that the very fact that a client's situation is to be examined in detail automatically made their account less credible. In all cases, the decision to empathize with a client was dependent on the officer's subjective evaluation of the veracity of the client's claims. While in many cases this distinction might have been made unwittingly, or based on the kind of practical knowledge discussed above, by officers who did not wish to discriminate against any specific category of clients, it did in practice introduce a difference in the treatment based on perceived credibility and relatability of clients' claims.

Whether the clients were considered credible was also closely related to another factor leading to the refusal to empathize – the clients' attitude in interaction. As it was discussed in chapter III.1., many officers condemned what they referred to as a "sense of entitlement" of certain clients. More generally, the negative reactions to strong displays of emotion discussed in the previous section seem to point to a disapproval of any behavior perceived as an attempt at pressuring the officers, or advancing one's case beyond the strict requirements of the procedure. The clients whose stories and displays of feeling were dismissed were the ones whom the officers interpreted as manipulative. However, avoiding such a categorization could prove a difficult task for a client. As the examples quoted above show, a wide array of

emotional reactions was read in this way. The officers criticized the clients who would get angry or aggressive, as well as those who – like many Polish clients – would assert their rights more vehemently than some. However, they also resented those who underlined their own powerlessness and adopted a pleading attitude. Showing oneself to be cooperative was not necessarily the appropriate attitude either, as shown by the example of Asian clients whose polite and accommodating behavior was considered proof of their disingenuity. Just as the officers themselves had to balance many contradictory goals and carefully craft their self-presentation as to preserve the efficiency, the positive image, and the adequate functioning of their institution, so they also seemed to require a similar balancing act from clients. Neither assertive, not ostensibly submissive, polite but not too coy, calm but not cold, the attitude deemed appropriate appeared elusive and difficult to maintain. If one common denominator was to be found in those various expectations, it was the acceptance of the rules of the game and of one's own role within them, as defined by the institution. As it was mentioned previously the *good client* was the client who understood and shared the officers' perspective. Such an understanding on the part of clients appeared as a condition of the officers empathy.

Through extending or refusing empathy the officers operated a form of inclusion or exclusion less formal but no less common than the one they were formally responsible for: they could choose to include a person in the community of people like *us,* who share *our* experiences, who have understandable needs, and whose accounts of their own life are not questioned. They could also exclude a person, consider their narration untrustworthy, deem their life circumstances suspect, and thus ascribe them the status of *other.*

III.3.2.c. Producing and selecting the worthy foreigner

As it has been shown in chapter I.1., institutions can be said to produce their own clientele as much as they serve it and act upon it, as demonstrated by Goffman with reference to "total institutions"[723], but also as observed in less coercive settings such as the welfare offices studied by Dubois[724], and in contexts directly linked to immigration[725]. When it comes to the Masovian Department of Foreigners, in chapter III.1. it has been established that, through their own behavior, and in particular through the imposition of the language of the institution in their interactions, the officers are able to sanction and promote certain attitudes in their clients. It has also been suggested that, while this is the case of any public administration, it takes on a particular importance since, as Eule proposes it is quite likely that

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[723] GOFFMAN, Erving, 1991, *op.cit.*
[724] DUBOIS, Vincent, 2010, *op.cit.*
[725] For instance: ZĄBEK, Maciej, ŁODZIŃSKI, Sławomir, 2008, *op.cit.*

for foreigners the state institutions responsible for deciding their fate represent the receiving society as a whole and the experience with such institutions is read as an indicator of how they are perceived and what is expected of them in the country[726]. In other words, it can be seen as an indicator of what and whom a country values. The question that Eule formulates as the crucial point of this type of administrative interaction – "Can I stay?" – can thus also be reformulated as "Who is worthy of staying?". This is, ultimately, the focus of the Department's decisions, routine or complex, and us such merits further examination here. The selection of worthy, wanted foreigners is not only limited to the formal decisions. What has been discussed above – the choice of whom to empathize with, the kind of claims that are validated, the preconceptions carried in the form of practical knowledge – participates in more subtle, less visible processes of informal selection.

One striking example of this is the issue of language, both as the use of Polish language and the administrative jargon. As it was already mentioned, while most of the officers are able to communicate in at least one foreign language, all writing exchanged with the Department has to be in Polish, forcing the foreigners to fill in lengthy and complex forms in that language. Moreover, even if, once they enter the appropriate office and approach an officer, the clients will be most probably received in a language they can understand, finding their way there and understanding the functioning of the agency is much easier for those who speak Polish. Those who speak either English or Russian, are also at a slight advantage, as those are the languages most commonly spoken by the officers. One must note that the financial conditions offered by the Department are not sufficient to attract candidates with the command of more rare, non-European languages. This means that, although speaking a foreign language is required, in practice this is limited to a narrow range of the few most commonly taught ones, even if in fact languages such as Ukrainian, Vietnamese, or Chinese would be more useful. The existence of an administrative language slightly different from common day Polish, with specific terms and expressions that might be confusing to a foreign speaker, further accentuates the difficulty of navigating the legalization procedures. As a result, a huge disparity exists in the degree to which foreigners might find contact with the Department difficult or stressful. While some clients have a chance of going through the procedures nearly effortlessly, others might be at a complete loss.

> I receive [elderly] clients from China who do not speak any other language than Chinese. They have a letter in English from their son requesting that they be assisted. I speak Chinese with them. They have requested to receive their cards on a shorter notice, since they are planing to travel the next day, but I cannot find them in the system, and I try to clarify this. I take them to other rooms, since it seems simpler than sending them to officers who would be unable to talk with them. The officers in the information section

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[726] EULE, Tobias G, *op.cit.*

> find the case [in the system] and advise me to go directly to [the office that issues cards]. The officer there agrees to see them, after I explain that I am assisting them so that they do not have to wander around any more. She lets me into another room and allows me to look for the cards myself. She later returns to consult me when she cannot communicate with the clients. In the meantime, a young Chinese man waiting in the corridor intervenes and assists them. In the end, the cards are issued on that same day. [FJ, 18.09.14].

This passage shows the effort and the amount of luck necessary to settle a case for clients who do not speak Polish, nor any of the most common languages. Had the young Chinese man and I not been there (a circumstance in fact very uncommon), the clients would have most probably not been assisted and would have to cancel their trip back home. In other similar cases, officers must come up with other strategies:

> The officer tells me a story about a time when, while she was still on an internship, she observed an older colleague receiving a client. The colleague could not understand him and had to ask him to repeat several times. In the end, she turned to the officer for help, saying the client "spoke English strangely". The officer had to pretend she was coughing in order not to burst our laughing when she discovered the client in fact spoke Hindi. It was impossible to communicate with him, as all he could say in English was "no" and "tomorrow". In the end, the officer's colleague drew for him "a sort of stick figure, and from its head came this bubble, and inside it was written 'English' and 'Polish'.". [FJ, 09.07.14].

Here, the client not only did not encounter anyone who could assist him, but the officers were initially unable to identify the language he spoke. The attempts at communication in the form of a drawing were unlikely to succeed, and, what is more, were limited to telling the client what languages the officers could speak – even if that message was understood, it would not help in solving the issue at hand.

The only chance for a client in this situation is to either be lucky enough to find help once in the Department, or to bring someone with them. The ones to experience the least difficulties are either Polish speakers, or those fluent in a language whose closeness to Polish makes communication easier. The next most advantaged category are English speakers. This in fact gives a significant advantage to a few very specific types of clients: firstly, those who are of Polish origin, or are long term residents, or have otherwise put an effort into learning the language and are also likely to have at least partly assimilated the culture; secondly, young, educated people for whom knowledge of English is common; thirdly, nationals of Eastern neighboring states, whose language and culture are close to the ones in Poland. While no explicit policy on the use of language stands behind the practices of the Department, those privileged categories correspond in fact to those presented as desirable in the "Poland's migration policy – current state and postulated actions" document signed by the Council of

Ministers[727]. Those are the clients most likely to legalize their stay and work promptly and successfully. They are also the ones least prone to being deterred from staying or applying by the difficulties they encounter. Simply letting the clients' own ability to get by in Polish decide their fate in fact selects those who already correspond to the profile defined as most desirable.

One could postulate that similar, subtle forms of selection also concern other aspects, and in particular the above-discussed attitude displayed by clients and its interpretation by officers. The Department can be a very different place for a client the officers choose to assist to the best of their abilities, and one for whom they decide to do the strict minimum. That decision, as it had been shown, can hinge on the officer's perception of the client's credibility and the evaluation of their attitude. In discussing this, it might be interesting to come back to the notion of "entitlement" frequently referred to by officers. Although condemning what is seen as a too assertive an attitude might be seen as a byproduct of the heavy workload and high responsibility the officers face – as compliant clients are easier to deal with – it is still striking that what is met with widespread disapproval is a stance that indicates a person's willingness to enforce their rights. What is valued in a client is rather their capacity to fulfill duties and requirements. In a sense, this is reflective of the position of a foreigner vis-a-vis a receiving state: the granting of rights is conditional and it is up to front-line gatekeepers such as the officers to make sure the conditions are met. The foreigners most likely to be judged worthy of staying are the ones who do not question this state of things.

None of this can be simply attributed to individual officers' heartlessness or wish to exert power (although of course neither of those factors can be excluded for all officers). On the contrary, many of the small acts described here seemed to be done unwittingly, and when officers were brought to reflect upon them they justified them by reference to the well-being of their clients. The categorization of clients, the dismissal of their emotional reactions, the loss of empathy were all seen as necessary for the smooth running of the institution under the current conditions, and thus, ultimately, to the provision of a satisfactory service. It would seem that, just like formal inclusion and exclusion are the prerogatives of the Department, their less formal counterparts are also inherent to the nature of the institution. The power vested in the officers, combined with the heavy workload, the pressure put on efficiency, and the lack of training that leads them to rely on shared practical knowledge all contribute to the framing of the foreigner as *other,* as well as to the emergence of categories of otherness applied to different groups of clients. Those factors are also likely to lead the officers to

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[727] *Polityka migracyjna Polski – stan obecny i postulowane działania, dokument przyjęty przez Radę Ministrów w dniu 31 lipca 2012 r.*, [Poland's migration policy - current state and postulated actions, document signed by the Council of Ministers on July the 31st 2012]. Council of Ministers, Warsaw: 2012

operate a form of selection, either by favoring attitudes that prove convenient, or by letting the clients' own abilities decide who is going to handle the interaction well, and who will be at a disadvantage. Although none of this is framed explicitly as a form of control, or selection of clients, it bears witness to the fact that the officers do in practice have the power to exclude or include foreigners, and control them – even when it is only a very subtle one.

One could argue that, given the very limited sense of agency shared by most officers, the power they have over their clients is invisible to them. Rather, it appears as a function of decisions taken and rules set by other actors of the field. The specific place this administration occupies in the organizational field and the relations it entertains with other actors make both the actual formal decisions it makes and the small, everyday gestures that work towards the same system of control, appear as merely flowing from the more general framework within which the agency operates. One important element of this framework is the influence of European institutions, which is far from unambiguous.

III.3.3. The ambiguous influence of the European Union

So far, the influence of the EU has mostly been analyzed in the context of the Department's cooperation with non-governmental organizations and the use of EU funds. The conceptual framework that such interactions promote has been shown to be one revolving around the idea of integration[728]. As such, it seems conductive of the kind of attitudes and behaviors regrouped here under the term of *friendliness*. The actions financed from the European Fund for the Integration of Third Country Nationals and organized in cooperation with NGOs center around client reception. They involve providing information and legal assistance, as well as making the procedures more understandable and more accessible for foreigners. Likewise, exchange and cooperation with other EU states in this context has lead to the formulation of a list of "good practices" that mostly include recommendations linked to the quality of service[729]. Moreover, several participants underlined the role of Poland's membership in the EU has had in pushing for a greater respect of human rights, including migrants' rights, while presenting Polish institutions as reluctant in adjusting to that evolution.

> [A foreign participant, when asked whether the recent changes in Polish law match her expectations:] "[…] when they go to the [European] Union they are obliged, Poland is obliged to introduce different things into its law, and it has to correspond to Union norms, and it goes, Poland goes slowly, it only needs time […] And I do not worry, and I think everything will be all right, it is only a matter of time, because it depends on the directives […]. I think that for my grandson, Poland will be ready for him". [Migrant organization member, female, 46].

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[728] PAWLAK, Mikołaj, 2011, *op.cit.*
[729] WYDZIAŁ SPRAW CUDZOZIEMCÓW, 2015, *op.cit.*

"But here, we have the impossibility to file in an appeal to a visa decision. This is contrary to Union law. The Ombudsman has been calling attention to this for several years, and nobody cares, those changes were not introduced in the new Act. The only sort of a nod in that direction is the introduction of the Convention of Human Rights, the Convention on children's' rights". [Professional intermediary, male, 35].

In both those instances the participants pointed to the EU as a source of improvement for the condition of foreigners and for the state of their rights. Some others were nuanced in their overall evaluation of the EU's impact, but nevertheless stressed the positive influence concerning human rights:

"It has had both a positive, and a negative impact. Positive, because the law in the Union is very strict when it comes to human rights, and negative, because money is of great importance, and that means humans do not look through [the lens of] other humans, but through [the lens of] material money [...]". [Migrant organization member, male, 55].

Likewise, another participant [NGO member, female, 27] gave examples of different experiences concerning migration in different Western states, including ones worthy of imitation, but also the French case, which she judged rather harshly for its failure to integrate and give equal opportunities to children of immigrants. She nevertheless claimed that in terms of immigrants' rights Poland does "exactly enough to satisfy the European Union, and not an ounce more", thus pointing to the EU as a force working in the direction of greater respect for human rights.

Hence, it could seem that Poland's inscription in EU structures fosters above all better standards of administrative treatment of foreigners, and more generally an attitude of openness and hospitality. While this is undeniably the case, chapter II.1. has shown that this is not the only aspect of Poland's migration policy that is being impacted by the EU. The focus on security and border control – dominant during the pre-accession years – has not disappeared. The issue of funding is representative of this double objective: besides the funds from the European Fund for the Integration of Third Country Nationals that the Department received to improve client reception, the Department was also a beneficiary of the External Borders Fund – the resources from which were used to buy equipment and pay for trainings aimed at fraud detection and security enhancement [Interview with member of management, Department of Foreigners, female, 42]. The Department's activities are framed simultaneously as service to the public and as control of a population, and its European involvement mirrors this duality.

III.3.3.a. Europe as a model of restrictive practices

The various European exchanges, projects, and funding programs the Department benefits from are not without leaving an impression on officers. However, it is interesting to note that, while the client reception related elements, as well as the focus on migrants' rights, do not go unnoticed, officers also associated the EU, and more generally other European countries, with a series of more restrictive practices.

As it was previously mentioned, some officers were struck by the differences between their own work conditions, and the settings and practices of similar institutions abroad. In particular, certain participants observed that the administrative agencies they had the occasion to visit in other European countries were stricter and less "humane" in their treatment of clients. They described institutions much more focused on issues of security than their own [Interview with front-line officer, Department of Foreigners, female, 27], to a point where some found them "dehumanizing" [Interview with front-line officer, Department of Foreigners, female, n/a].

Likewise, the administrative fees perceived in those countries were a subject of bewilderment:

> [The officers who went on a study visit to Paris] were also impressed by the high fees for the procedures, several times higher than in Poland. The Polish prices have, in turn, allegedly surprised their French counterparts. [FJ, 02.07.14]

All those instances were presented as proof that the policies practiced in the Western European countries the officers visited were more restrictive than the ones in Poland, focused more on immigration control and security than on clients' rights and quality of service. For some of the participants quoted here this was to the disadvantage of the countries in question, and the Department's presumed "humane" stance was a source of pride.

However, for others the practices observed or heard of in European partner institutions were part of a coherent, firm, and reasonable approach to immigration – a polar opposite of the perception of Poland's policy as excessively liberal and inconsistent, as discussed in chapter III.1. One point that was often met with the officers' approval was the obligation for foreigners to learn the language of the receiving state, or to show other signs of willingness to integrate.

> Two officers tell me about their visit to Paris. They have spent five days there and liked it very much. They describe their impressions from French administrations as "very positive". […] They appreciated the idea of a platform for newcomers: foreigners are sent there after receiving the decision, but before the issuance of a card. A film about France is

shown, explaining what kind of country it is, what the rules are, how the institutions work. There are French language classes. Social workers are present. The officers recount with praise that in France language proficiency is a requirement, visas are given to those who already know the language, and others are only issued a visa on the condition of completing a course, so that they arrive at the prefecture already speaking [French], and if they do not, they are sent back for a course. [FJ, 02.07.14].

While in this passage elements related to client reception and assistance to newcomers are clearly present, the officers seemed most keen on the idea of requirements and conditions to entry included in the described approach. The officers came back to this visit on several occasions:

[One of them] also appreciated the signing of "assimilation contracts" and the obligation to learn the language. [The other officer] liked the idea of payment for illegal stay. [The first officer] added that since the borders are open, it was obvious that the foreigners would come back anyway, but that way at least the state would earn some money off this. [FJ, 01.08.14].

Similarly, discussing the practices in France, another officer told me that

[…] she heard that things are worse there, but they "do not care". The same is the case in Germany – they only speak German. "We are a young democracy, that might be why there is no respect for our language", she ads. [FJ, 24.06.14].

In this case, "not caring" was seen as an appropriate way of facing the job. One could sense in those words a certain weariness with the perceived emphasis put on satisfying the clients. In the same vain, another officer criticized the changes introduced to the new Act on Foreigners at the request of NGOs because the language requirement had been removed – a modification he judged "too liberal" [Interview with front-line officer, Department of Foreigners, male, in his 20s]. Thus, for some of the officers, other European countries were above all examples of the beneficial nature of more stringent conditions of entry and residence.

Another occurrence where the impact of exchanges withing the EU was to bring issues of control and security into the spotlight was the previously discussed visit to Finland. It is noteworthy that the question of security, and in particular the immediate risks officers might face on the job, was one I never encountered before in the Department. Witnessing what they described as impressive security measures in Finland, officers began expressing concern over this topic, elaborating on potential threats of violence, aggression, or contagion [Interview with front-line officer, Department of Foreigners, female, 27]. Despite accounts of encounters with aggressive clients, this was the first time I saw officers worry about their safety, or suggest additional security measures. Even if for some the measures in question seemed too harsh and callous to the foreigners, for others what had until then been commonplace started appearing as irresponsible and unduly risky.

Indeed, this was not the only case where the experience of other countries was seen as

confirmation that the practices at home were not restrictive enough.

> "It seems to me that we are going too far, and it seems that nobody controls migration policy in this country. It seems to me that once there were more restrictive regulations, and if someone transgressed them, he was accompanied to the border. Now it is a little different. To the contrary, a foreigner gets a card here, goes to another European Union country, breaks the law there, and is immediately inscribed in the register of persons undesirable on EU territory. This is my sentiment, I might be wrong, I wonder, because on the other hand if there were no foreigners we would not be needed either. But the policy goes too far, and it seems to me it should be more regulated. What is happening in Italy and Greece, in Spain, in France, there have been recently thousands crossing the English Channel, it will all scatter itself across Europe. It seems to me other European countries control this more than Poland, and I think we should really aim towards limiting migration to our [country]. Because, yes, everyone says that there is not enough of us, but there will be no future from those foreigners, it seems to me that they will not get acclimated enough to feel Polish in the future, no, no. The policy should after all be more rigorous here, and I would say less open, less". [Member of management, Department of Foreigners, female, 59].

Several themes can be found in this interview that were expressed in less direct and less condensed form by other officers on different occasions. Firstly, the already discussed idea of an unduly "liberal" Polish policy is very present here, and so is the perception of other EU states as more "rigorous". Another notion also appears: the echoes of negative experiences of those countries are presented in support of a tightening of Poland's stance towards immigrants. Like the officers who became apprehensive for their safety after witnessing measures taken abroad, this participant was frightened less by the situations she experienced (although she also described dangers linked to Ukrainian, and Vietnamese immigration to Poland), and more by what she perceived to be the experience elsewhere in Europe. The kind of measures she found worth imitating were, hence, those aiming at better controlling what appeared as a chaotic and dangerous phenomenon.

While this officer stated that the legislation pertaining to foreigners used to be more restrictive, she also described the influence of the EU as conductive of a growing complexity of procedures.

> "It seems to me that the procedure for legalizing residence used to be simplified, there were less documents than now. […] Maybe it is simplified in the new law […] However, I think that there are other requirements, but that is the case everywhere in the world. […] Those laws are all, after all, adapted to European law, according to the directives we have to change that Act, because such are the European directives after Poland's entry to the Union, they are forcing those changes on us. So the law is adapted to the Union. But it seems to me that things used to be simpler […]". [Member of management, Department of Foreigners, female, 59].

This passage also illustrates another element of the officers' outlook on the relation between their agency and the EU: the idea that much of the law they apply, including its restrictive aspects, are due to EU regulations. This seems to be a correlate of the general sense of a lack

of discretion: not only are the officers not responsible for the regulations they implement, but a part of those regulations was not even established by their own legislators, but rather "forced on [them]" by the EU. The overarching nature of the European Union in relation to national institutions places it at the top of a framework in which the Department occupies a subordinate position. This, in turn, serves to accentuate the process by which the little power and discretion the officers do have becomes invisible to them, as they perceive their role as that of mere executants. Whatever personal views the officers might hold on the more restrictive aspects of migration policy, they tend to see them not only as independent from their actions, but also, in some cases, as independent even from the choices of Polish authorities.

This view is not entirely ungrounded since, as it was shown in chapter II.1., much of the regulations pertaining to foreigners in Poland were either inspired by other European countries, or simply a condition of Poland's participation in EU structures. The initial focus of the accession negotiations on issues of security and border control was not without its share of ramifications for Poland's approach to immigration.

In the Department, and more largely in its organizational field, the reference to the EU can be used to legitimize two sets of very different ideas and actions: on the one hand, it can serve those advocating for a more open attitude towards migrants, and for actions aimed at assisting their integration and conducive to their well-being; on the other, the EU, as well as individual member states, can be referred to by those who wish for a harsher, more prohibitive policy. This double role played by allusions to the EU points to contradictions inherent not only to Poland's migration policy but to the stand taken by most receiving countries in the West.

III.3.3.b. A few concluding remarks: "Migration paradox" as a double bind and the uneasy task of the street-level bureaucrat

The term "migration paradox" has been used here, following Agnieszka Weinar's interpretation[730], to discuss the discrepancies between different goals and logics present in the way modern, liberal states treat migration. In this sense, it is similar to Hollifield's explanation of the "gap hypothesis"[731] by the simultaneous effect of the attempts at a restrictive policy and the extension of rights inherent to the liberal logic. As it was shown in chapter II.1., Weinar postulates that the influence the European Union has had on Poland's migration policy has lead to a transposition of those divergent and conflictual logics. The above-described

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[730] WEINAR, Agnieszka, 2006, *op.cit.*
[731] BRETTELL, Caroline, HOLLIFIELD, James Frank, 2008, *op.cit.*

occurrences from the Masovian Department of Foreigners seem to corroborate this thesis.

What is more, street-level bureaucrats play an essential role in the management of such contradictions. As Spire shows, a socialization of administrative agents that leads them to define their role in terms of a defense of "national order" can account for a policy that is restrictive in practice, even when a pretense of a rights-based logic in maintained[732]. Such a socialization, combined with a growing extent of discretionary power that has accompanied an evolution towards a more repressive approach of immigration[733], might lead to a diversification of officers' attitudes, but the general push towards a limitation of immigration in the end overrules those dissensions. Ultimately, the burden of carrying out the increasingly restrictive policy and overcoming its contradictions rests on the street-level bureaucrats.

This, in fact, is not rare in street-level bureaucracies. As Lipsky notes, "[s]treet-level bureaucrats characteristically work in jobs with conflicting and ambiguous goals"[734]. Partly, this might be due to the fact that "the conflicts that existed when programs were originally developed were submerged"[735]. Instead of disagreements between divergent visions of policy being settled on the policy-making level, they are in a sense delegated to the executants, who thus find themselves having to strike a balance between different goals and principles in their daily practices. Although most street-level bureaucracies face this type of challenges, the existence of the "migration paradox" makes the case of immigration-related public administration particularly sticking in this respect. When policy-makers face the alternative of either going against principles of human rights fundamental to the very conception of a liberal-democratic state, or risking the wraith of a public fearful or hostile to immigration, it can be tempting to abstain from adopting clear-cut solutions. In contrast, the work of street-level bureaucrats is often invisible to the public, with the exception of those most directly concerned. The fragile equilibrium obtained through a multiplicity of small, everyday gestures and decisions affects deeply the lives of those it pertains to, but remains mostly unseen.

The example of the Masovian Department of Foreigners points to one more important aspect, perhaps more visible in this specific case than in countries with a long-standing tradition of immigration. In a situation such as that in Poland in 2014 – where a coherent, centralized approach to immigration had only partially emerged and the topic was not central to the public debate – the importance of what has been referred here as the field of migration policy becomes clearly visible. Indeed, the contradictions the officers had to deal with in their daily work were not just characteristic of state policy in this area, but rather they were the

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[732] SPIRE, Alexis, 2008, *op.cit.*
[733] *Ibid.,* p. 88
[734] LIPSKY, Michael, *op.cit.,* p. 40
[735] *Ibid.,* p. 41

outcome of the interplay between the actions of a series of actors, including policy-makers, but also other echelons of the administration, EU institutions, third-sector actors, intermediaries, and the clients themselves. Those actors' behavior was in turn determined by the various institutional logics they supported, each one including a different definition of the Department's role, the values and principles it should follow, and its desirable mode of operating. It is in this manner that the "migration paradox" is not only due to the choices of national policy-makers, but it results from Poland's participation is European structures – themselves characterized by this kind of contractions. Positioned at an intersection of those logics, the officers find themselves in a double-bind situation, working towards contradictory goals.

The ambivalence of the exchanges with other EU member states and of the reference to Europe in general is thus revealing of a larger phenomenon. Not only does it illustrate the kind of goal ambiguity referred to by Weinar as "migration paradox"[736], but it also shows how – when the paradox goes unsolved at the policy-making level – the task of balancing the divergent aims and principles falls to street-level bureaucrats. Those latter put in place practices that allow them to cope with this delicate situation and preserve themselves from the strain it might cause. As exemplified in this chapter, these practices, while manifestly adhering to principles of efficacy, service to the public, and benevolence towards clients, also allow for an obscuring of the power and control-related aspects of the Department's work, which nevertheless continue to operate, be it in a less direct manner.

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[736] WEINAR, Agnieszka, 2006, *op.cit.,* p. 221

Conclusions

The aim of this work has been to examine one important aspect of immigrant experience in Poland: the interaction with public institutions. The case chosen for this study is an agency that is arguably among the most commonly encountered by foreigners. The circumstances described in the above chapters are an unavoidable part of life in Poland for a significant group of foreign nationals. While seemingly brief and trivial, the interactions between those employed by the agency and its public can have a decisive impact on the life and well-being of those foreigners. Not only is it possible for apparently simple gestures or decisions to affect profoundly a person's situation, but the encounter with this particular institution is for many one of the rare instances of contact with the Polish state and as such may have a bearing on their perception of the receiving country.

What is more, this study of the everyday life of the Masovian Department of Foreigners has been an attempt at exploring the configuration and dynamics of the field of migration policy in Poland. It has been postulated that, although the Department is just one actor of this field, the daily work of its officers is nevertheless impacted by the field as a whole and, thus, it can provide insight into phenomena that go beyond the strict confines of the agency itself.

In this sense there have been three theoretical and methodological aims set for this research. On the one hand, it is meant to demonstrate the usefulness of a qualitative single case study of public administration at street-level for the understanding of public policy. On the other hand, it has represented an effort to join several scholarly traditions by focusing on face-to-face interaction all the while situating it in a wider context, in particular in the cultural frameworks and systems of meaning actors share with those in their environment, as well as in the power relations that structure society. In both cases emotion has been postulated as an important indicator to be taken into account. Lastly, this work has been an attempt at throwing supplementary light at a relatively understudied public institution and the context within which it functions.

Those aims had in turn been the source of three sets of research questions:
(1) What configuration and dynamics of the organizational field of migration policy in Poland can be discerned in the everyday functioning of the Department of Foreigners and how do elements of the field translate into the observed interactions?
(2) What intellectual and interpretative tools the officers have at their disposal? What is the framework of the interpretation that guides their behavior in relation with a given immigrant?
(3) Why do the efforts made to insure a satisfactory service fail and what can explain the tensions discernible in the Department?

Before offering answers to those questions, it is necessary here to summarize briefly the main points of the reasoning presented in this work.

Firstly, the theoretical background behind those questions and the methodological choices it gave ground to has been elaborated upon in chapter I. This study has been placed in a line of works on street-level bureaucracy, and situated at an intersection of reflections on face-to-face interaction and on different manners this interaction can be situated. Notably, field theory has been discussed as an important inspiration, and theories aiming to position interactions within a framework of cultural meanings have been considered. The role of power relations in direct interaction have also been examined, and in particular as they pertain to the administrative interaction and to the situation of foreigners. Lastly, emotion was pointed to as a possible indicator of links between those various elements of analysis. This theoretical considerations are the starting point of the elaboration of the methodological approach discussed in chapter I.2. They are also the source of the research questions addressed here and are implicit in the following analysis of the context of the study and of empirical material.

Indeed, chapters II.1 and II.2 gave an overview of two aspects of the context surrounding the Department of Foreigners of the Masovian Voivodeship Office: the policy pertaining to immigration the agency is meant to apply and the overall framework of Polish public administration it is a part of.

Poland's migration policy, while relatively recently developed and in many ways lacking in coherence, can be said to have slowly emerged over the last two decades. An important factor in its evolution was the process of Poland's entry into the European Union, as this issue was an important part of the requirements the country had to fulfill pre-accession. As a result, Poland's migration policy initially focused mainly on questions of border control, but over the years other specific goals and interests became more and more visible. In particular, Poland has a policy of attracting immigrant labor that favors citizens of the neighboring Eastern states. Immigrants with Polish roots are also given priority as specific measures have been put in place to facilitate their entry and residence. It is also clear that there is a willingness among policy-makers to adapt migration policy to the needs of the labor market. However, the policy thus created is not without its share of contradictions. This is partly due to to the presence of a number of stakeholders with different, and at times conflicting interests and visions of what Poland's migration policy should be. Not only is there a series of public institutions with prerogatives in this domain, but other, private and non-governmental actors are also to be taken into account, including NGOs, academics, private companies who employ immigrants, or who offer them services, not to speak of the immigrants themselves. Thus, besides a conception of migration policy directed by labor

market needs, there are also actors who would like to see Poland welcome immigrants on the basis of a human-rights-centered doctrine, as well as those who would prefer for all immigration to be strictly controlled. While the topic was not yet as highly politicized in the summer of 2014 as it has become in the following years, a potential for discord was notable. What is more, in some cases those contradictory principles can be held by one and the same actor of group of actors. For instance, it has been argued here that the impact European institutions have had on Poland's policy towards immigrants has been highly ambiguous, as within the European framework itself there is no agreement as to the course to follow. Indeed, one could even speak of the importation into Poland of a "migration paradox"[737] wherein the wish to control immigration more closely is countered by an attachment to values that speak against such measures.

Moreover, the actors most active and most directly concerned entertain ties with one another, they share ideas and values that should guide the policy in question, but also at times confront each other about them. It follows that it is indeed possible to speak of an organizational field in which the Department of Foreigners is a highly involved player. As such, it is likely to find itself at the crossroads of the divergent visions of what the laws and guidelines it implements should be and what aims they should ultimately serve.

This is all the more the case that the Department of Foreigners is not only part of a framework meant to deal with immigration issues, but also more generally a part of Polish public administration and the Civil Service. The specific position it occupies within that framework is an important determinant of the kind of action the officers are entitled and inclined to take. The Department is a subordinate subdivision of the Voivodeship Office, which itself is an executive body implementing the policy measures decided upon by he government. This position severely limits the discretion of the Department's agents. At the same time, the nature of their work places them in direct contact with the public, thus forcing them to take the concrete decisions in individual cases and assume the responsibility for them in front of the clients. In a way characteristic of street-level bureaucracies[738] the very nature of the job tends to put the officers in a delicate position.

Moreover, the Department shares many characteristics with other agencies of public administration, and both its organization and its resources are to an important extent determined by the administrative hierarchy it finds itself in. This includes the composition of the workforce, the conditions of employment, and the kinds of resources the Department has at its disposal. Namely, its workforce is predominantly female, young, and characterized by a high rate of rotation, which is in part due to the relatively unfavorable financial conditions and

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[737]WEINAR, Agnieszka, 2006, *op.cit.*
[738] LIPSKY, Michael, *op.cit.*

the lack of perspectives of professional advancement. Those elements are crucial for the functioning of the institution and delineate its possibilities. Notably, they result in the presence of many inexperienced officers who need to be trained on the job, contributing both to the high workload and to the officers' dependence on the know-how passed down by their colleagues.

What is more, being part of state administration and the Civil Service also means that the Department is affected by the ideas and conceptions that guide the way those wider frameworks are ordered and organized. Among those, two important models are the weberian meritocratic bureaucracy on the one hand, and New Public Management (NPM) on the other. While those two models are not always incompatible, they can at times be at odds with one another. The impact of NPM – a model that recommends applying management solutions from the private sector to the running of public administration – is particularly discernible in the emphasis put on image-building and relations with the public, as well as in the way exchanges with civil society are conceived. Indeed, NPM promotes a client-centered approach, where the activity of public administration is defined in terms of a service. It also encourages cooperation with representatives of civil society, in particular third sectors actors. Both those aspects are present in the Department of Foreigners. However, it is important to note that the nature of the Department's clientele in a sense makes the task of applying this approach paradoxical: if the officers' work consists of providing a service, one has to wonder to whom this service is addressed when its most direct recipients are not citizens of the state. In other words, the issue of whose best interests the Department serves – their client's, the state's, or the citizens' – remains rather unclear.

Thus, the very context the Department of Foreigners is a part of is fraught with potential contradictions and uncertainties. The subsequent three chapters had aimed to demonstrate how this translates into practice by looking into the empirical material gathered about the Department's everyday functioning and the interactions that take place there. Several main points arise from this analysis.

Firstly, as showed above, the position of the Department in the administrative hierarchy and with reference to the policy it implements places it in a position that combines important responsibility with little leeway – a position akin to what Alexis Spire, following Bourdieu, describes as that of the "dominated dominant"[739]. This is not without impact on the officers' emotional well-being and influences their self-perception and their definition of their own role, which in turn have an important influence on their attitudes and behaviors towards their clients. Notably, the work at the Department often tends to be defined in terms of

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[739] SPIRE, Alexis, 2008, *op.cit.*

efficiently and swiftly dealing with the workload, rather than as a way of exercising power.

However, this does not mean that the officers are entirely devoid of discretionary power. In fact, they dispose of a number of ways of influencing the outcome in a given case, even if this power mostly resides in the manner a case is handled and a client is received, rather than in the decision-making process itself. Access to information, and the ability to control the timing of client reception and case-handling constitute important resources, the use of which can have significant consequences for the clients. Despite this, the officers tend to downplay the extent of their own discretion, and when they do admit to having that sort of power they often view it merely as yet another responsibility. Indeed, the stress inherent in the delicate position discussed above makes them little inclined to recognize the impact they can have on the lives of foreigners. Rather, it pushes them to shield themselves from the emotional burden of the contradictory injunctions they have to work with by de-emphasizing their own agency.

The contradictions the officers find themselves coping with are only furthered by the specificity of their clientele and the state's approach to it. Indeed, next to the requirements and admonitions characteristic of public administration at large – such as the need for a fair and dispassionate treatment of clients, but also for a measure of benevolence towards them – the staff of the Department is also exposed to a number of norms and ideas specifically pertaining to the treatment of foreigners. Those ideas find their advocates in other actors of the field, with whom the Department has frequent dealing and often entertains close relations.

One such set of actors are the numerous NGOs active around issues of immigration, offering assistance to foreigners, and advocating for their rights. Members of this group commonly subscribe to a human-rights-based vision of migration policy and see themselves as working towards an open, multicultural society, that embraces diversity and adopts a welcoming stance towards foreigners. What is more, quite often those organizations define their mission in terms of pushing for the inclusion of those norms and values in state policies and position themselves as either educators, or watch-dogs in relation to public administration agencies.

The activity of those organizations has a sizable impact on the Department of Foreigners. Indeed, the agency entertains a close, if complex, relationship with a series of NGOs. This cooperation and partnership are mutually profitable, in the sense that non-governmental organizations can pursue their goals more efficiently if they have the backing of a key public institution, while the Department not only can use its good relations with third sector partners for image-building, but reaps very tangible profits in the form assistance with the workload and, at times, financial resources. In this last case, the role of EU funds is

crucial, as the Department pairs up with non-governmental organizations to apply for funding, but also has to conform to a series of norms and requirements in this context. One could argue that through such cooperation a certain vision of what the relations between public institutions and foreigners should be becomes a common point of reference for all actors involved, to a point where being able to associate oneself with it becomes a source of legitimacy. When combined with the idea of a client-centered public service present in the NPM approach gaining ground within Polish public administration, this vision of desirable treatment of foreigners becomes an important model for the Department of Foreigners. The officers work under a pressure not only to provide fair, professional, and swift service, but also to do so in a friendly manner. A series of measures is taken to demonstrate the attachment to this idea of *friendliness* of the institution and the officers' work is, to an extent, a form of performance and a type of emotional labor. Although in many cases, the injunction of *friendliness* has actual, positive consequences for the quality of service, the conditions of work and the heavy caseload nevertheless make it difficult for the officers to live up to such a requirement.

This difficulty can also be partly due to the ambiguity of the goals set before them. The role of the officers is defined in terms of provision of impartial and efficient service, at the same time as it demands that they act with benevolence and empathy – those aims can in and of themselves be hard to combine. However, another, even less compatible, set of goals is implicit in the task of an agency such as the Department: that of controlling the immigrant population and its movements. Even though the Department of Foreigners is not as directly responsible for this particular aspect of migration management as other agencies are, it is nevertheless part of an institutional framework that decides who gets to reside in Poland and on what terms. The officers hence play the role of gatekeepers, their actions having a bearing on who will be included or excluded from the country's territory and from participation in its social life through work, study, or family life. This is all the more the case that issues of migration control are also key to the preoccupations of European institutions, especially given the fact that Poland's border is also a border of the EU. This has resulted in border control being central to Poland's migration policy in the years leading to accession and directly following it, and it remains an important element in both the exchanges Polish administration has with its European counterparts and in the funding it receives. In light of this facts, it is striking how little this question is observable in the everyday life of the Department and in the officers' own description of their work. This resounding absence can be interpreted as a way of dealing with the goal ambiguity experienced by the officers: the focus is being placed on the more benevolent task of assisting foreign clients and the limited margin of discretion is emphasized.

However, the invisibility of the gatekeeper role of the officers does not mean it is nonexistent. In a sense, one could say in fact this is what normalizes it, making it appear unavoidable. Moreover, the limited information at the officers' disposal, the brief training they go through, and the significant workloads they deal with force them to rely for their interpretation of a given situation on what is considered common knowledge. This can include the interpretation of the law passed down by colleagues, or the ideas about foreign clients formed in the course of work and socialization in the agency. This common knowledge is in many cases rooted in preconceptions and stereotypes that can be seen to a certain extent as perpetuating existing inequalities and forms of exclusion. In addition to this, the same factors sometimes leave the officers no other choice than to let the clients fend for themselves when trying to find their way through the, often abstruse, procedures. Those cases are likely to result in privileging the access to residence in Poland of those who already show a certain measure of assimilation into Polish society: those who speak the language, or have build social connections with people who can assist them, or are wealthy enough to pay a professional intermediary. In this sense, a form of selection is operated, although the officers most probably take part in it unwittingly.

Several points concerning the initial questions and assumptions can be taken away from this examination of the everyday life of the Masovian Department of Foreigners.

Firstly, it can serve to demonstrate the merits of applying an interactionist approach to the study of this type of street-level administrative agencies. In particular accounting for the way the officers' definition of the situation of interaction determines their reactions allows for a better understanding of the actions they take. Given the limited decision-making power at their disposal, the impact they have on the lives of their clients mostly resides in the seemingly insignificant, small actions and gestures that occur during interaction. Hence, how they interpret the situation and act towards it can have a great bearing on the fate of those they receive.

Secondly, in reference to the initial theoretical assumptions, it would seem indeed that the matter of the interpretation of the situation also appears key to establishing a link between an analysis of the interaction itself and a reflection on its situated nature. Indeed, while the officers' behavior is driven by how they interpret each individual situation of interaction, that interpretation can only by understood in connection to the overall configuration of the field that the Department is part of. This field can in turn be apprehended both in terms of relations between actors and in terms of culturally constructed meanings those actors share or dispute.

This link between the field understood as a structure of opportunities and the actors' interpretation of the situation is what allows to infer a certain number of facts about the filed

itself from the observation of the interactions at the Department of Foreigners. Thus, in response to research question (1), the present study points to several aspects of the configuration of the field of migration policy in Poland that can be discerned in the everyday work of this particular administrative agency.

Firstly, the observation of everyday life at the Department allows to pinpoint the actors who have a bearing on the formulation and implementation of migration policy, from the legislators themselves, through institutions such as the Office for Foreigners, to non-governmental organizations. The Department itself appears as a relatively weak actor and the discretionary power of the officers resides more in the process of case-handling than in decision-making or policy-making.

Secondly, the relationships between those actors are revealed to be complex and at times ambivalent. In particular, the Department entertains ties with third sector actors who sometimes play the role of partners, but on other occasions appear as watch-dogs whose function is to evaluate and scrutinize the work of the public institution. This is not the only ambivalent relationship the Department is involved in. Other public institutions can similarly play several roles, as is the case of the Office for Foreigners: both a partner and an instance responsible for reexamining the Department's decisions. Likewise, the professional intermediaries occupy a highly contradictory position, as their activity can be helpful to the officers but also rises suspicions. The everyday life of the officers is constantly impacted by the necessity of navigating such uneasy alliances and equivocal exchanges.

Thirdly, each of those actors also brings into the field a set of ideas and values pertaining to their own activities and those of others. Thus, the norms of behavior followed by the officers appear to be closely linked to the values and meanings shared or disputed within the organizational field. Indeed, the different conceptions of the relationship between public administration and immigrants are present not only in the Department itself, but also among other actors it frequently interacts with, as well as in the wider frameworks it is a part of. The interpretative resources at the officers disposal are to a large extent influenced by the dynamics of the field. The agency is part of a complex interplay between interconnected actors, forming partnerships and struggling for legitimacy. The other actors of the field thus become an audience in front of which officers perform their dedication to the definitions of their own role that those actors find acceptable. The gains from this struggle can be both material – for instance when a partnership brings in additional funds – and symbolic when the agency and its employees achieve a certain recognition and their definitions of self are confirmed by other actors.

It follows that the contradictions in goals and valued attitudes that can be observed in

the Department are closely related to contradictions within the field itself. They are the fruit of a particular configuration of the field at a given moment: the actors present and their mutual relations, the power and legitimacy those actors dispose of, the margin of action they are left with, the alliances and partnerships they are lead to form, and the shared meanings that emerge. Thus, an in-depth study of this one key actor of the field has broader implications and can throw light on field-level mechanisms and dynamics. In particular, looking into the everyday life of a street-level bureaucracy has the merit of revealing the inner contradictions characteristic of a field of policy, since the street-level bureaucrats are the ones most directly faced with the consequences of any such conflicts or inconsistencies.

This last point can serve as an answer to research question (2), which concerned the resources available to officers when attempting to interpret the situation. Indeed, the present study illustrates the way in which the interpretative resources mentioned above – the knowledge, information, ideas, and norms that they bring in or acquire on the job – play out in the face-to-face encounters and the handling of cases.

It also points to another important element at play in the officers' understanding of each interaction: the importance of the officers' self-image or self-definition. One of the reasons the goal ambiguity and the heavy workload characteristic of the job takes an emotional toll on the officers is the inability to keep up certain definitions of their own role and their relation with the clients. Moreover, it is notable that for many officers the opinions they hold about foreigners, immigration, or state policy in this field seem to affect their actions and attitudes towards clients to a lesser extent than their conceptions of what the role of a civil servant should be. To a degree, the willingness to protect a certain acceptable image of self can also explain the tendency to focus on certain aspects of the job rather than others. It would seem that the Department operates – and its employees try to function – as though their discretionary power was nonexistent and their work was no different from that of any public administration agency. The specificity of working with foreigners is addressed in terms of cultural difference or general difficulty of dealing with the clientele, but aspects such as the role of the Department in controlling, and potentially excluding, foreigners are for the most part obscured.

The question of self-image is also closely related to emotion – an element revealed to be crucial in this study. Indeed, in interactionist takes on emotion it is considered to arise as a result of congruence or incongruence between the definition of the situation an actor holds, and the reality that unfolds before them. It would seem that in the present case the significant amounts of negative emotion observable, as well as the failure of the attempts at image-building to reduce it, point towards just such a discrepancy. Indeed, as shown above, the

definition of what the Department is and what role it plays in relation to its clients is laden with inner contradictions. It is uncertain whether the officers serve their foreign clients or the Polish public; whether they are supposed to be benevolent helpers or controlling gatekeepers; or whether they are to prioritize impartiality and efficiency or allow room for empathy. In such conditions the likelihood of coherence occurring between expectations and reality, between what the actors anticipate and what actions their counterparts really take, is very limited. The frustration this provokes can serve as an indicator, pointing the observer to the contradictions that cause it.

Furthermore, emotion appears important not only as an indicator, but also as an element of the work the officers accomplish. Far from consisting simply of implementing the law and following formal procedures, work in street-level bureaucracies includes direct contact with the public, which in turn necessitates a significant amount of emotional labor. In order to ensure that the Department functions correctly, the officers have to handle not only the clients' application forms, but also their emotional states, appeasing them when needed, allowing them to vent when necessary, and controlling their own feelings to avoid escalating tensions. The investment such an emotional labor requires further accentuates the strain that comes from trying to uphold several different sets of norms of behavior.

The analysis of emotion as indicator of goal-ambiguity and of emotional labor as source of discomfort also points to an answer to research question (3). Indeed, the striking discrepancy between the efforts to produce a positive image of the agency and the actual nerve-wreaking experience of the clients can be explained by the inner contractions between the different logics and principles the officers are trying to follow. In particular, the dissonance between the aim of providing service to the clients, and that of controlling immigrants can be seen as a source of considerable tensions.

Thus, the officers of the Masovian Department of Foreigners function in an environment where they are expected to participate in the control of immigration, but at the same time provide a friendly and satisfying service to foreigners, all the while acting as though this situation was no different from any other administrative job. It would seem that they find themselves carrying the burden of the "migration paradox"[740] that has not been solved on the policy-making level.

It must however be noted that the example of the Masovian Department of Foreigners also demonstrates the potential for positive change that can be brought through the interactions and negotiations of meaning within an organizational field. Indeed, the Department's partnerships and encounters with third sector actors lead to a certain degree of

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[740] WEINAR, Agnieszka, *op.cit.*

mutual understanding and the emergence of common references and norms. This in turn has allowed actors within the Department to innovate and provoke small but tangible changes in the manner foreigners are received and cases are handled.

Nevertheless, the position of the Department within the field and the delicate task of balancing contradictory goals it carries out severely limit the possibilities for initiative and innovation. As the officers struggle to avoid the emotional strain inherent in their work, focusing on efficiency, and shielding oneself from responsibility and empathy present themselves as appealing strategies.

One can only expect those dynamics to be reinforced and the inner paradoxes of migration policy to intensify as the topic gets more and more politicized in Polish public life. The impact of a change in pubic perception of migration on the everyday running of street-level bureaucracies such as the Department of Foreigners could present a worthwhile direction for future research.

Sources and bibliography

The last part of the present dissertation consist of a presentation of the data, sources and references used in the analysis and the elaboration of the text. It is composed of three main parts: firstly, a brief description of the empirical data gathered (more details about the methods of data collection and about the material thus obtained are given in the introduction, as well as in chapter I.2 and in Appendix 5); secondly, a bibliography containing the scholarly literature referred to in the text and used to advance the reflection presented in this work; thirdly, a list of references to source materials concerning the Polish context of the case under study, including legal texts, publications by public institutions and non-governmental actors, as well as press articles and other forms of media coverage.

The bibliography and source materials are presented following the ISO 690 international norm. All titles in other languages are followed by an English translation. For the sake of clarity the literature has been organized by theme, while the sources are categorised by nature of document and by type of institution producing them.

I. Empirical data

The primary source for this work is the empirical data gathered through fieldwork in the Department of Foreigners of the Masovian Voivodeship Office. It includes the field journal kept during the period of participant observation from June 2014 to September 2014 and the transcripts of interviews conducted in the following year. A more detailed description of the interviews and the characteristics of the participants is given in Appendix 5, while English translations of the interview guides are presented in Appendix 6. Questions of methodology of data collection are discussed in chapter I.2. All documents are in Polish and can be made available by the author upon request.

II. Literature

The literature presented in the following section has been organized by theme, following the main theoretical axes guiding my research and analysis.

Thus, this section opens with a list of works concerning migration, which is further divided into two categories. On the one hand, it lists books and articles of a more general scope, containing theories, developing concepts, following methodological approaches, and elaborating on singular cases that bring valuable insights into different aspects of migratory phenomena and that have served as inspiration and background for my reflection. On the

other hand, literature pertaining to migration specifically in the Polish context is also presented in this part of the section.

Follows an overview of publications concerning institutions in general and public administrations in particular. Similarly to the previous part of the bibliography, this list is divided into the literature providing general theoretical and methodological inspirations for this work, and works specifically focused on public administration in Poland. In addition, however, it opens with a series of theoretical works and case studies that can be categorized as dealing with street-level bureaucracy. Those contain publications related to public agencies of this type both in Poland and abroad. While some of them make explicit use of the concept of street-level bureaucracy or of similar terms, others do not refer to those theories, but have been regrouped in this part of the bibliography based on a similarity in object and method of study.

The third part of this section deals with the issue of interaction and the different manners of approaching it. Works elaborating general theories and concepts centered around this notion are listed first, with a particular focus on authors belonging to the symbolic interactionist tradition. Follows literature more specifically focused on the role and place of emotions in interaction.

The last part of this section of the bibliography contains a list of other scholarly sources used in this work. The literature listed here, while not related directly to the three main themes, has served as a basis for some key concepts used in this dissertation. This is notably the case of the notion of *field.* Other publications listed in this place are referred to in order to elaborate on certain finer points of the context or of the theoretical background. Lastly, this is also where the publications that have inspired the methodological approach used in this research can be found.

II.1. Migration studies

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III. Poland: sources, materials, and documents

This last section contains the sources that have mostly been used in the stage of desk research and that can be analyzed in order to throw light on the context within which the empirical material gathered through fieldwork should be situated.

Those include firstly elements of the legal framework that surrounds and determines the work of the Department of Foreigners of the Masovian Voivodeship Office. This category encompasses acts of law, but also ordinances and policy documents that directly dictate the aims and interpretation of the legislation.

This section also contains publications that can be considered results of research or theoretical reflection. However, as they have been produced by actors actively engaged in the field under study (i.e. public institutions and NGOs), they have been considered here as partaking more directly than academic works in field logics and dynamics, and have been analyzed as such.

Likewise, the websites of the various actors active in the field are included in this section, as are online materials providing information on the object of study.

Lastly, this section contains a list of press articles and other forms of media coverage pertinent to the situation of the Department of Foreigners and referred to in this work.

III.1. Legal texts and policy documents

- Act on Foreigners of 12 December 2013 (Journal of Laws of 2003, item 1650)

- Act on Foreigners of 25 June 1997 (Journal of Laws of 1997, No. 114 item 739)

- Act on Foreigners of 13 June 2003 (Journal of Laws of 2003, No 128, item 1175).

- Act on granting protection to foreigners on Polish territory (Journal of Laws of 2003,

No 128, item 1176).

- Act on Freedom of Economic Activity of 2 July 2004 (Journal of Laws of 2004, No 173, item 1807 as amended).

- Act on Polish citizenship of 2 April 2009 (Journal of Laws of 2012, item 161, as amended).

- Act on the Polish Charter of 7 September 2007 (Journal of Laws No. 180 of 2007, item 1280).

- Act on the promotion of employment and institutions of the labor market of 20 April 2004 (Journal of Laws of 2013, item 674, as amended).

- Act on Repatriation of 9 November 2000 (Journal of Laws No. 53 of 2004, item 532, as amended).

- Act on Social Assistance of 12 Mars 2004 (Journal of Laws of 2004, No. 64, item 593 as amended).

- Act on the Civil Service of 21 November 2008 (Journal of the Laws of 2008, No. 227, item 1505).

- Act on changes in the Act on the Civil Service and some other Acts of 30 December 2015 (Journal of the Laws of 2016, Item 34).

- Ordinance of the Minister of Labor and Social Policy, 30 August 2006. (Rozporządzenie Ministra Pracy i Polityki społecznej z dnia 30 sierpnia 2006 r. w sprawie wykonywania pracy przez cudzoziemców bez konieczności uzyskania zezwolenia na pracę).

- Ordinance of the Minister of Labor and Social Policy, 20 July 2011. (Rozporządzenie Ministra Pracy i Polityki społecznej z dnia 20 lipca 2011 r. w sprawie przypadków, w których powierzenie wykonywania pracy cudzoziemcowi na terytorium rzeczypospolitej polskiej jest dopuszczalne bez konieczności uzyskania zezwolenia na pracę).

- Ordinance of the Minister of Labor and Social Policy, 28 November 2013. (Rozporządzenie Ministra Pracy i Polityki społecznej z dnia 28 listopada 2013 r. zmieniające rozporządzenie w sprawie określenia przypadków, w których zezwolenie na pracę cudzoziemca jest wydawane bez względu na szczegółowe warunki wydawania zezwoleń na pracę cudzoziemców).

- Polityka migracyjna Polski – stan obecny i postulowane działania, dokument przyjęty przez Radę Ministrów w dniu 31 lipca 2012 r. [Poland's migration policy – current state and postulated actions, document signed by the Council of Ministers on July the 31st 2012], 2012.

III.2. Reports and evaluations by non-governmental organizations

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- WYSIEŃSKA, Kinga, 2012, *Sprzedawać, gotować, budować? Plany i strategie Chińczyków i Wietnamczyków w Polsce* [To sell, to cook, to build? Plans and strategies of Chinese and Vietnamese people in Poland]. Warsaw: Instytut Spraw Publicznych.

- WYSIEŃSKA, Kinga, 2011, *Badanie eksperymentalne dotyczące podwójnych standardów oceny aplikantów cudzoziemskich i polskich* [Experimental study of double standards in the evaluation of foreign and Polish applicants]. Warsaw : Instytut Spraw Publicznych.

- WYSIEŃSKA, Kinga, 2010, *Integracja, stygmatyzacja, autosegregacja – tożsamość, preferencje i wzory relacji imigrantów w Polsce* [Integration, stigmatization, auto-segregation – identities, preferences, and patterns of relations of immigrants in Poland]. Warsaw: Instytut Spraw Publicznych.

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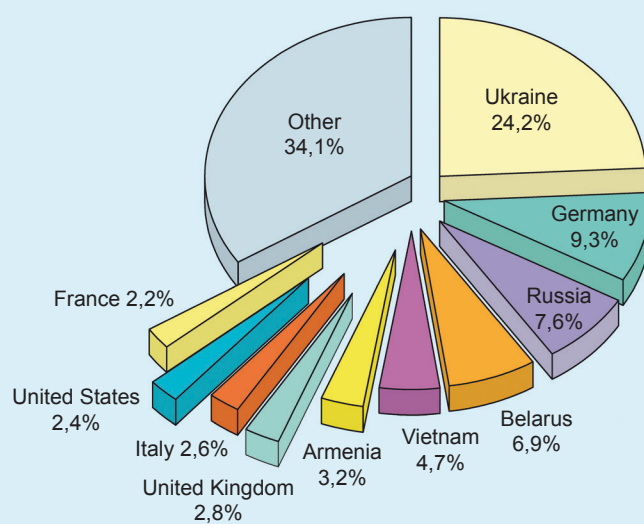- *Uwaga! TVN*, 2015, "Jak traktujemy cudzoziemców?" [How do we treat foreigners?]. Online video. 23.03.2015. Accessed 24.03.2015. Available from: http://uwaga.tvn.pl/reportaze,2671,n/jak-traktujemy-cudzoziemcow,162171.html
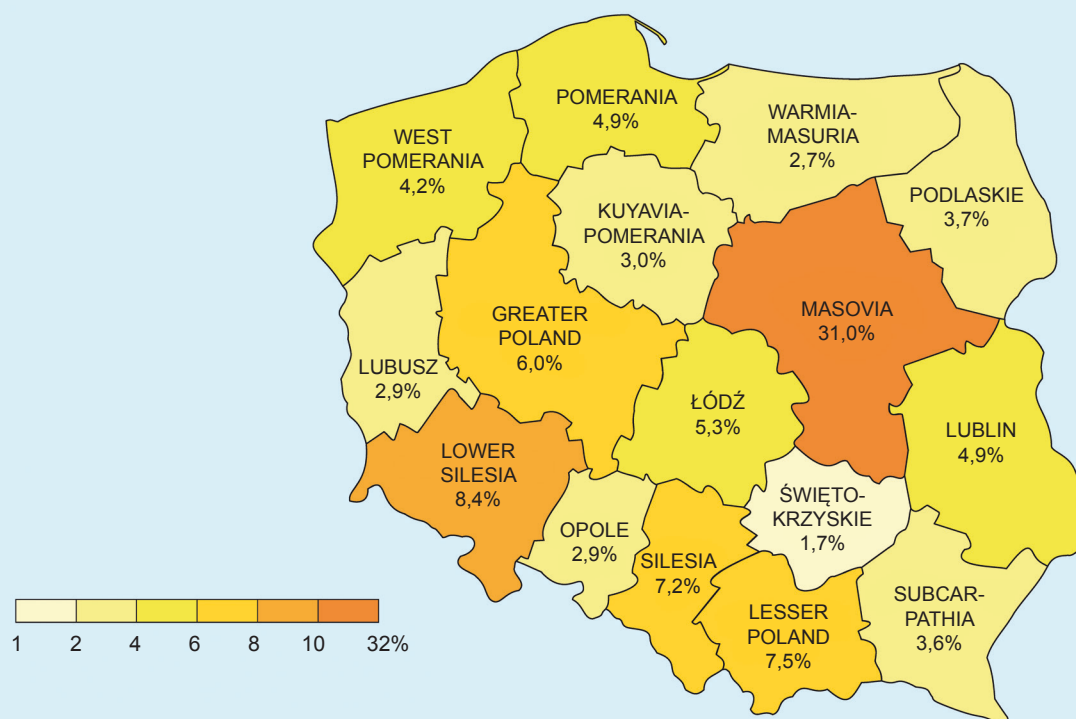
Appendixes

Immigration in Poland - origin, age, and geographical distribution

(Source: Główny Urząd Statystyczny, 2012, *Raport z wyników. Narodowy Spis Powszechny Ludności i Mieszkań 2011*. Warsaw. Available from: http://www.stat.gov.pl/)
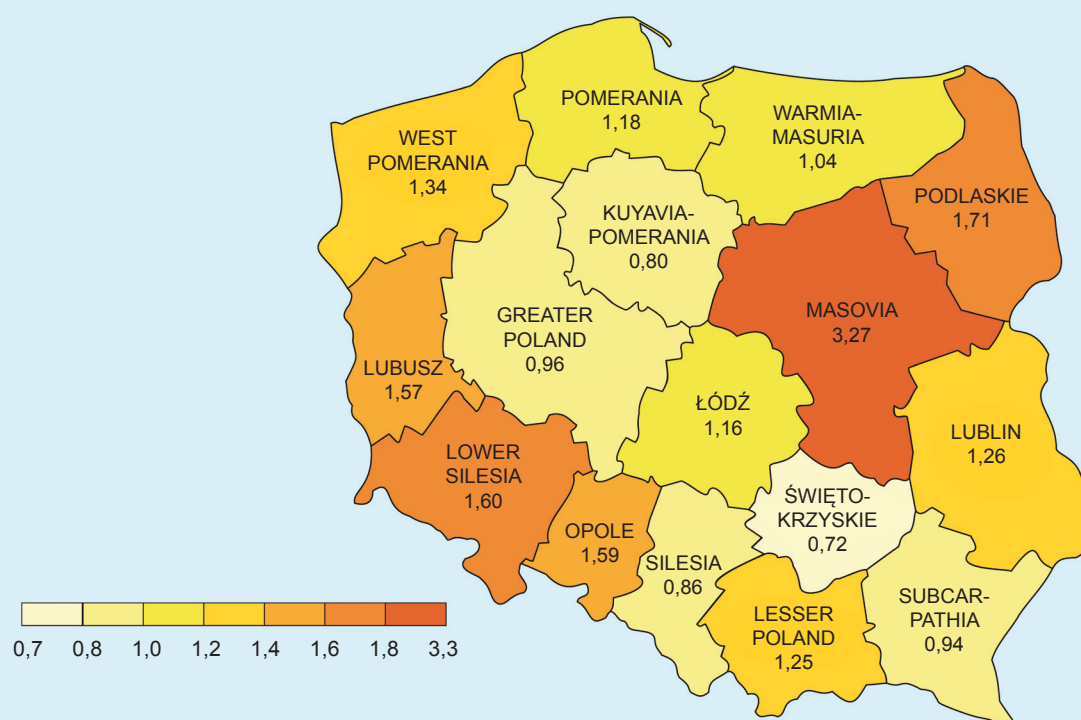

NON-POLISH POPULATION IN 2011 BY COUNTRY OF CITIZENSHIP

Ukraine 24,2%
Germany 9,3%
Russia 7,6%
Belarus 6,9%
Vietnam 4,7%
Armenia 3,2%
United Kingdom 2,8%
Italy 2,6%
United States 2,4%
France 2,2%
Other 34,1%

NON-POLISH POPULATION IN 2011 BY VOIVODESHIP OF RESIDENCE

POMERANIA 4,9%

WEST POMERANIA 4,2%

WARMIA-MASURIA 2,7%

PODLASKIE 3,7%

KUYAVIA-POMERANIA 3,0%

GREATER POLAND 6,0%

MASOVIA 31,0%

LUBUSZ 2,9%

ŁÓDŹ 5,3%

LUBLIN 4,9%

LOWER SILESIA 8,4%

ŚWIĘTO-KRZYSKIE 1,7%

OPOLE 2,9%

SILESIA 7,2%

SUBCAR-PATHIA 3,6%

LESSER POLAND 7,5%

1 2 4 6 8 10 32%

NON-POLISH POPULATION FOR 1000 HABITANTS IN 2011

POMERANIA 1,18

WEST POMERANIA 1,34

WARMIA-MASURIA 1,04

PODLASKIE 1,71

KUYAVIA-POMERANIA 0,80

GREATER POLAND 0,96

MASOVIA 3,27

LUBUSZ 1,57

ŁÓDŹ 1,16

LUBLIN 1,26

LOWER SILESIA 1,60

ŚWIĘTO-KRZYSKIE 0,72

OPOLE 1,59

SILESIA 0,86

SUBCAR-PATHIA 0,94

LESSER POLAND 1,25

0,7 0,8 1,0 1,2 1,4 1,6 1,8 3,3

FOREIGN-BORN POPULATION IN 2011 BY AGE AND COUNTRY OF ORIGIN

Thousands

Legend:
- Belarus
- Germany
- Irland
- Lithuania
- Ukraine
- United Kingdom

Age

FOREIGN-BORN POPULATION IN 2011 BY VOIVODESHIP OF RESIDENCE

POMERANIA
6,3%

WARMIA-
MASURIA
5,7%

WEST
POMERANIA
8,8%

KUYAVIA-
POMERANIA
3,1%

PODLASKIE
2,4%

GREATER
POLAND
4,9%

MASOVIA
9,0%

LUBUSZ
7,1%

ŁÓDŹ
3,3%

LUBLIN
3,4%

LOWER
SILESIA
21,2%

ŚWIĘTO-
KRZYSKIE
1,3%

OPOLE
6,4%

SILESIA
8,3%

SUBCAR-
PATHIA
4,3%

LESSER
POLAND
4,7%

1   2   4   6   8   10   22%
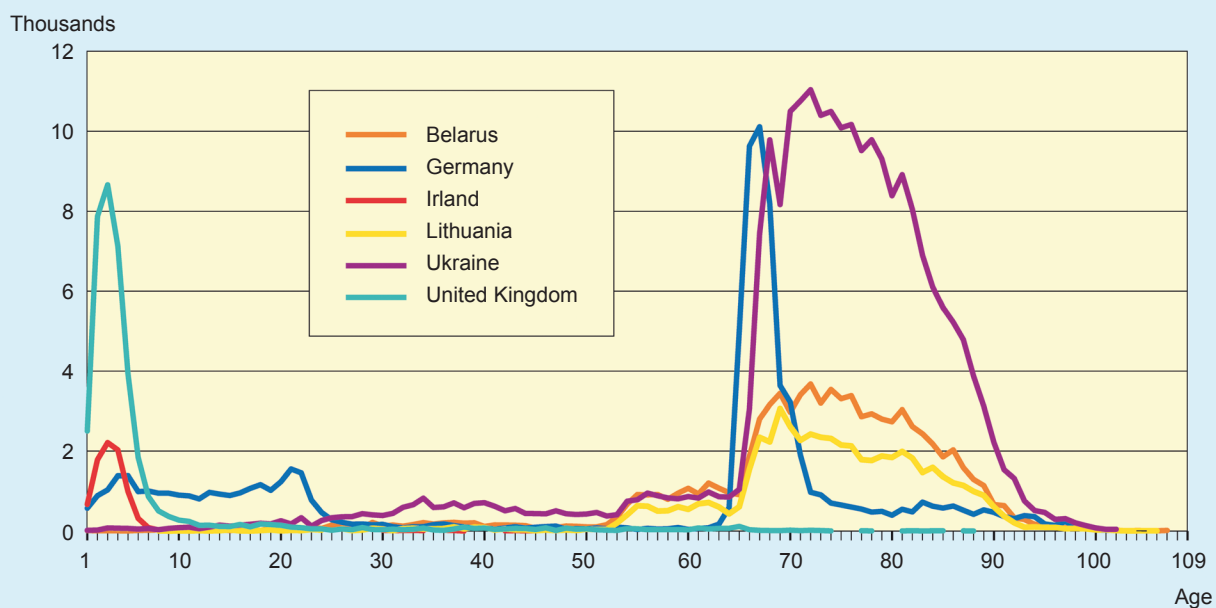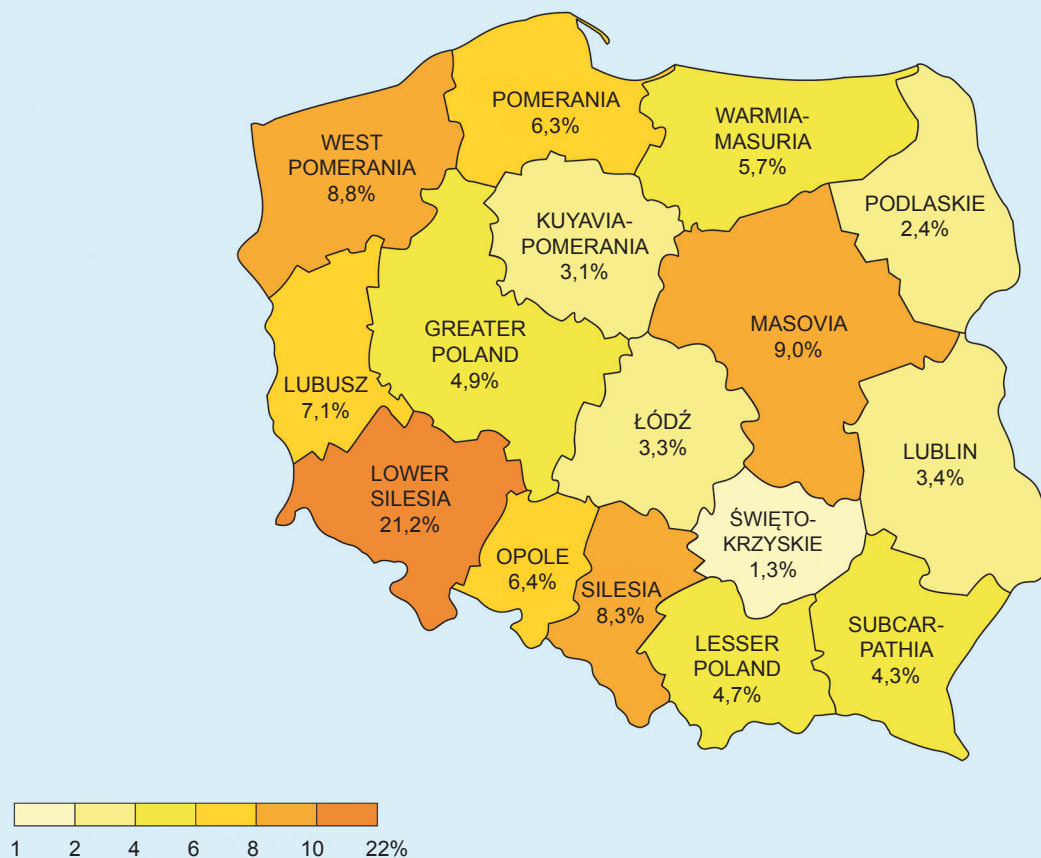
Recent evolution of the number of applications for residence permits in Masovia

Number of applications for temporary, permanent, and long-term EU residence adressed to the masovian voivode in the years 2013-2015
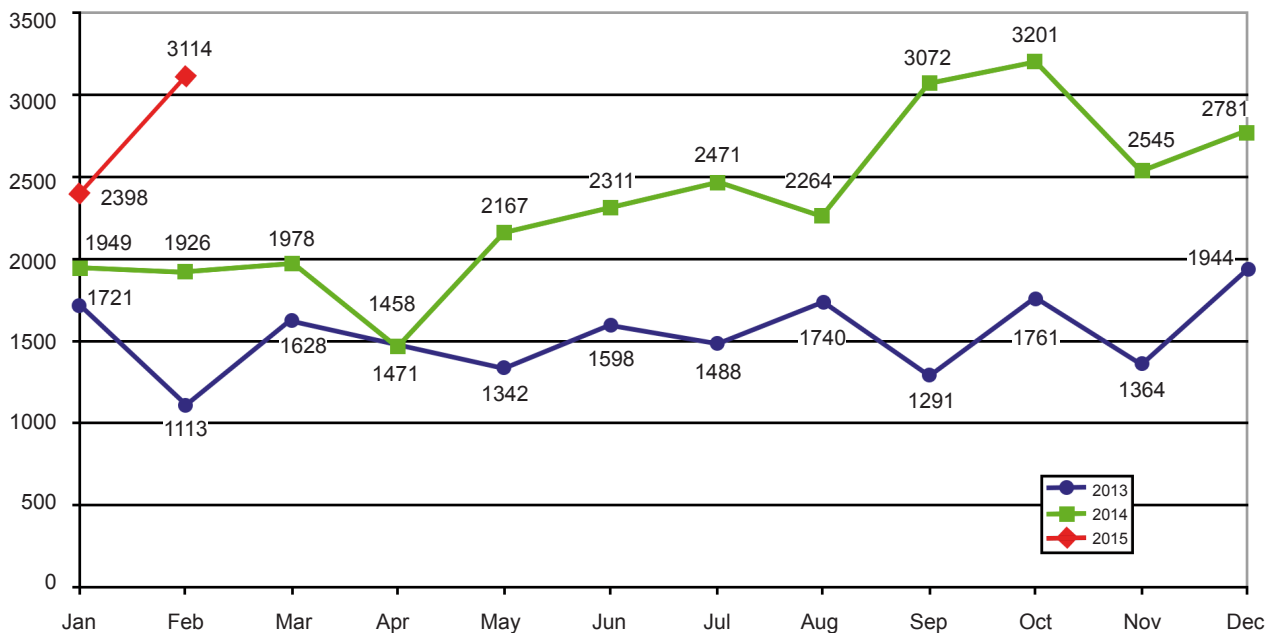
The Masovian Department of Foreigners within the field of migration policy in Poland
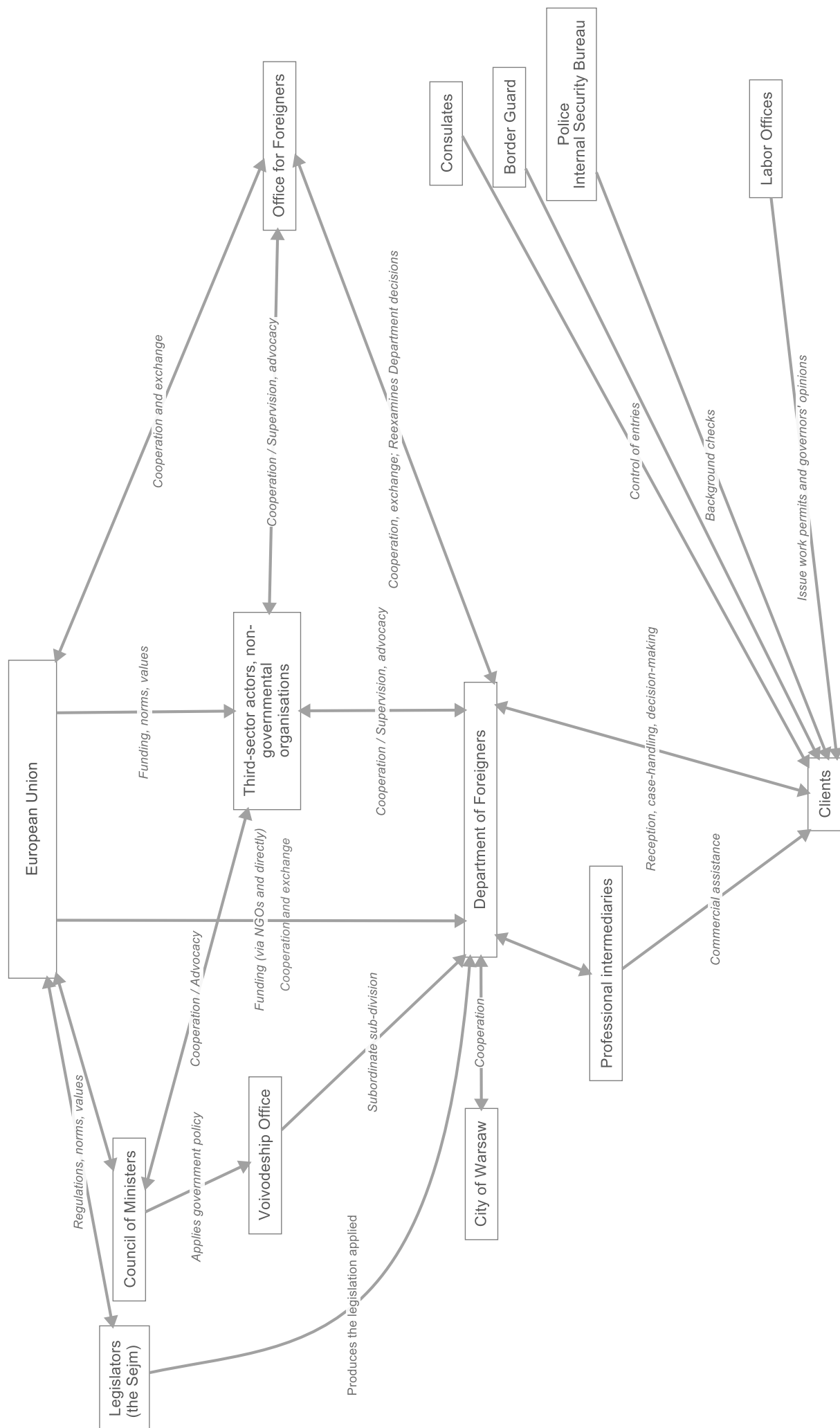
Appendix 3

Photographs from the Masovian Department of Foreigners

Taken during closing hours on October 17th 2014, by permission of the directors of the agency.
Author: Kaja Skowrońska

Waiting rooms and public spaces

The corridors also served as waiting spaces. A table was arranged near the entrance.

Nearly empty at the approach of the closing hour in those photographs, the corridors were usually filled with people. The number of seats was insufficient, forcing many to stand as they waited their turn.

A children's table was placed in the corridor.

Work stations and reception areas

There were usually several work stations per room, each equipped with a computer. The information section, pictured here, also displayed a variety of visual materials, while the room where cards were issued (below) presented a more arid exterior.

Division of space, restricted areas

Doors divided each floor into public and restricted areas. On the first floor, a European flag marked the space where EU citizens used to be received.
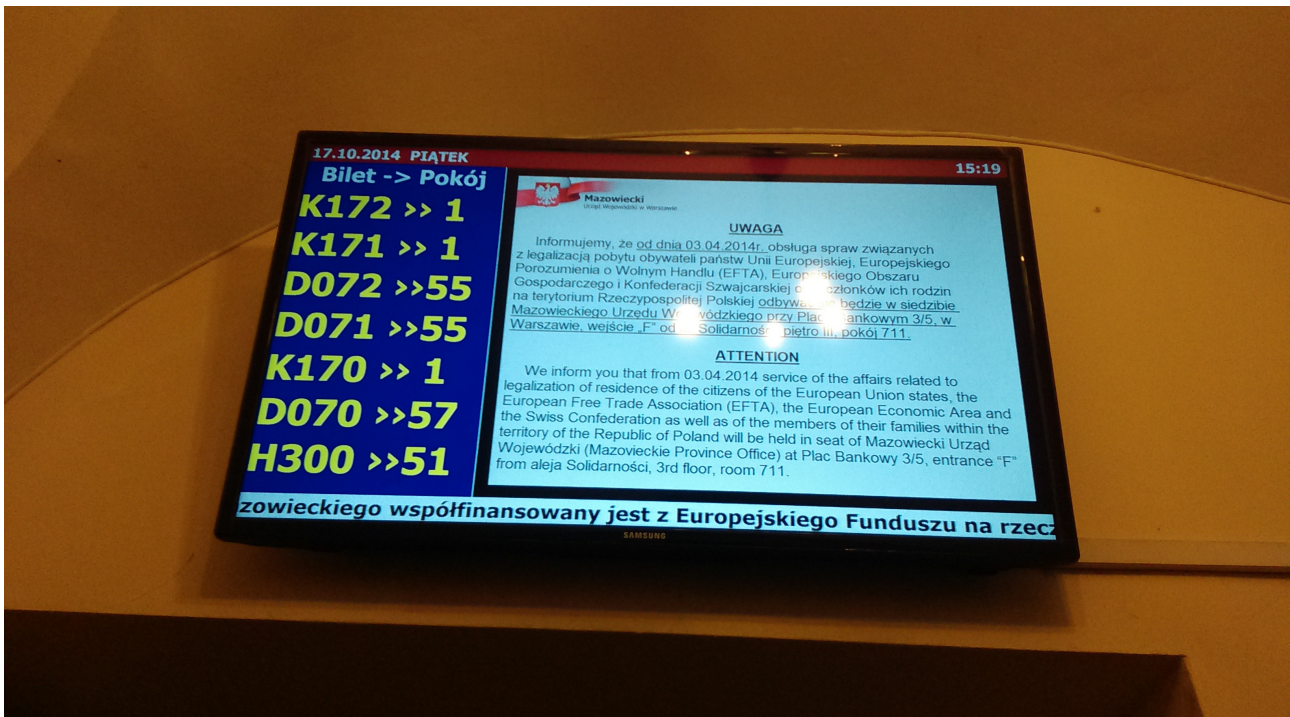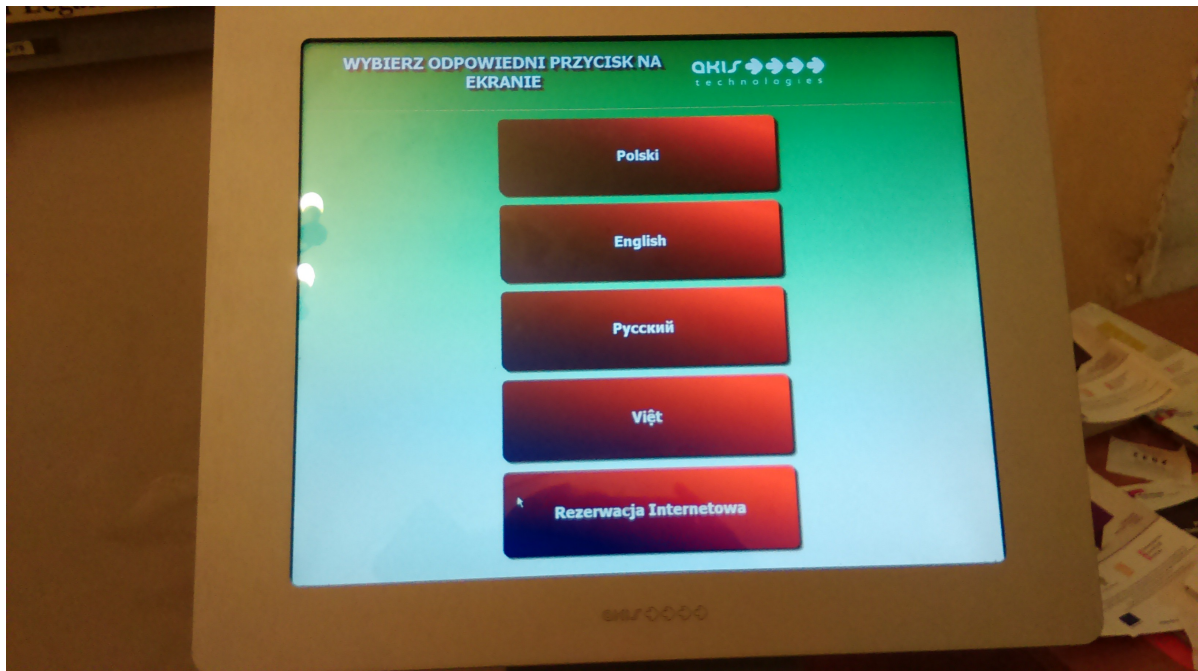
Management of the flow of people – indications, directions, and queuing system

Older indicative panels were superimposed with more modern ones, including screens linked to the electronic queuing system. The screens were also used to display information about changes in organization.
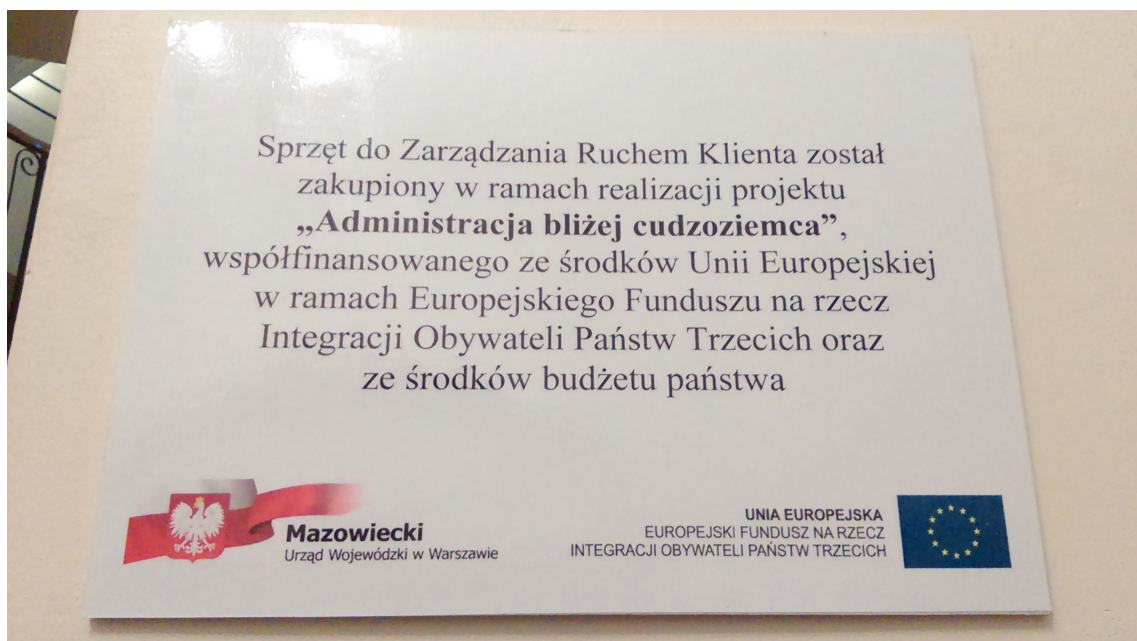
The arriving clients were met with a ticket-issuing device that ascribed them a place in the queue and directed them to a specific office..

Cooperation with other actors

An information point operated by an NGO used to be placed inside the Department.

Signs displayed throughout the Department indicated equipment acquired from EU funds.

Visual materials and friendly presentation

Various informative materials, produced by the agency itself and by NGOs, adorned the walls of the Department.

Plastic urns served to measure client satisfaction – used tickets from the queuing system could be placed in either one of the urns.

Appendix 4

Characteristics of the workforce
of the Department of Foreigners of the Masovian Voivodeship Office

The following table is based on data provided by the Department of Personnel and Organization of the Masovian Voivodeship Office. The data was established as off May 31st, 2016 r.

Persons employed:	225
Including:	222 regular employees, 1 Director, and 2 Vice-Directors

Type of contract	
Permanent:	149
Fixed term: Including:	68 13 replacement contracts
On the basis of nomination:	5
On the basis of appointment:	3

Members of the Civil Service corps:	209

Gender	
Female:	185
Male:	40

Age	
Youngest:	22
Oldest:	68

Description of the interviews

A total of 22 semi-structured interviews were conducted in two series, firstly in the period from 01.10.2014 to 21.01.15, followed by a second series between 06.07.15 and 15.10.2015. They included:

A. Interviews with 12 members of the personnel of the Masovian Department of Foreigners, among which:

- 3 interviews with members of the management of the Department of Foreigners.

- 8 interviews with front-line officers of the Department of Foreigners, in the sections of information, application reception, invitations, and issuance of decisions. On one of those occasions, two officers participated in the same interview, leading to a total of 9 officers interviewed. In two other cases officers other than the participant were present, but only participated punctually.

- 1 interview with a foreign volunteer of the Department of Foreigners.

B. Interviews with 10 representative of institutions and organizations operating in the environment of the Department, among which:

- 7 NGO members, of which 3 representatives of migrant organizations (a full list of the organizations with description is presented bellow).

- 2 professional legal intermediaries offering their services to foreigners approaching the Department.

- One representative of the Office for Foreigners.

Data concerning individual participants' gender, age, education, length of service, and – in the second series of interviews – place of birth and parents' profession was gathered. Overall, for the two categories of participants, those characteristics were as follows:

A. Officers, managers, and volunteers of the Department

Participants in this category of interviews included 9 women and 3 men. While a majority of

officers, regardless of gender, were in their 20s and 30s, members of management tended to be older, ranging between their late 30s and late 50s. All of the participants, save one, had higher education. Those who provided information about the program they graduated from specialized in social sciences and the humanities, or in public administration.

In the second series of interviews questions about place of birth and parents' profession were introduced. However, only two of the participants within the Department provided such information (stating their place of birth to be Warsaw and a middle-sized Polish city), and only one provided answers to both questions (describing parents' profession as engineer and economist).

The length of service in the Department ranged from 4 months to 8 years among front-line officers, with an average of 3,5 years. Among the management the time spent working for the Department tended to be longer, between 8 and 24 years. The period of service for a volunteer typically lasted 2 months.

Interviews in the Department were conducted on site, with the exception of two conducted in public venues outside of working hours. Front-line officers were interviewed at their work stations during opening hours (with the exceptions of one interview conducted after hours). Members of management were spoken with in their offices, during working hours. In two cases the officers refused that the interview be recorded and notes were taken instead. On one of those occasions, the participant was also unwilling to speak without the section coordinator's permission. In one case the participant asked that the recording be interrupted and notes be taken instead when general issues of migration policy were discussed.

B. Members of organizations and institutions outside of the Department

This category of participants primarily included members of non-governmental and migrant organizations. Interviews with one representative for each NGO were conducted in the 7 following organizations:

Helsinki Foundation for Human Rights	Non-governmental organization founded in 1989 and focused on the promotion and defense of human rights. One of the oldest organizations of this type in Poland, with extensive ties to similar organizations abroad. It offers legal assistance for foreigners and advocates for their rights as part of its activity.
Association for Legal Intervention	Non-governmental organization focused on the promotion of an equal access to legal rights. It provides legal assistance to the most vulnerable, including refugees and immigrants. It also conducts research and advocates for foreigners' rights.
Fundacja „Ocalenie"	Non-governmental organization focused specifically on providing assistance to immigrants, namely in terms of legal

	counseling, help with everyday matters, as well as language courses. It also engages in advocacy.
Fundacja „Nasz Wybór"	Ukrainian migrant organization, focused on cultural activities and community building. It provides a space for meetings between Ukrainians, in particular women, and offers them information and resources. It also works towards the promotion of Ukrainian culture in Poland.
Fundacja "Inna Przestrzeń"	Non-governmental organization aimed at promoting open and tolerant attitudes and working towards a multicultural society. It engages in educations and cultural activities, as well as advocacy. It offers immigrants spaces for expression and provides them assistance.
Towarzystwo Społeczno-Kulturalne Wietnamczyków w Polsce	Vietnamese migrant organization, mostly composed of long-term residents with stable status, and focused mainly on community building and cultural activities.
Fundacja Iqraa	Migrant organization gathering Muslim and Arabic-speaking immigrants, focusing on cultural activities and community building, as well as offering legal counseling and assistance with practical matters.

The NGO members interviewed included 5 women and 2 men. The youngest participants were in their mid-twenties, while the oldest one was 55 years old. The ages of the Polish NGO members ranged from mid-twenties to 37. The members of migrant organizations tended to be older (between 30 and 55), but it is important to note that those were smaller organizations where the persons spoken with were often founding members. In comparison, in the other, bigger NGOs the participants were in some cases front-line personnel, that is to say among the youngest of those active in the organization.

All of the participants from non-governmental organizations were highly educated. Those who provided such information stated as specializations sociology, physics, and law.

While the three members of migrant organizations were all born outside of Poland, among the other NGO members two gave information about their place of birth and both were born in Warsaw. As for parents' professions, the following answers were given: self employed (for two of the participants), artist/linguist, administrative employees, and university teachers.

Three of the interviews were conducted in the headquarters of the organizations, three in a public venue, and one at the Polish Academy of Sciences. All participants agreed to being recorded.

Besides the NGO members, two professional legal intermediaries offering their services to foreigners were interviewed. One was a man and one a woman. Both were the owners of their own companies. They were both between their late thirties and early forties and highly educated (including one lawyer). The two interviews were conducted in the office of the company.

One male representative of the Office for Foreigners was also interviewed. The interview took place in the Office headquarters.

In addition, passages of interviews conducted in the context of a research project entitled "Highly qualified immigrants on the Polish labor market" lead by the Institute of Socio-Economical Expertise (Instytut Społeczno-Ekonomicznych Ekspertyz) and Foundation "Our Choice" (Fundacja "Nasz Wybór") were used as background source of information, with the permission of the project coordinators. The interviews were conducted between 23.10.2014 and 09.01.2015 in the following places:

- An NGO in Warsaw, specialized in providing assistance to foreigners and organizing language courses.
- The Department of Foreigners of the Lublin Voivodeship Office. The participant was a member of the Department's top management.
- An NGO in Lublin. The organization provides assistance to foreigners and organizes cultural activities.

Appendix 6

Structure and key elements of the interview guides used for the study

All interviews were conducted in Polish. The interview guides presented below have been translated into English by the author. Four separate models of the guide were used, according to the position and occupation of the participant: front-line officers of the Department of Foreigners, member of the agency's management, NGO members, and professional intermediaries.

<u>Interviews with front-line officers of the Department of Foreigners
of the Masovian Voivodeship Office</u>

Introduction:

As part of research for my PhD dissertation, I am conducting a study of the Department of Foreigners of the Masovian Voivodeship Office. I would like to talk with you about your work in the Department, as well as about the context in which the agency functions. I would like to stress that I will publish no data allowing for the participants to be identified.

I. <u>Work in the Department</u>

1. <u>Everyday work</u>

→ What is your position in the Department? What does your job consist of?

→ What does the work of your section consist of? How many people are there and what do they do?

→ Could you describe your last work day?

→ How would you describe the main goals of the Department?

2. <u>Career in the Department</u>

→ How long have you been working in the Department?

→ What did you do before? What did you study? What other jobs did you do?

→ How did you find this job? Why did you decide to apply?

→ Could you tell me a little about your career since then?

→ What do you value the most about this work? What would you change?

II. <u>Clients</u>

→ Who are the foreigners you receive? Where do they come from for the most part? What do they do?

→ What kind of cases do you see most often?

→ Do they come to the Department personally?

→ Did you notice any differences among the clients? Among different groups?

→ From what you see in your work, what could you say about the situation of foreigners in Poland? What do they like about living here? What kind of difficulties do they encounter?

III. Life inside the Department

1. Relationships within the institution

→ Who inside the Department do you have contact with most often in the course of your work?

→ Are there people whose opinion or advice you value particularly? Why?

2. Non-governmental organizations

→ What organizations are present in the daily life of the Department? In what quality?

→ Does the Department collaborate with any organizations? What does this collaboration consist of?

→ What do you think about the activity of those organizations?

→ Do you think they play a role in shaping the policy towards foreigners?

3. Professional intermediaries

→ I have noticed there are some clients who choose to be represented by professional intermediaries – in your experience, how often is this the case?

→ What do you think of the activity of those intermediaries?

→ Does the Department collaborate with them in any way?

4. Conflicts and difficulties

→ Do you remember any conflicts that took place in the Department? What did they consist of and how were they solved?

→ What is the most difficult part of this job? How do you cope with it?

→ Can you give me examples of situations you found challenging? How can one deal with this kind of situations?

5. Knowledge and exchange of information

→ What kind of knowledge does one need to do this job?

→ How did you gain this knowledge?

→ Who do you go to when you have questions? Are there any meetings or trainings?

→ I have noticed during my time in the Department that there are sometimes cases that are difficult to interpret – what do you do in those situations?

→ What sources of information do you consider the most trustworthy?

6. Responsibility

→ In your opinion, how big of an impact does your judgment and that of your colleagues have on each individual case?

→ Who do the officers answer to? What are the consequences in case of errors?

IV. Financing and EU funds

→ Many activities linked to the issue of immigration are financed through the EU Fund for the Integration of Third Country Nationals – do you know if the Department benefits from such funding? In what way?

V. Migration policy and the new Act on Foreigners

1. Migration policy

→ How would you describe Poland's migration policy?

→ In you opinion, who or what has the most influence on its shape?

→ What is the Department's role in relation to that policy?

→ Did you notice any evolutions of that policy?

→ What do you think of it? What would it be like if it depended only from you?

2. The new Act on Foreigners

→ How would you describe the changes introduced by the new Act?

→ How did they impact your work?

→ How did they impact the situation of foreigners?

VI. Plans and future of the Department

→ Do you plan to stay in the Department in the future? Why? Why not?

→ What do you think of the planed move of the Department to a new location? How do you think this will impact your work?

→ If you were to imagine that you have no limitations of any kind and you are to design an agency receiving foreigners like this one – how would you design it?

Introduction:

As part of research for my PhD dissertation, I am conducting a study of the Department of Foreigners of the Masovian Voivodeship Office. I would like to talk with you about your work in the Department, as well as about the context in which the agency functions. I would like to stress that I will publish no data allowing for the participants to be identified.

I. The work and the goals of the Department

   1. Could you tell me what you work consists of?

→ What does the Department do? How do you understand its basic goal?

→ Do you think the Department is in any way different from other public institutions?

   2. Everyday life of the Department, situations encountered and practices put in place

→ Could you tell me what an ordinary work day looks like for you?

→ For instance, can you tell me about yesterday?

[If the issue of contact with other institutions arises here, it should be developed.]

→ Where there any events yesterday that you remember in particular?

   3. Could you tell me about other events from your work that you struck you in particular?

→ Where there any events that you remember fondly?

→ Any that you remember as less positive?

→ Are events of this kind common? How do you cope with them?

→ How do others cope in your experience?

   4. Working in the Department, I had the occasion to see that there are cases when applying the law is more complex – do you recall any such situations? Do employees come to you for help in such cases?

[If they do:] How do you decide in such cases?

   5. What traits do you consider an officer should have to be good at this job? What kind of people do you look for when recruiting new personnel?

II. Foreigners, clients of the Department

→ Can you tell me a little about the people who come to the Department?

[The issue of vocabulary should be clarified here: what terms are used? Does the participant speak of clients, foreigners, applicants...?]

→ Did you have direct contact with clients recently? Do you remember any clients you encountered today?

III. Relations with superiors and margin of interpretation

→ In your opinion, how much latitude do you have in shaping the work of the Department?

→ How much influence does the Voivodeship Office have?

IV. Individual career and history of the Department

1. Can you tell me how the Department has evolved since you started working here?

→ When did you start to work at the Department? What did you do before? Why did you choose this job?

→ How do you remember the time when you began work?

→ How about the subsequent years? What has changed since then?

V. New Act on Foreigners

1. How did the new Act impact your work?

2. What is your opinion on the new legislation?

VI. Accomplishments, plans and projects

1. What would you consider as a personal accomplishment in your work at the Department? What events or developments do you see as success for the agency?

2. What would you like to change? How would you like the Department to evolve in the future?

3. If you were to imagine that you have no limitations of any kind and you are to design an agency receiving foreigners like this one – how would you design it?

Additionally, if the issues of contact with other institutions and of the state's migration policy did no arise during the course of the interview, those questions were tackled at the end:

→ Do you have contact with representatives of any other institutions or organizations in your work? Which institutions or organizations? What does that contact consist of?

→ How would you describe Poland's policy towards foreigners? What do you think of it?

The same model of interview guide was used for Polish NGO members and members of migrant organizations, but in the later case additional questions about the particular situation of their migrant group were included. Moreover, in the case of NGO members who had volunteered at the Department of Foreigners questions about their time there were added,

Introduction:

As part of research for my PhD dissertation, I am conducting a study of public institutions receiving foreigners. I am also interested more generally in the situation of foreigners in Poland, in particular since the entry into force of the new Act on Foreigners. The activity of [the organization] is of interest to me since it assists foreigners [and brings together Ukrainian/Vietnamese immigrants, who are an important group in Poland]. I would like to talk about your experiences linked to the activities of [the organization] and about its contact with other organizations. I would also be interested I knowing your opinion on the situation of foreigners in Poland and the policy towards them. I would like to stress that I will publish no data allowing for the participants to be identified.

I. The organization
   A. The participant in the organization
      1. What is your occupation in [the organization]?

      2. How long have you been active in [the organization]?
         → Were you a member since the beginning?
         [If so: more detailed questions should be asked about the beginnings of the organization, the aims that its founders had in mind, and the way this beginning influenced the subsequent development of the organization].
         → What made you decide to get involved in this activity?

      3. What do you value the most in your work in [the organization]? What would you consider a success?

   B. The organization – a profile
   Now I would like us to talk about the current activities of [the organization].
      1. How would you describe the main aims of [the organization]?

2. Could you tell me who is involved in [the organization's] activities and who does what?

→ Additional questions can be asked about the numbers of employees and/or volunteers, the structure of the organization, and financing.

3. What activities or projects does [the organization] engage in a the present moment? Could you give me some examples?

→ Does [the organization] provide legal counsel to foreigners? Does it assist them in their contacts with public institutions?

II. The organization and its environment

We have so far talked about the activity of [the organization]. I am also interested in the way this activity can be situated relative to other non-governmental organizations and institutions that deal with foreigners.

A. Mapping non-governmental organizations

1. According to your knowledge, what other organizations assist foreigners in Poland? What exactly do they do?

→ Are you aware of any specific projects those organizations conduct at the present moment?

→ How would you asses the activities of those organizations?

2. Do any of those organizations specialize specifically in providing help to foreigners? As for those for whom this is not the main aim – what does their activity otherwise consist of? What place does the questions of immigration occupy in their work?

3. Are there any other organizations towards which you would direct foreigners? In what cases?

B. The organization within its environment

1. How would you describe the activity of [the organization] as compared to others?

→ Is [the organization] visible in the media? In what manner?

2. Does [the organization] collaborate with other organizations? What does that collaboration consist of?

→ Do you personally have contact with people from those organizations? In what

situations?

→ Do you exchange information with them?

→ Does [the organization] have any contact with organizations or institutions abroad? Which ones and in what context?

C. Public institutions

1. We have talked about other organizations. I would now like to speak about public institutions – could you tell me which ones of them have dealings with foreigners?
→ How would you asses their work? In your opinion, what ameliorations could be made?

2. Does [the organization] collaborate with public institutions?
→ What does that collaboration consist of?
→ Do you exchange information with them? Do those institutions consult [the organization] on any issues?
→ Did [the organization] participate in the work on the new Act on Foreigners?

3. I am particularly interested in your experience with institutions that have direct contact with foreigners, such as the Masovian Department of Foreigners.
→ Do you, or somebody else in [the organization] have contacts with such institutions? What does that contact consist of?
→ What is your opinion on the work of those institutions? And on their attitude towards foreigners?
→ What advice would you give to an officer of such an institution to improve their work?

III. Poland's migration policy and the new Act on Foreigners

I would now like to talk with you about the wider context that is the state's approach to the issue of migration.

A. Migration policy

1. In your opinion, what are the most striking traits of Poland's migration policy?
→ If you were to describe it to someone who knows nothing about it, what would you emphasize?

2. If that policy was shaped by [the organization], what would it be like?
   How about if it depended only from you?

B. Poland's migration policy in a European context

1. How would you describe Poland's migration policy as compared to that of other EU member states?

2. Are there any countries that could serve as an example for Poland? Why?

3. How did Poland's EU membership affect its migration policy in your perception?

C. The new Act on Foreigners

1. I would like to ask you about the new Act on Foreigners – in your experience did things change since its entry into force?
   → How did it affect the situation of foreigners?

2. Do you feel it corresponds to the hopes of [the organization]?
   → And what is your own assessment? What would you change about this legislation? And what do you think its strong points are?

Introduction:

As part of research for my PhD dissertation, I am conducting a study of public institutions receiving foreigners. I am also interested more generally in the situation of foreigners in Poland, in particular since the entry into force of the new Act on Foreigners. The activity of your company is of interest to me since it offers assistance to foreigners. I would like to talk about your experiences linked to the activities of your company and about its contact with other organizations. I would also be interested I knowing your opinion on the situation of foreigners in Poland and the policy towards them.

I. The company
A. The participant in the company

1. What is your position in the company?
→ What does your work consist of?

2. How long have you been working in the company?
→ Were you an employee since the start? Can you tell me about the beginnings of the company?
→ What made you choose this job?

3. What do you value the most about your work? What would you describe as a success?

B. Profile of the company
I would now like to talk with you about the present activity of the company.

1. What does the company do?
→ Does it provide legal counsel to foreigners? Does it accompany them in public institutions? Does if offer help with other aspects of their life in Poland?

2. Employees and structure of the company
→ How big is the company? How many people does it employ?
→ Can you tell me a little about how tasks are divided – who does what in the company?

3. Clients: Are the services of the company specifically addressed to foreigners?

→ Are they meant for some groups in particular? Which ones and why?

→ In your experience, who is the typical client of your company?

4. How does the company find new clients?

→ Does it advertise? Where? Does it have any long-term clients?

II. The company and its environment

A. The company and public institutions

We have so far talked about your company and its clients. As I have mentioned, I am also interested in public institutions that receive foreigners or otherwise have contacts with them – I would now like to talk about your experience with such institutions.

1. In your experience, what public institutions do foreigners encounter in their life in Poland?

→ What do those institutions do? Are they specialized in receiving foreigners? What kind of matters bring foreigners to contact them?

→ Are there any other institutions that, in your opinion, have an impact on the life of foreigners in Poland? In what ways?

2. Which of those institutions does your company have contact with? In what cases?

→ Do you deal with any of them on a regular basis?

→ In your experience, what does the activity of those institutions look like?

What could be improved?

3. I am particularly interested in the Masovian Department of Foreigners – does your company have any contact with this institution?

[If so: → Could you tell me more about it? For instance, how did your last visit in the Department go?

→ Were there any events or cases linked to the Department that you remember particularly well?

→ I you were to give advice to an officer of the Department to help them improve their work what would it be?]

B. <u>The company and other organizations</u>

I am also interested in other companies and organizations that assist foreigners.

1. According to your knowledge, are there many companies like your own?

→ How would you describe your own company as compared to others? What is similar? What differences do you see?

→ Do you know people from those other companies? Do you keep in touch or exchange information?

2. Do you know anything about non-governmental organizations that offer help to foreigners?

→ What kind of organizations? Can you give me examples?

→ Do you have any contact with them? How do you know about their activities?

→ What is your opinion on their work?

IV. Poland's migration policy and the new Act on Foreigners

I would now like to talk with you about the wider contact that is the state's approach to the issue of migration.

A. <u>Migration policy</u>
1. In your opinion, what are the most striking traits of Poland's migration policy?
→ If you were to describe it to someone who knows nothing about it, what would you emphasize?

2. If that policy was shaped by you, what would it be like?

B. <u>Poland's migration policy in a European context</u>

1. How would you describe Poland's migration policy as compared to that of other EU member states?

2. Are there any countries that could serve as an example for Poland? Why?

3. How did Poland's EU membership affect its migration policy in your perception?

C. <u>The new Act on Foreigners</u>

1. I would like to ask you about the new Act on Foreigners – in your experience did things change since its entry into force?
   → How did it affect the situation of foreigners?

2. Do you feel it corresponds to your hopes and expectations?
   → What would you change about this legislation? And what do you think its strong points are?