

The lawyers as guardians of the case file: on human-material encounters in immigration law in Russia.

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Abstract

This paper looks at the human rights and immigration lawyers in Russia inspired by the approach that embraces both human and non-human objects in shaping the everyday experiences of the law. Drawing on five months ethnographic fieldwork in Russian legal aid NGOs that represent asylum seekers and interviews with the immigration lawyers who worked there, this paper casts more light on the file-based model of delivering justice, whereby refugees and their stories cannot be constructed differently than through the materiality of the case file. This paper argues that the specific relationship between the immigration lawyers and their clients' case files has not developed in a vacuum, but can be traced back to the traditions of the legal profession in Russia. It is also illustrative of three specific traits of the broader Russian legal culture: legal formalism, the inconsistency of the legal process and the hyperbolic reality-mediating function attached to documentary evidence.

Keywords

Lawyers, human rights, refugees, Russia, case file, legal culture, the bundle

Introduction

What do lawyers do for their clients? This is a question Richard L. Abel and Philip S.C. Lewis asked when setting the boundaries of inquiry for the sociology of legal profession (Abel and Lewis, 1995: 290). In my contribution to this Special Issue devoted to the memory of the late Philip S.C. Lewis, I grapple with this question with reference to human rights and immigration lawyers in Russia.ⁱ These are the special kind of cause lawyers in Russia, who help asylum seekers lodge refugee status applications, defend them against expulsion or deportation and fight for their right to legal status in Russia.ⁱⁱ While marginal within the broader legal profession, these lawyers do not hesitate to sue the state in domestic courts and before international legal fora in the pursuit of justice on behalf of their clients and to set important international legal precedents (Hendley, 2002; Trochev, 2012; Trochev, 2009; Van der Vet, 2018; Van der Vet, 2014; Kubal, 2016). They would have ‘chosen legal careers which express their commitments to social change and helping’ (Menkel-Meadow, 1998: 48) to those most vulnerable within the Russian society, and undertake largely pro-bono work. Many of these lawyers are very active and mobilise the law with notable success. Russia ranks first in terms of the number of pending cases before the European Court of Human Rights (ECtHR, 2020). Immigration and refugee law cases concerning grave human rights violations like the right to life (Art 2 ECHR), right to liberty (Art 5 ECHR), prohibition of inhuman and degrading treatment (Art 3 ECHR), constitute a significant proportion of the overall number of cases submitted from Russia to Strasbourg (Kubal, 2019).

What do these Russian immigration lawyers do for their clients? Answering this question can take one in various directions. In this paper, I examine how immigration and human rights lawyers often assume the role of the guardians of the case file to represent their clients and ultimately pursue their cases before various legal, national and international fora. For the lawyers to successfully assist their refugee clients’ means first and foremost to document their clients and their grievances by taking care of the case file – the lawyers commence the paper trail; they produce, procure, collate, sometimes construct and audit the material, documentary evidence on which their client’s case is founded. Drawing on ethnographic fieldwork in Russia, I focus on lawyers’ intimate interactions with their clients as mediated through the case files and their various content – documents, copies of court judgments, police protocols, affidavits, and various *spravkas* or references letters – referred to often in asylum law as ‘the bundle’ (Campbell, 2016). The case files are indispensable features of the file-based model of delivering justice under various jurisdictions, where

asylum and immigration cases are decided (Kubal 2019). While many scholars tend to focus on in-court performances to the exclusion of an understanding of the importance of the file, also in Russia, the case file mediates the empirical or out-of-court reality, constructs it and renders it ‘judgment compatible’ (van Oorschot, 2014). Therefore, to take care of the case file is what it means for the lawyers to be able to speak for their clients, control the narrative of ‘what happened’, put forward plausible explanations and tell believable stories about events and people often located in the past, under complex conditions of forced displacement, in different and quite distant jurisdictions. The shape of the case file also often reflects lawyers’ own belief about the appropriate legal response.

In order to explain the relationship between the lawyers and case files, I place the human-material encounters in Russian immigration law within the broader context of Russian legal culture and legal tradition (Kurkchian, 2009; Hendley, 2015; Hendley, 2017; Kurkchian, 2018; Burbank, 2004). Legal culture, at a general level may be defined as a ‘way of describing relatively stable patterns of legally oriented social behaviour and attitudes’ (Nelken, 2004). More specifically, it is defined within a specific jurisdictional context (local, national or international) as ‘meanings, sources of authority and cultural practices that are commonly recognized as legal regardless of who applies them and for what aims’ (Ewick and Silbey, 1998: 22). Immigration lawyers’ practices, especially how they take care of the case file, reflect some established traits within the broader Russian legal culture like legal formalism (Kurkchian, 2009; Kubal, 2016) and the hyperbolic reality-mediating function attached to documentary evidence in the Russian civil (immigration) justice system (see (Kahn, 2010 for the criminal context). This paper captures the legal profession in Russia through a new lens, revealing a practice of intimate hybridization between humans and artefacts, and how assemblages of human and non-human objects shape the everyday experiences of the law (Latour, 2009).

While researching how Russian immigration lawyers forge their relationship with the case files, I drew inspiration from the approach pioneered by Bruno Latour in his work on the Conseil d’Etat, where ‘he treats law as a network of people and of things in which legality is not a field to be studied independently, but is instead a way in which the world is assembled, an attribute that is attached to events, people, documents, and other objects when they become part of the decision-making process’ (Levi and Valverde, 2008: 806). Referring to Latour’s sociological tradition I ontologically embrace in the study of law’s everyday experiences the texts, people, architecture, concepts and everyday office objects without the

claims about the relative importance played by human or non-human entities in shaping the different experiences of the law (Riles 2000). In this collective body of humans and artefacts, the latter – here symbolised by the case files – are not just merely passive instruments of social agents but are ‘active in the creation and maintenance of those agents’ (Hull, 2003: 290).

Why focus on immigration and human rights lawyers? Migration is a salient feature of Russia’s socio-legal landscape. Russia is the second largest destination for migrants globally, after the United States (Schenk, 2018), with 11.6 million foreign-born people currently residing in its territory (UNPD, 2019).ⁱⁱⁱ They have come to Russia primarily from the post-Soviet countries in Central Asia (Uzbekistan, Tajikistan, Krygyzstsan). Russia, by the virtue of being an important global political player also attracts a number of refugees, in 2015 there were 316 600 refugees and asylum seekers (UNPD, 2019) primarily from Eastern Ukraine, but also the Middle East (Syria), Afghanistan and East Africa. While the number of labour migrants remains stable for Russia (around the benchmark of 11 m according to United Nations Population Division since 1990s), the number of refugees is more volatile: in 2019, there were 128 100 refugees and asylum seekers in Russia (an estimated drop by 60% since 2015).

Russia, like every modern state, governs its migration flows through a myriad of administrative (civil) and criminal laws. The refugee law is a complex hybrid of international conventions to which Russia is a party (e.g. 1951 Convention on the Status of Refugees and its 1967 Protocol) and domestic legislation (Law on Refugees and the Law on Forcibly Displaced Persons, both from 1993). By virtue of Russia being party to the European Convention on Human Rights (and a number of other international human rights treaties, see Kubal, 2019), international human rights law strongly intersects with various domestic legal developments in the area of refugee protection. The migration law, regulating the situation of labour migrants, primarily relies on specific domestic legislation (e.g. On the Legal Status of Foreign Citizens from 2002) and its intersection with other aspects of Russian Administrative Code, Labour Code and Criminal Code. While the phenomenon of criminalisation of migration, so widespread in major ‘Western’ migrant-receiving jurisdictions is not yet evident in Russia, it is because the repressive functions of criminal law have historically been accommodated within the punitive aspects of administrative law (Kubal 2017). Migrants and asylum seekers turn to human rights lawyers in a range of matters relating to lack of access to a refugee status determination procedure, appealing a refusal of an international protection

status in Russia, legalisation of one's status, disputing an entry bar, through to fighting a deportation order (expulsion) from Russia. Attending to all these legal cases relates to how human lawyers can mobilise the documentary evidence to speak for their clients, how well they can put together their case file.

The paper proceeds as follows; after presenting the research methods used, I briefly trace the importance of paper evidence in the history of the Russian legal profession. This sets the background for discussing my ethnographic observations on the relationship between the lawyers and the case files, and making more generalised observations about the specific traits of Russian legal culture.

Methods

This paper is based on ethnographic fieldwork focused on exploring the everyday experiences of immigration and refugee laws in Russia.^{iv} The research started when I moved to Moscow for five months in 2014 to conduct field research into how the legal system impinges on migrants' everyday lives in Russia. I located my field research in a variety of settings: I conducted observations of court cases involving migrant litigants and interviewed migrants and asylum applicants while accompanying them to the different Federal Migration Service offices to apply for work permit documents or legalisation of status (see Kubal, 2019: 4–9). The majority of fieldwork that informs this paper stems from daily observations located in the offices of pro-bono immigration and human rights lawyers in Moscow. In each office, there were two-three desks, where the lawyers consulted with their clients, sometimes at the same time. I would normally sit in one corner, listen to these consultations, and take notes. At some point, I would make myself less conspicuous by photocopying some documentary material for the lawyers, running simple office errands or occasionally interpreting from English. It is through the practice of photocopying that the importance of the paper trail appeared in my fieldwork notes; the lawyers would make sure that every new piece of documentary evidence, every court judgment or reference letter obtained by their client were deposited in the case file, and entered into the computer database. The file structured the work of the lawyers (Scheffer, 2007). It provided guidelines and helpful clues about the direction of the case and dictated the immediate next steps that had to be taken: whether to respond to a formal letter from the Federal Migration Service, file the case directly to court, or prepare an appeal to a court of a higher instance. The Russian word that appears most frequently in my field notes is *zhaloba* (жалоба), meaning an officially prepared document that denotes anything from a

grievance letter, a complaint, a formal plea to a court appeal. Writing or filing a *zhaloba* was an activity that most lawyers would either recommend or engage with during the consultation; it was intrinsically linked to the logic of the case file and the extension of the paper trail (Kubal, 2018). Sometimes when it appeared that a case has reached a dead end, the consultations usually evolved around the client being briskly encouraged to procure more documentary evidence, in order to re-start the case.

Upon my return from fieldwork, I kept in regular contact with five to seven particularly active lawyers through either email, social media, WhatsApp or other online platforms. We took part in events, conferences and training sessions together, exchanged notes on the unfolding changes in Russian professional practice, and the lawyers kept me updated on the progress of their cases either in domestic courts or before the ECtHR. After returning from fieldwork I also worked with another small group of lawyers on a number of cases before the ECtHR (Kubal, 2016), and through that remote engagement I could observe the amount of ground work that went into procuring new documentary evidence and the conditions under which obtaining that new evidence took place. In one particular case, the lawyers upon finally being granted access to the applicants in one detention centre (after a number of months of exchanging complaint letters with the centre's administration), they arrived for the meeting with their own printer. The meeting took several hours during which the lawyers took oral testimonies from their clients and drafted those into formal complaint letters about the conditions and length of detention. They prepared affidavits on behalf of the applicants and printed out all these documents to have them signed by their clients, delivered and stamped by the detention centre's administration (in view of the uncertainty of the next possible visit), and subsequently used as evidence in the ongoing proceedings before the ECtHR. Working under time pressure and economic constraints due to the largely pro-bono nature of their work, the lawyers took advantage at every opportunity to advance the paper trail for their clients and prepare documentary evidence recognising and confirming the capacity of the case file to 'make things come into being' (Frohmann, 2008: 166).

These methodological observations lead me to reflect on whether the human-material encounters in immigration law in Russia operate in a vacuum or ought to be placed and interpreted within the broader context of the Russian legal tradition and culture. While the immigration and human rights lawyers are – due to their marginality within the wider legal profession – rather unlikely representatives of the mainstream Russian legal culture, they do have to play by the generally accepted 'rules of the game', if they want to succeed in

representing their clients and do their job well. In other words, the specific relationship between Russian immigration lawyers and the case files of their clients could be traced to the broader Russian legal culture.

The file and ‘law without lawyers’ in Russia

The reliance on formal written and documentary evidence is a longstanding feature of Russian legal tradition (Kurkchiyan, 2018). This strong association between law with the written word links Russia with the Roman legal tradition, where one of the ancient symbols of justice was the book – often held by Moses or Justitia in Western art (Mulcahy, 2013). According to Peter Goodrich, for example, law in the English common law and the continental European civil law system, had primarily developed as a textual practice (Goodrich, 1987; Goodrich, 1986). The textual identity of the law originated in the notion of a sacred text, which immediately established law as something set apart or autonomous, ‘by privileging its texts and treating them as if they have meaning independent of the contexts in which they are used’ (Jackson, 1988: 125). The sixteenth and seventeenth centuries have been identified as the period in which the common law, for example, changed from a system of predominantly oral learning to one based primarily on texts (Williams, 2017).

In the Western legal tradition – unlike, however, in Russia – this high regard for written law developed together (or through) the body of interpreters regarded as uniquely privileged to interpret that text – the legal professionals. They were the ‘priests of the sacred text’ in Goodrich terms, with high degree of autonomy, own institutions, schools and corporate organisations (Brundage 2008). In contrast, in Russia, for many centuries there was not a group of professionally trained lawyers, clustered in corporate organisations defined by their specialism and a strong sense of professional identity, which in Western Europe emerged through the course of ‘the long twelfth century’ (Brundage, 2008; Reynolds, 2003). In the absence of professionalization of the law in Russia in the Western sense until the judicial reforms of the nineteenth century (Frier, 2014), all the literate members of the society – from bankrupt nobility, landlords and merchants, through to retired military personnel and even keepers of taverns – were enlisted to aid the litigation process (Kurkchiyan 2018: 17). As a result, the role of a jurist in Russia resembled more that of a bureaucrat or office clerk than a legal professional entrusted with interpreting the law. As Marina Kurkchiyan observed:

in many cases the function of a judge was to prepare a trial record by writing down the materials of investigation and passing the file upwards within the hierarchy. The decision was then made on the basis of that written file (Vas'kovskii, 1893: 310). Legal representatives were not expected to appear in court and their role came down to drafting petitions on behalf of claimants (Kurkchiyan, 2018: 18).

As law was not an autonomous and professionalised institution, the Russian lawyers' skill and ability to do their job properly was usually defined in terms of them being able to produce various formal documents, write down testimonies pertaining to the investigation, and keep a clear and structured paper record of people and events in question. The law was not a matter of interpretation, in the sense of providing 'an account of the content of legal norms, the meaning of legal texts, or the place of law in culture' (Riles, 2005: 973). The law was a technical abstraction, detached from everyday life, to be applied literally in a record-keeping way, as it was written down.

This does not mean that Western lawyers, as a professional group, were immune to social criticisms on account of their (mis-)treatment and abuse of the written text of the law. In the popular culture of Victorian England, for example, Charles Dickens paints an unappealing portrait of the legal profession – e.g. through the two shady lawyers Dodson and Fogg in *The Pickwick Papers* – suggesting that they were seen as technocrats and jobsworths. What Dickens reveals is that the 'lawyer's profession was not only caught up in manipulating interpretations but also immersed in writing and reading, in orchestrating discourses, and finally in telling stories for money' (Grossman, 1997: 178). Insightful as it may be, that critique did not attack the *raison d'être* of the English legal profession – the lawyers' qualification for the interpretation of the law – but was illustrative of how their capability to do so might become corrupted by power or money.

In Russia, on the other hand, the short period of professionalization of the law and the establishment of the first advocacy bar in 1864, while influential and potentially groundbreaking was limited to the elite lawyers of Moscow and St Petersburg and did not change the overall landscape of professional and non-professional legal representatives operating alongside one another. Subsequently, the Bolshevik revolution of 1917 led to further de-professionalization of the law in the Soviet era based on the assumption that 'any man of good standing could deliver justice without the involvement of legally trained people' (Kurkchiyan, 2018: 21) – the necessary qualifications being an ability to keep (or fabricate) a

formal written record of the case and self-censorship. With the purges of late 1920s and early 1930s, most professional lawyers were eliminated as ‘the enemies of the people’ and replaced by a new generation of Soviet-educated lawyers: jurists. They all shared a professional identity of state technical bureaucrats (Berman, 1963).

Post-Soviet developments were marked by ‘extremist politics, volatile economics and bewildering legislation’ (Kurkchian, 2003: 26), that ultimately led to the marketization of the legal profession: the increasing the independence of judges and reinstating the adversarial process to emphasise the role of the lawyers in the courtroom (Solomon, 2005). Yet the introduction of these changes was met with a strong sense of inertia. Kathryn Hendley, Peter Murrell, and Randi Ryterman’s empirical study of in-house lawyers in late 1990s Russia demonstrated how the lawyers played a ‘reactive part’ within the enterprises focusing ‘on established, routine tasks, such as handling labour relations or drafting form contracts’ (Hendley, Murrell and Ryterman, 2001: 685) and had little involvement in the strategic decisions. While it lies beyond the scope of this paper to offer a detailed historical development of the legal profession in Russia to date (and the overview provided is undoubtedly very limited), what emerges from this picture is a figure of the Russian legal professional not necessarily as a knowledgeable interpreter of the law, but as a skilled legal technician. This form of professional identity – somewhere between the early stages of autonomy (Huskey, 2014) and dependency of an office clerk or a state bureaucrat – is clearly linked to the documentary evidence that the lawyers, jurists and judges were to produce, audit, refer to and keep in pristine condition.

To add to this, a small group of elite legal professionals specialising in suing the state has been a feature of the Russian legal landscape at least since 1998, when Russia became a party to the European Convention of Human Rights, and Russian citizens were given the opportunity to challenge their state before the human rights tribunal in Strasbourg (Hendley, 2002; Trochev, 2009). Kathryn Hendley in a recent survey of Russian law graduates hailing from the millennial generation, dubbed this subgroup as ‘renegade lawyers’ given their potential as the youngest cohort of Russian legal professionals to spearhead a more fundamental change ‘giving voice to those dissatisfied with the direction in which Putin is taking Russia and thereby reinvigorating the civil society’ (Hendley, 2020: 146). While Russia’s relationship with the ECtHR remains a complex one (Mälksoo and Benedek, 2017), it has to be stressed that a great majority of applications to the ECtHR are declared admissible and decided on the merits remotely by a committee of judges, on the bases of documentary,

written evidence submitted by the parties. The majority of cases are heard in private following written pleadings in response to Court's specific questions pertaining to the substance of potential human rights violations. Only the appeal before the Grand Chamber attracts a right to an oral hearing. It is therefore likely that these procedural and structural arrangements around deciding the cases 'on paper' in Strasbourg further amplify the attention that the human rights lawyers attach to written documents and the case files of their clients. The technical nature of representing migrant-clients in cases concerning their human rights abuses at international human rights fora marries therefore well with the features of Russian legal culture like legal formalism and attitude to documentary evidence. The following section takes the reader to an office of an immigration lawyer in Moscow to illustrate through ethnographic methods how the lawyers relate to their clients through the prism of their paperwork.

Russian immigration lawyers and the case files: ethnographic insights^v

Anna was one of the immigration lawyers whom I shadowed whilst doing my fieldwork in Moscow. She often met clients who were seeking legal protection in Russia (refugee status or temporary asylum) or were trying to appeal an expulsion order for their administrative violations of the immigration law. Whenever a client entered her office she would first – upon a greeting – ask them for their papers. She would take the passport and insert the details into a computer, then she would take their residence registration, then migration card (a form of landing card that migrants fill in whilst crossing Russia's border), then work permit, then employment contract (if it existed). She would carefully update her computer record for her client, and then pass these documents to me to be photocopied and filed (thereby commencing a paper trail for the client). It is only upon this initial ritual of documenting the client that she would ask a question: 'How can I help? What seems to be the problem?' Quite often after the initial interview about the legal problem, a request for more documents followed: 'Have you brought anything else? Do you have any other documents?' It is these documents – passports, residence registrations, work permits, letters and decisions by the immigration authorities, court judgments, appeals, different forms of *spravkas* and applications – their formal quality but mainly quantity that ultimately seemed to dictate how the relationship between the immigration lawyer and their client was structured and unfolded in the consultation room. The content of the case file was a great predictor of the nature of the relationship between the client and their lawyer.

The clients seemed to be placed on a spectrum, depending on the thickness of their case file. Migrant-clients with many documents, especially if they were in some logical or chronological order, were relatively easy to deal with for the lawyers. The lawyers used the documents to locate their clients within the legal procedure and decided what sort of a ‘new document’ was required: be it a reference letter or a court appeal. The lawyers knew how to attend to these cases due to their extensive paper trail, and these clients were relatively well versed in the broader ‘paper production’ culture in Russia (Kubal 2018). It does not mean, however, that the clients with these handsome looking bundles of documents were actually any closer to solving their legal problems. In my time of shadowing the lawyers, there was one man, Abdusami – a refugee from Tajikistan^{vi} – who had a wonderful file according to the lawyers’ standards. He had a thick black plastic folder that looked like a book; each individual page consisted of a transparent sleeve containing a copy of some document. Abdusami kept originals and the Russian notary-certified translations from the Tajik language, linked to the original file by a red thread. Many lawyers who saw Abdusami congratulated him on his folder. At the same time, Abdusami had exhausted all the domestic remedies to appeal the refusal of a refugee status. His passport, deposited with the Russian immigration authorities, had expired. Abdusami was in limbo – he could not return to Tajikistan, but at the same time, he was in desperate need of more evidence, new papers and reference letters from Tajikistan, that could help him re-open his case and apply for temporary asylum in Russia on fresh new grounds – thus exploring the subsidiary protection route.

At the other end of the spectrum, there were people with very few documents, or just their passports evidencing their basic identity. These clients were also relatively easy to deal with for the lawyers: they had to be sent back. These migrants would often hear from a lawyer: ‘You are in the territory of Russian Federation illegally. There is not much I can do to help you.’ I observed a situation when in which a lawyer refused to write an appeal relating to the client’s case, as the client did not bring with her the receipt of the court’s decision – an envelope in which the judgment was posted to her. The client was sitting in front of lawyer with the actual judgment in her hand, but the lawyer refused to take on this case until the client returned with ‘proper documents’. That envelope (and the date printed on it) was crucial for calculating the appeal times, and whether the deadline for appeal had already been exceeded and should first be reinstated. There are usual procedural delays between the time of announcing the judgment in court and delivering it to the interested parties, hence the date

of the court's judgment (instead of its actual delivery) was useless to the lawyer and was actually working against her client. To an outside observer that was a curious moment – how can a lack of envelope can stall the progress on the client's case? However, the lawyer was adamant; with a long line of clients still waiting to be seen, she sent the women back to find and bring the official envelope.

These empirical vignettes illustrate the extreme ends of the spectrum of how lawyers relied on the formal case files to heuristically position their clients. In the middle, though, there were people with incomplete documents, with documents, that did not follow any chronological order, or with court decisions for which the appeal times had lapsed. In this middle category, there were also those whose documents had misspelling problems, or whose court decisions were missing and could not easily be located. These cases were the messy (or complex) ones and took the most time to get to the bottom of. Sorting out these cases meant restoring the chronology of the paper trail – reinstating the appeal times, correcting formal mistakes and preparing appeals. This usually meant writing formal letters to the respective authorities and procuring more documents. *Bumaga vse sterpit*, a Russian version of Cicero's 'the paper does not blush' – literally meaning that the paper will endure all – was a saying I came across multiple times when various lawyers encouraged each other to try yet another appeal, to try yet another formal *zhaloba* to the authorities. Quite often, however, due to the complexity of these cases with incomplete paper trail or simply due to too many questions marks in the formally (documentary) established facts of the case there was nothing that could be done to help.

The focus on the documents and on the file was central to many of the consultations I observed. There were different styles in with which the lawyers dealt with the paper work – some would examine the client orally, photocopy new evidence and proceed to the next client, leaving the writing and completing completion of the documents for later (outside of the office hours). Others would fill in the gaps in the paper trail during the consultation. The latter scenario meant that some of these consultations were rather quiet and non-uneventful; there were few words exchanged and not much social interaction. Writing the appeals and the letters often appeared a routine and mundane job; they simply had to follow a particular format. Due to the volume of the refugee and immigration law cases handled in Moscow, there was is a scripted pattern of a paperwork that needed to be included in the file; the lawyers referred to it this as the 'scheme' (algorithm) of the case file. This scheme was the main structuring force behind the lawyers' work, the file's way of exerting agency and

commanding the lawyers what to do. With many people to be seen around similar legal issues, some lawyers would just turn to the paper work rather than explain the intricacies of the case to the clients in front of them. Often, in communicating with their clients, they would use the exact legal phrases from the official legal documents and papers. For example, an asylum applicant from Ivory Coast arrived at the NGO with a handsome bundle of documents. The lawyer had a look at those the documents in silence; he examined the most recent court decision in particular. All he said to the client was:

You can go out now, have a walk for an hour, and I will prepare a letter for you, which you would then take to court.

The client then asked:

But could you explain to me what will you be doing? What will you be writing?

The lawyer did not initially feel obliged to explain to the client the content of the letter due to the clarity of the situation appearing from the documents. He had approached the case rather mechanically:

OK, see, we have a negative court decision; we need to prepare an appeal.

It was only the client's direct question and interest in the matter that prompted the lawyer's explanation:

I would be appealing the court's decision to a court of a higher instance based on the mistakes in the decision.

The lawyer then explained that he would not dispute the law, nor the facts of the case, but the procedural and formal mistakes. The court's decision refusing asylum (or rather affirming the legality of the decision to refuse asylum to the applicant by the Federal Migration Service) looked extremely general to the lawyer. It consisted of four pages, and only one paragraph (about 4 four lines) was actually devoted to the specific details of the client. It was therefore a typical, 'mass-produced' refugee status rejection, which the lawyer would have come across many times in his professional career. The lawyer planned to launch a new appeal and base it on the fact that the court had not given due consideration to the exact individual circumstances of his client and the specific risks of persecution and violence he could encounter upon return to in Ivory Coast upon return.

The lawyers, in their everyday file work made sure that no immigration authorities' decision was left without a formal response, a grievance letter or an additional explanation. They made sure that no court judgment was left without an appeal, and that all the potential irregularities of the legal procedure were complained against. Due to the largely pro bono character of their work, the lawyers did not engage in gathering the multiple *spravkas*, reference letters or decisions by immigration authorities. This obligation to extend the paper trail was passed onto migrants and asylum seekers. The lawyers, in turn, took it upon themselves to address and respond to any loopholes in the authorities' decisions. This specific professional regime structured 'the embodied capabilities, assumptions, and routines' (Scheffer, 2007: 69) of taking care of the file. The immigration lawyers knew that first and foremost they needed to respond to the paper requirements of the case file, as this is what it meant to take part in the case, to 'play the game' and 'do their jobs properly'. The ongoing casework constantly entangles papers, and the lawyers and their clients, creating an intimate hybridization between humans and artefacts. As observed by Thomas Scheffer (2007) in the British context:

The file notes confront [the lawyer] with the unwritten rule of instructions. They co-define what counts as completed work. They require attendance. They employ the case-worker as much as he employs them. The author is not the sole master or initiator of the text. He (sic) delegates mastery and initiative to the file. The file is not authored by the lawyer and his (sic) cognitive/corporal efforts, but in sequences of lawyer-file encounters (Scheffer 2007: 62).

Toward a cultural analysis of the case file: legal formalism, 'patchiness' and the hyperbolic reality-mediating function of documentary evidence

The specific treatment of the case files by immigration lawyers in Russia is telling of broader legal cultural conditions under which the relationship between the lawyers and the paperwork has developed. After all, case files everywhere construct reality by rendering it judgment ready (van Oorschot, 2014; van Oorschot, 2018).^{vii} In some jurisdictions, however, the paper files construct reality more actively than in others, beyond a mere legal translation. The file becomes a border object between the 'world of law' and the 'world out-there' through its agential powers that sometimes surpass those of the humans who put the file together (van Oorschot and Schinkel, 2015: 523, 516). This active production of reality, the folding of

complex, interrupted and messy events into a linear narrative, happens in Russia in response to the very high standards of legal formalism and the literal reading of the law.

Quod non est in actis, non est in mundo – What is not kept in the case file does not exist (Kahn, 2010). The performativity of the Russian case file has to, therefore, be placed within the broader legal culture characterized by extreme legal formalism (Kurkchiyan, 2009). The *po zakonu* (meaning: literal, strict and direct) reading of the law, paying attention to the exact wording of the black-letter law, does not encourage discretion nor flexible interpretation of the law (see also (Hendley, 2017; Kubal, 2016)). This broader culture of legal formalism exacerbates the case file's epistemic mediating function in the courtroom and beyond. I would go even further – the culture of legal formalism makes the case files' epistemic function hyperbolic in Russia. The truth or falsity of documentary claims can be beside the point for individuals (Kelly, 2006), and documents can serve as grounds for official actions even when they are shown to be ultimately false. The case files are exercising their agency by 'bringing events into law' and translating, 'doubling' or even fabricating the empirical reality for the needs of the trial (van Oorschoot and Schinkel, 2015: 518). The case files in the Russian context attain this hyperbolic reality-mediating function through how they are composed, read and interpreted by different legal professionals and in courts.

The second broader cultural feature that can cast more light on lawyers' relationship with the case file in Russia could be traced back to the more general systemic characteristics of the legal process. The Russian legal system could be characterized by high levels of inconsistency ('patchiness') when it comes to the legal outcomes for particular individual litigants (Kurkchiyan and Kubal, 2018). In a similar vein, Kathryn Hendley coined the term 'legal dualism' to explain how ordinarily most of everyday mundane cases progress through the different levels of the court hierarchy, adhering to the principles of justice, but equally there are a few cases where justice is diverted because specific political interests are in play (Hendley, 2011). The cases of Khodorkovsky, Pussy Riot or the Greenpeace Arctic 'pirates' are handy illustrations. To reiterate, the law is not always corrupted and distorted and the judges are not always at the whim of political authority. However, cases in which justice is diverted do happen and the system as a whole does appear to be inconsistent at best. That 'patchiness' extends to all the elements of the legal process and as the example below illustrates – the case file is not immune to this trend.

The material Russian case files seem to reflect this general inconsistency of the legal system. They appear as an interesting and complex mixture of hyper-formality and informality. Most documents contained in the case file are highly formal. At first glance, they do not differ much from case files in other jurisdictions and national contexts. They all share the standard markers of formal legality: stamps, signatures, original documents and their notary-certified translations connected by red threads, seals and dates through which documents and communications are ‘reflexively and diachronically linked with other communications’ (van Oorschot and Schinkel, 2015: 517). However, the Russian case files have no traces of judges or lawyers actively studying or reading them in order to ‘arrive at a picture of the case’ as observed by Irene van Oorschot in the Dutch inquisitorial criminal context (van Oorschot, 2014). In other words, the documents are clean – they have no highlights or scribbles. Except for the formal markers of legality, the documents contained in the case file overwhelmingly consist of orderly typed and left–right aligned text, with extra space between the words if necessary. Legal professionals would not allow themselves to add personal notes to the file, to highlight or code fragments of text in the process of reading the documents. The hyper-formality of the large portion of the file is assured by original blue or purple ink stamps or notary-certified translations attached to the original piece of evidence (see Photo 1, Appendix).

At the same time, in different places, the file contains documents that have handwritten inserts by the defendants beyond the standard self-referential markers. This happens when the typed original forms and letters are deemed to possess insufficient information, or to expose the party who wanted to proceed on the bases of this document to potential allegations of breaching the formal procedure. These half-typed/half-handwritten documents look rather sloppy in contrast with the other, hyper-formal documents contained in the case file, but the judges are willing to turn a blind eye to their visual appearance, given the substantive information contained in them that is crucial for the case to proceed (see also Hendley, 2017).

A good illustration of this mixture between hyper-formality and informality – intrinsically linked into the systemic inconsistency of Russian justice – is the clarification of rights memo (*Ob ’yasneniye*), a separate document normally contained in the immigration case file. This document could be compared to the Russian version of the US ‘Miranda rights’, where the defendants confirm with their signature that the law enforcement officers have explained their rights, particularly the constitutional right to remain silent, and not to

testify against themselves, their spouse or close family members. This document also lists other procedural rights stipulated by art. 25.1 of the Code of Administrative Offences (CAO) – the right to review the case materials, ‘to give explanations, present evidence, file petitions and challenges’ as well as to rely on professional legal and linguistic assistance (for non-Russian speakers).

This formal adherence to strict procedural rights in the first part of the clarification of rights memo is quite often coupled with handwritten inserts by the defendant in the second part of the document. These handwritten texts stipulate, for example, that the defendant has declined the right to an interpreter and confirmed their working knowledge of the Russian language. The defendants also by hand confirm that the explanations they have given with regard to establishing the chronological facts of their case are voluntary and truthful (see Photo 2, Appendix). This clarification of rights memo thereby also doubles as an ad hoc affidavit through which the defendants basically admit their responsibility for breaking Russian immigration law and confirm (with their signature) the truthfulness of an abridged version of the principal facts of the case.

The third characteristic trait of Russian immigration and refugee case files could be located in the broader culture of paper production in Russia. The heuristic tool of a spectrum of how Russian immigration and refugee lawyers interact with their clients on the bases of their case files strikes familiar chords with the debates among the Western legal scholars against seeing ‘clients as files’, or conflating the complex cases and personalities to the ‘bits of memoranda or fee notes’ (Tuitt, 2005: 122). Patricia Tuitt interrogates this statement from a critical legal perspective; she argues that ‘treating peoples as files’ may be rendered less problematic if we stop treating the case file in a simplistic and anachronistic way. She suggests therefore to approach the case file philosophically, not only as ‘a mere instrument to which no degree of emotional attachment should be extended’ (Tuitt, 2005: 123), but as ‘one of the multiple points of reference in any moral or ethical exploration of the practice of law’ (Tuitt, 2005: 122). I find it helpful to draw on Tuitt’s arguments in the Russian context of immigration and refugee law cases. These are special cases, but the statistics in Russia and around the world demonstrate that the great majority of these cases are also lost cases. The lawyers I spoke with called them *besperspektivnyye* – unpromising, or outright hopeless. Why do the lawyers therefore care so much about what is in the case file? Why do they insist on clients providing copies of documents with formal-looking stamps, envelopes with dates and notary certified translations? Why do they care to keep the file in pristine condition?

Here again, the culture of legal formalism that constitutes an inseparable (if not dominant) trait of the broader Russian legal tradition (Kurkchiyan, 2009) is helpful to explain it. But something else and more specific might be at work, too. If we return to Tuitt, she sees the case file as invested with agentic capacities, where ‘human passions cannot be entirely extinguished’ (Tuitt, 2005: 125), as the file folds in it the human character that ‘will always thwart law’s attempt to make of the individual an object’ (Tuitt, 2005: 125). Perhaps therefore, as Tuitt proposes, the duty of care towards the file in the lawyers’ offices could be – by extension – an expression of the duty of care towards their clients. In the Russian context, I would put it slightly differently: the file and the paper evidence are invested with such agentic capacities that the clients and their stories cannot be constructed differently than through the file. This is qualitatively different from saying that the client is reduced to the file. Here, the client, their picture, their persona, their story and character emerge from the piles of paper that have been meticulously put together. The file, through its hyperbolic reality-mediating function, brings the defendant to life. These migrants and asylum seekers are constructed through the very act of their representation (Cody, 2009). In this sense, the different elements of the case file do not only represent and mediate a reality ‘out there’, but are constitutive of it. The lawyers take on their role of the guardians of the case file knowing fully well that their clients’ cases are as strong and rich in detail as their corresponding case files.

Conclusion

This paper has demonstrated how the relationship between the immigration lawyers and case files in Russia could be interpreted and traced back to the broader Russian legal tradition and culture. The late professionalization of the law in Russia, and lack of autonomy of the legal profession throughout centuries forged a special relationship between the lawyers and the documentary evidence – the legal professionals were in fact indistinguishable from other state employees, clerks and bureaucrats whose role was to keep a written record of the case at hand. The specific group of human rights and immigration lawyers among whom I conducted my research in Russia shape their attitudes and practices around file formation in response to two major forces. On the one hand, they know that to be successful in the European Court of Human Rights they have to follow a procedure where a majority of cases are decided solely on the bases of strong written, documentary evidence without a recourse to oral hearing. On the other hand, their role as the guardians of the case file is further amplified by the specific

features of Russian legal culture with its strict legal formalism, inconsistency of the legal process and the hyperbolic reality-mediating function attached to documentary evidence.

Acknowledgments

I am grateful to Linda Mulcahy for her kind invitation to the workshop in memory of Philip S.C. Lewis at Wolfson College, Oxford, in February 2020 where this paper was first presented, and for the feedback received.

References

- Abel, R. L. and Lewis, P. S. C. (1995) 'Putting Law Back into the Sociology of Lawyers', in Abel, R.L. and Lewis, P.S.C. (eds.) *Lawyers in Society. An Overview*. Berkely, Los Angeles, London: University of California Press.
- Berman, H. J. (1963) *Justice in the USSR. An Interpretation of Soviet Law*. Cambridge, Massachusetts, London: Harvard University Press.
- Brundage, J. A. (2008) *The medieval origins of the legal profession: canonists, civilians, and courts*. Chicago: University of Chicago Press.
- Burbank, J. (2004) *Russian peasants go to court: Legal culture in the countryside, 1905-1917*. Bloomington: Indiana University Press.
- Campbell, J. R. (2016) *Bureaucracy, law and dystopia in the United Kingdom's asylum system*. Basingstoke: Palgrave.
- Cody, F. (2009) 'Inscribing subjects to citizenship: petitions, literacy activism, and the performativity of signature in rural Tamil India', *Cultural Anthropology*, 24(3), pp. 347-380.
- ECtHR (2020) Pending applications allocated to a judicial formation. Strasbourg: Accessed on 30/03/2020.
- Ewick, P. and Silbey, S. (1998) *The Common Place of Law. Stories from everyday life*. Chicago, London: The University of Chicago Press.
- Frier, B. W. (2014) *The rise of the Roman jurists: studies in Cicero's Pro Caecina*. Princeton: Princeton University Press.
- Frohmann, B. (2008) 'Documentary ethics, ontology, and politics', *Archival science*, 8(3), pp. 165 - 180.
- Goodrich, P. (1986) *Reading the law. A critical introduction to legal method and techniques*. Oxford: Basil Blackwell, p. ix+229.
- Goodrich, P. (1987) *Legal discourse: Studies in linguistics, rhetoric and legal analysis*. London: Macmillan Press, p. x+250.
- Grossman, J. H. (1997) 'Representing Pickwick: the Novel and the Law Courts', *Nineteenth-Century Literature*, 52(2), pp. 171-197.
- Hendley, K. (2002) 'Suing the State in Russia', *Post-Soviet Affairs*, 18(2), pp. 122-147.
- Hendley, K. (2011) 'Varieties of Legal Dualism: Making Sense of the Role of Law in Contemporary Russia', *Wisconsin International Law Journal*, 29(2), pp. 233-62.
- Hendley, K. (2015) 'Resisting Multiple Narratives of Law in Transition Countries: Russia and Beyond', *Law & Social Inquiry*, 40(2), pp. 531-552.
- Hendley, K. (2017) *Everyday Law in Russia*. Ithaca: Cornell University Press.
- Hendley, K. (2020) 'Assessing the potential for renegades among Russian millennial lawyers.', *Demokratizatsiya*, 28(1), pp. 143-175.
- Hendley, K., Murrell, P. and Ryterman, R. (2001) 'Agents of Change or Unchanging Agents? The Role of Lawyers within Russian Industrial Enterprises', *Law & Social Inquiry*, 26(3), pp. 685-715.
- Hull, M. S. (2003) 'The file: agency, authority, and autography in an Islamabad bureaucracy', *Language & Communication*, 23(3), pp. 287-314.

- Hull, M. S. (2012) 'Documents and bureaucracy', *Annual Review of Anthropology*, 41, pp. 251-267.
- Huskey, E. (2014) *Russian lawyers and the Soviet state: the origins and development of the Soviet bar, 1917-1939*. Princeton: Princeton University Press.
- Jackson, B. (1988) 'Book Review: Peter Goodrich - Reading the Law and Legal Discourse', *Legal Studies*, 8(1), pp. 125-131.
- Kahn, J. (2010) 'Adversarial Principles and the Case File in Russian Criminal Procedure', in Malfliet, K. and Parmentier, S. (eds.) *Russia and the Council of Europe: Ten Years After*. Basingstoke: Palgrave Macmillan, pp. 107-133
- Kelly, T. (2006) 'Documented lives: fear and the uncertainties of law during the second Palestinian intifada', *Journal of the Royal Anthropological Institute*, 12(1), pp. 89-107.
- Kubal, A. (2016) 'Refugees or Migrant Workers? A case study of undocumented Syrians in Russia - LM and Others v Russia (ECtHR 14 March 2016)', *Journal of Immigration Asylum and Nationality Law*, 30(4), pp. 265-282.
- Kubal, A. (2017). "Entry Bar as Surreptitious Deportation? Zapret na v'ezd in Russian Immigration Law and Practice: A Comparative Perspective." *Law & Social Inquiry* 42(3): 744-768.
- Kubal, A. (2018) 'In Search of Justice: Migrants' Experiences of Appeal in Moscow City Court', in Kurkchian, M. and Kubal, A. (eds.) *Sociology of Justice in Russia*. Cambridge: Cambridge University Press, pp. 92-117.
- Kubal, A. (2019) *Immigration and Refugee Law in Russia. Socio-Legal Perspectives*. Cambridge: Cambridge University Press.
- Kurchian, M. and Kubal, A. (2018) 'Administrative Justice: Concluding Remarks on the Russian Legal Tradition', in Kurkchian, M. and Kubal, A. (eds.) *Sociology of Justice in Russia*. Cambridge: Cambridge University Press, pp. 259-277.
- Kurkchian, M. (2003) 'The Illegitimacy of Law in Post-Soviet Societies', in Galligan, D.J. and Kurkchian, M. (eds.) *Law and Informal Practices: The Post-Communist Experience*. Oxford: Oxford University Press, pp. 25-47.
- Kurkchian, M. (2009) 'Russian Legal Culture: An Analysis of Adaptive Response to an Institutional Transplant', *Law & Social Inquiry*, 34(2), pp. 337-364.
- Kurkchian, M. (2018) 'The Professionalisation of Law in the Context of the Russian Legal Tradition', in Kurkchian, M. and Kubal, A. (eds.) *Sociology of Justice in Russia*. Cambridge: Cambridge University Press, pp. 12-39.
- Latour, B. (2009) *The Making of Law: An Ethnography of the Conseil d'Etat*. London: Polity.
- Levi, R. and Valverde, M. (2008) 'Studying Law by Association: Bruno Latour Goes to the Conseil d'etat', *Law & Social Inquiry*, 33(3), pp. 805-825.
- Mälksoo, L. and Benedek, W. (eds.) (2017) *Russia and the European Court of Human Rights: The Strasbourg Effect*. Cambridge University Press.
- Menkel-Meadow, C. (1998) 'The causes of cause lawyering: Toward an understanding of the motivation and commitment of social justice lawyers', in Sarat, A. and Scheingold, S.A. (eds.) *Cause lawyering: Political commitments and professional responsibilities*. New York: Oxford University Press, pp. 31-68.
- Mulcahy, L. (2013) 'Imagining alternative visions of Justice: An exploration of the controversy surrounding Stirling Lee's depictions of Justitia in nineteenth-century Liverpool', *Law, Culture and the Humanities*, 9(2), pp. 311-329.
- Nelken, D. (2004) 'Using the concept of legal culture', *Australian Journal of Legal Philosophy*, 29(1), pp. 1-26.
- Reynolds, S. (2003) 'Emergence of Professional Law in the Long Twentieth Century', *Law & Hist. Rev.*, 21, pp. 347.

- Riles, A. (2005) 'A new agenda for the cultural study of law: Taking on the technicalities', *Buffalo Law Review*, 53(3), pp. 973 - 1034.
- Scheffer, T. (2007) 'File work, legal care, and professional habitus—an ethnographic reflection on different styles of advocacy', *International Journal of the Legal Profession*, 14(1), pp. 57-80.
- Schenk, C. (2018) *Why Control Immigration? Strategic Uses of Migration Management in Russia*. Toronto, Buffalo, London: University of Toronto Press.
- Solomon, P. 'Informal Practices in Russian Governance: Courts and Law Enforcement', *Europe - Our Common Home?*, Berlin, 25-30 July 2005: ICEEES VII World Congress.
- Trochev, A. (2009) 'All appeals lead to Strasbourg? Unpacking the impact of the European Court of Human Rights on Russia', *Demokratizatsiya*, 17(2), pp. 145-169.
- Trochev, A. (2012) 'Suing Russia at Home', *Problems of Post-Communism*, 59(5), pp. 18-34.
- Tuitt, P. (2005) 'Legal Practice and Modes of Dying: Bruno Latour, Technology and the Critical Legal Instance', *Law and Critique*, 16(1), pp. 113-129.
- UNPD (2019). United Nations Population Division - International Migration Stock 2019. <https://www.un.org/en/development/desa/population/migration/data/estimates2/estimates19.asp>. Accessed on 16 November 2020; Geneva: United Nations.
- Van der Vet, F. (2014) 'Holding on to legalism: The politics of Russian litigation on torture and discrimination before the European Court of Human Rights', *Social & Legal Studies*, 23(3), pp. 361-381.
- Van der Vet, F. (2018) "'When they come for you": Legal mobilization in new authoritarian Russia', *Law & Society Review*, 52(2), pp. 301-336.
- van Oorschot, I. (2014) 'Seeing the Case Clearly: File-Work, Material Mediation, and Visualizing Practices in a Dutch Criminal Court', *Symbolic Interaction*, 37(4), pp. 439-457.
- van Oorschot, I. (2018) *Ways of Case-making*. PhD Thesis, Erasmus University, Rotterdam.
- van Oorschot, I. and Schinkel, W. (2015) 'The Legal Case File as Border Object: On Self-reference and Other-reference in Criminal Law', *Journal of Law and Society*, 42(4), pp. 499-527.
- Vas'kovskii, E. V. (1893) *Organizatsiia Advokatury*. St Petersburg: Soikina.
- Williams, I. (2017) 'Common Law Scholarship and the Written Word', in Hutson, L. (ed.) *The Oxford Handbook of English Law and Literature, 1500-1700*. Oxford: Oxford University Press, pp. 61 - 79.

Appendix

Photo 1. An excerpt from a court judgment deposited in a case file

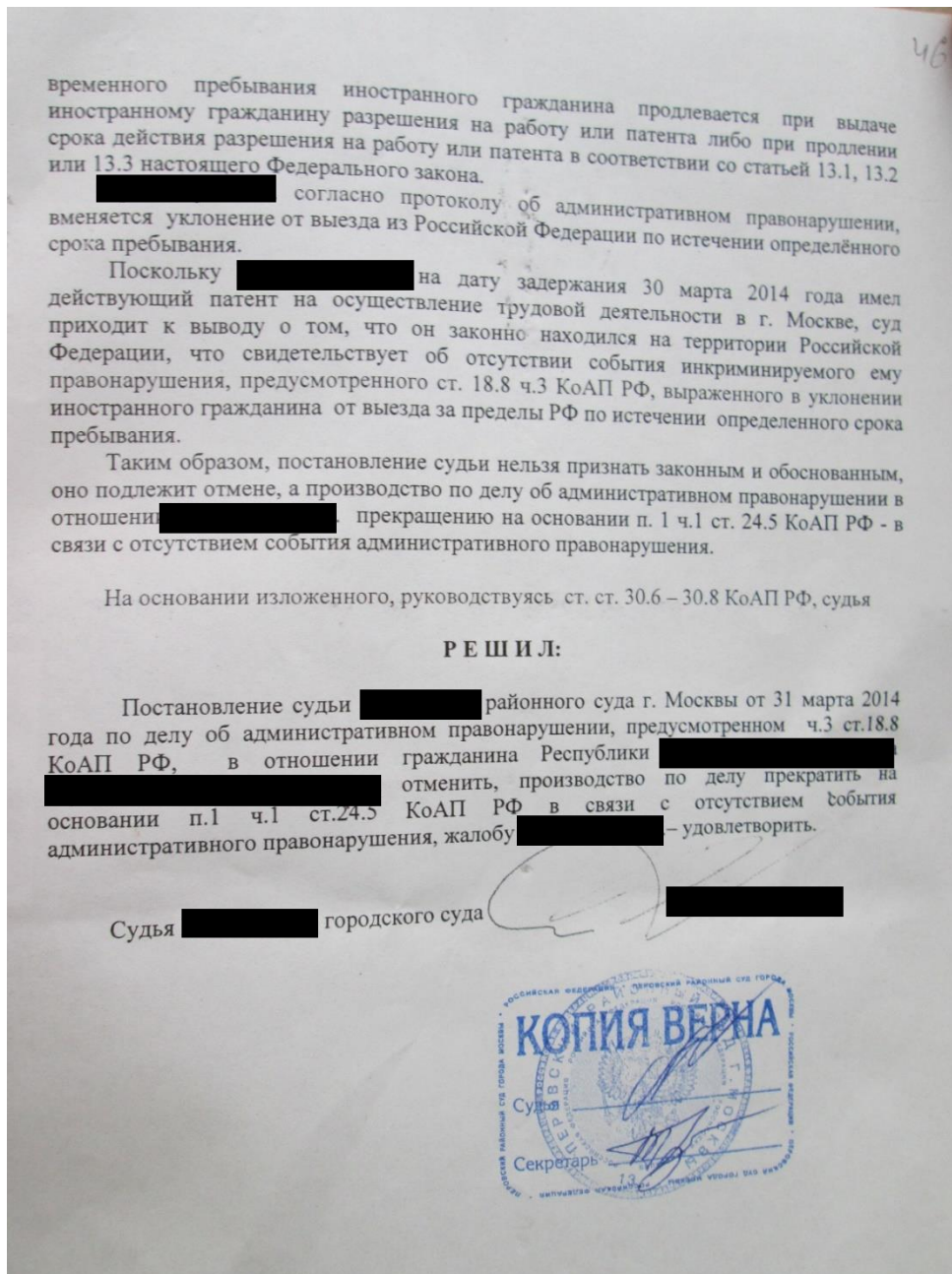


Photo 2. An example of the clarification of rights memo (*Ob'yasneniye*)

2

ОБЪЯСНЕНИЕ
лица, в отношении которого осуществляется производство по делу

28 июля 2014 г. время 16-00

Ст. инспектор ОУФМС России по г. Москве по району [REDACTED] майор вн. службы [REDACTED] получила объяснение от гражданина(ки) Республики Узбекистан

1. Фамилия, имя, отчество [REDACTED]
2. Число, месяц, год рождения [REDACTED] года рождения
3. Место рождения Узбекистан
4. Адрес Узбекистан
5. Национальность Узбекистан
6. Гражданство Узбекистан
7. Место работы и должность не работает
8. Телефон не имеет
9. Документ, удостоверяющий личность паспорт серии [REDACTED] выдан [REDACTED]

Со ст. 17.9 КРФ об АП, предусматривающей ответственность за заведомо ложные показания, ознакомлен(а): [REDACTED]

Права, предусмотренные Конституцией РФ, а именно: в соответствии со ст. 51 право не свидетельствовать против себя самого, своего супруга и близких родственников, мне разъяснены: [REDACTED]

Права, предусмотренные ст. 25.1 КРФ об АП, а именно: право знакомиться со всеми материалами дела, давать объяснения, представлять доказательства, заявлять ходатайства и отводы, пользоваться юридической помощью защитника,

В виду отсутствия переводчика, согласно ст. 24.2 КРФ об АП для иностранных граждан и лиц без гражданства По существу заданных мне вопросов могу пояснить следующее:
Объяснение даю добровольно, без принуждения.

В Российскую Федерацию я прибыл [REDACTED] года с целью трудоустройства, в установленном законом порядке не встал на миграционный учет по месту пребывания Работы в г. Москве я не нашёл, по вопросу оформления разрешения на работу, патента в ФМС не обращался, действительных мер к поиску работы не предпринимал. Постоянного источника дохода и места жительства в г. Москве не имею.

Срок моего пребывания в Российской Федерации истек [REDACTED] года, после чего я перешёл на нелегальное положение, самостоятельных попыток к выезду из РФ не предпринимал в связи с отсутствием денежных средств. О том, что я нарушаю законодательство Российской Федерации я знал.

*Русским языком владею, в услугах переводчика не нуждаюсь. С моих слов написано верно
Лично прочитано.*

Подпись [REDACTED] [REDACTED]

Endnotes

ⁱ My paper is not an overview of the Russian legal profession, for an authoritative survey, see: Ekaterina Moiseeva and Timur Bocharov (2020) 'Russia: Challenges of the Market and Boundary Work', in: Richard L. Abel, Ole Hammerslev, Hilary Sommerlad, Ulrike Schultz (Eds) *Lawyers in 21st-Century Societies. Vol. 1: National Reports*, Oxford: Hart Publishing

ⁱⁱ This takes place with reference to national legal instruments and international protection frameworks like the 1951 Refugee Convention or the European Convention of Human Rights.

ⁱⁱⁱ Sergey Abashin supplements this number with another 11 million migrants who live in Russia de facto permanently but do not apply for a residence permit or a citizenship, see: Abashin, S. (2017). 'Migration policies in Russia: Laws and debates.' in: A. L. Heusala and K. Aitamurto (Eds) *Migrant Workers in Russia. Global challenges of the shadow economy in societal transformation*. London: Routledge, pp. 16-34.

^{iv} Ethical approval for this research has been sought and obtained from the Central University Research Ethics Committee (CUREC) at University of Oxford in 2013.

^v The following two sections were originally published as part of Chapter 5 'Tracing the Case File: Culture of Materiality in Immigration and Refugee Law', in Agnieszka Kubal (2019) *Immigration and Refugee Law in Russia. Socio-legal Perspectives*, Cambridge: Cambridge University Press. Reprinted with permission.

^{vi} The name and details have been changed to protect the identity of this respondent.

^{vii} For an overview of the case file epistemic-translation work, see Hull, M. S. (2012) 'Documents and bureaucracy', *Annual Review of Anthropology*, 41, pp. 251-267.