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# Legal-administrative intermediation in the migration field

## An introduction

### Abstract

Legal-administrative intermediation is crucial for migrants to access rights and statuses. This paper traces the roots of intermediation across various disciplines and examines its role in migration studies. It draws on scholarship about the migration industry, humanitarianism, legal sociology, and street-level bureaucracy, and synthesises insights from seven articles in this special issue. The paper explores how intermediaries operate at local, national, and transnational levels, becoming essential due to the complexity and discretionary implementation of migration and naturalisation laws. It also investigates how intermediation practises reflect diverse ethics – characterising professional, political, affective, and interpersonal connections – and considers the extent to which these practices arise from (and reproduce) asymmetrical and intersectional power dynamics, shaping the (de)politicisation of migration justice.

**Keywords:** legal-administrative intermediaries, rights, immigration, (de)politicisation, ethics.

This Special Issue, originating from a panel held in the summer of 2023 at the University of Trento during the 9th Conference of *Etnografia e Ricerca Qualitativa*, delves into the role of various actors involved in migrants' legal-administrative intermediation within the increasingly intersecting fields of immigration and social policies. It examines the relationships among these actors, migrants, and governmental entities at local, national, and transnational levels. Additionally, the issue explores how intermediation practises reflect diverse ethics – whether professional, political, affective, or otherwise – and interpersonal connections. It also questions to what extent these practices emerge from asymmet-

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rical power relationships, which may either perpetuate, expose, or challenge imbalances related to race, ethnicity, class, age, gender, and legal status. These practices can thereby trigger or prevent social change, facilitate access to key resources for desired (social and geographical) mobility, or instead lead to forms of exploitation, corruption, and accumulation of power, exacerbating, rather than challenging, existing inequalities. The seven articles in this issue explore these themes from diverse theoretical and empirical perspectives, offering a diverse yet complementary range of insights.

## 1. Legal-administrative intermediation in the migration field

Intermediation, in its broader sense, involves processes where access to resources, including public goods and services, is facilitated (or hindered) by others (Lindquist, 2015). The literature on intermediaries and brokering processes has a long and interdisciplinary history. It is rooted in fields such as political anthropology and development studies, particularly in the study of clientelism and patronage in rapidly transforming contexts (Bierschenk *et al.*, 2000; Lewis, Mosse, 2006; Boissevain, 1978; James, 2011). Sociology also contributes significantly to this body of work (Stovel, Shaw, 2012), notably through the concept of translation, as discussed by Callon (1986) and Latour (2000). Furthermore, political science examines the role of intermediation as concerns, for instance, the (in)accessibility of local public services, as highlighted by Barrault-Stella and Michon (2024) and Nay and Smith (2002).

Migration studies have extensively adopted and applied the concept of intermediation, particularly in relation to networks as push/pull factors, migration industries, and other forms of transnational brokerage and infrastructure that shape and redirect migration aspirations and decisions (Ambrosini, 2017). The concept of intermediaries in the migration field began to take shape in the 1970s, showing the role of networks and informal solidarity connections, often familial (Bonizzoni, Fresnoza-Flot, 2023) or community-based, that facilitate migration and provide assistance in host countries (Goss, Lindquist, 1995; Massey, 1990; Faist, 2021). With the advancement of information and communication technology (ICT), these networks have increasingly taken digital and virtual forms, including transnational communications and online self-help groups (Diminescu, 2008; Dekker, Engbersen, 2014).

In contrast, the concept of the migration industry emerged in the 1990s, emphasising broader trends in the commercialisation of human mobility (Gammeltoft-Hansen, Sørensen, 2013; Hernández-León, 2013). From this perspective, intermediaries encompass a wide range of more or less formalised actors who can facilitate or impede human mobility in exchange for monetary gain. The notion of «gain» has been extensively explored in anthropological studies: for instance, Boissevain (1974) describes it as a strategic game where the «tariff» represents the value gained through transactions among parties. This tariff, however, is not always monetary; it can also manifest as recognition, respect, debt, or future dependency.

Today, political and media rhetoric often reduces intermediaries in migration movements to smugglers or traffickers (Clochard *et al.*, 2024), overlooking the diverse roles played by various actors in facilitating movement and settlement across the globe (Lauret, 2023; Brachet, 2018; Scheele, 2012). These, for instance, also include activists and humanitarian actors (Filippi *et al.*, 2021; Milan, Martini, 2024) being criminalised for providing care and support to those on the move (Lampredi, 2024). This highlights the ambiguous and often suspicious nature of intermediaries (Lindquist, 2015), particularly those operating without public mandates, acting at the margins of the state and/or across international borders. Quite often, intermediaries occupy a delicate and ambiguous position between migrants and local, national, and supranational governmental entities, as their actions contribute to either reinforcing, challenging, or circumventing state external and internal borders (Fauser, 2024; Bonizzoni, Dimitriadis, 2024; Gargiulo, 2024).

In the context of public service delivery, intermediaries are individuals or organisations that facilitate access to public goods and services, bridging gaps between citizens and governmental institutions. Governmental institutions often deliberately leave legislative and implementation loopholes that can be filled by state agents on the ground (Dubois, 2010). Here, non-state actors can play a strategic intermediary role between state actors and claimants. They do it by interpreting laws and administrative procedures, adapting them both culturally and contextually, thereby shaping their practical application in everyday use. This function is especially crucial where direct access to services is limited, complex, or obstructed (Artero, Fontanari, 2021, Gargiulo, 2023), also due to institutional discrimination or exclusionary governmental practices, as discussed by Gargiulo and Bellè in this issue.

Cultural and social capital, as well as personal backgrounds and biographies, significantly influence intermediaries' understanding of immigration and welfare-related procedures. In addition to traditional face-to-face interactions, new information technologies enable the acquisition of diverse information, including shared experiences with strangers met online. This has been discussed in family migration studies (Odasso, 2024; 2023; Geoffrion, 2023; Descamps, 2022; Longo, 2022), and further illustrated in the field of naturalisation and labour migration policies by Trucco and De Blasis and Bonizzoni in this issue. In this regard, intermediary actors are pivotal because of their ability to navigate and apply legal regulations in their professional, activist, or associational roles (Pélisse, 2019), showing how the management and implementation of immigration and social policies are relational and collective endeavours (Miaz *et al.*, 2021).

Intermediaries can influence and redirect migrants' geographical mobility from and to specific destinations, by facilitating access to key resources that foster migrants' adjustment in destination countries and their trajectories of social mobility, as the literature on labour brokerage has extensively shown (Michalon, Potot, 2008; Avallone, 2016; Perrotta, Raeymaekers, 2023). Intermediaries in the legal-administrative field provide essential guidance through complicated procedures (such as those concerning visa applications or resid-

ence permit renewals, see Alpes, 2016; 2017; Lindquist *et al.*, 2012) supporting individuals understand and navigate detailed regulations (Tuckett, 2018a; 2018b) also concerning (public) welfare access and assisting them in navigating complex and changing frameworks of entitlement (Könönen, 2018). In doing so, they also ensure – voluntarily or inadvertently – that the conditions imposed by (immigration and welfare policies) are respected, contributing to shape migrants’ social (and legal) mobility pathways across the «chutes and ladders» (Goldring *et al.*, 2009) of the civic stratification regime (Morris, 2002). This is well illustrated by Trucco’s study on naturalisation applications and Sandell-Maury’s research on European citizenship registration in this issue.

## 2. A complex, stratified and divided field

Intermediaries in the legal-administrative field encompass a wide spectrum of actors, ranging from public to private, from formal to informal, and originating from diverse backgrounds. They include activists within political parties, social movements, or trade unions, as well as locally elected officials, but also professionals such as lawyers, paralegals, and social workers can serve as intermediaries. Additionally, informal networks (Dimitriadis, 2018), including family, friends, and even individuals encountered in virtual spaces, play significant roles in facilitating access to legal and administrative processes and procedures. Each of these actors operates according to their own principles, values, resources, and positions within a complex, stratified, and internally divided field, characterised by evolving forms of cooperation and competition (D’Aoust, 2018).

As shown by Trucco, intermediaries must learn to navigate to achieve their goals acting within a «competitive field». Drawing on the sociology of law, particularly the concept of legal consciousness, she illustrates how intermediaries’ relationships with the law vary depending on their positions within the field. Specifically, those situated at the periphery often perceive the law either as an arbitrary power – something they manage to navigate but feel powerless against – or as an unstable tool that they can adapt and reshape to serve their own interests. In contrast, those positioned more centrally and closely aligned with the state regard the law as a superior and objective force, worthy of recognition and legitimacy in its autonomous actions. Actors who operate «with the law» distinguish themselves from associative intermediaries and «activist» colleagues, who primarily view legal work as a means of advocacy (Lendaro, 2021; Odasso, 2021; Bonizzoni, Hajer, 2023).

Scholars do not universally agree on how to conceptualise the role of civil and public servants as intermediaries. While literature on street-level bureaucracy tends to assign them a distinct role, other intermediary actors, such as those in the professionalised third sector, can also be viewed as functioning similarly to street-level bureaucrats (Pette, 2014; Weill, 2014; Bonizzoni, Hajer, 2022), exercising discretion and making decisions that significantly impact migrants’ access to rights and legal statuses. Despite this, these actors often aim to distinguish themselves from civil and public servants (Pette, 2023), embodying

the human face of the state (Calandrón *et al.*, 2018) while acting on a continuum with state actors (Kalir, Wissink, 2016).

This debate is not just a matter of semantic. It underscores the importance of boundaries that various figures at the state's periphery establish through their practices in the implementation of migration and social policies, as the distinction between public and private actors in this field has increasingly blurred (Infantino, 2023; Nehring, Hu, 2021), as noted by Trucco in this issue. It also raises crucial questions about the nature of transactions and interactions among these intermediaries, migrants, and other actors, as discussed by Gargiulo and Bellè (this issue). In this respect, even formal and public actors, such as technical governmental officials and civil servants, can be considered legal-administrative intermediaries because they mediate not only between public administration and service users in direct encounters (see also Sandell-Maury in this issue) but also among different branches and levels within the public administration itself. This approach underscores the pivotal role intermediaries play throughout the decision-making process, extending beyond interactions with gatekeepers and face-to-face encounters with applicants. Moreover, as Oubad Bellè (this issue) suggests, the theoretical perspective on intermediation invites us to consider those crucial interactions that precede and follow bureaucratic encounters and that, far from institutional settings, contribute to the success of applications.

Intermediation often involves labour performed «in the shadows» as shown by Thibault (this issue) in his study on the visa issuance process for high-skilled workers. In this context, various «little hands» contribute to an intermediation chain where different actors, based on their unique positions and levels of influence, shape the articulated process of securing high-skill entry visa. In this perspective, insights from the sociology of professions are particularly valuable, especially regarding the study of professional ethics and the division of labour in this field (Lochard, Simonet, 2009). While some actors such as lawyers and counsellors are easily identifiable due to their professional roles and responsibilities, others face challenges in recognition, and despite their significant contributions, they remain largely unseen. In the case of high-skilled migrants studied by Thibault, the picture is even more blurred, as intermediation practises invert gendered and educational hierarchies. Here, less skilled workers (often women), in fact, support the success of the immigration paths of (often male) engineers.

In this context, it is important to note that existing literature has predominantly focused on legal intermediation (Pélisse, 2019), often overshadowing other forms of intermediation and actors involved. Social workers, for example, despite their primary role in promoting the well-being of users and facilitating the integration of migrants, also wield considerable influence over access to migrants' legal statuses and rights (Di Stefano, 2024; Koch, James, 2022). Given their advisory role, social workers not only interpret rights and procedural formalities but also convey norms about acceptable behaviours, rooted in ideas of social acceptability and moral correctness (Andretta, 2019; Roux, Vozari, 2018; Serre, 2010). This intangible yet significant dimension exposes a notable tension in their daily practice: mitigating vulnerability while simultaneously

overseeing social conduct, as convincingly illustrated by the studies of Lemarie and Oesch, and Sandell-Maury in this issue.

Informal networks, including relationships with peers and fellow migrants (Maâ *et al.*, 2023), also participate in this realm, contributing to its varied moral economies. Informal actors can share their personal understanding of accessing specific services or migratory routes and envision paths to inclusion based on subjective resources and experiential knowledge. Proximity and trust among peers are fostered through shared intimate experiences and viewpoints, which translate into practical skills in navigating immigration and welfare-related procedures (Odasso, 2024). As shown by Oubad in this issue, informal intermediation practises operate on the margins of the state apparatus and beyond traditional intermediary services, potentially representing a form of infra-political resistance, as compliance with formal regulations can be interpreted as a tool to be strategically manipulated to securing rights and statuses.

### 3. Bridging, connecting, translating

Intermediaries function as connectors, assemblers, and translators, bridging gaps and facilitating interactions across various domains. In the literature, terms like «facilitator», «mediator», and «broker» are used to capture the specific nuances of these roles.

Brokers, in particular, have been extensively discussed as key figures who link disparate social worlds, often connecting the marginalised with power holders (Chalhi *et al.*, 2018). In development studies, intermediaries are seen as connective agents who bring together government, citizens, and corporate actors, institutions, and resources, effectively blending these elements into cohesive, productive networks (James, 2011; Lewis, Mosse, 2006), leveraging their specialised knowledge, skills, and authority to facilitate connections (Koster, Van Leynseele, 2018). This concept applies equally well to the field of immigration (and deportation, see Maâ, 2021) policies. Here, intermediaries link diverse and geographically distant actors – such as employers, workers, and governmental agencies – weaving together these various components into unified operational systems, as noted by Thibault, and De Blasis and Bonizzoni in this issue.

In the field of immigration and welfare policies, there is often the need to bridge communication and understanding between different actors. In this respect, intermediaries facilitate smoother interactions and better comprehension, either easing or hindering access to (residence and welfare) rights, firstly as they serve as information conduits. They can enhance migrants' legal and human-right awareness (Kirwan, 2016; Merry, 2006) by translating public administrations' requests and local, as well as so-called «infra droit» practices, into understandable language (Lochak, 1985). As argued by Mcdermont (2013), central to their work is the way in which intermediaries take problems defined in «everyday» terms and re-assign them a new meaning making them intelligible to public administrations (see also Trucco, this issue). And, on the other way round, intermediaries translate the bureaucratic language of technocratic procedures, making them accessible to a broader and diverse audience. In this

regard, context-specific cultural knowledge enhances the role of intermediaries, as their familiarity with local norms, cultures, and languages allow them to mediate between different cultural and social groups (see also Oubad in this issue). As De Blasis and Bonizzoni observe in this issue, the act of translation is, however, never neutral and can distort the flow of information to serve particular interests, potentially leading to exploitation and abuse.

While actor-centered approaches focus on who the intermediaries are, what they do, and how they perform their roles, contextual approaches aim to understand the broader patterns in which these phenomena occur. This entails interrogating the processes and broader societal transformations that might explain the emergence and persistence of intermediaries, as well as the implications of their actions for societal and political change. Although reliance on intermediaries is not new, their importance in academic debates has grown significantly over the past thirty years, bringing them back to the forefront of several distinct, albeit only partially interconnected, bodies of scholarship.

One primary reason for this renewed interest lies in neoliberal societal transformations and governance transitions. In contexts where many new actors and institutions have entered the public arena due to a shift from centralised government to decentralised, multi-actor governance, brokers have once again taken centre stage. In this respect, the privatisation and outsourcing of key government tasks have been widely observed in the (increasingly interlocked) fields of immigration and social policies. Privatisation trends in migration management have led to the expansion of both commercial (Gammeltoft-Hansen, Sørensen, 2013) and non-profit actors (Cuttitta *et al.*, 2023) in contemporary migration and border governance. Additionally, professionalised civil society actors are increasingly engaged in delivering welfare services through public-private partnerships, thereby blurring the lines between state and non-state entities.

As Trucco (this issue) demonstrates in her analysis of the emerging naturalisation service market in Italy, a variety of professionalised actors who do not work under an explicit state mandate occupy a competitive field where reputation and trust are key assets. As illustrated by De Blasis and Bonizzoni (this issue) legal-administrative intermediation encompasses «grey zones» where the boundaries between legal and illegal, as well as licit and illicit practices are sometimes hard to distinguish. In a loosely regulated market of service provision, the «lottery of *decreto flussi*» creates profitable opportunities for intermediaries to engage in deceptive practices related to the sale of information, preparation, and submission of workers' admission applications, despite the limited prospects for success, triggering forms of fraud and exploitation at the expense of migrants.

The increasingly complex, stratified and uncertain landscape of legal rules and administrative requirements regulating migrants' entry and residence rights (Bonizzoni, Artero, 2023), has also amplified the significance of intermediaries. The growing restrictiveness, selectiveness, and conditionality of welfare systems make their bureaucracies ever more intricate and challenging to navigate for (recently arrived) migrants. Welfare and immigration-related procedures

often necessitate multiple and exhausting encounters with a variety of actors and institutions (Näre, Maury, 2024), including social workers, as highlighted by Sandell-Maury and Oubad in this issue. While digitalisation is often promoted for its efficiency gains, it can also exacerbate inequalities and marginalise vulnerable groups (Hansen *et al.*, 2018), while, at the same time, offering new spaces for intermediation, as demonstrated by Trucco, and by De Blasis and Bonizzoni in this issue.

#### **4. Intermediaries and social change: reinforcing or challenging the status quo?**

While intermediaries can empower vulnerable groups by navigating the complex «maze» of public service access (Paik, 2021) and overcoming restrictive border regimes, they can also have the power to act as gatekeepers, reinforcing the logic of deservingness and moral ethics embedded within social and immigration policies (Odasso, Salcedo, 2022; D'Aoust, 2018; Bonizzoni, Hajer, 2022). If intermediaries can facilitate access to crucial resources for realising desired trajectories in terms of geographical and social mobility, as well as emancipation and autonomy, they can also foster exploitation, the pursuit of personal profit, corruption, and the accumulation of power, exacerbating, rather than challenging, existing inequalities (Stovel, Shaw, 2012).

As discussed earlier, some intermediaries work closely with applicants while being positioned at the «periphery of the state». They use various tools, including soft-law and infra-law instruments, tailored to their specific roles and available resources. Intermediaries often need to operate with limited resources, driven by a logic aimed at maximising effectiveness and their chances of success. Therefore, they often strive to anticipate decision makers' judgements by selecting cases and evidence that align with institutional expectations. In many instances, intermediaries act on behalf of public actors, engaging in complex negotiations to maintain their respectability and legitimacy as representatives and spokespersons for diverse actors in the field. Mediating is an action that can imply both facilitating and obstructing: as a result, intermediaries have the power reproduce or contest specific social constructions of deservingness (Bonizzoni, Dimitriadis, 2024; Bonizzoni, Hajer, 2022).

Lemaire and Oesch (this issue) illustrate how social workers in asylum seekers' reception facilities promote the employment of refugees to foster their independence and autonomy. By doing so, they contribute to creating «good citizens» (Bonjour, Duyvendak, 2018) who do not rely on state support, a process that involves both assisting and disciplining refugees. In this respect, while reinforcing the ideas of merit and acceptability embedded in immigration and welfare policies, intermediaries also assert their own worthiness according to established norms and moral frameworks, encapsulated in their (professional, religious or activist) ethics and identities. Social workers, as shown by Sandell-Maury, discretionally determine which types of activities (formal or informal) represent «deserving» work. And, in doing so, they also ethically reflect on the limits of their roles, that reproduces the sedentarist and workfarist logic inher-

ent in welfare and European citizenship policies. In their work, the accuracy of pre-checks is upheld as a mark of professionalism and quality of assistance, as also shown by Trucco. However, the selection process conducted by some intermediaries often extends beyond legal eligibility criteria, pre-empting the administration's judgement to align with idealised images of «well-integrated future citizens». This is why intermediaries play a significant role in «moulding» migrants' identities (Anderson, 2010) – concretely reinforcing categorisation processes, portraying and constructing migrants as «credible» refugees, «successful applicants», or «promising and reliable» cases (Borrelli, 2022), as clearly shown in the studies by Sandell-Maury and Thibault in this issue.

However, intermediaries can also play a role in promoting social change by actively reshaping categories of entitlement (Bonizzoni, Hajer, 2022). They do so by engaging in various practices such as filing lawsuits, engaging in strategic litigation, lobbying and exercising forms of institutional advocacy, as well as through individualised coping strategies and tactics that collectively influence change (Coutin, 2003). Drawing on the sociology of law, Miaz *et al.* (2021) suggest viewing intermediaries in migration as actors who not only bridge, translate, and assemble but also actively contribute to the «endogeneity» of law (Edelman, 2011). This perspective highlights how intermediaries navigate legal rules to either implement or contest migration policies, thereby actively shaping the development of migration law (Coutin, 1995).

As discussed by Gargiulo and Bellè in this issue, legal support has increasingly become a crucial technical tool with political implications, particularly concerning anti-discriminatory efforts and collective mobilisations in the migration field. The authors argue that these processes should be understood within the context of the escalating politicisation of immigration and welfare issues (see, for instance, Cacciapaglia, 2023 on the «*reddito di cittadinanza*») driven by populist punitiveness fuelled by right-wing parties. In this milieu, intermediation activities are often viewed as a form of activism that challenges the obstacles and discretionary powers inherent in immigration procedures, underscoring the blurred boundaries between professional, technical and political action (as well as the heightened professionalisation of activism).

As previously discussed, intermediaries' proximity to governmental institutions can ease migrants' access to rights and statuses. However, such proximity does not necessarily entail conformity. While intermediaries may depoliticise migration politics by aligning with governmental logic, the papers collected in this special issue complicate this view, by showing how, in the words of Gargiulo and Bellè (this issue): «the more collective-oriented the work of intermediation, the more it retains a political dimension».

To conclude, the seven articles contributing to this Special Issue cover various spatial contexts, encompassing sending and (different) receiving countries, as well as metropolitan areas and small towns. Furthermore, they address different aspects concerning access to rights and statuses, such as residence rights and naturalisation processes, international protection routes, (high-skilled) labour entry visa, as well as employment and social protection issues.

The studies well reflect the different types of actors engaged in intermediation activities: from humanitarian and third-sector actors (Lemaire, Oesch; Gargiulo, Bellè) to legal (and other types of) professional commercial actors (Trucco; Thibault; De Blasis, Bonizzoni) to informal networks, including ethnic ones (Oubad). This diversity well illustrates the various logic, principles, and ethics that guide intermediaries in their actions, and the power they bear to (re)define the boundaries of inclusion through selection processes that reflect different social and moral constructions of merit and deservingness.

These papers also reveal a combination of various qualitative research methods, including (n)ethnography, shadowing, interviews, and document analysis, drawing on different theoretical perspectives, such as the sociology of professions (Thibault), studies on the role of street-level bureaucrats in local governance (Gargiulo, Bellè), studies on the migration industry (De Blasis, Bonizzoni), critical humanitarianism (Oubad; Lemaire, Oesch; Sandell-Maury), and the sociology of law (Trucco). These diverse perspectives provide both complementary and convergent insights into exploring processes of key relevance for understanding intermediation mechanisms and their impact on the lives of individuals affected by migration and welfare policies.

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