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Stuck in the Law

Migration, Paperwork and Absurdity in Milan, Italy

Abstract: This article describes the migratory experience of Merule, an undocumented Nigerian citizen living at the centre of two different but complementary rules regulating migration to Italy. He entered the country legally but fell into irregularity three years later. In 2020, he enrolled in a state-led regularisation programme. Merule's situation uncovers some paradoxical effects of the Italian migration regime, which appear absurd to those stuck in it. First, the path to legal status demands informal or illegal practices and false declarations about one's condition. Second, bureaucracy works as governance at a distance, exacerbating applicants' suffering and anxiety. Third, a legal pathway designed to last only a few months results in a years-long wait, which places applicants in legal limbo with reduced space for individual agency.

Keywords: absurdity, bureaucracy, Italy, migration, regularisation, the state

With papers, you're a man; without papers . . . you're just an insect. (Soviet saying)

But unfortunately, I remained like that. Stuck. I'm like someone halfway between heaven and earth! [. . .] I'm afraid it will also make me a crook tomorrow. I'm afraid of my future. I fear becoming a bum on the street. (Merule, June 2022)¹

The Paradoxes of a Regularisation System

I met Merule today. I had planned to conclude the interview by recording the last part of his story, but Merule was not in the mood. He told me he felt fatigued and unhappy. The reason is the constant waiting and the difficulties accessing services and documents. 'It's like when you see the destination at the end of the road,' he told me. 'You start walking, and then, a third of the way, you stop because you're tired and start looking back.' When he greeted me on his way out of the office, his eyes seemed full of tears. (Fieldnotes, November 2021)

This article delves into the complexities of the regularisation process that took place between 2020 and 2024 in Milan, Italy, examining it through the lens of Merule's experience. The aim is to discuss its absurd dimensions, which can produce suffering for migrants applying for regularisation and make the procedure a specific form of violent governance.² After a brief theoretical analysis of absurdity in the social sciences and anthropology, I describe Merule's story and my relationship with him. The subsequent section recounts the path toward regularisation, its major obstacles, and how Merule



and I experienced this legal limbo. The conclusion returns to the link between law, absurdity and social marginality.

Merule is a Nigerian citizen living in Milan. He has been struggling to obtain legal status since 2012. I first met him in 2020 when I joined the action-research team 'Mapping San Siro' (Cognetti 2013; Cognetti and Castelnuovo 2013; Cognetti and Castelnuovo 2019), named after the public housing project in Milan that it investigates. In the summer of that same year, Merule applied to a regularisation process to escape the shadow of undocumentedness (Chavez 1997). Merule's situation was incredibly complex as he was at the centre of two different but complementary sets of rules regulating migration to Italy. He had reached Italy legally through *Decreto Flussi*, a measure the Italian Government relies on to determine how many foreign workers may enter the country each year and for what work placements (Chiaromonte et al 2019; Schierup et al 2006). Circumstances beyond his control made Merule fall into undocumentedness; in 2020, he enrolled in one of the recurring *sanatoria* – a regularisation programme used periodically over the last thirty years as part of Italy's migration management.³

In legal terms, a *sanatoria* is an act by which an irregular legal situation shared by various individuals is remedied by means of law. The term comes from the Latin verb *sanare*, which has many meanings: to remedy, redress, resolve, normalise or restore to normal conditions. The regularisation process aims to resolve the issue of the many undocumented migrants living and working in Italy. As a crucial step to regularise one's status, migrants must demonstrate that they were employed in Italy at some point during their previously undocumented status. Indeed, migration to Italy is dependent on a regular job.

Nevertheless, as Merule's story will make clear, *sanatoria* paradoxically produce the opposite of what they supposedly intend to achieve and work as technologies of rule that produce a population in limbo, exposed to different forms of exploitation and value extraction. The article will show that absurdity, as an analytical lens, can help shed light on the workings of the law and the experience of those who engage with it. *Sanatoria* are labyrinthine legal procedures. Lengthy waiting times for state evaluation create a sense of legal uncertainty and existential suspension that can last for years. As the fieldnotes extract above demonstrates, this state of suspension causes suffering to the applicants, who can do nothing to expedite the process. As I will show, the wait is even more nerve-racking because the entire process is administered at an impersonal distance. No state agents directly talk to the applicants, nor is there an office where people can go and ask for information. Also, applicants are afraid of not producing the requested documents in time and are desperate to find an (actual or fictitious) employer who files the regularisation application. High costs and sometimes the risk of being blackmailed by potential employers (Chauvin 2014) make the procedure even more complicated and potentially painful.

I define this regulatory process and its outcomes as absurd. The Italian word for absurd, '*assurdo*,' has at least two broad meanings. The first refers to what cannot be thought because it lacks any reasonable basis and is intrinsically contradictory. The second relates to what is unreasonable and contrary to evidence and common sense; it also describes those things or facts that are real but almost unbelievable because of their strangeness or exceptionality. In this article, I build on the latter to produce an

anthropology of absurdity in the Italian migration system and, especially, *sanatoria*. The regularisation is experienced as absurd because, as the article will show, it rests on informality and, sometimes, illegality. Since producing the ‘right’ documents (that is, papers correctly filled out) is all that matters, people can resort to fictitious declarations and fake work contracts when applying for regularisation. For example, as a labour unionist told me, ‘There is no doubt that, in this situation, we have a market, and that means either paying the employer who is willing to hire the applicant in addition to paying for everything (forms, contributions. . .) or buying housing eligibility.’⁴ Thus, a process aiming to redress irregular situations rests on irregularity itself. In addition, because *sanatoria* should evaluate applications rapidly but always result in years-long procedures, the effect is paradoxical. Instead of enfranchising people from the harshness of undocumentedness, *sanatoria* force them into distressing situations, making them resort to a thousand expedients to survive. As the article will show, those two dimensions of absurdity in *sanatoria* (that is, the legal procedure and the experience of anxiety and distress) are two sides of the same coin; they are mutually co-constitutive and produce a form of violence running through bureaucracy and the law (Pontiggia 2024).

Specifically, two related dimensions trigger the experience of absurdity here: the overabundance of often fictive documents and governance at a distance. On the one hand, the regularisation process is based on documents that must be formally correct, even if they do not correspond to the applicant’s material situation. On the other hand, the documentation process is managed without direct interaction with state agents. Unlike Yael Navaro-Yashin’s notion of the ‘many faces of the state’ (2002), as I was helping Merule, I perceived the state as faceless, operating, let us say, through invisible hands with which it moves the thread of regulations and laws. Even though we had no direct contact with state agents until the very final bureaucratic step, Merule and I still sensed the procedural, extractive and disciplinary, yet oblique, nature of the state. We could not engage with it directly; we could only imagine people working at their desks in some obscure office without a chance to talk to anybody.

This phenomenon contrasts with my earlier research in Tunisia on the emergence of the post-revolutionary state apparatus (Pontiggia 2021a). There, encounters with the state occurred through its representatives, albeit hidden behind well-known attributions like blood ties, ‘tribal’ belonging or friendship, which made negotiations more intimate and familiar. In the case presented here, I suggest that the illegibility of the regularisation practices is a specific form of state violence, making Merule wait indefinitely, not answering emails from his attorneys and instilling growing fear and anxiety. The suffering Merule experienced was imposed precisely through these anonymous, impersonal and disembodied bureaucratic procedures.

Bureaucracy and Absurdity in the Migration Management System

Absurdity is an odd topic for anthropologists. As Clifford Geertz (1989) suggests, anthropologists have long struggled to expel inconsistency from analysis and texts to produce narratives that show how seemingly contradictory elements make sense if

only enough context is provided. They showed that each society is as coherent and rational as the ethnographer's cultural world (for a genealogy of the concept, see Introduction, this issue). When experiences of the absurd, meaningless and futile were recounted, it happened not in the 'official' monographs but in publications showing the 'behind-the-scenes' of fieldwork (see, for example, Barley 1983). Only recently have scholars taken seriously absurdity as a privileged research object (Graeber 2015; Vohnsen 2017).

Bureaucracy has emerged as a field ripe for the ethnographic study of absurdity as it helps highlight the gaps between ideals, ethics, notions of the public good, policy aims and practices (Gupta 2012; Hull 2012; Riles 2006). Scholars have proposed multiple ways to study bureaucracy, such as addressing the notion of public good, tracing the 'archaeology' of state-driven bureaucracies, or looking for their materiality and socialising effect (see, for example, Bear and Mathur 2015; Heyman 2012; Lea 2021).

Anthropologists have stressed how bureaucracy takes advantage of the clash between the 'formal' realm of organisations, rules and regulations and the 'informal' daily encounters between citizens and state agents (Bierschenk and de Sardan 2021; Herzfeld 1992; Shore et al 2011; Zacka 2017). However, political scientist Béatrice Hibou argues that neoliberal bureaucracies involve 'the formalization of governance at a distance and the intensification of operations of abstraction' (2015: 11). Hibou's remark is key to understanding Merule's story. In the case I present here, the bureaucratic path to regularisation and the way it is managed produce the feeling of being stuck in an absurd situation.

Nina Vohnsen (2017) provides a detailed account of the link between bureaucracy and absurdity in her study of a Danish policy. Her protagonists describe bureaucracy as a social realm stripped of logic, where things cease to make sense and become purposeless. Furthermore, absurdity is 'a perspective the humans can move in and out of and not an objective condition that underlies and orders social reality' (2017: 48). Rather than evaluating policies and laws in terms of success or failure, Vohnsen addresses absurdity as an experience shared by both the workers charged with the implementation of policies and those subject to it. She defines absurdity as 'senselessness, purposelessness, futility, meaninglessness' (2017: 47).

I build on Vohnsen's perspective but interpret the term differently by emphasising two related dimensions of absurdity that emerged from my fieldwork. What is at stake here is not (only) the distance between official statements and actual events; it is not even a matter of a given policy's success or failure. In my analysis, Merule experiences absurdity through the endless *sanatoria* requirements and the process's prolonged, seemingly unending length. This lonely, protracted and silenced waiting becomes a form of institutional violence, which is irrational because it defies comprehension. In this sense, the absurd is an experience of the unreadable and indecipherable (Bowker 2014).

Therefore, I use the term absurdity to refer to the paradoxical 'effectiveness' of the bureaucratic system. Instead of amending irregularities, it demands fictitious declarations about one's condition and produces legal and ontological uncertainty, vulnerability and marginalisation, reproducing a marginalised and precarious migrant workforce. Over the months, I wondered whether the state meant to produce these

effects. I cannot answer this question definitively; however, most of the 1,200 workers hired in prefectures and police headquarters across the country were on temporary, precarious and short-term contracts,⁵ which resulted in a slow, inconclusive process.⁶ Ironically, the workers hired to process claims are themselves on temporary, short-term contracts and, therefore, unlikely to be able to offer a swift and efficient service.

Life at the Margins in a Marginal Neighbourhood

Out and about, I met the police who checked me; I got the deportation order almost three times. What did I do? I'm not a criminal; I didn't come as a criminal here. I came as someone who had to enter Europe; I paid, so what do you want? That I pay again? I had to pay for my soul, and I had to die. (Merule, June 2021)

Life at the margins of the state and society can be chaotic, jumbled and filled with uncertainty and anguish (Das and Poole 2004); Merule's story is no exception. Early in 2020, I was looking for refugees and asylum seekers who had been expelled from the Italian hosting system and had become homeless. I was interested in investigating their living conditions and the Municipality of Milan's policies for that growing population (Pontiggia 2021b). I was introduced to Merule by a colleague who erroneously thought he was a former asylum seeker. It did not take much to realise that Merule's situation was far from what I had imagined. When we met, Merule had already spent years in San Siro, one of Milan's largest public housing districts located northwest of the city centre. The neighbourhood is characterised by a long history of immigration, widespread unemployment and high vulnerability rates (Codicci Ricerche 2020). A hub for migrants and asylum seekers entering Italy, San Siro is afflicted by broader structural marginalisation (Grassi 2024), making it an internal periphery in Milan.

Merule entered Italy in 2009 through *Decreto Flussi* and successfully applied for a work visa. In 2012, he became undocumented because his employers had not paid the labour tax contributions for him, a situation he was previously unaware of. After sharing an apartment with some Egyptian citizens who, according to him, were involved in drug dealing and petty crime, he squatted in a cellar, using a temporary bathroom on a construction site for his basic needs.⁷ He was then found by an Italian citizen who hosted him in an apartment rented from the Regional Agency for Public Housing (ALER); when the man died, Merule stayed on illegally in the apartment. Therefore, when I first met him, Merule had been living in the shadows of the Italian migration system (Menin 2017; Tuckett 2016) for years. In a socio-economic environment dramatically weakened by the COVID-19 pandemic (Attanasio 2021), he tried to make ends meet by working informally, mainly for charities linked to local Catholic churches. He had unsuccessfully attempted to appeal against the expulsion decrees he had received because of his irregular condition by stating that he was unaware of his employers' dereliction.

As I realised Merule had not gone through the Italian hosting system for asylum seekers and refugees, we reached a mutual understanding: I would help him navigate the migration apparatus (Feldman 2011) and, in return, Merule would introduce me to asylum seekers and refugees within his social network. Over time, our relationship

evolved, shaped both by Merule's needs and my growing interest in his story. At first, I was merely another acquaintance, but as the months turned into years, I became increasingly involved in his story, gradually assuming multiple roles. I helped him enrol in the National Health System, checked the expulsion decrees the police gave him, discussed different strategies to secure an occupation, attended to his health, provided him with clothes and sustained him economically when he needed money to buy food. In this way, Merule's perception of who I was (Fava 2015) shifted from someone at the margins of his network to a participant in a reciprocal relationship of assistance and research.

We scheduled regular meetings in Mapping San Siro's office and started a dense conversation through instant messaging. I explained the content of the various administrative and bureaucratic documents he received, and sometimes, when he was fined for illegally using running water, heating and electricity, I tried to find ways to mitigate his financial responsibilities. Whenever possible, I shared information about his *sanatoria* application, and we discussed potential alternatives to achieve legal status. The prolonged wait for an evaluation of his application made me feel uncomfortable as my financial support grew. I sensed that he was becoming reliant on me, perhaps even pausing his efforts to seek employment. At times, I found myself caught between roles – offering guidance that felt paternalistic, sensing a shift toward the responsibilities of a social worker rather than an anthropologist. This blurred boundary left me questioning how best to balance my commitment to his well-being with the need to maintain an ethical distance, all the while reflecting on how such engagement might impact the integrity of our research relationship.

Amnesties between Migration Management and Labour Policy

As the project partners and I gather at a döner kebab restaurant, Merule, who is passing by, sees me and approaches me with some news. His primary concern is his undocumented status; even today, this is what he says. 'I just read there will be a *sanatoria* in the coming months . . . This is my chance to get my documents,⁸ so please, help me understand how to apply for it.' I am unaware of any *sanatoria* being set up by the Government, but I promise I'll look for information. (Fieldnotes, early 2020)

On 13 May 2022, Teresa Bellanova, then Minister of Agriculture, announced that the Government had agreed to launch a regularisation programme.⁹ 'I want to emphasise a crucial point here, [which is] the surfacing of labour relations. From now on, the invisible will be less invisible. From now on, we can say the state is stronger than unlicensed gang masters', she stated (my translation). A former farm labourer herself, she was moved to tears as she described the policy. The measure, included in Decree 34/2020 (article 103), aimed to boost the Italian economy during the COVID-19 pandemic¹⁰ by regularising undocumented migrants working in agriculture, fishing activities, caregiving and domestic work. The programme responded to a severe shortage of agricultural workers caused by the pandemic, which had endangered this crucial economic sector. Bellanova's words underscored the *sanatoria* as a stand against labour exploitation and a step toward strengthening migration-related rights.

This was one of many regularisation efforts in Italy. Since 1986, Italy has implemented eight programmes (including Decree 34/2020) which collectively engaged around two million applicants, with approximately 207,500 applying to the 2020 *sana-toria*. Scholars define Italian regularisation policies as attempts to fix the inconsistencies and failures of immigration laws. According to William Chiaromonte and Madia D'Onghia (2020), in the Italian case, regularisations have always gone hand in hand with the 'ordinary' model regulating incoming migration flows through *Decreto Flussi*. Italy regularly relies on cyclical amnesty measures for foreigners who have entered and/or stayed illegally in its territory. As a result, amnesties have become critical measures compensating for the limitations of existing legal frameworks.

Migration in Italy is regulated by Decree 286/1998, known as the *Testo Unico sull'immigrazione* (Unified Text on Immigration), which, despite frequent amendments, remains the primary legal reference.¹¹ Chiaromonte and D'Onghia state that changes to this law have had significant impacts: lowered numbers of legal entries in the country, the impossibility of obtaining a residence permit for job seeking and the transformation of other permits (e.g. those for study) into permits for work reasons instead of issuing permits for newcomers. However, a closer look at amnesties and regularisations at the global level will show that, rather than addressing fallacious structural policies, these measures primarily manage relationships with migrants coming from the Global South by linking migration management to border control and labour policies (Chauvin et al 2013). The first example is illustrated by the number of countries that have turned to regularisations over the past three to four decades. In 2011, economists Gil S. Epstein and Avi Weiss showed that amnesties were enforced in North America, Asia, Europe and South America. They stated that amnesties are often closely linked to border patrolling and law enforcement within the national boundaries to produce a sort of 'industrial reservoir army' that oscillates between 'legality' and 'illegality' based on hegemonic political economies.

Anthropologists have long questioned this perspective, suggesting that it portrays immigration policy as directly facilitating the super-exploitation of immigrant labour (Delgado 1993; Heyman 1998). This functionalist perspective depicts the state as a monolithic agent that always acts with clear intentions. However, as Ruth Gomberg-Munoz and Laura Nussbaum-Barberena (2011) argue, ethnographic research reveals a more nuanced reality with three distinct findings. First, business constituents lobby lawmakers to keep 'stocks' of low-wage immigrant labour. Second, lawmakers face pressure to tighten the labour market and favour the creation of job opportunities for citizens. Finally, state policies on immigration that fail to satisfy labour market demands and boost the political capital of lawmakers are adjusted until they do so. Therefore, immigration policies result from ongoing (and sometimes conflictual) relations between state institutions, economic sectors and civil society.

As the next section shows, Italy is no exception. Merule's path to regularisation shows the extent to which the experience of absurdity helps highlight the marginalisation and 'stuckedness' (Hage 2009) embedded in this process. The extensive paperwork and the confusing, contradictory and exclusionary norms regulating his application left Merule feeling 'stuck' in a prolonged waiting period. The regulations had the paradoxical effect of putting him into a 'neither-nor' situation: unable to secure the rights

of a regular foreign resident in Italy, yet also deprived of the relative freedom that irregularity can sometimes afford.

The Never-Ending Race to Regularisation

A few months into the regularisation process, both Merule and I were confused as to how to proceed. To gain clarity, I decided to assess the situation with an attorney working in San Siro who specialised in migration issues as part of a legal team. She checked Merule's documents and gave us her interpretation of the prolonged delay we were experiencing.

Attorney: I mean, a couple of months ago, let's say, now we're in the middle of December, ok? So, six weeks ago, the number of convocations¹² was at 30 percent, so that means that more than half of the people are still waiting. Unfortunately, it's not so easy to predict in what timeframe, also because you can only work for these people who have made the amnesty for you until this procedure is closed.

Merule: In fact, we've heard lately that they won't be able to, and I won't even be able to be hired.

Attorney: That's it until it is finalised. Then, of course, once you have the work permit, at that point, you are like anybody else who is on a pathway.

Merule: All on hold, then.

Attorney: Eh, I know, I know. (Fieldnotes, December 2021)

As with previous *sanatoria*, the bureaucratic path to regularisation was rugged, and the requisites for application strict. Regularisation involved three economic sectors: agriculture and fishing, care work and domestic help. The reason behind the choice was the 'need to counter the invisibility of foreign nationals residing in Italy to mitigate the pandemic contingency from a 'health protection' perspective and find the labour needed by the agricultural sector' (Curigliano and Mason 2021: 300).¹³ The procedure was complicated and almost indecipherable for a migrant worker; along with the guidelines the government issued over time, it produced an experience of absurdity that both Merule and I felt acutely. Three ethnographic examples illustrate this experience.

The regularisation measure identified two channels and a timeframe (1 June to 15 August 2020) for the file submission. The first channel required employers to apply on behalf of foreign workers. Employers were asked to report a pre-existing irregular labour relationship with foreign workers or to declare their willingness to hire undocumented foreign nationals already present in the country. Foreign nationals had to have their fingerprints and picture taken before submission or to provide documentary evidence proving their presence in Italy prior to 8 March 2020. In both cases, when applying, employers had to pay a 500-euro lump-sum contribution to cover procedural costs for each worker and prove their economic capacity to employ the worker.¹⁴

The second channel provided undocumented foreign nationals with a six-month residence permit, which could be converted into a work permit in case they secured

employment in one of the three targeted sectors within that period. In this case, the key requirements included their presence on Italian territory on 8 March 2020, and at least one previous work experience in the sectors covered by the *sanatoria*. The flat fee for the second channel was 130 euros.

The first decision Merule had to make concerned which channel to apply for. After briefly evaluating the pros and cons of each potential pathway, he decided he would go for the first one. He had some experience as a cleaner and considered that six months were not enough to secure a job. Therefore, we started looking for potential employers. The search was unsuccessful as the socio-economic conditions of the San Siro district had dramatically worsened during the pandemic. People had lost their jobs and could not afford caregivers or cleaners, even when necessary.¹⁵

As I was considering fictitiously hiring him myself – a risky choice, as I would be obliged to pay labour taxes to prove the working relationship – Merule found a potential employer living in the same building where he was squatting. However, the man declared he wanted 1,000 euros to submit the file and added, ‘I won’t go to the *Prefettura*.’ That posed a serious problem as the application process required the employer’s participation in an interview at the *Prefettura*. After submission, applications are cross-checked by the Ministry of Internal Affairs, the Labour Inspectorate and the *Prefettura*. If deemed complete, the *Prefettura* schedules an interview with the worker and the employer. After that, a *contratto di soggiorno* (residency contract)¹⁶ is signed, granting the worker the right to reside legally in Italy and providing a kit, that is, the documentation to be filled out to apply for the residency permit. Not participating in the interview would mean the application would be rejected. Concerned about this possibility, I advised Merule not to proceed with the man’s offer for a fake hire.

After weeks without any news from him, Merule told me he had submitted the file on 14 August 2020, thanks to Anna and Giorgia, two women engaged in social cooperatives in San Siro. The documents were uploaded onto the Ministry of Internal Affairs website, as that was the only submission channel. One of the absurdities of regularisation procedures is the need to find a potential employer. People ‘ask around’ and try to buy a work contract – not only to renew a residence permit (Dimitriadis 2018) but also to transition out of irregularity – demonstrating that illegality is produced at the European borders and even within them (Andersson 2014).

A year passed without any communication from the *Prefettura*, which needed to be faster to process the 26,000 applications submitted in Milan. Merule looked for a job as the contract with Anna and Giorgia was only intended to meet the regularisation requirements; they did not actually put him to work. Meanwhile, I helped him financially and tried to solve pending issues, like his registration into the Italian Health System or problems with his tax code.¹⁷ One Saturday in late June 2021, Merule called me, saying he might have found an occupation as a cleaner. He asked me to assist him in preparing the paperwork related to the contract. We completed the documents and sent them to the woman who was willing to hire Merule. However, a few days later, we discovered this was not possible. According to recently issued guidelines, only the contract submitted with the *sanatoria* application was valid until the end of the process; no other contract could be signed in addition or as a substitute for the one declared initially. Exceptions are applicable only in cases where the employer has

died or the worker has been fired. In the latter case, applicants are allowed to submit a different contract, but the procedure is time-consuming and expensive. It also raises the risk of having an application rejected. This left Merule in a precarious position: his application receipt protected him from deportation but did not grant full legal status, forcing him to work informally to survive during the drawn-out regularisation process.

Another year passed. I started recording Merule's life story while continuing to help him financially and look for an occupation. We unsuccessfully asked at local parishes, legal accountants, social workers and NGOs. Merule could rely only on the money I gave him and the payment he received for small jobs, such as working as a removal man. He found only one month-long job in September 2021, substituting for a Romanian caregiver on vacation.

In April 2022, the *Prefettura* sent Anna and Giorgia, the two fictive employers, two separate emails requesting additional documentation, namely, the *dichiarazione di ospitalità* and the *certificazione di idoneità alloggiativa*. The first is a declaration by the employers stating they are hosting somebody not belonging to their family, and the second is an official document released by the Municipality proving that the host's apartment meets specific parameters of size and furniture.

As was the case of the employment contract, we needed to find someone willing to help Merule with those documents. Just before the deadline set by the *Prefettura*, he saw an acquaintance who agreed to produce the documents. In Italy, the right to legally stay in the country hinges on two prerequisites: occupation and a place to live. Merule was undocumented, so he could not rent a room and was obliged to look for alternatives. He found this in a man who generously provided the necessary paperwork but could not materially host him. Thus, as with the job contract, we submitted technically complete and correctly signed paperwork that told a story wholly different from the actual situation. As a social worker told me, this is quite normal in such cases: 'Paper counts. If the documents are correctly produced, it does not matter if you hire your sister as a cleaner. It is not excluded, so it is automatically allowed.'

As the three ethnographic stories clearly show, the regularisation process produces informal and irregular strategies to secure the documentation necessary to complete each bureaucratic step. A legal mechanism intended to formalise work relations thus entangles people in a perverse mechanism; an 'underworld' of informal and risky actions that are not simply side effects but are made necessary by the very design of the procedure. That is made possible thanks to a specific relationship between the form and the substance. As the social worker mentioned above told me, those charged with checking the documentation are expected to see if the files are properly produced; if they are, regardless of their content, the procedure will end successfully. Therefore, the correct form automatically makes the substantial 'good enough' to secure success, somehow 'inviting' applicants to resort to informality and illegality to access their opposite. In this sense, the state does not simply fail to prevent fictive practices – it sustains a space of managed ambiguity that keeps applicants in a condition of semi-legality: useful, yet always vulnerable.

After a second formal request for documents, sent to Anna (but not to Giorgia) in autumn 2022, Merule was informed that his regularisation application had been rejected. The decision was linked to an error during the application. First, Anna seemed

to have yet to reach the minimum annual income necessary to submit the contract, and second, the *Prefettura* said that she had paid only half of the 500-euro lump sum. After talking to Anna and Giorgia, I contacted a lawyer to explore possible solutions. We discovered that the *Prefettura* had treated Anna's and Giorgia's documents as two separate applications, each with its own registration code, creating the impression that two people were attempting to regularise Merule independently. The lawyer successfully explained the situation by email, but a new communication from the *Prefettura* offices arrived like a bucket of cold water. The procedure had been reset, and Merule would have to start from scratch again.

Conclusion: Absurd Bureaucracy and Marginality

In this article, I have explored how the Italian migration system, and the *sanatoria* more specifically, is productive of bizarre and complex situations that can be defined as absurd. This absurdity is located at two different levels. First, people like Merule are forced to navigate immigration laws (Tuckett 2018) by resorting to illicit practices, fictional declarations and documents, and illegal activities such as working without a regular contract. In extreme cases, this outcome results in an informal, privatised and emergency welfare system enacted by people who claim to hire someone and pay labour taxes for non-existent work, or who state they are hosting an applicant who does not reside at the indicated address. Law, then, creates a situation where legal, illegal, illicit and informal collapse into one another (Calavita 2005; Düvell 2008; Menjivar 2006).

The experience of absurdity also emerges in the relationship between applicants and the documents they must produce to secure their status. When migration management relies so heavily on paperwork, obtaining and completing the proper documents (Alpes 2017) is critical; it is also an experience that generates anxiety, fear, desire and hope (Navaro-Yashin 2012). The affective dimension of bureaucracy is overwhelming, especially in situations of undocumentedness where documents (or their absence) trigger different emotional states and social realities (Sigona 2012), depending on their content, the issuing institution or the path to obtaining a given paper. This specific form of social suffering is exacerbated by governance at a distance. In the case I present here, Merule was denied any opportunity to talk directly with a state representative, creating a sense of abandonment and precarity. Merule's encounters with the state are solely based on repression and contradiction: he went through identity checks and arrests by the police, resulting in expulsion decrees that, ironically, according to the law, could not be enforced because his application status rendered him undeportable. In this way, absurdity is not only a symptom of bureaucratic dysfunction but a mode through which governance operates under conditions of managed precariousness.

To summarise, I state that *sanatoria* create cycles of temporary legalisations followed by bureaucratic obstacles which underscore the absurdity of a system that purports to 'regularise' while reinforcing conditions of marginality and insecurity. Rather than empowering migrants, *sanatoria* entangle them in a web of paperwork and legal

ambiguity, where even those who succeed in gaining legal status remain vulnerable to exploitation. The absurdity, then, lies in the fact that, while *sanatoria* are officially intended to formalise labour relations, they ultimately perpetuate precariousness and power imbalances for the migrant workforce. Thus, the *sanatoria* system becomes a paradoxical mechanism that sustains the very inequalities it claims to address, trapping migrants like Merule in a continuous cycle of marginalisation, dependency and frustration. Regardless of how much this mechanism is intentional, it works as a structured condition of governance oppressing fragilised migrant workers and resulting in a form of violence unleashed by bureaucracy – a violence made effective precisely through delay, opacity and the withholding of direct engagement.

In February 2024, three years and six months after submitting his application, Merule received his residence permit. Anna, Giorgia and I celebrated the successful outcome of the procedure; after twelve years of undocumentedness, Merule could finally start a new life. Nevertheless, obtaining a residence permit was only the first step toward escaping social marginality. He still needed an Italian identity document and a bank account or healthcare card. While he was still looking for a job, the Regional Agency for Public Housing closed the apartment he had been squatting in. Merule then stayed for a month in a flat with an Italian retiree and a sex worker, but the living conditions were poor. ‘They constantly begged me for money, tobacco, or food . . . When I refused, the man kicked me out’, Merule told me. Eventually, he found refuge in a cellar in San Siro, where I continued to support him financially.

Merule’s experience speaks volumes about the temporalities of experiencing changing legal statuses. Much research has stressed how legal statuses can shift rapidly within migration management systems (Basok and Wiesner 2018; Bonizzoni 2017; Coutin 2003). As Liza Schuster (2005) notes, people can move in and out of categories such as migrant workers, documented/undocumented migrants or asylum seekers/refugees. However, Merule’s experience demonstrates that this is only partly true. His story shows that moving from one status to another takes considerable time, regardless of the specific governance regime in which people find themselves. After years of being undocumented, Merule’s procedure to become ‘legal’ did not wholly amend his situation, meaning that legal and illegal status boundaries are not equally permeable in both directions. If it is easy to fall into irregularity, the journey out is not as smooth. In Italy, undocumented migrants seeking legal status often face extended delays, which makes them more vulnerable to inadequate social support, health issues, stress and despair.

Acknowledgements

I want to thank my colleagues at CURA Lab action research team for sharing insights when researching this article’s content. Prof. Francesca Cognetti and researchers Paolo Grassi, Ida Castelnuovo, Maria Elena Ponso, Rossella Ferro and Gianfranco Orsenigo discussed the data with me and commented on the text. This article is based on research conducted within the programme ‘Educational Methods and Tools for the Inclusion of Migrant Populations in Urban Space: The Challenge of Inclusion in Euro-

pean Cities' at Politecnico di Milano, Italy. The programme was funded by Erasmus+, funding line KA203 – Strategic Partnerships for Higher Education.

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Notes

1. Interview. All personal names are fictional; Merule chose his own.
2. For a review of the different ways bureaucratic violence is exerted in different administrative procedures, see Geoffrion and Cretton (2021).
3. For a history of regularisation processes before the one described here, see Barbagli and colleagues (2004); for an analysis of the 2020 *sanatoria*, see Ambrosini (2023) and Finotelli (2023).
4. Interview, February 2022. Housing eligibility is a legal document stating that the flat meets some sanitary and furniture standards. It is essential to have this document to apply for a *sanatoria*.
5. *I grandi ritardi della sanatoria per i lavoratori stranieri* (<https://www.ilpost.it/2022/12/26/ritardo-sanatoria-lavoratori-stranieri/>). Accessed 18 July 2023.
6. In Milan, as of 21 July 2023, only 59.21 percent of the 26,225 applications received by the prefecture had been finalised (<https://erostraniero.it/sanatoria-2020-campagna-ero-straniero-ritardi-gravissimi-nelle-prefetture-di-roma-e-milano-con-meno-del-60-delle-richieste-esaminate-la-carenza-di-personale-e-un'emergenza-su-cui-d/>). Accessed 8 July 2024.
7. Merule, interview, 16 June 2022.
8. Merule refers to a residence permit.
9. *Accordo sui migranti, Bellanova si commuove: 'Invisibili saranno meno invisibili'* (<https://tg24.sky.it/politica/2020/05/13/ministro-bellanova-sanatoria-migranti->). Accessed 29 June 2022.
10. See <https://www.gazzettaufficiale.it/eli/id/2020/05/19/20G00052/sg>, accessed 29 June 2022.
11. See <https://web.camera.it/parlam/leggi/deleghe/98286dl.htm>, accessed 29 June 2022.
12. The attorney is talking about the applicants who were summoned by *Prefettura* to conclude the application procedure after the documents had been checked.
13. My translation.
14. An annual 20,000 Euro income was needed if the employer was, for example, a single-earner household and 27,000 Euro in the case of a multi-earner family.
15. In autumn 2020, an Italian NGO started a food distribution point for the poor in the district. In only four months, the number of families they served monthly skyrocketed from 90 to about 250; at the end of 2021, they served about 350 families each month.
16. The residence contract (*contratto di soggiorno*) is a prerequisite for obtaining an employment-based residence permit and affects the foreign national's administrative legal status. The residence contract obliges the employer to provide a decent apartment and to pay travel expenses for the worker's return to the country of origin.
17. Merule had a temporary tax code and another indicating name, family name, date of birth and place of origin.

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Figé dans la loi : la migration, la paperasse et l'absurdité à Milan, Italie

Résumé : Cet article décrit l'expérience migratoire de Merule, un citoyen de Niger sans papiers qui vit au centre de deux règlements différents mais complémentaires concernant la migration en Italie. Merule est entré au pays légalement mais, trois ans plus tard, il se trouve dans une situation irrégulière. En 2020, il s'inscrit à un programme de régularisation mené par l'État. La situation de Merule révèle quelques conséquences paradoxales du régime italien de migration dont l'absurdité est reconnue par ceux qui sont dedans. Tout d'abord, le chemin vers le statut légal nécessite des pratiques informelles ou illégales ainsi que des déclarations fausses concernant sa condition. Deuxièmement, la bureaucratie fonctionne comme un processus de gouvernance en distanciel, dont les effets augmentent la souffrance et l'angoisse des candidats. Troisièmement, un processus légal, qui a été conçu à durer quelques mois, résulte dans un délai de plusieurs années. En attendant une décision, les candidats sont coincés du point de vue légal avec très peu de marge pour l'agentivité individuelle.

Mots-clés : absurdité, bureaucratie, l'État, Italie, migration, régularisation