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A Matter of Life and Death: A Critical Examination of the Role of Official Records and Archives in Supporting the Agency of the Forcibly Displaced

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Abstract: Having the necessary documentation to cross borders, claim refugee status or benefits, settle elsewhere or return to sites of origin may literally be a life or death matter for people who have been forcibly displaced. Government and other organizational recordkeeping offices and archives holding official records needed in adjudications regarding identity, status, citizenship, property and so forth may also play integral roles in validating those records. Drawing examples from displacement and migrant crises in the Balkans region in the 1990s and today, this paper argues that "official" archives are neither epistemologically nor structurally oriented to address the immediate needs of the forcibly displaced and other "non-citizens" who often resort to "irregular" forms and uses of records to survive. A theoretical, organizational and practical reorientation is needed that is based in supranational and transinstitutional thinking and proactive humanitarianism. This reorientation should engage at the level of affected individuals and their everyday lives and also account for "irregular" records generated or deployed in exigency or in other forms of radical agency by the forcibly displaced.

Introduction

Of all the information and memory professions, the archival field is the one that is most integrally responsible for the long-term preservation of and access to records and other forms of bureaucratic and personally-generated documentation. It also plays a key role in many countries and sectors in defining, for evidentiary purposes and in technological contexts, what is considered to be a reliable and authentic bureaucratic record. Bureaucratic records, as well as other documentation created or accessed by a range of digital communication and data gathering technologies, and assessments about their validity, are especially instrumental in the lives of people who have found themselves forced to leave their homes and homelands[1] because of oppression, expulsion, war,

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[1] "In many instances, the term 'homeland' does not necessarily refer to or correspond with 'objective' points of reference such as a particular country or a modern nation state, but more to a subjective sense of belonging to a particular place, a way of life, and the memories and identities of places and the people who make them." Anne J. Gilliland and Hariz Halilovich. "Migrating Memories: Transdisciplinary Pedagogical

natural disaster or economic exigency. While it can certainly be argued that no form of documentation can ever be value-neutral, bureaucratic records must always be considered in terms of the ways in which they are central to the exercise of power and agency as well as how they are aligned with the interests of certain kinds of bodies and exclusive notions of evidence, nation states and citizenry. Much of the theory that informs the conceptions of evidence and the professional practices of state and other official archives is closely derived from as well as developed to support these interests and notions. And yet, as can readily be argued from the stances of collecting and community archives that operate outside such interests, official (i.e., legal and bureaucratic) and archival understandings of evidence do not have to be coterminous.

The role of any archives in contemporary society, even of official archives, should not simply be to support uncritically the interests and narratives of the institution that funds it and whose records it is mandated to acquire. In fact, it is particularly essential for archivists who work with official records to be reflexive about the ways in which their professional ideas and practices reinforce political, legal and bureaucratic assumptions and their effects on the lives of individuals who are dependent on that documentation. It has been more than two decades since the first articulations of *recordkeeping*[2] within the records continuum "challenged the binary definitions and demarcated roles of records creators, records managers and archivists embodied in life cycle traditions." In 2000, Terry Cook exhorted the Australian developers of continuum theory to incorporate a "fuller realisation of the [continuum] model's potential in relation to 'the citizen's impact on, interaction with, and variance from the state'; its sensitivity to the marginalised, and the way organisational records complement or supplement personal and family records; its cross-institutional, and cross-jurisdictional perspectives; and its embracing of user needs."[3] Continuum theorist Sue McKemmish recently asserted that today, "Integrated recordkeeping and archiving processes are characterised as forms of witnessing and memory-making with a critical role in governance, accountability, identity, individual and collective memory, social justice and cultural heritage."[4] How well, however, do official recordkeeping processes witness and account for the actions and interests of forcibly displaced people? And what are the salient relationships between organizational and personal and family records that should be supported in the contexts of destruction, displacement and diaspora? This article is concerned with archives and other recordkeeping offices whose primary role is to work with official records generated by government and other bureaucracies, as is the case with state archives in many nations

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Approaches to Teaching About Diasporic Memory, Identity and Human Rights in Archival Studies," *Archival Science*, 17 (2017).

[2] The term "recordkeeping" is used here in the inclusive sense of the records continuum to refer to all the processes and agents engaged with the creation, maintenance, preservation, dissemination and use of records throughout their lives, including bureaucracies, archives, communities and individuals. See Sue McKemmish, "Recordkeeping in the Continuum: An Australian Tradition." In *Research in the Archival Multiverse*. Anne J. Gilliland, Sue McKemmish and Andrew J Lau, eds. (Melbourne: Monash University Press, 2016).

[3] Terry Cook, "Beyond the Screen: The Records Continuum and Archival Cultural Heritage", presented at the Australian Society of Archivists National Conference, *Beyond the Screen: Capturing Corporate and Social Memory*, Melbourne, August 2000.

[4] McKemmish, "Recordkeeping in the Continuum," op.cit.

that have figured prominently in recent refugee and other migrant crises. It is concerned with the forms of official, personal, family and other records that refugees and other migrants need and use themselves and the ways in which these might be officially deemed "regular" or "irregular" in form or deployment. And it is concerned with improving professional understanding so that more humanitarian-oriented practices can be implemented to support the records needs of the forcibly displaced.

The article briefly reviews international studies scholar Heather L. Johnson's critique of existing statist-based policy regimes and how they affect the status and agency of refugees and other migrants. It then contemplates ways in which they might also apply to the roles of records and archives in the lives of the displaced. Drawing examples from displacement and migrant crises experiences in the Balkans in the 1990s and today, it discusses how, in coping with their individual needs for documentation, asylum seekers and other migrants exert radical agency that often results in "irregular" uses or creation of records. It then discusses how interacting with official records and recordkeeping processes can also cause significant affects that are frequently not taken into account by bureaucratic records offices and archives. The article argues that government and other "mainstream" institutional archives remain closely conceived and structured within bureaucratic institutional and statist frameworks and motivated by heritage preservation and scholarly imperatives. While these might work for their own citizenry and well-understood audiences such as historians, genealogists and the original bureaucratic creators of the records, they are epistemologically, structurally and practically unsupportive of the immediate needs for and affect regarding records of tens of millions of forcibly displaced and other "non-citizens" around the globe. The archival field, and especially "official" archives, have a humanitarian obligation to do more to support the survival, resettlement, recovery and "regular" agency of these individuals and families. Doing so, however, will require a fundamental reorientation of how "official" archives and their practices and services are conceived. Such reorientation should apply supranational, transinstitutional and meta-archival thinking and be framed within a proactive humanitarianism that engages at the level of affected individuals and their everyday lives. Finally, the article identifies several possible interventions that archivists might make at the level of policy-making, as well as through collaboration with non-governmental organizations (NGOs) and the development of cloud and authentication services for the digitization, storage and validation of relevant personal documentation. Notwithstanding such actions, however, the paper asserts that a reorientation of archival theory in general is needed to account for "irregular" records generated or deployed in exigency or in other forms of radical agency.

Displacement, Individual Experience and the Need for Documentation

"For birds with wings nothing changes; they fly where they will and they know nothing about borders and their quarrels are very small.
But we are always confined to earth, no matter how much we climb to the high places and flap our arms. Because we cannot fly, we are condemned to do things that do

not agree with us. Because we have no wings we are pushed into struggles and abominations that we did not seek ..."[5]

When Louis de Bernières published his 2004 epic *Birds Without Wings*, some reviewers complained about the size of his cast of characters, about how hard it was to keep track of them all, about how, as one critic put it, "you may need to develop your own mental filing system to keep up with all its characters and incident ... ." His characters lived in a fictional village in Southwest Anatolia in the last days of the Ottoman Empire where those of different ethnicities and religions resided side-by-side, each playing his or her own role. With the Ottoman Empire's opening of the Middle Eastern Theater of World War I and the subsequent rise to power of Atatürk, conscription, deportation, death marches and confiscation of property destroy the village's multicultural balance and ultimately its existence. The villagers' trust in, reliance upon and caring for their neighbors of other faiths and ethnicities are shattered. People are uprooted and families are decimated. They are exposed to brutality, starvation, freezing; to rules and locations and languages they do not know. They are removed from the physical place around which all their knowledge and sense-making and emotions are structured.

De Bernières' novel is about everyday life, individual experiences and social interdependencies; about personal humor, tragedy and despair in the face of the political; and about the seeming powerlessness of ordinary people whose lives are buffeted by big events that impinge from outside that they do not even necessarily understand. It deftly reminds us that each person had a story before the horrors of persecution, displacement and death that descends upon them. Each had his or her own foibles and defects. And in the end each has his or her own fate, over which he or she exerts greater or lesser degrees of agency. Today, when we see media images of seemingly endless streams of euphemistically designated "migrants" trudging through the Balkans, piled precariously onto boats and rafts on seas around the globe, angrily facing down border guards or immigration agents, or camped obstinately in the liminal spaces along closed borders, we often think of displaced people collectively. It is easy to overlook that every one among those masses has a different human past, a different story of displacement and journey, a different set of needs, a different set of familial relationships, and may experience a different future. Ironically it is also often forgotten how, in World War II, refugees from the Balkans moved in the opposite direction - to Egypt, Palestine and Syria to refugee camps operated by the Middle East Relief and Refugee Administration (MERRA).

As of writing, approximately 12 million people have been displaced by the civil war in Syria, constituting the largest numbers moving into and across Europe since World War II. Similar statements were made during the crisis of the Yugoslav Wars in the 1990s when some 4 million people were displaced. Many smaller but still consequential displacements have affected Europe since 1945, precipitated by events such as the Hungarian uprising, the war between Azerbaijan and Armenia, civil war in Tajikistan, secessionism in Georgia, and the declaration of independence of Chechnya and its subsequent suppression by Russia. Indeed few regions of the world have remained

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[5] Louis de Bernières, "The Epilogue of Karatavuk the Letter-Writer," *Birds Without Wings* (New York: Vintage, 2004), pp.550-551.

untouched by massive human displacement over the past 70 years--consequences of the Biafran war in Nigeria, the war of independence in Bangladesh, the Vietnam War, the Soviet invasion of Afghanistan, civil wars in Central America, the civil war in Mozambique, the Rwandan Genocide, the U.S. invasion of Iraq, and so many other conflicts, oppressive regimes, and also natural disasters. The United Nations High Commission for Refugees (UNHCR) estimates that in 2015 the numbers of refugees and internally displaced people (IDP) had reached a record 65.3 million IDPs worldwide.[6]

One of the difficulties in addressing such crises, whether from government or non-governmental perspectives is that no two crises are the same, just as no two personal contexts of IDPs are the same. Most of the displaced are ordinary people who have experienced the extraordinary. They have been forced from familiar places, social structures and daily life by violence, hunger, fear or despair, traversing unfamiliar and often dangerous landscapes and interacting with idiosyncratic bureaucracies and institutionalized approaches at home and abroad. Having the necessary documentation to cross borders, claim refugee status or benefits, settle elsewhere or return to sites of origin, not to mention navigating complex bureaucratic requirements may literally be a life or death matter. The documentation required in each in each jurisdiction and adjudication or settlement event can differ considerably and the number and types of documents a refugee might bring with them, accumulate or be expected to produce multiplies with passage through different countries and statuses. Moreover, as the following example narrated by a refugee from the war in Bosnia in the mid-1990s illustrates, the status of any existing documentation carried by a refugee can shift overnight or be variously acceptable in different jurisdictions and at different moments:

> When I left Sarajevo in April 1992, I had my "index" (student booklet that includes records of all subjects enrolled in and passed. This document was the main student ID and is still used in the former Yugoslav countries...). I also had my Yugoslav passport on which I never travelled anywhere before. When I had to use it to travel overseas, this document became obsolete as the country which issued it ceased to exist. However, the passport proved my identity when I applied for a temporary refugee visa in Germany. ... I also had some other documents which were not of any use but I kept them because they were important in my past life, which at the time I believed still existed. These included my personal ID card (osobna karta), my student dormitory pass, student concession card for public transport, student restaurant card...
>
> I accumulated more documents in each country I passed through: student guest index of the University of Zagreb, refugee card issued in Zagreb, UNHCR protection letter also issued in Zagreb, then a temporary visa in Austria, later on the Duldung visa in Germany ... my first normal document issued in Hamburg ...

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[6] UNHCR, *Global Trends Report*, http://www.unhcr.org/statistics/country/576408cd7/unhcr-global-trends-2015.html; UNHCR, "Figures at a Glance," http://www.unhcr.org/pages/49c3646c11.html; Lydia DePillis, Kulwant Saluja and Denise Lu, ""A Visual Guide to 75 Years of Major Refugee Crises Around the World," *Washington Post* (December 21, 2015), https://www.washingtonpost.com/graphics/world/historical-migrant-crisis/.

my [1995] driver's licence. During my five years in Germany, I got more documents with stamps and all other markers of importance: official proof of residential address (Meldebestätigung), working permit (Arbeitserlaubnis) bank card (DB), health insurance card (BKK -Betriebskrankenkasse), ADAC (car assistance service)... All these documents became invalid once I migrated to Australia ... they gradually were replaced by Australian documents ... In 2012, twenty years after leaving Bosnia, I reclaimed my Bosnian citizenship and residence. The old invalid ID card (osobna karta) issued in 1986 and expired in 1996 was of crucial importance in the process. I became a resident of Sarajevo again. Now I have another set of my parallel identity documents (Bosnian ID card, Bosnian passport, Bosnian driver's licence, a bank card), which I 'activate' when in Bosnia.[7]

An additional consideration is that the status (for example, citizen, refugee or migrant, and the rights or constraints that come with it) and the benefits such documentation might support pertain in the first instance to an individual and only thereafter collectively to the group or even the family. As Johnson reminds us, citizenship is the only status imbued with political agency,[8] and while refugee status certainly carries with it certain rights, for example access to education and to courts, refugees still reside within liminal and temporary spaces and thus face diminished voice and agency, including as these relate to recordkeeping.

Radical Agency, Irregular Records and Affect

Significantly, the above personal account omits one essential document--the borrowed Croatian passport that was used to cross two borders to enter the European Union. Such "irregular" actions involving documents that might otherwise be valid when used by their lawful bearer, documents that are falsified, or that result in the creation of an inaccurate border crossing record might serve the immediate need to escape or enter a country or region. Moving across multiple jurisdictions or nations, residing in liminal spaces and temporary shelters, and closely documented by authorities, many displaced people exert similar and but also more radical forms of agency that challenge or seek to obviate the legal and physical obstacles that different state regimes have put in place to control and negotiate the flow of migrants. However such "irregularities" may present significant problems subsequently for displaced persons when they have to interact with the bureaucracies of refugee and other aid agencies, countries of settlement, or even countries from which they fled or were expelled (for example, by not being able to document where and when the individual entered the Schengen Area of Europe).

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[7] Statement by individual to author, July 2016.

[8] Heather L. Johnson, *Borders, Asylum and Global Non-citizenship: The Other Side of the Fence* (Cambridge University Press, 2014), p.5. It should be noted, however, that there are categories of citizens who also lack agency--e.g., prisoners, mental health patients, wards of state. Johnson views attaining refugee status as crossing over into the privileges afforded to citizens and thus becoming "regularized" and focuses on those who are "denied this recognition but who continue to self-identify as such - [these] are the group that most clearly reveals the politics of migration and asylum as determined by irregularity ... this group that straddles the already tenuous divide between forced and voluntary, irregular and regular, and that contests and resists this divide."

Johnson draws upon migrant narratives to examining the dilemmas faced by economic migrants and asylum seekers and the push-pull of official control and migrant resistance.[9] She documents how non-citizens, often conceived of as those with the least control over their own situations, can nevertheless be political actors and ultimately powerful transformative agents at the global level through their everyday decisions to contest or thwart such regimes. This is what she dubs "radical political agency." This agency is not only exerted out of desperation, it can also be exerted as a choice. The freedom to make a choice, and the human dignity that it conveys, is something that most of us take for granted. When states or institutions limit or withhold one's ability to choose, they often do it punitively or paternalistically, or in a clear indication that they believe that the interests of their citizens or members outweigh those of others. This reasoning, embedded in policy frameworks and the bureaucratic processes that enforce them, quickly becomes transparent to those whose interests it is designed to protect. Noting that not all migrants are asylum seekers and some are made irregular by their own migration choices, including their desire to stay outside the system, for example by avoiding border controls or overstaying visas, Johnson draws our attention to this very fundamental refusal to be subject to such regimes and reasoning. With echoes of the "banditry" that resists societal oppression to which Verne Harris has drawn our attention,[10] but here played out by migrants and their protectors rather than by archivists, Johnson asserts that such an understanding pushes us to "ask how a focus on the 'everyday' or irregularity, and on the moments that reveal its politics, allows us to rethink the ways in which politics takes place in relationships of solidarity across the citizen/non-citizen divide."[11]

Johnson challenges the notion of irregularity and how it is constructed through local and de facto global policy regimes as well as in delimited and liminal spaces (for example, borders and no-man's lands between them, or detention and refugee camps). She argues that instead it is the choices and actions taken by asylum seekers or economic migrants with regard to mobility and immobility that define space in terms of irregularity because they defy state-centered conceptions of borders and territory.[12] She discusses migrants' radical agency in terms of evading border controls and crossing borders in ways not condoned or controlled by the state, for example, through massed migrant pushes across borders, stowing away on vehicles and boats, or using smuggling networks.[13] It is notable how information and communications technologies such as smartphones and smartcards are increasingly facilitating such agency. Smartphones are deployed by migrants from the

[9] Johnson, *Borders, Asylum and Global Non-citizenship,* op.cit.

[10] Verne Harris, "Hauntology, Archivy and Banditry: An Engagement with Derrida and Zapiro, *Critical Arts*, 29 (2015): 13-27, DOI: 10.1080/02560046.2015.1102239.

[11] Johnson, *Borders, Asylum and Global Non-citizenship,* op.cit.

[12] Johnson, *Borders, Asylum and Global Non-citizenship,* p.8. This concept is echoed in the work of borderlands scholars. For example, Maldonado et al. argue that: "Understanding the everyday production of immigrant mobilities and immobilities ... necessitates elucidating the histories and ideologies that anchor and animate particular national deportation and deportability regimes ... Similarly, mobility and immobility are key dimensions of immigrants' lives, shaping the ability to make connections to host societies and receiving communities." Marta Maria Maldonado, Adela C. Licona and Sarah Hendricks, "Latin@Immobilities and Altermobilities Within the U.S. Deportability Regime," *Annals of the American Association of Geographers* (2016), DOI:10.1080/00045608.2015.1106304.

[13] Johnson, *Borders, Asylum and Global Non-citizenship,* p.9.

moment they begin to plan their routes; they are used for communication and as a portable way to carry images of documents and photographs throughout their route; and later they help maintain connections with separated loved ones, virtually recreating devastated physical communities, and exchanging information about missing persons as well as sharing digital copies of surviving photographs.[14] Maps and geopositioning help those who are trying to find alternative ways around a border fence or checkpoint, to avoid bad weather and other hazards such as areas that have been landmined, or simply to reorient those who are lost. News and social media forums are supplying knowledge of others who have migrated before them as well as information necessary for them to do the same, for example, on the current state of border enforcement. Interactive online forums support asking for advice or information, and migrants post regularly about their experiences and updates on their progress to Facebook and other social media, not only connecting with those left behind but creating day-to-day narrative, video and photographic documentation of their journeys.[15] In other words, displaced people are carrying a new facilitative device in the form of a smartphone that not only by its very nature underscores shifting ideas about political boundaries, but also supports communication and firsthand documentation and sharing of daily experiences and feelings, in and across time and space. While this opens up forms of agency that were not possible in the crises of displaced people before the end of the twentieth century, and at the same time generates unprecedented documentation of these experiences, dependency on such technology brings its own dangers when phones are broken, lose power or are cut off and Google maps, Facebook and WhatsApp are no longer available. Migrants are left to rely on rumors about which borders might be crossable and which governments might be most receptive as states and international agencies respond to the radical agency as well as the press of migrants by opening and closing borders in defiance of the Schengen Agreement on freedom of movement, changing legal and documentation requirements,[16] setting up registration programs in the field, and, in the case of the European Union, sending migrants back to their first point of entry (or not, as the case might be). They must also guess about impending weather and plot new routes in unfamiliar terrain, and rely upon the advice and benevolence or collusion of locals.[17] Such actions raise important questions about how not only archival and other recordkeeping professionals, but also those in other information fields might work to avert some of those dangers if they were more aware of the role that such technologies play in them.

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[14] See, for example, Hariz Halilovich, "Reclaiming Erased Lives: Archives, Records and Memories in Post-war Bosnia and the Bosnian Diaspora," *Archival Science* 14 no.3 (2014): 231-247 and Marko Valenta and Sabrina P. Ramet, eds., *The Bosnian Diaspora. Integration in Transnational Communities* (Surrey: Ashgate, 2011).

[15] See, for example, Eric Cunningham, "Facebook is the New Travel Guide for Iraqis Headed to Europe" *Washington Post* (September 16, 2015), https://www.washingtonpost.com/world/facebook-is-the-new-travel-guide-for-iraqis-headed-to-europe/2015/09/16/c4142d16-566f-11e5-9f54-1ea23f6e02f3_story.html.

[16] For example, Denmark this year implemented new measures extending the period migrants will have to wait before applying for relatives to join them from one year to three, shortening temporary residence permits and restricting the conditions for obtaining a permanent permit. "Denmark Approves Controversial Migrants Bill," BBC News, 26 January 2016, http://www.bbc.com/news/world-europe-35406436.

[17] See, for example, William Booth and Michael Birnbaum, "17,000 Asylum Seekers Stranded in Croatia with Nowhere to Go," *Washington Post* (September 19, 2015).

To return to the concerns that are most directly related to the archival field, however, how might it respond to the associated and parallel agency being exercised by displaced people in the irregular creation and deployment of (irregular) records, as well as the trauma that IDPs can experience when interacting with even routine recordkeeping systems? Those who have never undergone the profoundly destabilizing experience of migration, especially as a result of forced displacement, may not have had to think very much or very often about how or why or even where records are kept or adjudicated or how they might have a crucial effect on their own lives and wellbeing or those of family members or loved ones who are with or are separated from them. They may not have experienced linguistic or procedural confusion, literacy challenges, dread or even flashbacks when confronted with having to fill in an official form. They may not have experienced similar affect when having to write a letter to an official agency in the country of settlement, whose bureaucratic processes may be steeped in different language and cultural norms, or even to an agency in the country from which they fled; when having to interact with a document that is replete with the language, script and symbolism of those who oppressed them; or when they are required or challenged to produce identity documentation, for example, at a border or police checkpoint, at an airport or on a train, or maybe during a surprise check by immigration authorities at a place of work. In fact, the general public may well be oblivious to these aspects, or think of them as benign and commonsensical or as securing their nation. Even recordkeepers, including archivists, who work directly with processing, appraising or providing access to records may be oblivious of these impacts and affects. In fact, consideration of such impacts and affects is only now receiving sustained attention in the archival field.[18] But many current and formerly displaced persons do have to think about records and cope with the associated impacts and affects, sometimes for the rest of their lives. Sometimes even across generations.

The tens of millions of people who have fled genocidal or oppressive regimes, gendered violence, war or famine, who otherwise might never have encountered or thought very hard about such processes either, or, as is the case with many women and children, never expected to find themselves coping with being heads of families or surviving on their own, have to learn very fast how bureaucratic systems work and what records are expected and how long processing might take. This is the case both in their countries of birth or homes and in the countries through or to which they plan or have to travel, or

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[18] Marika Cifor and Anne J. Gilliland summarize several of the questions surrounding affect that have been raised in recent archival literature: "What is the capacity of recordkeeping processes, or of records or the physical place of the archives to engender psychological and physiological responses in those who encounter them? What is the nature of those affects? What are the affects for individuals, communities and nations of the absence or irrecoverability of records? In what ways, and to what extent, do records, and the holdings of our archives capture or contain emotions and other forms of affect that were experienced by the creators or others engaged or present in the making of the records? How should the archivist represent such affect to potential users, and how should the archivist anticipate and respond to affective responses and reactions on the part of those users? What kinds of affect are experienced by the archivist? What ethical imperatives and dilemmas does a consideration of affect present for practicing archivists? What theoretical concepts and models might be challenged by explicitly incorporating affective considerations?" Marika Cifor and Anne J. Gilliland, guest eds., "Affect and the Archive, Archives and Their Affects: An Introduction to the Special Issue," special issue of *Archival Science* (2016): 1-6. DOI: 10.1007/s10502-015-9263-3.

settle, or in the camps or care facilities in which they end up, possibly for decades. For women traveling alone (and women make up the majority of adult migrants) or with children and for parents, especially mothers, separated from one or more of their children, the timeliness of processing their asylum status or getting resettled, as well as getting children out of situations where they are under threat is another consideration. In contortions of reverse logic, therefore--acts of radical agency--they must try to discern what they need to do to be able to meet their requirements and to reconcile variant records, or else to mitigate the effects of those systems, even to fool them.

Unaware that they may not meet official requirements for reliability and authenticity (i.e., "documents with stamps and all other markers of importance"), as already mentioned, migrants use mobile phones to take and transmit photographs of personal documents that flight will not permit them to carry or simply that they consider to be too damaged or too vulnerable to survive or continue to be usable. They resort to borrowed records or assume the identities of a deceased person; they provide false information in official records requests (e.g., about name, age, faith, ethnicity, place of birth, prior military service, health status, or family relationships); they try to find acceptable substitutes for lost or destroyed records, or for documents from unrecognised states that have no external validity; they use double documents to avoid getting stamps in one, or try to wash out those stamps that would make it impossible to enter other areas or countries. They also employ the services of a shadow "system," that includes not only the "underground passport mafia"[19] but also people smugglers, gang extortion, and unscrupulous asylum and immigration lawyers, among others.[20] As Johnson points out, how, as well as where, and in which order a border was crossed has implications for the agency of a person and how that person is viewed, classified and treated. The choice to resort to smugglers is one example of exercising that choice, albeit a heavily circumscribed and often very dangerous one.

Another form of resistance to a system that does not work to their benefit is the refusal to create a record, as is illustrated by migrants moving through the Balkans with the goal of reaching the European Union to claim asylum. They may choose to avoid being registered or registering a baby born in Greece, Croatia, Slovenia or Hungary in accordance with the Dublin regulation, although these might be the first EU countries that they might reach. This is because they are hoping to register in a wealthier EU country such as Germany where they believe they might be able to make a better life. What such radical actions fail to take into account, however, and one of the areas that the archival

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[19] Yael Navaro-Yashin, "Make-Believe Papers, Legal Forms, and the Counterfeit: Affective Interactions Between Documents and People in Britain and Cyprus," *Anthropological Theory*, 7, no. 1 (2007): 80.

[20] *Der Speigel* recently reported on the breaking up of an international smugglers' ring-issuing fake passports to fleers from Syria and Iraq to travel by plane into Germany--at about a $15,000 AUD (S11,000 USD) fee. Reporter Maximilian Popp, arguing that crackdowns would not stop this business stated that: "The crucial thing to keep in mind is that for refugees there is no other way. I mean, to claim asylum in Europe you have to reach European territory but that for a refugee isn't possible in a legal way. And without this help of the smugglers there would hardly be an asylum seeker in Europe... That's the dilemma here and I think that's a fundamental issue that has to be changed and where something has to be done. There has to be legal ways for refugees otherwise they will always have to rely on these services of the smugglers." *Der Spiegel* (November 5, 2015).

field might be able to address more directly through policy intervention and the production of other forms of acceptable evidence for particular cases, is that they can affect the documentary status of displaced people in the longer-term,[21] as well as the kinds and amount of documentary traces that they leave behind.

Ironically radical agency can also precipitate responses (increasingly technologically and biotechnologically based, such as drone surveillance of border crossing points and biometric and DNA identification of refugees and other migrants) in and collaborations between the immigration regimes of the countries through which they pass that increasingly make it harder for subsequent migrants to move across jurisdictions.

Archives, Displacement Crises and Irregular Records

Public libraries around the world have responded to displacement crises by providing refugees and other migrants[22] with library cards, multilingual support for finding out about available social services and explaining "how things work," building relevant collections, and providing reading lists for refugee children and youth. They have also organized exhibits and other events that explain refugee experiences to the broader public and celebrate refugee achievements.[23] As the primary stewards of bureaucratic records of continuing societal value, government and other organizational archives frame their practices predominantly in terms of acquiring those institutions' inactive records in order to support accountability in the present and historical inquiry in the future. Standing much further back from the front lines than libraries, to the extent that they address them at all, they place their emphasis on historical records about displaced people and displacement crises rather than on their immediate needs. Nevertheless those needs are very real. They include, but are not limited to locating and getting copies of certified records that would help to identify and verify their own citizenship or that of predecessors, familial relationships, residences, property ownership, veteran status, and education or other qualifications, as well as evidence of particular rights or that demonstrates prior or potential persecution. Individuals may seek to obtain certified

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[21] Data points in different records that cannot be reconciled, or a record that is demonstrated to be falsified, or an action undertaken by a refugee or other migrant that is found to be irregular can terminate asylum or immigration proceedings. For example, US law states that immigration judges "*may* base a credibility determination on the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant or witness's account, the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not under oath, and considering the circumstances under which the statements were made), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions) and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim." 8 U.S.C. § 1158(b)(I)(B)(iii).

[22] It should be emphasized that semantics matter here. People may be **f**orcibly displaced by persecution, war, or natural or economic disasters, however "migrants" seeking asylum in other countries who cannot demonstrate to the satisfaction of authorities that they face persecution on the basis of race, religion, nationality, political opinion, or membership in a particular social group and thus qualify for refugee status under the 1951 Convention Relating to the Status of Refugees, can be returned back to the place from which they had been displaced or fled.

[23] *The Network*, "How Can the Cultural Sector Support Refugees?" February 28, 2016, http://www.seapn.org.uk/post/how-can-the-cultural-sector-support-refugees.

copies of such documentation in anticipation of fleeing their homelands. Others may have had their passports, citizenship papers and own copies of other official records destroyed together with their homes and businesses, confiscated by governments seeking to expel them, or removed from them by hostile forces as they fled. If they are required to produce them to verify identity and origin in refugee camps or to enroll in schools and social services or demonstrate professional credentials after resettlement in other countries, the likelihood is that they are unlikely to be able to travel physically to the relevant repository and may well no longer be within the same country or jurisdiction. If we also factor in the difficulties of carrying or storing many belongings, the often "irregular"[24] status of those who do not meet the requirements of international conventions or local laws, and a host of other marginalizing factors such as gendered social and legal structures,[25] age (e.g., unaccompanied children or children separated from families or caregivers; the elderly), language competency, literacy, familiarity with other countries' administration systems that pertain in different combinations to different individuals, the need for individualized, timely, humanitarian-centered approaches to and services regarding relevant documentation becomes vital.

Multilingual public services paralleling those of public libraries might be offered by local and state government archives to guide refugees and other migrants in what to expect when requesting records, as well as explaining what their rights are, and helping them to locate records (and explaining the limitations of Web and library search engines for such a task), to identify records that might contain similar information to that contained in missing or destroyed records, and to "read" a record once it has been located. These services could be delivered in a variety of formats, including workshops, smartphone apps, or collaborations with public libraries.

NGOs that work in refugee camps, with asylum seekers, and with recently settled refugees offer crucial aid and advice to displaced individuals regarding the navigation of official bureaucracies. While they may be familiar with the necessary requirements, however, NGOs are not usually experts in locating or accessing alternative sources to obtain the same information as is contained in missing, destroyed or unavailable records. They also may not be in a position to testify as to the validity of particular records or of the processes through which they were created and maintained. These are roles that archives in countries of asylum or settlement could play, either working alone or in collaboration with relevant NGOs. Archives could also offer, or co-design and manage, cloud-based, extra-national "keeping places" to which those contemplating or even in flight from their homes and homelands could upload digitized copies of personal records. The parameters for digitizing, dating and uploading the records could be set by archives to support the generation of the most reliable possible copy, but additional verification services could also be supported, for example, by facilitating archival comparison and

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[24] The term "irregular" is used here in the spirit of Johnson's usage with regard to what she calls "non-citizens": those who must, or those who choose to operate outside "strict policies and procedures." See *Borders, Asylum and Global Non-citizenship: The Other Side of the Fence* (Cambridge University Press, 2014), p.3.

[25] For example, Hariz Halilovich provides several examples of how gendered bureaucratic processes and records work against Bosnian war widows in *Places of Pain: Forced Displacement, Popular Memory and Trans-local Identities in War-torn Bosnia* (Oxford: Berghahn, 2013).

corroboration between uploaded digital images and other known copies of and metadata for corresponding official records in the original or other countries, publicizing when previously unknown or unaccessioned records become available, submitting official requests for such copies and metadata from that country or those who now are officially responsible for those records, or by certifying inability to obtain a more reliable copy than the one digitized by the IDP. Such approaches might have the additional benefit of making it more difficult for fleeing war criminals and terrorists to use falsified records to pass among thousands of legitimately displaced persons and enter and establish themselves in other countries.

Quite apart from the resources that would be involved in developing and running such services, however, contemplating more humanitarian-centered and individual-focused services itself requires critiquing ideas that are so fundamental and hegemonic within the archival field as to be practically invisible. First of all there is the question of how and to what extent archival theory and practice at work in official archives accommodate individualized approaches. Although the digital world provides new ways for archives to operate at increasing levels of granularity within their holdings, the overarching paradigm informing archival appraisal and description remains a collective one that has always been fueled by both expediency and politics. To explicate further, the identification of inactive bureaucratic records to be preserved in archives is made collectively at the levels of different fonds and records series (i.e., as accumulations of records generated by the same activity). These fonds and series may be acquired in whole or in part by the archives, and then described first as an aggregation or collection and then at successive levels of granularity as is considered to be useful and possible with available resources. As the recent confrontations between the Library of Congress, which influences cataloging practices around the world, and the United States Congress over the appropriateness of the subject heading "Illegal Aliens" remind us, even library cataloging is not exempt from pressures to use legal and bureaucratic constructions and categorizations. The primary tenets of archival description are that materials are arranged and described collectively according to their provenance and the order assigned to them by their creator. Archival theory insists upon the arrangement and description of records in accordance with the authority, agent or function ("provenance") responsible for their creation and accumulation and thus emphasizes and reinforces not only the categorizations but also the power of the agency or state. Such a conception of singular provenance, especially when it is coupled with collective description, fails to recognize, and indeed actively submerges the role and interests of the "ordinary" individual who participates or is the subject of the record, or to acknowledge that they should have rights of appraisal, description and access to records in which they are co-creators or co-present.[26] It assigns official identities to those persons through bureaucratic classifications and thereby not only elides their individuality and difference but also diminishes or ignores personal assertions of identity.[27]

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[26] See Anne J. Gilliland and Sue McKemmish. "Rights in Records as a Platform for Participative Archiving," Chapter 14 in Richard J. Cox, Alison Langmead and Eleanor Mattern, eds. *Archival Education and Research: Selected Papers from the 2014 AERI Conference* (Sacramento, CA: Litwin Press, 2015), pp.355-385.
[27] Gilliland and McKemmish, "Rights in Records" and Stacy Wood, Marika Cifor, Anne J. Gilliland, Kathy

Among the implications of these ideas and the practices through which they are implemented are that routine records containing personal names of "ordinary" persons, for example, birth, death, marriage or citizenship records may well not be described at the level of the individual unless a special indexing project has been undertaken or each record has been digitized and is either machine-readable or has value-added metadata at the item-level. As a result records needed by the displaced may be deemed by archives to have too little scholarly value to be digitized or described at individual name level and made available online; or, if such access is available or has been created by a for-profit third party, then digitized copies of the records and even the indexes may have been placed behind a paywall designed to recoup the costs involved in their production and to support private-corporate partnerships that are jointly making archival content available (the assumption being that the majority of users will be genealogists who are prepared to pay for online access, and that serious scholars will still make the trip to consult the physical records in depth). For other kinds of repetitive records about individuals, such as case files, or prison or patient records, archives might have decided that they were too bulky to retain as a whole and have resorted to random or purposive (e.g., "fat file") sampling, destroying the remainder of the records. The problem here is that what might seem to be routine and repetitive instances of records in terms of possible later uses to audit bureaucratic processes or support scholarly investigations into organizations or social conditions, might, if they had been retained, have provided important primary or alternative documentation to support claims such as identity, residency or persecution by displaced persons.[28]

Second there is the question of how the archival field engages with irregularity in terms of how records are created and deployed, and how recordkeeping systems are circumvented or subverted. Refugee law expert Peter Showler reminds us, "that all parties to the [asylum-seeking] process are sandwiched between the demands of fairness and efficiency, between the differences in cultures, between wealth and poverty, between the fearful chaos of the refugee experience and the logical and unrealistic expectations of law and government."[29] As already discussed, archival theory regarding the "recordness" of documentation has historically been closely aligned with legal determinations of evidence and also in meeting the interests of the organizations creating the records. The connection with legal ideas of evidence was revisited and re-emphasized in the 1990s and

Carbone and Ricardo Punzalan. "Mobilizing Records: Re-Framing Archival Description to Support Human Rights," *Archival Science* 14 nos.3-4 (2014): 397-419.
[28] A different example of this issue can be found in Schwirtlich et al's discussion of how the retention scheduling and routine destruction of records limited the recovery of the "Stolen Generations"' Indigenous past: "They were not interested in recording information to show what happened to individual children or to their families. They had no reason to think that information that they could have recorded, but did not, would be of vital use decades later. They recorded information to help them do their jobs or as required of them by law or by their superiors. They recorded it in the way that they or their supervisors at the time thought was the most useful way of doing that. And, like most people who create records, they did not feel the need to record on the file information that both they, and the person or people they were recording information for, clearly knew." Anne-Marie Schwirtlich, Jim Stokes and Paul Macpherson. "Bringing them Home: Database Ethics, Culture and Information about Indigenous Australians," *Comma* 1 (2003): 142.
[29] Peter Showler, *Refugee Sandwich: Stories of Exile and Asylum* (Montreal: McGill-Queen's University Press, 2006), p.xvii.

2000s as records continuum theory and contemporary archival diplomatics grappled with electronic recordkeeping and born-digital records. Both emphasized the need for archivists to be engaged with the processes and systems necessary to ensure that necessary and reliable records would be created and preserved as authentic evidence. [30] [31] The unreflexive and legalistic constructions of reliable recordkeeping processes and authentic records emphasized by contemporary archival diplomatics in particular, however, leave little to no room for records that fall outside "regular" institutional or agency practices and official purviews.[32] In fact, they can have the unfortunate effect of co-constructing with official and legal frameworks, the notion of the non-citizen and the sentiment of unbelonging.[33] These ideas about reliability and authenticity, and hence "regularity" permeate archival appraisal decisions, supporting rather than contesting legal ideas about evidence, influencing decisions about what will be preserved as historically significant for the future and undervaluing documentation of everyday lived experiences, especially when these occur in exigency. Non-authorized actions, or actions undertaken under "unreliable" conditions, such as on-the-fly digitization of official documents using a smartphone, and radical agency with regard to document production and use do not fit within these ideas either. Archival ideas and practices thus contribute to placing "irregular" records and their creation and uses, no matter how understandable in humanitarian terms, outside the parameters of archival as well as legal acceptability.

Third, there is the issue of the structure of the archives themselves. Although many repositories collect primary documentation, in classical definitions, archives work in the service of their own institutions or governments. In many countries a state archives system oversees most or all of the official archives in those countries. There are few mechanisms and even less in their missions to support working transinstitutionally or transnationally. And yet today we live in a globalized society where government, business and social processes as well as information and communication technologies routinely traverse state and institutional borders and jurisdictions. In other words, the emphasis of most archives is on their own institutions, and on individual state administrative regimes, legal jurisdictions and priorities. They have limited ability and arguably motivation to account for those who traverse or fall in between those borders and jurisdictions or who live in liminal spaces such as refugee or detention camps.

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[30] See Luciana Duranti, "The Concepts of Reliability and Authenticity and Their Implications," *Archivaria* 39 (1995): 5-10.

[31] For more background on this, see Anne J. Gilliland, *Conceptualizing Twenty-first-century Archives* (Chicago, IL: Society of American Archivists, 2014).

[32] "This reality—that in crisis or desperation, people will act upon documentation expeditiously or emotionally, whether or not that documentation can be proved to be "truthful" or "reliable"—de-stabilizes and de-privileges classic archival understandings of trustworthiness. In its place, it insists that an expanded contextual understanding of the act itself with which the record is associated be brought to bear in any archival value judgment or prioritization; and serves as a visceral reminder that a record that has been tampered with or used for a purpose other than that for which it was created is nevertheless authentic in relation to the purpose for which it was used to achieve." Anne J. Gilliland, "Moving Past: Probing the Agency and Affect of Recordkeeping in Individual and Community Lives in Post-conflict Croatia," *Archival Science* 14 nos.3-4 (2014): 249-274.

[33] In many countries a non-citizen may not use a government archives without a letter from their nation's embassy vouching for them.

Reconceptualizing Archival Ideas and Practices to Address the Agency and Needs of the Forcibly Displaced

Summing up, forcibly displaced people may employ irregular records in a manner that directly illustrates Johnson's arguments about radical agency. Radical agency has political power in that it can help individuals to attain short-term objectives while forcing organizations and states to come together to address its implications. It also opens up some small space for both choice and perhaps even voice in terms of resistance to being rendered invisible and placeless - both physically and in the record. At the same time, however, each act of radical agency places the resulting documentation further and further outside legal, bureaucratic and archival parameters. This can have subsequent negative consequences for displaced people when they have to interact with other bureaucracies in camps or resettlement locations. In contemplating the irregular records created, or the records that are irregularly used through such agency, archives cannot just be servants of the law, of official bureaucracy or of the state, they must also be tools of the people (i.e., of human beings, not just citizens of that state). This would include people moving out of, across and into countries. Archival theory and how it is implemented in practice fail to recognize that displaced persons can have equally compelling but different interests in which official records are created, preserved and accessed. [34] [35] Evidentiary-based archival discourse privileging the adequacy, reliability and authenticity of records and provenance-based classifications inevitably throw into relief notions of "irregular" documentation and may even co-construct that of the "undocumented" individual. Finally, archival choices with regard to appraisal, description and accessibility of records too frequently are based on practical and conceptual considerations that submerge, elide or fail individual and "ordinary" stories and immediate needs for records. The call to act in the present to address these needs should not be occluded by the much-vaunted professional imperative for historical perspective and distance. In 1977 radical historian Howard Zinn famously exhorted the archival profession that "the rebellion of the archivist against his normal role is not, as so many scholars fear, the politicizing of a neutral craft, but the humanizing of an inevitably political craft."[36]

What are needed are responses to immediate crises and emergencies that are based on a moral imperative and respect for human dignity; that are focused directly on the experiences and needs of individual displaced persons, and are sensitive to the various actions, affects and effects associated with how they access and deploy records in exigency. Indeed, the notion of irregular records is offered here as a potential

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[34] A similar argument is made by Caswell in her appeal for "survivor-centered" approaches to documenting human rights abuses. She asserts that survivors should maintain control over the decision-making processes related to records documenting their abuse that are held in human rights archives. Michelle Caswell, "Toward a Survivor-centered Approach to Records Documenting Human Rights Abuse: Lessons from Community Archives," *Archival Science* 14 no.3 (2014): 307-322.

[35] Bureaucratic records, of course, only capture the "official" reality of displacement and its aftermath. Another way in which displaced persons have exerted their agency outside the parameters of official archives, but usually after they have settled or returned, is by documenting their own experiences through community archiving and other documentary initiatives.

[36] Howard Zinn, "Secrecy, Archives and the Public Interest," 2 vol.2, *Midwestern Archivist* (1077): 20.

complement to recent work on imaginary records, archival affect and human rights and social justice archiving. Critical theoretical approaches can help us to imagine and then enact a new social structure, a new polity that gives valence to these experiences as well as to the documentation they create and that acknowledges the irregularity of movement as well as the regularity of policy and boundary enforcement.

Archival responses should acknowledge that hegemonic ideas, institutional and state frameworks and structures may need to be interrogated and challenged, and that hard decisions about priority allocation of scarce resources may also need to be made. Some might argue that it is next to impossible to shift the behaviors of official archives precisely because they are so closely aligned to institutional and national interests, and therefore the energies of archivists and others wishing to assist refugees and others who have been forcibly displaced would be more effectively spent on community archiving, documentation and witnessing projects, as well as more direct participation in the work of NGOs. However, as important as such work is, it does not obviate the fact that official records, and the agencies that keep and provide access to them remain integral and critical to meeting the immediate and ongoing needs of the forcibly displaced. Practically speaking, beyond the actions that have already been discussed, official archives might also lobby policymakers to accept alternate forms of documentation identified by archivists to assist in asylum and other adjudication processes. They might also serve as expert witnesses regarding the validity of certain kinds of documents or destruction or continued inaccessibility of others; develop new forms of certification for documents digitized in circumstances where notarization of other forms of formal authentication are not available; draw attention to the long-term implications of gathering and sharing of DNA data from refugees; assist in the identification of migrants who have died or remain missing;[37] and even provide online copies of maps that show minefields and other historical and contemporary hazards in areas through which migrants are passing.

To return to the words of Sue McKemmish, if archives and other recordkeeping agencies are to play the role envisaged through the records continuum: "witnessing and memory-making with a critical role in governance, accountability, identity, individual and collective memory, social justice and cultural heritage,"[38] then they should also be tools for the people, and must be curated with that in mind. While this article has primarily addressed official records that are already held in archives, continuum thinking additionally offers approaches for anticipating and addressing additional needs through the participation of archivists in the design of recordkeeping systems. Such interventions could ensure that necessary documentary evidence is created and preserved, and that certified copies of vital records are made digitally accessible (also certified translations of records when necessary) to those to whom they pertain. In cases where new forms of recordkeeping are being implemented, for example, the creation of DNA or other

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[37] For example, the International Organization for Migration (IOM) issued a report in 2016 on the identification and tracing of dead and missing migrants that recommends the establishment of international and regional databases that draw on current records systems to help identity the dead and to begin "a global programme of research to better understand how to support families and improve identification mechanisms." https://www.iom.int/news/fatal-journeys-vol-2-new-global-report-iom.
[38] McKemmish, "Recordkeeping in the Continuum," op.cit.

biometric identification records of individuals entering refugee camps,[39] it would also ensure that those records are obtained with the informed consent of refugees and are managed, stored, used and made available in ways that take their best interests into account.

[39] UNHCR, "Biometric Identity Management System: Enhancing Registration and Data Management," n.d., http://www.unhcr.org/550c304c9.pdf.