Europe’s Erased: Rethinking European Migration and Citizenship Policies Based on the Example of the Erased Residents of Slovenia

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Abstract
The erasure of more than 25,000 people from the population registry of the Republic of Slovenia in 1992 left these people who had been living there for several years, some for all their lives, without any legal status. As such, these previously ordinary citizens became the legal equivalent of undocumented migrants. They were the first in Slovenia to experience European migration policies with their classification order of legal statuses and citizenships, which organizes populations into hierarchies both within and among the states. Their struggle to gain legal status is proof of the absurdity of these policies where desubjectivated migrants are trapped in an administrative circle that prevents their inclusion in society. Citizenship, a status that promises full participation in the community, is very hard to acquire because the community is defined as a national community. Behind the curtain of the “home security” discourse, the real goal of selective and partial inclusion of migrants seems to be protection of capital, since undocumented workers (among them also the erased residents) are unprotected from exploitation and as such are a benefit to the economy. The main argument of the article, supported by the ethnographic data, is that migration restrictions not only cause a great deal of suffering to migrants but also (re)produce their illegality. Due to the migration policies, these migrants stay in a specific territory illegally and as a consequence they cannot work in the legal sector. In order to break this vicious cycle, the official concept of citizenship has to be changed and the foundations upon which migration policies rest have to be reconstructed in the spirit of inclusiveness.

Keywords: Erasure, migrations, citizenship, Slovenia, Europe

Introduction
On the 26th of February 1992, half a year after Slovenia gained independence from Yugoslavia, over twenty-five thousand women, children and men from diverse social backgrounds were erased from Slovenia’s population registry, without previous warning or announcement. Through this massive, systematic, cruel, and intentional illegal action taken by the state, these people, workers, students, and ordinary residents were left without legal status or rights in the country where they had been living for years. From that moment they were officially regarded as undocumented foreigners because they were without a residence permit for the territory of the Republic of Slovenia. In trying to regain their legal status, they experienced many obstacles which were produced by restrictive European migration policies. The erased residents in Slovenia and many migrants in European states are trapped within a bureaucratic cycle that prevents the victims from being included and from participating in society and impacts all aspects of their everyday lives and the lives of their families. While
these restrictions are intended to control and eliminate illegal activities, they actually serve to produce illegality itself through different mechanisms of exclusion that lead to what Étienne Balibar (2007) called “European apartheid.”

Boundaries between center and periphery, public and private, legal and illegal run “through the heart of even the most ‘successful’ European liberal state,” and the margins that they produce are “a necessary entailment of the state” (Das and Poole 2004: 4). They are in fact an indispensable characteristic of states that are described as successful and liberal. Migration policies are determined by capitalist economic interests. First, migrants are selectively accepted to European countries according to the pressing economic needs of that country (as shown by the example of temporary workers) but they do not receive permanent status since it is believed that they will leave the country when their services are no longer required. Second, keeping a certain amount of the population in a position that prevents them from legally entering the labor market proves to be beneficial for the state’s economy, as will be demonstrated later.

It is important to note that the borders do not so much have the function of marking the limits of a territory but rather have moved to the center of the political space where they are “the source of conflicts, hopes, and frustrations for all kinds of people and also of unsolvable administrative and ideological issues for the states,” which leads to the endless use of contradictory political strategies (Balibar 2007: 133). I will argue that these borders and margins within the states are extensively (re)produced by migration and citizenship policies.

Data and Methods

Several academic articles have been published about the erasure (see Dedić et al. 2003; Beznec et al. 2007; Kogovšek and Petković 2010). Most of the researchers, from different disciplines, analyze the erasure within the social and historical context of Slovenia. They demonstrate that there was a nationalistic ideology at play which first guided this extraordinary act of the state in 1992 and later stayed present in the arguments of some right wing politicians ever since the event.1 The works of these scholars have great significance because they explain the background of the erasure and its effect on people’s lives. They also provide theoretical tools for the analysis of the erasure from different disciplines. But only one of the articles on the erasure presents this problem in the scope of European migration policies (see Pistotnik 2010). In her article, Sara Pistotnik demonstrates how European migration policies were fit and implemented into the Slovenian political and social environment and how this affected the erased residents.

The purpose of this article is to move further away from the national context and to go deeper into the critique of European migration and citizenship policies. I will point to the problems of European migration and citizenship policies generally, using the case of the erased residents of Slovenia as an example. The case of the erased in Slovenia shows the practical consequences of restrictive legislation to the people subjected to it and reveals the absurdity

1 It is not the aim of this article to discuss the erasure in the context of Slovenian nationalism. However, the fact that the people in question were regarded as non-Slovenians (on the basis of their republican citizenship in former Yugoslavia) will be mentioned and explained later on. They were erased on the basis of this assumption and they have been treated as such ever since. Here the problem of migration and citizenship policies that apply to “foreigners” becomes evident.
and criminality of the policies that dictate such legislation.

To support my claims, I use ethnographic data that my colleagues from the Department of Ethnology and Cultural Anthropology and the Faculty of Social Work of the University of Ljubljana and I collected. We conducted in-depth interviews with 27 of the erased residents. The fieldwork was a part of a project led by The Peace Institute – Institute for Contemporary Social and Political Studies called “The Erased – Remediing Human Rights Violations” (see The Peace Institute 2013). The participants were located either through our personal networks or with the help of researchers from The Peace Institute. The interviews were guided by a list of topics provided by the institute, but primarily took the form of recording life stories. The participants were asked to talk about their lives before the erasure, about their experience of the erasure, about the legal procedures they had to go through, and how the erasure influenced their lives in terms of their living conditions, work, health, family, social relations, and encounters with bureaucracy and law enforcement.

A significant amount of data had been collected by other researchers on the consequences of the erasure, but additional life stories reveal new aspects of the problem. These are stories about fortunate and unfortunate coincidences and testimonies about different limits and barriers that they came across in their everyday lives, and their inventive attempts and strategies to overcome them. The stories that we collected were published in the book Zgodbe izbrisanih prebivalcev (Stories of the Erased Residents) co-authored by the interviewers and interviewees. The anonymity of the latter was ensured by the use of pseudonyms, if they so requested, after the possible risks had been explained to them. To illustrate and support my claims in this article I use parts of these stories. Some of them are from the contribution by me and my research partner Blaž Bajič (as the interviewers), and our interlocutor Mladen Gotal (see Bajič et al. 2011) and some from my colleagues’ contributions. Even though individual life stories were recorded and published separately, much of the work on the project was done collectively with mutual help between the students and the constant support of the mentors and editors of the book, Uršula Lipovec Čebron and Jelka Zorn. For this article, I use the results of this research to show the significance of this national-specific problem on the international scale since the consequences of the erasure reflect much broader issues.

The Erasure: A Short Explanation

The residents of the Socialist Federal Republic of Yugoslavia had Yugoslavian citizenship, first and foremost, which was verified by personal documents. In addition to this, everyone had republican citizenship of one of the Yugoslavian Republics. This secondary citizenship, however, was recorded only in the states’ registers, and people did not know which of the Yugoslavian republics they were republican citizens of. It was ascribed to children by birth arbitrarily and inconsistently, sometimes by place of the birth, sometimes by one or the other parent’s birth place (see Dedić at al. 2003).² It is important to keep in mind that there were constant interior migrations within the borders of Yugoslavia so republican citizenships often did not coincide with territories of residence. After the independence of Slovenia those residents with Slovenian republican citizenship automatically received citizenship in the new

² This fact is illustrated by one interviewee. Both he and his older sister were born in the Socialist Republic of Slovenia, but while his sister had Slovenian republican citizenship, he was a republican citizen of Croatia.
Republic of Slovenia, while those with republican citizenship of another Yugoslavian republic would have to apply for it within 6 months (Dedić et al. 2003: 54-55). The latter were supposed to receive an official notice about this, but many never did. Others did not apply for citizenship for various other reasons – maybe they assumed that they would get it automatically because they were born in Slovenia; maybe they felt offended because they had been working in this country for several decades; or maybe they thought that they could keep their permanent residence in Slovenia and ask for citizenship of another country. As our research shows, the reasons why people did not apply varied. In any case, they were not informed about the consequences of their refusal to apply. Some of them did apply, however, but their applications ended up lost in bureaucratic limbo. What followed was an illegal act of the Ministry of the Interior: on the 26th of February, 1992, everyone whose application had not ended up in the right place was erased from the population registry of the Republic of Slovenia, meaning that all these people were left without any legal status whatsoever. Their political existence had come to an end and so had all their rights. They had become, as Giorgio Agamben theorizes “homo sacer,” humans reduced to a “bare life” with no political significance and no influence over the question of their own life or death, excluded from the law and at the same time trapped within it (Agamben 1998). The erased residents were, as many reported, living at the mercy of others. Sovereignty that is both inside and outside the law produces differences between membership and inclusion and this results in practices that people like the erased experience in their everyday lives (see Das and Poole 2004: 12-13). The erased could not obtain legal employment, due to the deprivation of their legal status, and were therefore not entitled to insurance or benefits. They did not have the possibility of legal ownership over their own property, and they lost the opportunity to receive higher education.³ These people were suddenly forced into lives that entailed struggles for survival and legal status. Discrimination and social exclusion have significantly influenced the lives of these people and have left scars on their minds and bodies (see Lipovec Čebron 2007, 2010).

“All the time I was like an animal on the prowl!” Živa, female, 39 (Bešlin and Živa 2011: 64).⁴

“In short, I was nothing. I couldn’t get a job, I was without health insurance, without everything. The social worker Marija called everywhere if they could help me somewhere in any kind of way. But nothing, anywhere. Because you are not here. Well, they know that you are here but you are not. You don’t exist. I was living in constant fear for tomorrow, whether we will have anything to eat, whether I will be able to pay the bills. I was without the front teeth, I had bad migraines, but I couldn’t visit a doctor. I don’t know what would have happened if something really horrible happened to me. Although I had a lot of misfortune, I had even more luck since I didn’t get seriously ill.

³ For an analysis of the erasure as a violation of (basic human) rights, see Kogovšek 2010b.

⁴ As mentioned in the previous section, the statements are taken from the life stories, collected in 2010 and 2011 and edited by the interviewees and researchers – my colleagues and me. I am using statements that have been already published (in the Slovenian language) rather than statements from original transcripts because the former were confirmed by the interviewees before publishing. This time I am using our results in a different context.
Now I am taking two pills in the morning, three in the evening. I have problems with my nerves,” Slavica, female, 52 (Rižnar and Slavica 2011: 104).

However, after recognizing themselves as a group, they were transformed from victims into political subjects (Zdravković 2010). They have been fighting against negative political discourses about them and for political emancipation through various public actions, emphasizing the illegality of their erasure and claiming their rights. For several years they have been organizing public demonstrations and protests to raise public awareness and to remind political elites that the problem has not been solved. In 2006 there was an expedition of 46 erased residents and their supporters to Brussels where they presented the problem of the erasure to the members of European Parliament.

Six of the erased won a lawsuit against Slovenia at the European Court of Human Rights in Strasbourg in June 2012, after the proceeding that lasted six years. Many of the erased residents are also active in other public events that provoke social criticism, on one hand, and social solidarity, on the other. In the last twenty years their actions have contributed to some changes in Slovenian legislation, but there have not been legal changes that could resolve the overall legal situation for everyone, as their situations are all different (as a result of the different legal ways they took to get legal status in the past [see Pistotnik 2010]), and the laws are rigid and exclusive. As a result, there are still more than 13,000 erased residents who to this day have not been able to regain their legal status (Kogovšek 2010a: 11).

Rethinking Citizenship

Foreigners are affected by every change in the status of “citizen” at both the national and transnational levels (Balibar 2007: 52). Mojca Pajnik (2011) notes that the political dimension in the concept of social citizenship is lacking in a welfare state. Social citizenship is not linked to political activity of citizens but rather to their access to social services. This concept of citizenship suggests equal rights for all members of the community but ignores the immigrants that are left outside of its defining parameters. The reason for this is that the “political” has become “national” (Balibar 2007; Pajnik 2011). Such citizenship enables the constant exclusion of certain groups from political communities since (in nation-states) they are identified with national communities. Citizenship “became a status and primarily an administrative criterion,” implying privileged membership in a national community that has to be earned and as such “serves to demarcate territories and to legitimize nation-state borders and the power of elites within nation-states, rather than implying citizen participation in and cooperation of political community” (Pajnik 2011: 69; cf. Zorn 2007). The national character of citizenship is evident from two points in the life of the erased residents. First, automatic acquisition of new Slovenian citizenship was denied to them on the basis of the assumption that they are not ethnic Slovenians since their republican citizenship had belonged to another Yugoslav republic. Second, the national character of citizenship prevents them inclusion into the national community.

5 In the book Zgodbe izbrisanih prebivalcev the way of speaking and the use of slang, dialect, and foreign words are maintained despite grammatical and stylistic incorrectness, to keep personal notes of the interviewees. This is of course lost with translation. The statements were translated from Slovenian to English by the author of this article.
The case of the erased residents and cases of irregular migrants across the world prove Anne McNevin’s findings that “citizenship comes at the cost of the outsiders it creates” (2011: 16). As a privileged status it produces its opposite – “statelessness as de facto ‘Otherness,’ and inequality” (Pajnik 2011: 71). The erased residents have become stateless according to Hannah Arendt’s (1976) definition: excluded from the community that used to be their own, as the Jews had been in the Third Reich. Yet, even after acquisition of citizenship people might remain stateless in the broader sense defined by Margaret Somers (2008) as the exclusion or absence from the public sphere – sharing their marginal position with immigrants, the poor, the unemployed, etc. Moreover, “the state of exception … can redraw boundaries so that those who were secure in their citizenship can be expelled or reconstituted as different kinds of bodies” (Das and Poole 2004: 12-13; cf. Asad 2004). The erasure itself proves this fact.

The Administrative Circle

European migration policies, democratic ideologies and practices, and market economy principles were uncritically adopted by Slovenia in the 1990’s as a stepping stone to European integration (Pistotnik 2010: 54). The Slovenian will to “Europeanize” coincided with the tendency of the European Union to extend the European migration policy into other countries (see Houtum and Pijpers 2007: 292). It was these policies that guided the treatment of the erased residents since they had lost their documents. This happened when they met an official for the first time after the 26th of February 1992. Their documents were taken or destroyed and this is how they learned about their loss of status. From that moment their status has been equal to that of undocumented (“illegal”) migrants and this is how they were officially treated, regardless of their actual situation (Pistotnik 2010: 64). The erased were the first in Slovenia to experience the new European categorization of population on the basis of legal statuses, and this has proven to be a cruel, though efficient, mechanism of exclusion (Pistotnik 2010: 57-61). On one hand, there is a hierarchy of citizenships on a geopolitical basis – a “bio-political classification of the origins of the people in the world” (Houtum and Pijpers 2007: 296; also Balibar 2007: 61-64). At the same time, a spectrum of several legal statuses began to emerge (beginning with “undocumented foreigner” and ending with “citizen”) in order to hierarchically classify the population in terms of their rights and obligations in relation to the state (Pistotnik 2010: 57). The erased found themselves at the bottom of this constructed hierarchy.

Climbing the administrative ladder has proven to be uncertain, expensive, and exhausting as the stories of the erased clearly reveal. Some of them were directed to bring

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6 European integration is the process of economic, political, legal (and social and cultural to some extend) integration of European states. The process is led by the institutions of European Union: European Commission, the Council of Europe, and European Parliament. They compose “a complex system of EU governance [that] produces rules and regulations covering a host of policy areas ranging from agriculture to antitrust, the environment, immigration, and international development” (Dinan 2005: 1). National governments, parliaments, courts, and other bodies shift their loyalties, expectations, and political activities towards EU to eventually become member states of European Union. The states entering the European integration process gradually adjust their policies to the policies of EU. Because of this integration process that results in certain level of unification of policies regulating agriculture, economy, employment, external and internal security and relations, et cetera, we can speak about European migration policies despite some differences in the application and implementation between nation states. For more information on European integration see Dinan 2005.
certain documents from their so-called “home countries” (i.e. the countries of their previous republican citizenship) but it would have been impossible for them to return to their homes in Slovenia without a passport. Meanwhile those who stayed in Slovenia were subjected to constant police harassment and some were kept in a detention center or even deported (mostly across the Hungarian border but some were deported to Croatia where their lives were endangered by the war). Some of them became classified as refugees from Yugoslavia in the country they had been living in for years, while others, even more paradoxically, became refugees from Slovenia in other countries (Pistotnik 2010: 69, 74-75).

The erased have experienced policies governing employment, residence, access to social services, and acquisition of citizenship as what Pajnik calls the “strategy of conditional circularity” where one permit is required in order to apply for another and so on – “an obstacle that prevents migrants from accessing any type of security” (2011: 77). It seems as if the policies are aimed to prevent migrants from legalization and stabilization of their stay in the country. Pajnik notes: “A residence permit cannot be obtained without a work permit; a permanent residence permit cannot be obtained without a personal work permit; citizenship cannot be obtained without a permanent residence permit; a personal work permit is required to register with the Employment Service; a permanent residence permit is required for medical insurance; citizenship is required in order to apply for nonprofit housing; and so on” (Pajnik 2011: 93).

“I didn’t have the small company anymore because I didn’t succeed and no other legal job. Who will employ you? You can’t get a job if you don’t have a citizenship, yet they won’t give you citizenship if you don’t have a job,” Mladen Gotal, male, 42 (Bajič et al. 2011: 137).

The administrative circle of immigration policies was even more frustrating and stressful for the erased because they were treated as if they had just arrived in Slovenia as undocumented migrants, even though for many of them this country was the only home they had ever known.

“The lady in the office first asked me what the purpose of my stay in Slovenia was. Can you imagine? I can’t even explain how a man feels when he is provoked and humiliated like this,” explained Marko (male, 43), who was born in Slovenia and has lived there for all his life (Fistrič et al. 2011: 21-22).

Migration policies are based on “complete desubjectivation of a migrant, his or her wishes, personality, goals, and visions of his or her life” (Beznec 2006: 8). Talal Asad (2004) sees the origin of this in the concept of the liberal state and the abstraction of state and citizen. As a result of the principle of equal treatment, citizens are treated with absolute indifference. This leaves a space between the law and its application that is filled with suspicion according to which the officials are free to act. “Equality, generality, and abstraction thus rest on uncertainty” (Asad 2004: 283).

For migrants and the erased residents, the ultimate goal that lies at the end of bureaucratic obstacle course is citizenship: the status that promises full membership in the community. Slovenia has a restrictive citizenship policy, which requires 10 years of residence in the country (Pajnik 2011: 91). This can be seen as a measure of the resident’s will and desire to
live in the country permanently. Also important to this measure are communication skills in Slovenian, requiring a language examination even from those who received education from Slovene schools. Additionally, adequate financial resources need to be proven so as not to be a “burden” on the state. There are also concerns with security, so applicants could not have been sentenced to more than one year in prison. Finally, applicants are required to renounce their existing citizenship as a criterion for establishing loyalty (Pajnik 2011: 91; see also Zorn 2007). These conditions are a part of strategy of conditional circularity and they are connected one to another. They can only be fulfilled if a candidate has already succeeded in his struggle with the administrative circle – if he or she found a legal employment and secured a personal working permit and later gained a permanent residence permit. But in reality this is very difficult to achieve. More often migrants remain living on the margins of the society. As they are excluded from society it is hard for them to learn the language well enough to pass the language examination. It is difficult for them to achieve adequate financial resources if they do not find a long term legal job. Their poverty can force them into breaking the law and if they end up in prison for more than one year they lose their chance to become citizens. Ten years of life in insecurity and exclusion might actually affect a migrant’s ability to fulfill the conditions of gaining citizenship and many of them never reach this state.

In 1999 a law (ZUSDDD) was enacted to deal with the status of the citizens of other republics of the former Yugoslavia, implicitly but clearly referring to the erased residents, which enabled some of them to gain a residence permit under less strict conditions. Yet for many it still proved useless because they were still unable to fulfill the conditions (Pistotnik 2010: 72-74). One problem was that the application process was so slow that often new versions of the same document had to be submitted several times due to expiry (Pistotnik 2010: 71-71).

“What can you do? In this kind of system you can decay and wait forever at these counters. This public administration and bureaucracy was destroying us all,” Bojan, male, 57 (Sekirnik et al. 2011: 121).

**Migrants’ Insecurity for the Security of Europe**

After the loss of their legal status and their documents, the erased came to occupy the same legal position as undocumented immigrants. They were treated in this manner by law enforcement and the bureaucracy, and they had more or less the same existential problems, primarily connected with employment and insurance. Similar to undocumented migrants across the world, they went through several transitions and liminal positions between different statuses and identities that are, regardless of the fluid and ambiguous situations of living people, constructed as clear-cut and fixed by the policies (cf. McNevin 2011). The only difference between the two groups is that the erased had not recently arrived in the country, so they were familiar with the environment and were already integrated into social networks which sometimes made their survival easier compared to undocumented immigrants. Many of them stated in the interviews that they were lucky, and that it could have been worse. The fact that the survival of a part of the population depends on luck and solidarity proves that the system, in our case migration policies, is problematic. There is another connection between the two groups: the erased were labeled as immigrants “from the South,” meaning that the official discourse construed them as foreign entities that were intruders, as will be explained later.

There is a popular (but misleading) concept of “fortress Europe” whose purpose is to try
to keep immigrants from so-called “third-world countries” outside of its borders. Mike Haynes sees Europe as an “imagined community” built around a mystic ideology that legitimizes the inclusion of certain populations and the exclusion of others and lays down the “boundaries across which goods and capital might flow but people may not, or at least the mass of people may not” (1999: 25). Indeed, we have seen increasingly strict entry restrictions and “a tendency towards more exclusive and authoritarian (migration) regimes” in Europe after the fall of the Iron Curtain (Düvell 2003: 201) and the closing of the external borders of the European Union to “allegedly market-redundant immigrants” (Houtum and Pijpers 2007: 292). Yet, the real goal of immigration policies is not to prevent immigrants from entering Europe, but rather to provide for selective inclusion according to the needs of European labor market (Beznec 2006: 140). As William Walters (2004) argues, the mechanisms of European migration policies are more than “building walls, strengthening the locks, [and] updating the alarm system” (Walters 2004: 242; cf. Houtum and Pijpers 2007). “[T]he focus of insecurity has shifted from the geopolitical space of interest relations to threats to society” (Walters 2004: 242). Walters notices that today’s governments consider their state as a “home” that protects and must be protected. The “protection” or “security” of a so-called civilized comfort zone of economic welfare, public security, and social identity (i.e. home) that is believed to be threatened by immigrants is the key concept that leads and legitimates European migration policies (Houtum and Pijpers 2007). The discursive rhetoric adopted by world leaders plays upon a positive image of home on one hand and a fear of the chaotic outside on the other (Walters 2004). It is important to keep in mind that the motive to erase people from the population registry was the presumption that their “home” lay somewhere else.

“When they cut your ID it means: ‘Clear off, manage there and stay there [in the other country], here you can only be a tourist,” Mladen Gotal, male, 42, 2010 (Bajič et al. 2011: 126).

Dispossession of their documents was a first sign showing that they were no longer wanted on Slovenian territory, at least not as residents. In addition to this, the erased residents and immigrants from other former Yugoslav republics have been presented as primitive and dangerous people, as the stereotypically negative discourse about the Balkans as an imaginary geographic entity creates them [see Todorova 1997] (Dedić et al. 2003: 98-108). They were also presented as a threat and associated with the Yugoslav generals who fought against the independence of Slovenia, especially by some politicians that wanted to legitimize the erasure (Gregorčič 2007: 88). Discourses which try to legitimate the exclusion of the “Other” are a part of the reconstruction of the sovereignty myth and power of the state which results in “institutional racism” (Balibar 2007: 50-57).

Slovenia implemented the European immigration regime with its classification order on

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7 Henk van Houtum and Roos Pijpers (2007) argue that Europe (or the European Union) is not closed off like a fortress but is “open to strategically selected immigrants” that do not represent a threat. It is for this reason that they speak of the European Union as a “gated community”.

8 The negative discourse about the erased has become widespread among the public through the media and has morphed into a hate speech (Kogovšek 2010b: 105-106). For an analysis of public awareness of, and opinions about, the erasure and the erased, see Lipovec Čebron et al. 2011.
the backs of the erased (Pistotnik 2010: 75). They were the first victims of the endless administrative machinery in which the immigrants of Europe are caught. Andrej Kurnik has written: “Slovenia has normalized the criminality … of the erasure with the acceptance of European migration and asylum policy. And the European Union has normalized the criminality of its migration policy … in Slovenia with the integration of the autochthonous forms of exclusion, denial of basic rights to certain populations, and normalizational cleansing” (2007: 124-125). They are presented as safety policies, but they put migrants in extremely insecure situations where their lives are endangered. “The consequences of the … desire for comfort protection are increasingly drastic, sometimes even horrific” (Houtum and Pijpers 2007: 298). Franck Düvell has reminded us that “exclusion on the grounds of immigration restrictions can, and all too often does, kill,” as it did in the case of the European Jewish population in the 1940’s (2003: 202), and as it does today in the cases of “deaths at the border” of thousands of people who try to illegally enter the European Union or the United States (see Houtum and Pijpers 2007: 298-299; Palidda 2005: 65-66). The same policies also proved fatal for many of the erased in Slovenia. Some of them were deported to the war zones in other republics of the former Yugoslavia, and some mysteriously disappeared (see Vaslović 2007). Others were ruined because their social capital and/or simple good fortune were not sufficient to satisfy their basic needs. The effect of the erasure and consequent statelessness (in both the literal and the broader sense) was tantamount to legal and political death (reduction to bare life), and social death (isolation from public social life). Together with immigrants, they comprise a social stratum of people “who are basically deprived of any rights and who could be seen as a renaissance of the medieval outlaws” (Düvell 2003: 202).

“In this time I was raped. And I couldn’t report this man because I was afraid that they would deport me since I was without any documents. Again I would have drawn the short straw,” Živa, female, 39 (Bešlin and Živa 2011: 72).

As the excluded “Others” these stateless populations serve the fiction of unity of both nations (see Bajt 2010) and Europe (see Haynes 1999; Houtum and Pijpers 2007). But this short-term coherence of a society through racist exclusive immigration policies has proved to be the opposite in the long term, since social “pathologies” such as xenophobia work against social coherence (Düvell 2003: 203). Despite this fact, the European Union is following a colonial-like (orientalistic) “modernist logic of (b)ordering” ‘normal Us’ and ‘deviant Others’ in the discourse on the need to ‘communify’” (Houtum and Pijpers 2007: 295-296). A state as a “home” offers a safe sanctuary and protection for its “natural” members (i.e. citizens by birth), but it also contains the aspect of “conquest, taming, and subduing; a will to domesticate the forces which threaten the sanctity of home” (Walters 2004: 242). For these tendencies Walters presents the term “domopolitics,” which “refers to the government of the state (but, crucially, other political spaces as well) as a home” (Walters 2004: 241). Migration policies are not about preventing mobility but about controlling it and adjusting it to the needs of the economy and making hierarchical categories of population upon which access to legal protection and public resources depends (Pistotnik 2010: 55).

European countries tend to encourage the legal immigration of a certain required labor force. Simultaneously, though, there is a tendency to prevent these same immigrants from becoming permanently and fully integrated into the society by the strategy of conditional
circularity. But illegal mobilities are always perceived of as a danger (Pistotnik 2010: 55; Walters 2004: 245). Yet, the prohibitionism of European migration policies actually perpetuates the underground economy (Palidda 2005; Fabjančič 2006: 44; Houtum and Pijpers 2007: 302). The erased, like the immigrants from the so-called third world, have faced difficulties gaining work permits and finding legal employment due to both administrative obstacles and personal discrimination, so for many of them the black market is the only option (cf. Fabjančič 2006; Pajnik 2011). Salvatore Palidda (2005) notices the paradox: economically dominant countries of immigration fight against illegal labor on the one hand, while it remains an important benefit to their economy on the other. Illegal workers can be exploited by the corporations that bring money to the state because workers without any insurance are not a financial burden, while hunting them makes business for the security industry. Employing migrants without documents is beneficial also for the socially included citizens who employ them since their costs are lower than in the case of registered workers (Fabjančič 2006: 44). Migrants as a cheap and unprotected labor force, exposed to exploitation and blackmail, are “a constitutive element of the production of wealth” (Beznec 2006: 140). Haynes has written: “In European law … there is a tension between labour as commodity and labour as a “human being” – and a tendency to protect the former rather than the latter” (1999: 35-36). Neoliberal political economy is founded on the politics of differences and preserves them (hand in hand with border regimes) in form of inequality of rights, wages and levels of reproduction (Düvell 2003: 205). This is the “commodification of migrants,” where migrant selectivity is driven by the market and human beings are labeled as human resources (Houtum and Pijpers 2007: 301). In this “market fundamentalism,” social rights are dependent on participation in the labor market since a work permit is a condition for all other permits (Pajnik 2011: 71-77). This is one of the changes that the erased got to know to their cost and which made them the heralds of the new social, political and economic order in Slovenia.

**Conclusions**

The erasure from the population registry of Republic of Slovenia in 1992 was conducted in a specific national context. But it is not just this specific state that carries the responsibility for the social and political exclusion of the erased that followed the erasure. The reason why these people could not put their lives back in order by acquiring a legal status were migration and citizenship policies that have been and continue to be imposed on millions of people all over Europe. They live in uncertainty, insecurity, and discrimination because their home is supposed to be somewhere else. When they try to navigate administrative mazes of legal statuses that define their rights and level of social inclusion, they face the “strategy of conditional circularity” (Pajnik 2011) that often dooms them to an insecure existence in illegality, on the margins of society. The discourse about the security of the states and Europe as a whole legitimates the exclusion of the migrants and protects the capital of the state, since undocumented workers are a benefit to the economy.

There is no immigration regime that would not produce the exclusion among those who fail to fulfill its criteria. No matter how liberal and humane it might be, any kind of regime is acceptable only as long as it ignores the consequences for the rejected ones. We live in a flexible and mobile world therefore alternative and flexible immigration regulations are needed. What is missing is the link between economic and political membership so that contribution to
a society would coincide with mutual access to political and social resources (Düvell 2003: 202-206). Therefore there is a need for a redefinition of citizenship. Balibar (2007) suggests a democratic, expansive, and inclusive conception of citizenship which is based on “droit de cité,” a right of residing with rights. This way citizenship is an open process of gaining concrete rights through social activity and negotiations that lead to political emancipation, regardless of the nationalities of the people. Active participation in the social space should lead to the acquisition of citizenship and not the opposite, as we can see in the existing concept of citizenship where the rights and chances for participation depend on legal status (Balibar 2007: 66-69).

Some political theorists have “argued that state borders generate contradictions with regard to the principle of equality amongst individuals and freedom of movement” (Houtum and Pijpers 2007: 293). The obsession with protection that drives current European migration policies can be seen as a reaction to immigrants’ active assertion of their right to move and settle where they want (Walters 2004: 255-256). But the regulations both construct and perpetuate their “illegality.” People without documents attempt to gain a legal status, which suggests their will to leave compulsory illegality (Balibar 2007: 67).

The question of immigration is not a question of foreign affairs or security policy, but it is at the center of European democratic political mechanisms (Beznec 2006: 140). The erased residents in Slovenia and many migrants and people without documents in Europe are far from passive victims of policies imposed from above. They have taken an important active position in the constitution of political mechanisms and transformation of citizenship (McNevin 2011). The struggle of people on the margins of the state is, as Balibar (2007: 67-68) argues, an essential contribution to the development of active citizenship, democratization of borders, and the free movement of people.

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