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# **The temporality of “illegality”: Experiences of undocumented Latin American migrants in London**

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## **Abstract**

Through an ethnography of undocumented migrants from Latin America to London, I explore the temporality of “illegality” as a piecemeal process in which migrants find themselves embodying new ways of being in the world. I investigate the power of “illegality” and through the analysis of the everyday experiences of migrants in London I show how the illegal status is imagined, embodied and sustained over an indefinite and uncertain length of time. Undocumented migrants in London are required to slowly adapt, to wait through anxious engagements with other people and a legal system that controls their existence, in other words to endure the temporality of “illegality”.

**Keywords:** Illegality, Latin American, London, migrants, subjectivity, temporality.

March 2010. Today I visited Elephant and Castle, one of the so-called Latin American enclaves in south London with my friend Jovanna from Bolivia. We went to Elephant because she wanted to get some *salteñas* (pastries) from a Bolivian woman who sells them in the market. It is a busy place with a subway station and several bus stops that connect south London to the center and east of the city. Because of the strong presence of migrants, it is one of the places surveyed by the police or by the Border Agency (UKBA) authorities. As we walked towards the entrance of the shopping center, Jovanna saw a police officer at a

distance, she quickly stopped and told me to head with her towards another entrance. We did not stop until we got to the second floor of the building. Once there we slowed down and she started sending text messages to her family and friends in order to warn them about the police in the area. She was particularly worried about her mother and daughter who were undocumented. “They are looking for us”, she said. “who is us?”, I asked. “*Los ilegales*”, she said.

This remark surprised me because of its violent connotations, because of the fear that it revealed, but more importantly because of its inaccuracy in Jovanna’s case. “Don’t you still have your student visa?”, I asked. She explained to me that indeed she did, therefore formally speaking she was legal in the country. However, she said that her visa hardly made any difference as it was about to expire and she would soon be an “illegal” migrant. “Before I even came to London I knew that I would become *illegal*”, she said. By saying this, Jovanna expressed a kind of resignation about her immediate future and about the inevitability of becoming “illegal”. I say “becoming illegal” because none of the people I met had entered the UK “illegally”. They had entered the UK by plane and had been granted tourists visas as the point of entry. For them, becoming “illegal” was located in the future, but was nonetheless inevitable.

My aim in this article is to understand the temporality of becoming “illegal”, to examine how migrants experience “illegality” and how it is embodied and negotiated on a daily basis. Examining the relationship that exists between “illegality” and temporality in the lives of Latin American migrants in London, I place the focus on those whose lives were marked by the uncertainty and liminality that an undocumented status represented. To understand the temporal dimension of “illegality” and its impact on migrants’ subjectivities, I first draw on recent anthropological studies that have directed their attention to the study of

“illegality” and its effects on migrants’ social worlds. The work of Boehm (2012), Dreby (2016), and Willen (2007) has been particularly interesting in offering a nuanced and intimate approach to the embodiment of “illegality”, along with an analysis of the dispositions (physical, mental, and social) that migrants develop in order to cope with their new status (Khosravi 2007; Sigona 2012). Willen’s phenomenological approach to the study of undocumented migrants in Israel demonstrates how “illegality” not only affects the external structures of migrants’ worlds but also shapes their subjective experience of space, time, embodiment, sociality, and self (2007: 9-10). By taking into account the relevance of sensations and bodily perceptions as a fundamental part of migrants’ “illegality”, her analysis proves that being undocumented is not only a juridical status - or in my own case the prospects of losing one’s juridical status - or socio-political condition, but a mode-of-being-in-the-world.

Alongside these approaches, the investigation of migration, time, and temporalities has been tentatively explored in recent years. Several studies have tried to move away from depicting migration as a temporal process in which the decision, the journey, and the progression from arrival to the gaining of settlement and possibly citizenship, unfold in a mechanized linear way. For instance, the work of Griffiths among asylum seekers and detainees in the UK shows how time is experienced in a manifold way that includes various temporalities: “a long, slowing time of waiting (sticky time), one that can decelerate into complete stagnation (suspended time), a fast time rushing out of control (frenzied time) and tears in people’s imagined time frames (temporal ruptures)” (2014: 1994). Similarly, the cross-cultural work of Mountz among asylum seekers alerts us to the ambiguities of waiting and how waiting is actively experienced and can become a site of struggle, action and political possibility (2011: 390). These studies show how immigration controls impact the

temporalities of mobility and enforce migrants' liminality and temporariness (see also Heyman 1995; Gonzales and Chavez 2012; Rotter 2010).

Inspired by these studies, I examine the temporal process of migration (from the decision moment to the final destination) by taking into account how people embody "illegality" through experiencing anxious encounters with authorities and enduring the latent threat of deportation. I aim to show how this embodiment is characterized by invisibility, immobility and uncertainty, but also by its temporality. I argue that it is the temporality of this status, including its influence on migrants' imaginations before migrating, their experiences in London, and the uncertainty that they withstand in the process of waiting to acquire some legal footing in the future, that makes it so paramount in migrants' subjectivities. Following Munn's anthropological approach to time, I examine the lives of my informants and the development of their life projects - within "illegality" - immersed in a "sociocultural time of multiple dimensions (sequencing, timing, past-present-future relations, etc.)". I look into the ways in which these dimensions are "lived or apprehended concretely via the various meaningful connectivities among persons, objects, and space continually being made in and through the everyday world" (Munn 1992: 116). In this regard, I depart from the fact that my informants are entangled in meaningful relations that develop in a space that represents a hopeful present and an uncertain future at the same time.

## **Fieldwork**

My analysis is based on qualitative ethnographic research and on participant observation conducted between August 2009 and April 2011 in London with women migrants from various parts of Latin America who worked in the care work industry.<sup>1</sup> In recent years the increase in Latin American migration to Europe was influenced by a series of restrictions that

the US government had imposed on immigration since the 1990s and then after 9/11. My informants expressed a desire to go to the US as their first option but found it impossible to achieve. Europe, particularly London, offered a viable alternative, thanks to fewer migration/visa restrictions and to the increasingly well-established social networks and job opportunities for migrants working in the service sector.<sup>2</sup> Today, according to McIlwaine and Bunge (2016), Latin Americans are the eighth largest non-UK born population in London (83,000). There were approximately 145,000 Latin Americans in London in 2013 and just under 250,000 in the UK as a whole (2016: 14).

Although my informants came from different countries, the stories that I present in this article are chiefly from Bolivian women (and one from Honduras) who migrated on their own to the UK (only two of them were joined by partners and families later on) and had been in London for a period of eight to ten years. They defined themselves as middle-class Latin Americans who migrated because they were struggling with the economic situation in their countries. Despite occupying a variety of positions within the wider middle classes in their own countries, in their narratives of class identification they shared similar ideas regarding home ownership, access to higher education, credentials, moral values, and consumption as means through which they could symbolically and materially attain and perform their class identity (Heiman et al. 2012; O'Dougherty 2002). In recent years, however, they had no longer been able to improve their social status through education, and therefore found themselves facing increasing levels of unemployment, debt and lack of opportunities (Parker and Walker 2013).

They migrated in order to repay various debts that they had accrued back in their countries, including further debts accumulated for the purposes of travelling abroad. They were, as Bastia and McGrath (2011) argue, mortgaging their present through debts while at

the same time using the promises that migration offered as anticipations of a valuable future (Cohen 2004). This was a future in which they would be no longer indebted thanks to the market demand that exists in London for care workers (Anderson and Shutes 2014; McIlwaine, et al. 2010). They became part of the female global care market in which women from less developed countries migrate to fill, what Ehrenreich and Hochschild (2002) have called the “care gap” in the developed world. In the case of my informants their choice of work was limited by their lack of English skills, no recognized educational qualifications, no relevant experience in the UK, weak social connections, and - most important for the present article - by a legal status that was insecure.<sup>3</sup> Scholarship on the feminization of migration show how although migration confers a degree of economic independence that may improve women’s status in the family, it is often outweighed by the exploitative nature of care work, the downward status mobility that the jobs represent and the highly constraining female roles that they perform within these jobs (Pessar and Mahler 2003; Ehrenreich and Hochschild 2002; Hondagneu-Sotelo 1994). As Parreñas (2001) explains for middle-class women migrants working as domestic workers produce significant personal dislocations.

In this article however, I focus on a further dislocation that had powerful sway in their lives. I am referring to being undocumented. I show how “illegality” not only affects the physical and emotional well-being of my informants, but also affects the external structure of migrants’ worlds as it represents a decline in status experienced as a class and racial dislocation in the new place. “*Los ilegales*” (the illegals) were those people crossing the border between Mexico and the US, as Marisa from Honduras told me once. An “illegal” was a person who had to migrate due to extreme poverty and did it clandestinely. My informants thought of themselves as different, as they were not the poorest of their countries and they had entered the UK by plane with tourist visas. For them, becoming undocumented took time,

but regardless of their ideological class and racial identifications, they had no choice but to slowly learn how to cope with such dislocation.

The undocumented status not only affected women but also their families (for those who had families in London). As several scholars have suggested, women and men experience illegality in particular ways that are related to their attempts to fulfil gendered expectations (Abrego 2009; Hagan 1994; Menjívar 2000). For instance, “illegality” prolongs family separation, blocking mothers from providing care for their children as they would like and as is socially expected of them (Abrego and Menjívar 2011). Likewise, it prevents undocumented fathers from fulfilling their roles as breadwinners in the family. Although my research was mainly with women, in this chapter I take into account the effects that “illegality” had on women’s relationships and on their families.

In order to address the temporality of “illegality” I first focus on migrants’ narratives before migrating. The stories they told highlight the uncertainty of the journey, with “illegality” anticipated and imagined long before their journeys. Second, I analyze how once in London they embody illegality through anxious engagements with the public space and authorities. Finally, I explore the temporality of the law by focusing on the notion of “waiting” in which, as Crapanzano states, “the present is always secondary to the future. It is held in expectation. It is filled with suspense. It is a sort of holding action - a lingering” (1986: 44) in order to understand migrants’ negotiations with the law and state bureaucracies (see also Bissell 2007; Jeffrey 2008).

### **The journey towards “illegality”**



Journeys of migration often include preparations for departure and careful planning to reach a destination in which they would have paid their debts and would be able to take care of their families. The future however, was colored by the prospects of “illegality”, by the fact that they would become undocumented at some point in their trajectories. My informants had entered the UK with visas; it was only later, once they had overstayed their visas and vanished from the system, that they became undocumented. This resonates with what McIlwaine (2015) found among Latin Americans in the UK where 70 percent of 960 people interviewed had entered the country with a different immigration status than their current one; more than three-quarters had arrived on tourist/visitor visas, and another 10 percent on student visas, later becoming over stayers. 19 percent of the total were migrants living irregularly in London, with the caveat that 93 percent of this group had entered the country legally.<sup>4</sup> Nonetheless, they talked about their preparations for departure and travelling with an awareness of the temporality of becoming undocumented.

Migrants’ journeys towards “illegality” started with the planning of “tourist trips” around Europe before entering the UK. Many of my informants travelled to Paris or Barcelona first, even though this added considerably to the expense of travel, and eventually entered the UK by bus or train. By proving at the UK border that they had been traveling in Europe and were now including London in their trip, they felt that they were less likely to be questioned about their intentions. They were convinced that the role of the tourist, along with a persuading performance to the immigration authorities, could actually make a difference. Following this logic, Jovanna from Bolivia arrived in Paris in September 2003 pretending to be a tourist. She met a friend who was unaware of the true intentions of her trip: paying off debts and a mortgage and supporting her family. However, her friend had booked a hotel that was more expensive than she had budgeted for. “When I saw the hotel, I knew I was screwed, it looked expensive but I was ashamed of confessing the reality of my situation. Every euro I

spent in Paris felt like a punch to my stomach”, she told me. As I gradually came to understand, maintaining this pretense was her way of slowly locating herself in a new reality that was ultimately uncertain as she did not know if she will get a tourist visa at the border. All she knew was that as a woman she had more opportunities to get a job as a domestic worker and would soon start earning money to secure the future of her family, even if doing this represented a sharp downward status mobility. Despite the distinction that the status of tourist offered her, Jovanna explained that the moment when she faced the border authorities and had to lie about her real intentions was crucial in the temporality of becoming undocumented. For other women, the most frightening moment was when they had to provide evidence of a return ticket to their countries, proof that they had enough money to pay for their expenses while visiting London and being subjected to a long interrogation about their lives, family, and occupations in their countries of origin. As Jovanna explained to me:

“You don’t even want to look them in the eye directly because you feel as if they can read the truth in your eyes and they will know you are lying. This is the moment when you start feeling like an illegal migrant.”

In a similar vein, Sonia from Bolivia came to London in 2007 to work and pay off debts (20,000 US dollars) back home. To get to London, Sonia paid an extra 6,000 US dollars to a travel agency that claimed to be able to offer a plane ticket, a work visa, and accommodation in London. These travel agencies were especially canny in smuggling future undocumented migrants, through various routes all over the UK, under legal circumstances. Sonia’s odyssey started in Edinburgh. Her trip involved traveling by taxi from Edinburgh all the way to London because, according to the “tour guides”, it was dangerous to travel by train or coach as immigration officers checked for undocumented migrants on public transport. “The funny

thing is that we had our visas; we were not undocumented!”, she said. Regardless of the legal status of their clients, these “tour guides” efficiently made use of the discourse and anxieties produced by the idea of their future “illegality” in order to take advantage of the group. After traveling from Edinburgh to Newcastle and then to Manchester, the guides disappeared with the money and left the whole group alone, clueless about their whereabouts in the UK. Lacking knowledge and resources, the group composed by three women and four men, asked a minivan driver to take them to the only place that sounded logical to their minds; they asked the driver to take them to the *Plaza Central* (Central Plaza) of the City of London. As Sonia recalls, the taxi driver was bewildered by this request and, after several attempts to communicate with them, he decided to take them to Victoria station in central London. In her narrative, Sonia explained that although they were not undocumented, their intention to overstay their visas, combined with the fear that the guides had implanted in them, affected their initial engagements with the city and their future plans.

What these stories suggest is that an insecure legal status entails a particular temporality that is framed by the different phases of the migration journey and the final destination; but it is there in essence from the start. Regardless of migrants’ earlier social status and expectations for the future that was certainly infused with a sense of hope, they were immersed in the intricate prospects of becoming undocumented. Nonetheless, the future is tainted by the insecurity and uncertainty that an irregular status brings with it in the present.

### **Embodying “illegality”**

In the first part of this article I showed how the imaginings of the future affect women’s experiences of the present through a description of Jovanna’s anxious engagements with the

city while walking around Elephant and Castle and facing state authorities. This experience was shared and commonly described by most of my informants and their families. I explore the embodied tensions and anxieties via migrants' experiences and engagements with the public space, particularly while commuting and as a result of the temporal ruptures produced by the threat of deportation. In order to understand the ways in which migrants inhabit and move around spaces that represent potential threats for their future plans, I depart from the notion of the body as, first, a locus of social practice that is continuously invested with the cultural meanings of space just like space is invested with bodily meanings (Bourdieu 1977: 90) and, second, as a permanent condition of experience and our vehicle to make sense of the world (Merleau-Ponty 2002: 25).

Like Jovanna, Sarita (from Honduras) lived in the city in a distinctively distressed manner. For her, taking the bus was a huge challenge that altered her mental state and her physical body. While we were commuting together, she always looked around her, anxiously waiting for the bus to come. Afraid and aware of her surroundings, she explained that sometimes she felt as if the word illegal were tattooed on her forehead, therefore was afraid of bumping into police officers who would see her "illegality". After finding a seat, she often remained silent for the duration of the journey, I learned not to talk to her because I realized that she did not like to speak Spanish while commuting in order to avoid bringing any attention to her person. Although I constantly tried to distract her, her eyes always darted around, her air remained guarded and distracted. "I withstand the anxiety of commuting because I know that at the end my daughter is waiting for me at home" she said.

These ways of inhabiting and moving (or not moving) constitutes what Csordas has called "somatic modes of attention" which are described as "culturally elaborated ways of attending to and with one's body in surroundings that include the embodied presence of

others” (1993: 138). My informants’ bodies and cultural worlds were constantly mediated by people who were potentially dangerous and could risk their livelihoods and futures in London that included caring for their families back home. While commuting, the presence of the Transport for London inspectors, who occasionally boarded buses to carry out random checks on tickets and travel passes, intensified the anxiety of their travels. Stories of deportation that initiated in a bus or the tube - for not having paid the correct fee - loomed large in my informants’ imaginaries and embodied fears. Due to this edginess Pedro, for example, decided to cycle instead of taking the bus to save money and avoid the checks that were taking place in South London. However, he had an accident while riding his bicycle and, as a result, was deported to Bolivia.

“At 9 am I was riding my bicycle and crashed into another bicycle. The accident caught the attention of several people including police officers who came to see what had happened. The police asked for ID and as I did not have any documents with my photo on it, they started asking me more and more questions. I guess I started getting nervous and they arrested me under suspicion of being illegal in this country. They took me to the police station, without even noticing, a week later, I was back in Bolivia. I felt I was back at the beginning.”

The temporal rupture of Pedro’s deportation relates to what Griffiths’ calls “frenzied time”, that is a time experienced as “one in which developments can happen suddenly without warning” (2014: 1999). When the police caught him, he was able to briefly contact his wife Lourdes and warn her that the immigration authorities might come to the flat and detain the whole family; as a result, Lourdes and her two sons temporarily moved to a friend’s house. While he was in detention, he explained that everything was very quick, that he had no time to think about what to do next or dwell on the consequences that this might have on his future

in the UK. Alongside this sense of rushed time, in which migrants experience sudden changes over short periods, there is an antithetical sense of time which is characterized by suspension and delay. Yet, this suspension is not only temporal but also personal as it affects migrants' roles within their families and social reality. "I thought I was not going to be able to see my children again, to take care of them again. All I could think of was that I was their father and that as such my place was back with them" he said.

While waiting to hear from Pedro, Lourdes' anxiety grew considerably - not only when she was on the street, but especially when she was at home. The place that had been considered a safe haven for the last few years where she had been able to "stopped being a maid and feel like a normal mother and a wife" suddenly switched to becoming the most threatening place in the city. Even when the door was locked, and she had the company of flat mates, Lourdes was unable to feel safe because she knew and have heard that immigration officers were visiting the homes of undocumented migrants. Pedro's deportation enhanced the "temporality of everyday risk" (Willen 2007: 22; Drotbohm and Hasselberg 2016) as she was waiting to get caught by the police every time she returned home from work or picking up the kids from the bus stop on their way back from school. Furthermore, the threat of deportation loomed even in her sleep and gave her nightmares. As she told me,

"I keep dreaming about the police coming to the flat, they are looking for our passports, turning all our clothes upside down, looking under the bed to see if there is anyone hiding. I am there with my two kids, under the bed hiding; suddenly the officer finds us and grabs my children from under the bed away from me. This is where I wake up, sweating and nervous, almost feeling that I am about to cry."

The deportation of Pedro deeply affected Lourdes' role as a mother who needed but could not protect their children. The terror of being caught by the police reinforced her personhood as

deportable and created significant uncertainties towards the future as she did not know if Pedro would be able to return to the UK. The fear of deportation, or what De Genova (2004: 161) calls a “sense of deportability” which is a strategy used by the authorities to render illegal migrants as a distinctly disposable community, infuses the present with apprehension and distress and colors the future with ambiguity (see Talavera et al. 2010).<sup>5</sup> More importantly, “illegality” as these stories suggest affect men and women in distinctive ways according to their kinship relations and caring duties. Sarita’s, Lourdes’ and Pedro’s sense of deportability infused not only their present lives but the future of their children with uncertainty and anxiety. Therefore, if migration is a tactic of creating futures in which people aim to solve an economic situation and acquire a better way of life then, withstanding the burden of being undocumented means that they might negotiate the possibility to gain a more secure footing in the country and thus take a significant step towards realizing their hopes and ambitions.

### **Temporality of the law**

Current restrictions on migrants have made it almost impossible for them to retain their legal status and/or achieve a different one. Recent changes, for instance to students’ visas, have affected both prospective and current students who were previously allowed to work part-time and whose partners were permitted to work full-time under the terms of their visas. English student visas are more restricted now than before. To extend a visa, migrants are now required to complete a higher-level English test and prove that they are actually studying. Earlier, many were able to maintain the fiction of being students whilst in reality working full-time and barely attending classes, if at all. Several of my informants had paid student fees to private colleges (2000-3000 pound sterling a year) for several years in order to

maintain their legal status, but this has now become much more difficult as the government has clamped down on bogus colleges.

As an illustration let me take you back to Jovanna's story. When she arrived in London, she started working using the national insurance number of a woman from Bolivia. Jovanna's income was deposited into the account of the possessor of the national insurance number who starts stealing the money. To avoid further problems, she decided to enroll on an English course to get a student visa and thus gain access to a part-time work permit. In 2001 and until 2011, it was possible for tourists to change the status of their visa while in the UK, a practice that many migrants used to prove that they had some legal footing in the UK, that they were enduring the temporality of their in-between status.<sup>6</sup> Like many migrants, Jovanna took advantage of her student visa and managed to work over forty hours a week for different cleaning companies and in private homes for more than seven years. This was common practice among many of my informants even though they were, according to the law, engaging in "illicit" practices by breaching their visa restrictions by working more than twenty hours. This suggests that the undocumented person and "illegality" are not bound together as categories because people are sometimes in-between and have to adapt and position themselves in blurred legal categories - as long as they can - according to their resources and possibilities. Nowadays it is not possible to work on a student visa (while studying English). The current and growing impositions and legal restrictions on low-skilled migrants force people to become and remain semi-legal or undocumented for longer periods of time, and thus they commit further "illicit" acts to survive. The temporal barriers that the UK imposes on migrants' lives orchestrate various temporalities as a strategy to exercise power as they are forced to live in a state of liminality or limbo while waiting for their legal situation to change (Boehm 2009; Lal 1997; Sigona and Torre 2005; Griffiths et al. 2013: 30).



For instance, retaining one's student visa allows migrants to accumulate years of residency, so they can eventually apply for a residence visa. Under current UK immigration law, those who enter the UK and remain there legally for 10 years continuously — either as students or in possession of some other category of visa — are permitted to apply for permanent residence or, in legal parlance, “Indefinite Leave to Remain” (ILR). For those who become undocumented, either by overstaying their temporary visas or by becoming semi-legal, gaining legal status is a difficult process because it requires them to navigate successfully long tightening and changing immigration rules. As Bisell argues “the experience of being-in-waiting seems to be a hard-to-pin-down but arguably integral aspect of being-in-transit” (2007: 282); it is an intrinsic part of being undocumented. Indeed, the undocumented lives of my informants were marked by the temporality of their status in which they could accumulate “illegal” time, wait and hope that they might eventually become eligible to apply for a resident visa. One route to legality - at least until 9 July 2012 - was to remain in the UK undetected for 14 years and then prove that they had done so. In 2012, however, the state amended the law lengthening the period from 14 to 20 years, making the wait far longer. Waiting, as Bourdieu argues, is an integral part of the exercise of power, “By making people wait... delaying without destroying hope is part of the domination” (2000: 228). However, as I will further show, waiting is also infused with meanings because it is characterized by the anticipation of something to come, the anticipation of a future in which one might have the opportunity to acquire legal residence.

Several of the people I met applied for a resident visa under “Article 8” of the European Convention for the Protection of Human Rights. This article explains the right to respect for private and family life, it establishes that “Everyone has the right to respect his private and family life, his home and his correspondence” (European Convention of Human Rights, 2010:10). It establishes that the state should not interfere in an individual's enjoyment

of his or her family or private life.<sup>7</sup> In the context of immigration law, and much to the chagrin of the signatory states, Article 8 has been interpreted liberally by the courts as conferring rights on migrants who accumulate time in and ties to the host country even though they have been there “illegally” — the stronger the established ties or “family life” or “private life”, the stronger a migrant’s claim to legalizing his or her status.<sup>8</sup>

The success of these applications often seems to depend on how much evidence lawyers are able to gather to prove that migrants indeed have an established family life in the UK. Lawyers are in charge of reconfiguring the undocumented person by piecing together a suitable, desirable family-oriented migrant for the state who, first of all, had integrated to the UK. In order to prove this, they have to support their case with letters from friends (especially British people), employers, church members, and teachers, in order to prove that they are integrated, rooted in the UK and that their “illegality” is no longer relevant (Kalir 2010; James and Killick 2012). Second, migrants need to prove that they fit the figure of the family oriented migrant reproducing particular roles within the family.

Although immigration policies and procedures are formally gender neutral, as Salcido and Menjívar argue, “gender differentiation continues to inform the counters of legalization, residency, and citizenship” (2012: 337). Therefore, when Lourdes and Pedro applied under Article 8, in their statement they were required to explain that they had been undocumented in London for the wellbeing of their children. By constructing the narrative of the breadwinner and caring father, Pedro justified his actions (working without documents) and showed his remorse. Lourdes used a letter from the priest of the Church she attended because he had emphasized Lourdes’ maternal caring features, not only regarding her family but also her community. In addition to this, they needed to prove that deportation or removal would be a traumatic experience for their children due to the amount of time they had already lived in

the UK. Notwithstanding the fact that this type of application is not always successful, I witnessed several successful cases during fieldwork. The outcome of a successful application resulted in a Discretionary Leave to Remain (DLR) visa that was granted for a period of three to five years which has to be renewed for an extra three to five years and eventually apply for an ILR.<sup>9</sup> The DLR speaks of yet another form of managing temporal legal statuses which exposes the power of the state while deciding if - but more importantly, when - citizenship will be granted.

This long and onerous road to citizenship has been designed to force undesirable/low-skilled migrants to remain undocumented, to remain invisible, to wait years to obtain legal documents and, in the meantime, endure the threat of deportation. Furthermore, immigration laws and their constant modification make it impossible for migrants — and lawyers — to follow the guidelines and meet the never-ending and ever more demanding requirements. These are characterized by black-and-white administrative categorizations and decontextualized evaluations of migrants' moments in time that presume that events occur in a flowing sequence of temporality that will lead them to naturalization. Thus, “control over time is not just a strategy of interaction; it is also a medium of hierarchic power and governance” (Munn 1992: 106). In this regard, one could argue that immigration controls demonstrate how far the state actually sustains and creates temporal uncertainty that enforces migrants' temporariness and liminality.

## **Conclusion**

“I cannot believe that the nightmare is over. We have waited for many years and have worked hard in this country to become residents. This is the achievement of our dream. Now my family will have the opportunities that Bolivia cannot give them, we

do not have to hide anymore, we are not going to be invisible. Our efforts were fruitful and our sacrifices worthwhile. This is the beginning of a new life for my family.”

This is what Pedro said during a party in 2012 when the family, after being in the UK for eight years, successfully acquired a residence permit by claiming the right to family life under Article 8. After his deportation in 2008, he managed to come back to UK. Four years later, the news of their legal status was celebrated as the basis for beginning a new life. For Lourdes this meant that she would be able to regain a lifestyle in which they would have a house for the family - by claiming housing benefit. “We will be able to have a house for the family, just like we did in Bolivia”, Lourdes told me. Their case was proof that it was possible to become legal. Sarita from Honduras, the nervous bus passenger whose anxiety I described earlier, told me at the party, “we just have to wait a bit longer, that’s all”.

Sonia was never able to gain legal status in the country but used her outstanding application at the Home Office in order to get assistance from the state after being hit by a taxi while going to work. Although she was undocumented, under the National Assistance Act (1948) local authorities have to help people in need and/or sick; they are obliged to provide a safety net for people that are unable to take care of themselves for various reasons.<sup>10</sup> While recovering, Sonia did not have to worry about deportation anymore; instead she was waiting for a lawsuit – against the taxi driver – to settle. After waiting for a year, she won a substantial amount of money (70,000 pound sterling) and returned to Bolivia to pay the debts she still had and to fulfil her kinship duties. The future that Jovanna imagined for her daughter was sadly interrupted by breast cancer. Having secured a DLR visa under special circumstances due to her illness – and due to the fact that she was a single mother - she was hoping that her daughter (who arrived in London in 2010) would be able to grow up in

London. During our last days together, Jovanna's concerns about her daughter's future occupied her mind. She tried unsuccessfully to find someone who might adopt her daughter. In the end, she accepted that the best thing for her daughter was to go back to Bolivia and live among her family. She went back to Bolivia in January 2013 and spent the last months of her life among her loved ones and died on April of 2013.

The experiences that I have analyzed in this paper pointed to the inherently temporal dimension of "illegality" and its impact on migrants' subjectivities. As this article has sought to demonstrate, the process of becoming undocumented goes beyond being a form of juridical status or a socio-political condition. I have outlined first how "illegality" is imagined and anxiously lived before people's journeys. I showed how migrants not only become undocumented but embody their status in anxious temporal ways (sometimes through frenzied times) that affect their bodies and minds. Their status, that of being unwanted, becomes a crude reality the moment they encounter state authorities and are reminded of their vulnerability; it is at this point when the threat of deportation creeps into their homes, dreams and hopes for the future.

As anthropologists, we cannot fully understand the meanings and consequences of "illegality" if we do not pay attention to its temporal dimension. It is within this temporality that we can explore in detail the embodiment of a status that transforms the lives and subjectivities of those who find themselves living in limbo, trapped in a system that rejects their existence, surveils it and therefore controls their future. Studying the relationship between temporality and "illegality" brings light to how migrants become stuck at various points in their migration journeys due to a loss of social status, changing lifestyles and having an undocumented status that affects their movement, job opportunities and plans for the future. Undocumented migrants are increasingly becoming expendable, worthless and forced

to wait and navigate lengthy draconian legal systems that fracture their inner selves and exploit them in new ways.

Discussions of the lives of migrants who are undocumented often center on the power that the law exerts over their everyday lives. Given that state processes and legal discourses often seem rigid and all-encompassing, focusing on the everyday “illegality” of migrants’ lives can shed light on the nuances and fractures of their subjectivities. Behind these debates lie questions of exploitation, racism, and enjoyment of basic human rights. For people who live their lives under the weight and limitations of an undocumented status the present becomes a continuous challenge and the future is just an illusion difficult to sustain. Their lives are depleted of future imaginings and instead are fulfilled by insecurity and fear. A nuanced ethnographic account of the traces of the everyday lives of migrants — as the one that I tried to portray — confirms that borders are effectively everywhere and that they affect the external and inner structure of migrants’ worlds.

**Biographical data:**

Dr. Ana Gutierrez has a background in Art History, History and Anthropology. She received her PhD in Anthropology from the London School of Economics in 2014. She specializes in migration, labor, gender, morality, and personhood. Her PhD was an ethnographic study of Latin American women migrants in London who work in the domestic and sex work industries. After graduating, she participated on short-term research for a project on cooperation and inequality at the Anthropology Department of the LSE. This involved fieldwork in Tulsa, Oklahoma with Hispanic migrant families. She is now a Postdoctoral Fellow working in an ESRC-funded project “An Ethnography of Advice: Between Market, Society and the Declining Welfare State”. Within this project she aims to analyze the role of

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## References

Abrego, Leisy. 2009. "Economic well-being in Salvadoran transnational families: How gender affects remittance practices." *Journal of Marriage and Family* 71 (4): 1070–1085.

Abrego, Leisy, and Cecilia Menjivar. 2011. "Immigrant Latina mothers as targets of legal violence." *International Journal of Sociology of the Family* 37 (1): 9–26.

Anderson, Bridget and Isabel Shutes, eds. 2014. *Migration and care labour*. London: Palgrave Macmillan UK.

Bastia Tanja, and Siobhan McGrath. 2011. "Temporality, migration and unfree labour: Migrant garment workers". *Manchester Papers in Political Economy*. Working Paper No. 6. Manchester: University of Manchester.

<https://www.escholar.manchester.ac.uk/uk-ac-man-scw:146037>.

Bissell, David. 2007. "Animating suspension: Waiting for mobilities." *Mobilities* 2 (2): 277–298.

Bloch, Alice, Nando Sigona, and Roger Zetter. 2011. "Migration routes and strategies of young undocumented migrants in England: A qualitative perspective." *Ethnic and Racial Studies* 34 (8): 1286–1302.

Boehm, Deborah A. 2009. “¿Quién sabe?": Deportation and temporality among transnational Mexicans.” *Urban Anthropology and Studies of Cultural Systems and World Economic Development* 38 (2/3/4): 345–74.

Boehm, Deborah. 2012. *Intimate migrations: Gender, family, and illegality among transnational Mexicans*. New York: NYU Press.

Bourdieu, Pierre. 1977. *Outline of a theory of practice*. Cambridge: Cambridge University Press.

Bourdieu, Pierre. 2000. *Pascalian meditations*. California: Stanford University Press.

Cohen, Shana. 2004. *Searching for a different future: The rise of a global middle class in Morocco*. Chicago: Duke University Press.

Crapanzano, Vincent. 1986. *Waiting. The whiles of South Africa*. New York: Vintage Books Random House.

Csordas, Thomas J. 1993. “Somatic modes of attention.” *Cultural Anthropology* 8 (2): 135–156.

De Genova, Nicholas. 2004. “The legal production of Mexican/migrant ‘illegality’”. *Latino Studies* 2 (2): 160–185.



Dreby, Joanna. 2016. *Everyday illegal*. California: University California Press.

Drotbohm, Heike, and Ines Hasselberg. 2016. *Deportation, anxiety, justice: New ethnographic perspectives*. London: Routledge.

Ehrenreich, Barbara, and Arlie Russell Hochschild (eds.). 2002. *Global woman: Nannies, maids, and sex workers in the new economy*. New York: Metropolitan Books.

European Convention of Human Rights. 2010. European Court of Human Rights Council of Europe  
F-67075. Strasbourg.

[https://www.echr.coe.int/Documents/Convention\\_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf) (accessed 5 November 2017).

Gonzales, Roberto G., and Leo R. Chavez. 2012. “‘Awakening to a nightmare’: Abjectivity and illegality in the lives of undocumented 1.5-generation Latino immigrants in the United States.” *Current Anthropology* 53 (3): 255–281.

Griffiths, Melanie. 2014. “Out of time: The temporal uncertainties of refused asylum seekers and immigration detainees”. *Journal of Ethnic and Migration Studies*, 1–19.

Griffiths, Melanie, Ali Rogers, and Bridget Anderson. 2013. “Migration, time and temporalities: review and prospect.” *COMPAS Research Resources Paper*, 2013.

Hagan, Jacqueline Maria. 1994. *Deciding to be legal: A Maya community in Houston*. Temple University Press.

Heiman, Rachel, Carla Freeman, and Mark Liechty. 2012. *The global middle classes: Theorizing through ethnography*. School for Advanced Research Advanced Seminar Series. Santa Fe, N.M.: SAR Press.

Heyman, Josiah. 1995. "Putting power in the anthropology of bureaucracy: The immigration and naturalization service at the Mexico-United States border". *Current Anthropology* 36 (2): 261–87.

Hondagneu-Sotelo, Pierrette. 1994. *Gendered transitions: Mexican experiences of immigration*. University of California Press.

James, Deborah, and Evan Killick. 2012. "Empathy and expertise: Case workers and immigration/asylum applicants in London." *Law & Social Inquiry* 37 (2): 430–455.

Jeffrey, Craig. 2008. "Waiting." *Environment and Planning D: Society and Space* 26 (6): 954–58.

Kalir, Barak. 2010. *Latino migrants in the Jewish state: Undocumented lives in Israel*. Indiana: Indiana University Press.

Khosravi, Shahram. 2007. "The 'illegal' traveller: An auto-ethnography of borders." *Social Anthropology* 15 (3): 321–334.

Lal, Victor. 1997. "From reporter to refugee". *Journal of Refugee Studies* 10 (1): 79-90.

McIlwaine, Cathy. 2015. "Legal Latins: Creating webs and practices of immigration status among Latin American migrants in London." *Journal of Ethnic & Migration Studies* 41 (3): 493–511.

McIlwaine, Cathy, and Diego Bunge. 2016. *Towards visibility: The Latin American community in London*. Trust for London: London.

McIlwaine, Cathy, Juan Camillo Cock, and Brian Linneker. 2010. *No longer invisible: The Latin American community in London*. London: Queen Mary, University of London.

Menjívar, Cecilia. 2000. *Fragmented ties: Salvadoran immigrant networks in America*. California: University of California Press.

Merleau-Ponty, Maurice. 2002. *Phenomenology of perception*. New York: Routledge.

Mountz, Alison. 2011. "Where asylum-seekers wait: Feminist counter-topographies of sites between states." *Gender, Place & Culture* 18 (3): 381–399.

Munn, Nancy D. 1992. "The cultural anthropology of time: A critical essay". *Annual Review of Anthropology*. 21 (1): 93–123.

O'Dougherty, Maureen. 2002. *Consumption intensified: The politics of middle-class daily life in Brazil*. Durham and London: Duke University Press.

Parker, David, and Louise E. Walker. 2013. *Latin America's middle class: Unsettled debates and new histories*. UK: Lexington Books.

Parreñas, Rhacel Salazar. 2001. *Servants of globalization: Women, migration and domestic work*. California: Stanford University Press.

Pessar, Patricia R., and Sarah J. Mahler. 2003. "Transnational migration: Bringing gender in." *International Migration Review* 37 (3): 812–846.

Rotter, Rebecca Victoria Elizabeth. 2010. "'Hanging in-between': Experiences of waiting among asylum seekers living in Glasgow". PhD diss., University of Edinburgh.

Salcido, Olivia, and Cecilia Menjívar. 2012. "Gendered paths to legal citizenship: The case of Latin-American immigrants in Phoenix, Arizona." *Law & Society Review* 46 (2): 335–368.

Sigona Nando. 2012. "'I have too much baggage': The impacts of legal status on the social worlds of irregular migrants." *Social Anthropology*. 20 (1): 50–65.

Sigona, Nando, and Andrea Torre. 2005. *Positive contributions: Being a refugee in Britain*. London: Refugee Housing Association.

Talavera, Victor, Guillermina Nunez-Mchiri, and Josiah. Heyman. 2010. "Deportation in the US-Mexico borderlands: Anticipation, experience, and memory." In *The Deportation Regime. Sovereignty, Space and the Freedom of Movement*, eds. Nicholas De Genova and Nancy Peutz, 166–197. Durham, NC: Duke University Press.

Willen, Sarah S. 2007. "Toward a critical phenomenology of "illegality": State power, criminalization, and abjectivity among undocumented migrant workers in Tel Aviv, Israel". *International Migration*. 45 (3): 8–3.

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<sup>1</sup> My informants were from Colombia, Peru, Brazil, Venezuela, Ecuador, Bolivia, Honduras, and Mexico. During fieldwork, I established intimate and close relationships with 33 women including their families and friends. Ten of them migrated to London with their families, the rest left their families back in their countries of origin and some others formed new families in London. All of the names used in this article are pseudonyms in order to protect the identity of my informants.

<sup>2</sup> Up until 2009, Bolivians, Venezuelans, Ecuadorians, and Peruvians were not required to possess a tourist visa to visit the UK and other countries in Europe, such as France (Spain was an exception)

<sup>3</sup> McIlwaine and Bunge (2016) explain that 51 percent of Latin Americans are well-educated having attained tertiary level/university education (of which 1 percent was postgraduate).

<sup>4</sup> Three-quarters of Bolivians entered as tourists or visitors, which is much higher than for other countries. Brazilians and Bolivians were also the most likely to be irregular (38 percent and 36.5 percent) with Colombians being the least likely (six percent) among the larger nationality groups. (McIlwaine 2015: 499)

<sup>5</sup> De Genova argues that the production of illegality provides an apparatus for sustaining Mexican migrants' vulnerability and tractability – as workers whose labor power, inasmuch as it is deportable, becomes an eminently disposable commodity (2004: 166).

<sup>6</sup> Until 2011, their visas had allowed them to work up to 20 hours a week.

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<sup>7</sup> Except “as... is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others” (European Convention of Human Rights, 2010: 10).

<sup>8</sup> As a rule of thumb, seven years’ residence was often sufficient to provide the basis for a successful application for the child, and, by extension, his or her family.

<sup>9</sup> ILR is granted for 10 years, however, when people have an ILR for one year, they are automatically entitled to apply for citizenship that involves other sets of conditions, including passing a Life in the UK test and an English test.

<sup>10</sup> National Assistance Act (1948), Section 21 Duty of local authorities to provide accommodation. <http://www.legislation.gov.uk/ukpga/Geo6/11-12/29/section/21>.