The invisible hard work of retrieving papers: Syrians and the paradoxes of integration in Germany

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ABSTRACT
Seemingly mundane bureaucratic papers – such as birth and marriage certificates – are official proof of legal identities and relations to kin, usually issued by the state of origin. For Syrians who have sought asylum in Germany, these documents are necessary during the asylum procedure and beyond, for certain bureaucratic procedures and the recording of crucial life events. Retracing the crafting of these documents in Syria, and their encounter with German bureaucracy, captures the depth of the entanglement between the Syrian and German citizenship regimes, as well as their discrepancies in relation to paperwork and legality. Drawing on ethnographic research with Syrians in Lebanon and in Germany, this article argues that the legal production of legality in Germany can only be achieved through legally ambiguous, if not so-called illegal, practices in Syria.

Introduction

Sarah welcomed me into her home.¹ I had been there many times since moving to Berlin in 2018, but our friendship can be traced to Beirut, in 2014. At that time, she was in her mid-thirties and a single mother to two young children, having fled from Damascus not long before. By September 2015, she had left Lebanon with her children, to reach Europe. Eventually, she managed to file her asylum case in Berlin, where she has been living ever since. This visit was a little different from the usual ones punctuating our friendship: Sarah had agreed to participate in my research and to discuss with me her ‘documented life’ – namely, her archives of legal documents. After coffee and small talk, Sarah handed me a tattered black bundle of documents and a small blue bag, saying loudly, ‘This is the past, the present and the future’.

I started looking at the little bundles wrapped in transparent plastic that constituted her archive. Each plastic bundle guarded a collection of documents. Some of these were original copies printed on the official papers of Syrian Ministries; others were grey copies of the original copies. What fascinated me was that most Syrian documents were accompanied by German translations and other German documents. Languages and documents, past and present, Germany and Syria were mixed up in this repository that was testimony to the entanglement between Germany and Syria, to how penetrating these two different citizenship regimes have been in the lives of Sarah and her children.

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Sarah's understanding of these papers as containing her past, present and future speaks to the centrality of her Syrian documents to her family's new life in asylum in Germany. As her archive of legal documents shows, the 'German documented life' of her family is still attached to the Syrian one. The Syrian documents are material evidence of Sarah's individual legal identity, education and profession, which makes it possible for her to rebuild her life in a foreign country where she feels safe (see also Jordan 2022, in this volume). However, a precondition for Sarah’s building of a new life was the legal recognition of her parental relation to her children. Many of the papers contained in her archive were, indeed, legal and material proof of this relation of kin (see also Alkan 2022 and Palmberger 2022, both in this volume), alongside evidence of the different forms of care embedded in motherhood (see also Bloch 2022 and Suerbaum 2022, both in this volume).

As crucial 'paraphernalia of the modern states and legal systems' (Navaro-Yashin 2012, 114), personal identification papers (amongst many others, I would add) are a form of state control and, simultaneously, a tool of empowerment, as they grant specific rights (Gordillo 2006, 163), exemplifying the paradox at the heart of modern concepts of citizenship. One salient right granted by citizenship is the legal recognition of familial ties (Richter-Devrooe and Suerbaum 2022, in this volume). This legal recognition hinges on seemingly-mundane bureaucratic papers – such as birth and marriage certificates, passports and identification cards, to name but few – which act as official proof of legal identities and relations to kin, usually issued by the state of origin. As this archival encounter highlights, the granting of different forms of asylum in Germany does not simply entail the end of the relationship between Syrian asylum-seekers and the Syrian state – quite the contrary. Many of these official documents are needed not only during the asylum procedure, but are also fundamental afterwards: Syrian newcomers must provide various combinations of legal documents issued by the Syrian state for numerous bureaucratic procedures.

For this reason, Syrian legal papers become crucial tools for starting a new life and recording life events abroad, forcing Syrians to work hard to retrieve them, either prior to their flight from Syria or later, when they are already residing in Germany. Drawing on my ethnographic fieldwork with Syrians in Lebanon (2014–2019) and in Berlin (2018–2020), this article argues that Syrian asylum in Germany is characterised by an entanglement between the German and Syrian citizenship regimes. This entanglement is kept alive, even nurtured, by the paradoxes of the German migration and citizenship regime (see also Farinha 2022, in this volume). One of these paradoxes is the German bureaucracy's insistence that Syrians obtain updated documents from Syria for certain practices, be it continuing education or exercising certain professions (such as medicine, pharmaceutics or engineering), and the recording of key life events (such as new births and marriages), applying for family reunification or obtaining German citizenship.

By following the life of these documents and their journey from Syria to Germany, I retrace the production of Syrian newcomers’ situatedness in-between citizenship regimes. Syrian documents are central to the German ‘documentation regime’ (Tuckett 2018, 4): indeed, anthropological analysis of paper and paperwork in migration and (non-)citizenship regimes highlights the centrality of these material artefacts in the everyday life of non-citizens in relation to the law and encounters with the state (Kelly 2006; Gordillo 2006; Cabot 2012; Navaro-Yashin 2012; Reeves 2013; Tuckett 2018;
Horton 2020). As noted by Constable (2021: 327), the state of being a citizen and non-citizen simultaneously is woven into intersecting bureaucratic processes of two different states. Yet, the case of Syrian newcomers in Germany shows how the working of Syrian and German bureaucracies cannot be detached from the broader constellation of political practices and discourses constituting each citizenship regime. Indeed, the specificities of the interconnectedness between the Syrian and German citizenship regimes imply that the legal production of legality (De Genova 2002) in Germany is achieved through legally ambiguous, if not so-called illegal, practices in Syria.

Resorting to such practices is an intrinsic feature of Syrian citizens’ discriminatory experience of state bureaucracy, since Syrian citizenship is tied to political loyalty to the Al-Assad regime, a connection exacerbated even further by the war. This logic is very distant from Germany’s treatment of these documents as based on the Rule of Law, which is not only the governing principle of its state bureaucracy (Borneman 1997; Koetter 2010; Vetters, Eggers, and Hahn 2017), but also a salient moral feature of Germany’s cultural citizenship (Ferreri 2022). Indeed, these documents, and the act of retrieving them, can hardly be understood as ‘legal’ if such an understanding is based on a normative approach rooted in the Rule of Law. Thus, in this case, the indeterminate ‘legal’ nature of documents is neither an outcome of Syrians’ encounter with the German state (Kelly 2006), nor of their individual agency (Cabot 2012), but an intrinsic feature of the political significance of paperwork and legality at the heart of the two discrepant citizenship regimes. These complex legal, bureaucratic, political and even social realities are inscribed in the papers themselves.

In search of papers: Syrian citizenship in times of war

Fadi reached Germany in late summer of 2015, after spending a few months in Lebanon. As a university student in Damascus, he decided to flee Syria because of his fear of being conscripted into the army and having to fight in the war (see also Monroe 2020; Suerbaum 2020). At the time, Damascus became dotted with hundreds of security checkpoints, while in nearby towns, raids and home searches had already started to conscript young men into the army. The risk of being conscripted on the spot at checkpoints infused his everyday life with fear; although he was not a wanted citizen yet, he lived en attendant of becoming one. Post-2011, Syrians could be declared wanted by state security apparatuses by virtue of being considered a possible threat to the regime in relation to an aspect of Syrian political life, such as evading military conscription or political activism. Becoming a wanted citizen entails arrest and curtailed freedom of mobility within Syria and outside its borders, as well torture and enforced disappearance (Ferreri 2018, 78–89; see also Ismail 2018). The fear produced by the wanted status in its different facets and degrees manifests itself in Syrians’ encounters with state bureaucracy, or, rather, in the impossibility of engaging with it, even for mundane practices.

Given that, in Syria, citizenship is also tied to political loyalty, namely, obedience (Wedeen 1999), these seemingly-mundane practices lay bare how the regime’s politics of security is intrinsically tied to state bureaucratic procedures. Prior to the uprising, Syrian authorities strictly regulated Syrians’ international freedom of movement, imposing restrictions – e.g. for Syrian men like Fadi, who did not complete the compulsory military service, or for civil servants – and travel bans on Syrian dissidents, conscripted men and
other categories of citizens/state subjects. This control was exerted in response to any request of obtaining and renewing a passport made to the Department of Migration and Passports, which would be vetted by Syrian security services to verify the status of the citizen and either approve or deny the request. The strict control exerted through the Database of the Department of Migration and Passports extends even further, as this database is also shared with Syrian border posts and security agencies, which can arrest a person escaping from military conscription on the spot, even when they are in possession of a passport. Syrian embassies complied with the same procedure prior to April 2015. Any request made by a Syrian citizen abroad for a civil document – such as a birth certificate or a passport – was sent back to Syria, for the Secret Services to approve or deny its processing. This oversight of Syrians’ degree of obedience and loyalty was also exercised through the numerous security checks [diraasa amniyya] in the case of marriage or a change in the place of residency, as well as for obtaining state employment, such as teaching at a state-run school, and for any involvement in social and political life, even within the ruling Baath party (see also Perthes 2004).

The complex constellation of bureaucratic practices and security checks also infiltrates the retrieval of school certificates in Syria. For Syrians like Fadi, who had the chance to plan their flight in advance, the collection of documents necessary for his life abroad, such as university transcripts, was a fundamental and time-consuming step in the preparation. Fadi managed to obtain the documents from his university, but they had to be stamped by the Syrian Ministry of Education and certified by the Syrian Ministry of Foreign Affairs in order to be recognized as valid certificates abroad – not an easy task in 2014 and 2015. Indeed, in my fieldwork in Lebanon, retrieving official documents, even school certificates, was described as a difficult enterprise, as a Syrian researcher and activist explained: ‘To obtain education certificates, you have to appear in person at the school or university authorities. Close members of your family [i.e. immediate family] could also ask for them, but it is not easy’. For Fadi, obtaining a valid document stamped and certified by the various Syrian ministries was possible because he had enough time to request the papers, but also because he had wasta [connection] and money.

The term wasta [connection] encapsulates the social relations intersecting state bureaucratic and security apparatuses. This relationship hinges on the state agent facilitating and speeding up bureaucratic procedures, such as the issuance of official documents, authorizations for economic activities (Anderson 2013) and state employment – at times, after being paid a sum of money. Wasta generally refers to a state agent with whom an ordinary Syrian entertains a sui generis relationship that may include practices of patronage and intercession, considered a form of corruption [fasaad] and control, tied to the shadow state prior to 2011 (Ismail 2018). Connections are also part of the ‘tactics’ (De Certeau 1984) ordinary Syrians use to defy the limitations and the discriminatory nature of the Syrian state bureaucracy. These tactics have their limits, since they make ordinary Syrians complicit in the reproduction of the same political system of control, corruption and repression they attempt to rupture (Anderson 2013; Schielke 2015). However, amongst Syrians, wasta encapsulates a plethora of roles and functions in pre and post-2011 Syria that, as Doughan argues in the case of Jordan, has ambivalent meanings, being both
a form of corruption and an ethical practice to achieve equality (Y. Doughan 2018, 8). Indeed, a *wasta* is also an acquaintance who has crucial knowledge of state practices, or connections to state agents.

Yazan, a man in his early thirties, originally from Homs Governorate, defected from the Syrian army shortly after the beginning of the uprising and joined the rebels. After being injured, he found refuge in Lebanon, where he decided to reconfigure his commitment to the revolution by becoming an activist. I met him in Lebanon shortly before his resettlement to a European country, in 2019, and we discussed his documented life characterising those turbulent years:

At the end of 2010, I was conscripted to the army, they took away from me all my papers, the civilian ones [...]. They took my ID and my military booklet [*daftar 'askaryy*] and they gave me the military ID. The military ID is still with me [...]. When I came to Lebanon, I just had my military documents, nothing else. [...]

Yazan tried to get his individual civilian record [*ikhraj al-qayd*] from Lebanon, as he needed this document to obtain a residency permit in the country and avoid *tarhyl* [deportation]. However, Syrian law forbids military personnel from requesting and obtaining any civilian documents. His status as a defector and rebel – therefore, a wanted citizen – made it all the more impossible to obtain his civilian record through the Syrian Embassy in Lebanon, since, at the time, any consular proceeding was screened by the Secret Services for security clearance.

In light of these restrictions, Yazan’s sister retrieved his civilian record by exploiting *wasta*, here embodied by the town’s *mukhtar*, who helped Yazan and his sister without requesting a bribe. The *mukhtar* is an elected village-level state representative responsible for issuing residence documents and personal status papers, such as birth and marriage certificates, ID cards, and passports (Stel 2015). As such, the *mukhtar* in question had access to the local civil registry and managed to obtain Yazan’s civilian record – as a substitute for his ID card. When Yazan showed me his old *ikhraj al-qayd* dated 2014, he indicated his signature with his index finger, saying: ‘This is not me [signing the document] because I was here [in Lebanon]; this [the signature] was made by the *mukhtar*.’ He added, ‘It was difficult to get the documents [in 2014].’

The case of Yazan shows how the social relations revolving around a *wasta* not only rupture the regime’s politics of security, but were transformed into a form of ethical and political solidarity in times of war and state repression. During my time in Lebanon, social connections featured prominently in the recollections of activists and ordinary Syrians: many had avoided arrest thanks to an acquaintance who leaked information about somebody’s inclusion in a list of the security services. In other cases, the crossing of the official border, the retrieval of official documents and information regarding the fate of prisoners or enforced disappearances was only possible through relying on social connections and bribes. The reconfiguration of the meanings and functions of *wasta* and bribing in times of war highlights how these practices, as a form of political and ethical solidarity, can restore the sense of individual agency. This agency is not one of active disappointment voiced in Syrians’ narratives of scorn, as described by Anderson (2013) in his ethnography of Aleppian traders and businessmen prior to 2011. In wartime Syria,
these relations, and the practices they enable, restore a degree of individual agency that opens up new possibilities, by offering an alternative to imprisonment and military conscription and, thus, potentially saving lives.

The retrieval of Syrian documents is part of this constellation of possibility, since their possession can facilitate the legal recognition of kinship ties, education or professional biography in the country of asylum. Syrian official documents are part of the regime’s web of power and control, and the distinction between the politics of security and other aspects of state authorities, such as bureaucracy, always bears a degree of unintelligibility – especially for those who are, or may become, wanted citizens. Social connections and money tame this unpredictability. This is why cultivating social connections – a process which involves not only an exchange of favours, but also varying degrees of acquaintance – is an activity that many continue to carry out, even outside of Syria. In post-2011 Syria, the ambivalent political nature of the forms of sociabilities embedded in the term wasṭa and in the act of retrieving Syrian documents – amongst other practices described above – escapes the distinction between the legal and the illegal, because the political value of these practices, paperwork and legality is defined by the overlapping of Syrian citizenship with political loyalty to the al-Assad regime.

Learning the Rule of Law: Citizenship and Integration in Germany

Syrian newcomers who reached Germany as asylum seekers, like Fadi and Sarah, were granted different legal statuses: entitlement to political asylum, refugee protection under the Geneva Convention. Because of these legal statuses, the inclusion of Syrian newcomers in the German polity is based on, and shaped by, their encounters with German authorities. Bureaucracy is a crucial site through which citizens (and non-citizens) imagine, construct, even reproduce, the state (Gordillo 2006; Gupta and Sharma 2006; Hull 2012). However, as Tuckett points out, migrants’ engagement with state bureaucracy is also fundamental for non-citizens to develop an understanding of the main principles governing cultural citizenship and to apply these in specific modes of behaviour and reasoning (Tuckett 2018, 72–74; see also Ong 1996). In the context of Germany’s integration the pedagogical function of state bureaucracy is shared, sustained and even reinforced by the Integrationskurs [integration course], which Syrian newcomers are obliged to complete. The attendance of this course is a condition for receiving state benefits and facilitates the process of obtaining German citizenship in the long term. As stipulated by the 2004 Zuwanderungsgesetz [Immigration Act] (Williams 2018, 1–2), the integration course consists of a language course and an orientation course on politics, history and everyday life in Germany (Heinemann 2017), with a strong emphasis on legalism and the Rule of Law.

The peculiarity of the German integration project is the teaching of strict legal notions as the basic moral ground upon which liberal sensitivities and modes of being in relation to state authority (and the broader society) are cultivated (Ferreri 2022). However, the entanglement between the legal and the moral is, in this case, distant from the recent anthropological studies on refugeeeness in Europe. This literature captures how the infiltration of humanitarian principles of deservingness and compassion into forms of citizenship reconfigures the relationship between the moral and the legal (Ticktin 2011; Cabot 2019). By contrast, the teaching of legal culture in moralistic terms to non-citizens, and its
translation into practice through bureaucracy, is rooted in Germany as a nation and in its Vergangenheitsbewältigung [coming to terms with the past], i.e. reckoning with its Nazi past and the Holocaust. The centrality of coming to term with the past also transforms the legal culture into a crucial principle upon which the state authorities, contemporary citizenship and Germanness are all constructed. This moral duty becomes powerfully visible in Germany’s memorial practices (Partridge 2008; Von Bieberstein 2016; S. Doughan 2018). Yet, the German state’s reliance on the Rechtsstaat [the Rule-of-Law State] and Rechtsstaatlichkeit [Rule of Law] is also a form of departure from the unlawfulness of the Third Reich, considered its ‘antimodel’ (Koetter 2010, 1). Indeed, the restoration of the Rule of Law and the Rule-of-Law State were the pillars of the refoundation of (West) Germany as a liberal democracy in the aftermath of World War II and, more recently, the two guiding principles of Germany’s reunification (Borneman 1997, 4).

The importance of this political history and legal culture to German citizenship is echoed in the orientation course: for instance, Rechtsstaat and Rechtsstaatlichkeit occupy the first section of the BAMF (Bundesamt für Migration und Flüchtlinge [Federal Office for Migration and Refugees]) textbook employed in the class, and several lessons are devoted to this topic. The same topics are discussed and expanded upon in the legal seminars organised by ‘Wir im Rechtsstaat – WiR’ [Us in the Rule-of-Law State], an initiative of the Berlin Senate’s anti-discrimination agenda, which includes courses to fight racism, right-wing extremism and anti-Semitism. In the classroom, the teaching of the Rule of Law offers insights into the German ‘strict etatist understanding of the law – i.e. all legal norms have to reference the state’ (Koetter 2010, 3) and its constitutive principles, such as the division of powers within the state, the principle of legality, and the binding of the state to the law (Vetters, Eggers, and Hahn 2017, 31). The concept of the equality of citizens before the law, and the rejection of corruption – a practice that ordinary Germans socially construct as alien to Germany (Taezler, Maras, and Giannakopoulos 2012) – are instilled alongside these notions.

While the German discourse on Rule-of-Law legalism and the rejection of corruption is instilled in Syrians in the classroom (Ferreri 2022), this discourse is also translated into practice by the workings of the bureaucracy and the German street-bureaucrats (Lipsky 1980, see also Partridge 2010, 667) like decision-makers at BAMF and Jobcenter advisors (Senghass 2012). The process of instilling the German legal culture in future German citizens, and the employment of these notions by street-bureaucrats – in, for instance, the legalization of Syrian documents – has unintended consequences. Syrian newcomers learning of the German Rule of Law gives a new political meaning to legality and illegality, which differs from the political meaning attributed to these terms in the Syrian context.

Syrian documents encountering German bureaucracy

For those Syrians who reached Germany through informal routes, separation from documents (Lewkowicz 2021) and the non-production of new ones (see Richter-Devoe 2022, in this volume) are a form of protection from the numerous risks their journey entails: documents can easily be lost, or can become a liability in the process of crossing state borders. Thus, only after arrival at their destination asylum seekers are reunited with their documents, either dispatched by courier or entrusted to friends formally travelling to Europe. When Sarah showed me her archive of legal documents
salvaged from Syria, she told me that, as soon as she had arrived in Germany in September 2015, she immediately asked her brother, who was in Lebanon at the time, to send her the stack of documents she had left behind:

‘I was lucky, a bit lucky. The bundle, this one. I gave it to my brother together with my computer. I didn’t bring it with me ‘at sea’ [referring to her journey across informal borders from Lebanon to Berlin through the Balkan route – namely, Turkey, the Greek islands and ex-Yugoslavia]. I brought only my ID and passport at sea, folded in plastic bags. Those other papers, and the ones about my work in Syria and Lebanon and so on, I gave them to my brother and his wife, who travelled to the US. I told them that if I arrive safely [bi-salame wa bi-khayr], maybe bring me the documents and my computer’.

Sarah’s documents were the hospital birth records and birth certificates of her children, as well as her university diplomas (fully certified for recognition abroad) and many other documents, even medical ones. Her archive also contained the ikhraj al-qayd [extracts from the civil registry]. These extracts included individual ones, indicating the legal identity of each family member, and the family one, acting as a substitute for her family booklet [daftar al-aa’ila]. She had collected most of these documents while still in Syria, and had completed her archive in Lebanon in 2015, when she obtained her certificate of divorce from the Sharia Court and documents attesting her full custody of her children from Syria. According to the Asylum Act [Asylgesetz] (2008), foreigners – with the exception of minors under 14 years age – applying for asylum ‘must present passports or passport substitutes, as well as all necessary certificates and documents that might aid in establishing the foreigner’s identity and nationality’ (BAMF [Bundesamt für Migration und Flüchtlinge, Federal Office for Migration and Refugees] 2015, 7). For Sarah, the wide array of documents she possessed were crucial to speeding up her asylum procedure, as they provided legal proof of her identity, civil status and parental relationship to her children. For these papers to be legally recognised, she was required to have them translated by a sworn translator before her asylum interview with the BAMF decision-makers. This process was laborious and expensive, especially for someone who, like Sarah, had no previous knowledge of the country and its bureaucracy, and little money at her disposal.

However, she was lucky, as she said to me, since most Syrians who reached Germany at the time focussed on carrying money, mistakenly thinking that such documents were unnecessary. Although some may have left their documents in the hands of a trustworthy person outside of Syria, as was the case for Sarah, many others did not have the chance to retrieve their documents prior to their journey, reaching Germany almost paperless. Due to the continual importance of these documents, in certain cases, they have to be requested ex novo from the Syrian state bureaucracy. This situation is especially paradoxical for those Syrians entitled to full protection and political asylum, whom the German law prevents from engaging with the Syrian embassy.14

For nuclear families, the reliance on updated Syrian documents is especially crucial for certain bureaucratic procedures such as requesting a family reunification, for which Syrian documents represent a legal proof of kinship ties. Equally, these documents are fundamental for those seeking to get married in Germany. In order to get married, the Bürgerliches Gesetzbuch [Civil Code] (1896) and the Personenstandsgesetz [Civil Status Act] (2007) require Syrians – as foreigners – who want to enter legal marriage in Germany to present a series of German documents, such as a certificate of residence, along with certain Syrian documents, to the Standesamt [local registry office].15 The Syrian
documents needed are a birth certificate or a civil record [ikhraj al-qayd], substituting the birth certificate, from the Syrian civil registry, and the certificate of no impediment to marriage – a paper which did not exist in Syria until recently and which, therefore, was not issued by its state authority. According to German law, the birth certificate and the certificate of no impediment to marriage obtained from the Syrian bureaucracy are valid for six months from the official submission of the application for marriage at the Standesamt. In the case of a delay, these documents expire, and the procedure, including requesting new documents, must be restarted from scratch. If the Standesamt is responsible for the delay, the local registry officer has the discretion (Eule 2016 [2014]) to accept these papers as valid and proceed with the marriage application, or to reject the application, forcing the applicants to re-apply. The birth certificate or the civilian record must be translated into German and officially legalized. Those who are wanted in Syria and got married in Germany described the many months of stress preceding their weddings: the fear of possible risks encountered by the family members still residing back in Syria; concerns regarding the ‘legal nature’ of these documents; the success of their retrieval from Syria; their legalization and recognition by German state authorities – these concerns dotted the six months preceding the wedding with apprehension and uncertainty.

In Germany, the process of legalization of Syrian papers is different from the verification process of legal documents characterising the asylum procedure. During the processing of an asylum request, the Federal Office’s physical technical document office [PTU, physikalisch-technische Urkundenstelle] reviews and verifies the authenticity of identity documents (BAMF 2015, 8). By contrast, the legalization of Syrian documents is dislocated from Germany, being handled instead through the German embassy in Beirut. This applies to Syrians residing in Germany, and requesting the procedure, who are able to send their documents by mail to the embassy. The German guidelines for the legalization of Syrian civil status certificates issued by the nufouz [civil registry] require Syrians to send the original copy of their certificates, printed and stamped by the authority responsible for issuing the document, together with a translation into German completed by a sworn translator. The translation must be over-authenticated [überbeglaubigung] by the Syrian Ministry of Foreign Affairs, before being sent to the German embassy in Lebanon, which verifies the authenticity of the papers. While the validity of these documents is, in theory, unlimited, in practice, there are a few exceptions: German authorities do not accept the family booklet [daftar al-‘aila], the certificate of no impediment to marriage [waraq a’azab/Ehefähigkeitszeugnis], university diplomas or marriage certificates issued by religious courts. Also excluded are translations over-authenticated by the Syrian Ministry of Foreign Affairs prior to 2012, and Syrian documents issued in the Raqqa, Idlib, Deir Ezzor and Hassake governorates from November 2016.

The exclusion of documents issued by the above governorates is a reaction to the presence of a series of non-state actors controlling, or having controlled, these territories, as is the case of Hayat Tahrir al-Sham’s Salvation Government, in Idlib Governorate. The territorial control went hand in hand with the performance, by these non-state actors, of one of the crucial bureaucratic functions of the Syrian state: the control of the civil registry, and the recording of crucial life events, such as birth, death and marriage (Sosnoski and Hamadeh 2021, 2). However, these documents are not recognised as original Syrian legal documents, either by the Syrian regime or by any other state, since the regime is still
recognised internationally as the representative of the Syrian state. Indeed, German legalization guidelines require Syrians originating from these areas to request new documents from the Central Registry in Damascus.\textsuperscript{21} The legalization of Syrian documents envisioned by the German authorities lays bare the centrality of the distinction between authentic legal documents issued by a state authority (i.e. the Syrian regime), and counterfeit, illegal ones, either issued by non-state entities performing state functions inside certain regions of Syria (International Rescue Committee 2016; Sosnowski 2020), or crafted as fake documents \textit{tout court} (Sosnowski and Hamadeh, 2021).

However, as described above, this distinction between original and fake, legal and illegal, is unstable in the context of wartime Syria. In her study of the Turkish Republic of Cyprus, Navaro-Yashin (2012) argues that the illegal nature of the state under international law is imprinted into its official documents, producing a specific affective relationship between papers and their holders that complicates the distinction between the original and the counterfeit. In Syria, the unstable distinction between the original and the counterfeit, the legal and the illegal, is not the result of the illegal nature of the Syrian state under international law. Instead, this distinction is punctuated by the blurred lines between citizenship and political loyalty. The complexities and, in certain cases, the impossibility, of recording life events, such as a divorce or the death of a spouse – similarly to the retrieval of other documents – is tied to the political nature of engaging with state bureaucratic apparatuses that became even more prominent in wartime. The rise and fall of different actors performing civil registrations further complicates this unstable distinction. For German bureaucracy, on the other hand, the distinction between the original and the fake is based on legality as an attribute tied to statehood – and to the Rule of Law, in accordance with which German bureaucrats establish a truth about a person’s identity and kin affiliations (Borrelli and Andreetta 2019, 3).

As Syrians entitled to protection are forced to engage with the Syrian bureaucratic authorities inside Syria, this process entails a series of risks, with uncertain outcomes. For many of my friends and interlocutors, the struggle to retrieve these documents rehearses other dynamics at work in their past relationship with the Syrian regime. It requires money, patience and time, as well as good connections and someone inside Syria with the power of attorney [\textit{wakala ‘amma}]. In certain cases, Syrians might pay a lawyer to request and collect this plethora of documents from state institutions. However, those who are wanted by the regime are banned from requesting and obtaining civil papers inside Syria. These paradoxes leave few remaining options, and the retrieval of a document must occur through a process that mimics the procurement of these documents inside Syria prior to fleeing. Even from a distance, the reliance on connections and bribing inside Syria is a \textit{de facto} normalised practice, due to the political value of these documents and their inclusion into the regime’s politics of security. While this inclusion is a prominent feature of the Syrian citizenship regime that predates wartime, German bureaucracy revitalises the links between Syrian documents and the regime’s politics of security. Indeed, the German state’s recognition of these documents as legal and authentic requires Syrians to engage with practices that Germany classifies as illegal. Thus the production of legality (De Genova 2002) hinges on the dislocation of illegality from Germany to Syria. Moreover, the workings of German bureaucracy and its reliance
on the Rule of Law are also what reproduces the relationship between the Syrian state and Syrians, even when the question is neither one of citizenship nor of loyalty.

The reproduction of this relationship works alongside other key aspects tied to the retrieval of documents in the life of Syrians in Germany. These papers, and the practices to retrieve them, may maintain the ethical and political dimensions characterising them in wartime Syria by allowing Syrians to legally record life events in Germany. However, the recording of key life events also hinges on practices deemed illegal, as they fall into the category of corruption within the legalistic framework governing German bureaucracy. This implies that the uncertainty surrounding the process of retrieval inside Syria, and the legality of these documents, continues throughout their legalization and beyond. At times, these complex labyrinths of laws and bureaucracies across Syria and Germany force many to renounce the idea of civil marriage in Germany. An alternative is either to travel to another European country, where the legal marriage procedure is less rigid and demanding, such as Denmark, and request the recognition of the marriage in Germany, or to conduct only a religious marriage ceremony.22

5. Conclusion

Dealing with the German bureaucracy and its rules and practices has given new meanings to Syrians’ modality of retrieving documents, and to the documents themselves. The legal and political meanings attached to these papers, rooted in the dynamics at work inside Syria – prior and during wartime – become entangled with new legal and political values produced by Germany’s Rule of Law (Rechtsstaatlichkeit). Thus, Syrian newcomers and their papers’ situatedness in between citizenship regimes and their working logics highlights how the political significance of ‘legality’ and ‘illegality’ is tied not only to the legal realm per se, but to broader constellations of practices and discourses within each citizenship regime. The journey of Syrian papers from Syria to Germany demonstrates how the complexities involved in the production of legality (De Genova 2002) across the country of asylum and the country of origin – rarely under scrutiny in the study of paperwork and migration – produce unintended and, even paradoxical, consequences.

By continuing to require Syrians to produce documents from Syria, German bureaucracy actively ties Syrians’ legal identity and legal history to Syria, a tie that does not end with the granting of asylum. The reproduction of this relationship between Syrians and the Syrian state is the direct consequence of the German asylum system, rooted in the contradictions of its migration-citizenship regime. One of these contradictions lies within the workings of the German bureaucracy, which requires Syrians to produce official documents from their state of origin, even when this state is also at the origin of their flight. Because of the rootedness of Syrians’ legal identity within the Syrian state, the criteria and procedures adopted by the German state to grant ‘legality’ requires Syrians to engage with legally dubious, if not even illegal, practices, such as resorting to wasta and bribing.

Ultimately, the life of these documents within state bureaucracies in Syria and in Germany bears traces of the ‘grey zone’ comprised of legality and illegality, social connections and bribing, corruption and legal ambiguity (Reeves 2013), and the differing
values attributed to paperwork (Constable 2021), citizenship and asylum in these different countries. In this grey zone, Syrians residing in Germany, while attempting to build a life in a new country, find themselves stretched between two citizenship regimes and their discrepant modes of functioning.

Notes

1. All names of my interlocutors are pseudonyms.
2. The number of Syrians living in Germany reached 800,000 in March 2021 (DESTATIS 2021); many reached the country in what became known as the 'long summer of migration', in 2015 (Holmes and Castaneda 2016; Pearlman 2017; Bock and Macdonald 2019; Partridge 2019; Volk 2021).
3. This article mainly focuses on Syrians in possession of Syrian citizenship rights excluding Syrian noncitizens such as stateless Kurdish and Palestinian refugees, whose experience of citizenship in Syria and refuge in Europe with reference to paperwork is different from Syrian citizens (see McGee 2019).
4. In Lebanon, I conducted participant observation with Syrians residing in Beirut and other regions. The Berlin fieldwork data employed in this article mainly draws from extensive participant observation with Syrians and my participation as a student in an integration course [Integrationskurs] offered by a continuing education school [Volkshochschule] for migrants and refugees (2019–2020). In autumn 2018, I also attended a legal seminar offered in the framework of 'Wir im Rechtsstaat – WiR' [Us in the Rule-of-Law State] (N.d.), a legal education project created for German noncitizens in 2016 by the Berlin Senate, and incorporated in its anti-discrimination agenda. Fieldwork was conducted mainly in Arabic and, in a few instances, in English.
5. Generally, Syrian citizenship is inalienable, and, Syrians who receive some form of protection in Germany therefore do not lose their Syrian citizenship. However, there have been notable exceptions, especially in the 1960s and 1970s, when the Baath regime denationalized some 27,000 political dissidents, potentially rendering them stateless (Albarazi and van Waas 2016, 49; Ferreri 2018, 234).
6. In April 2015, the regime lifted the ban on the retrieval of official documents from the embassy for wanted citizens (Ferreri 2018, 268–274).
7. Despite Lebanon’s respect of the principle of non-refoulement, cases of tarhyl – being deported and handed over to the Syrian authorities – among defected Syrian soldiers were reported in 2011 and 2012 (Frangieh 2014).
8. For instance, attempts of families to obtain information on, or the release of, their family members in prison can give rise to cases of extortion and exploitation (Jalabi 2021), often without achieving the desired result (Jasim 2015).
9. The German asylum regime grants different legal statuses to asylum seekers: the entitlement to political asylum as envisioned by the Grundgesetz [Basic Constitutional Law] (1949), refugee (full or subsidiary) protection under the Geneva Convention – both statuses envisioned by the Asylum Act (BAMF 2015, 7).
10. Drawing on Foucault’s governmentality (Foucault 1982, 1991), Ong envisions cultural citizenship as a process of self-making and being-made through migrants and refugees’ engagements with state institutions and the civil society (Ong 1996). In the German case, cultural citizenship also evokes the concept of Bildung [education, formation] (Boyer 2005): a modern project of individual internalization of the state, mainly through public schooling, historically rooted in the notion of German citizenship itself (S. Doughan 2018, 54).
11. The language course from A1 (basic) to B1 (intermediate) lasts between 600 and 900 hours, whereas the orientation course only lasts 60 hours.
12. Deservingness is embedded in the architecture of the German asylum regime – but not in its conception of citizenship – through the Duldung [‘toleration’ – a certificate of temporary suspension of deportation] (Castaneda 2010, 246; Drangsland 2020; Suerbaum 2021). Between 1961 and 2000, this status of legal alien was also assigned to guestworkers from Turkey and Korea, and to Palestinian refugees (Roberts 2017; S. Doughan 2018).

13. German nationality and citizenship law was based on jus sanguinis [blood right] (Brubarek 1992; El-Tayeb 1999) until 2000, when the law changed to introduce jus soli [birth right] and naturalization (Partridge 2012; S. Doughan 2018). At the time of writing, the new government headed by Olaf Scholz envisions radical changes in the German citizenship law and migration law with the aim, alongside other reforms, to facilitate naturalisation and simplify the asylum procedure (Douglas 2021).

14. This does not suggest that engaging with the Syrian embassy in Berlin is an easy endeavour. Syrians with subsidiary protection, and those who reached the country on different types of visas, can request these documents from the Syrian embassy in Berlin, and are obliged by law to renew their passports or travel documents to maintain their legal status in Germany. However, many may remain fearful of engaging with the embassy, while others are fully aware of the contradictions of a system that requires them to pay large amounts of money to the state which forced them into exile, as highlighted by the lawyers Al-Bunni and Nahla Osman (Syrian Legal Centre in Berlin, Letter sent to the German Ministry of the Foreign Office on 21/10/2018. I thank Sophie Ataya for translating this document from German into English).

15. The legal basis for getting married in Germany are the following: Bürgerliches Gesetzbuch [Civil Code] (1896) sections 1303, 1304, 1306, 1307, 1308, 1309 and the Personenstandsgesetz [Civil Status Act] (2007) sections 12, 13, 39 [Section 9 of the Ordinance on the Implementation of the Personal Status Act, Berlin State] (See also Ehefähigkeitszeugnis – Beratung, Antrag, Ausstellung [Certificate of Marital Status - Advice, Application] (N.d.)).

16. In the federal state of Berlin, the marriage is then validated by the Kammergericht [lit. ‘chamber court’]. In other federal states [Länder], this court is called Oberlandesgericht [Higher Regional Court].

17. This configuration is a peculiarity of the German state. In other countries of asylum, for instance, in Italy, the granting of refugee status severs the connection between the refugee and the state of origin, since the state of asylum will independently issue new birth and marriage certificates.

18. Since the closure of the German Embassy in Damascus, in 2012, the consular service for Syrians is the German Embassy in Beirut, which probably has the expertise to verify the authenticity of Syrian documents.

19. ‘Checkliste: Legalisation syrischer Urkunden per Post’ and ‘Merkblatt zur Legalisation syrischer Urkunden’ (January 2019), documents regarding the procedure for the legalization of Syrian documents and their delivery by mail. This document is an internal document from the German Embassy in Beirut, used by German state institutions such as job centres for Syrians requesting this procedure. I thank Franziska Ortlieb for translating this document from German into English.

20. ‘Merkblatt zur Legalisation syrischer Urkunden’.

21. ‘Merkblatt zur Legalisation syrischer Urkunden’.

22. The celebration of religious marriage is a practice that can be motivated by factors unrelated to this legal procedure, such as already being formally married to another partner, or trialling the relationship (Akhtar, Probert, and Moors 2018, 375).

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