

# Desired formality

## Labor migration, black markets, and the state in Chile

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*Abstract:* Formal work is essential to gain legal residence in Chile and the reason why Latin American and Caribbean migrants purchase fake contracts on the black market. Drawing on ethnographic fieldwork with migrant Haitian women applying for work visas in Santiago, this article explores the effects of desired formality and its promises of a good life on contemporary statehood in Chile. The analysis shows how Haitian women's efforts to become formal workers transform their experiences as racialized and gendered migrants in Chile, and impact how state institutions manage and control migration. Desired formality reveals the paradoxical character of state policies that help create a racialized and precarious labor force within its legal frameworks and explain why migrants attach themselves to fragile good-life projects in new countries.

*Keywords:* desire, formality, labor migration, Latin America, state

Becoming a formal worker is an essential requirement to gain legal residence as a labor migrant in Chile and the main reason why Haitians—and many Latin American migrants—purchase fake work contracts on the black market. For Haitians, finding a job is not easy, and searching for formal sector jobs in the Chilean labor market to attain legal residence is a deeply racialized and gendered experience with numerous obstacles. Non-discriminatory hiring policies are hardly enforced, allowing employers to turn away workers because of the color of their skin, their accent, and their foreign origin, or hire them without following the labor laws that give migrant workers a limited degree of rights and protection. In Chile today, Haitian women are the demographic with the lowest rate of labor

participation among migrants (INE 2018), in large part due to such racialized, linguistic, and gendered biases that position them as one of the most devalued and disposable workers in the Chilean economy (Ugarte 2020).

For Haitian women, having a formal job with a signed and stamped contract to apply for a residence visa in Chile comprises the navigation of state bureaucracies, intermediaries, and the workings of a black market of documents, which contribute to their experiences of underemployment and labor exploitation. By looking at the experiences of Haitian women and their encounters with Chilean state agents, intermediaries, and employers in the city of Santiago, I explore everyday practices through which migrants experience the state as a real and en-



during part of their social landscape (Krupa and Nugent 2015). I examine how the state is produced and reproduced through material and discursive processes (cf. Goddard 2018; Navaro-Yashin 2002) of migration management and control in the form of bureaucracies, paperwork, state agents, and policy-making. Here, I analyze the role of labor migration in transforming state institutions and their workings on the ground and how migrant-state relations produce a gendered and racialized migrant workforce through laws, policies, and bureaucratic practices.

The analysis of Haitian women's experiences seeking legal residence through labor formality in Chile shows how the combination of a deregulated labor market with migration policies that rest upon labor formality results in the emergence of parallel bureaucracies, the collapse of state institutions in charge of migration control, and the reinforcement of labor precarity for a wave of new migrants from Latin America and the Caribbean. Haitian women's efforts to become lawful migrants via a black market of fake documents transform not only their experiences as labor migrants in Chile but also the workings of state institutions and bureaucracies in charge of migration management and control. Here, formal labor can be understood as an object of desire. I follow Lauren Berlant's proposal of an object of desire as "a cluster of promises we want someone or something to make possible for us" (Berlant 2011: 23). Objects of desire explain why and how people attach to good-life aspirations and fantasies that are unstable, fragile, and even work against the prosperity of individual and collective projects (Berlant 2011). For Haitian women, the desire to become formal workers impacts how they materialize their aspirations for a good life in a new country, envisage their futures as migrants and workers, and configure relationships of recognition and disregard with the Chilean state. In the eyes of Haitian women, labor formality brings with it the promise of attaining a successful migration project by enhancing their work opportunities as racialized and gendered migrants. For the

state, labor formality is an index of success in the control of immigration and migrant labor's accountability in the Chilean economy (cf. Bear 2014). As an object of desire, formality reconfigures migrant-state relations, attaching migrants to the state as a discursive reality with material force that fails to keep the promise of being a "welcoming" institution, economy, and society (cf. Mitchell 1999).

By purchasing fake work contracts, Haitian women, and many other migrants, negotiate the meanings of formality and reveal the ethnographic dissonances between mundane and material state practices that welcome labor migrants through the configuration of parallel bureaucracies. The negotiations of formality point to the ways states' abstraction as political entities with sovereign power (Abrams 1988; Mitchell 1999; cf. Sharma and Gupta 2006) become part of people's daily and intimate lives (Aretxaga 2003). Interpreted by some scholars as contradictory arrangements of rules, processes and practices (Brown 1995; Trouillot 2001), the state and its dissonances are profoundly significant in migrant lives, mapping the logic and rationales that guide migrant subjectivities vis-à-vis the reality of institutions and the relationships of power that constitute them. Moreover, the analysis of migrant encounters with state institutions, intermediaries, and even abusive employers also exposes the shortcomings of distinguishing state from non-state (Das and Poole 2004; Mitchell 1999), the legal and illegal (De Genova 2005; Thomas and Galemba 2013), the formal and informal (Gandolfo 2013; Lazar 2012), and the need to show how these realms of action articulate with each other theoretically and ethnographically (Bear 2011: 47).

I base my analysis on 18 months of ethnographic fieldwork between 2016 and 2018 with young Haitian women living and working in Santiago as they navigate intricate migrant bureaucracies and encounter abusive employers and brokers in the black market. At the time, the migrant population increased dramatically, state institutions revealed their limited capacity to manage migration flows following legal

frameworks and bureaucratic rationales, and more than 90 percent of Haitians currently in Chile arrived in the country.<sup>1</sup> After the 2010 earthquake devastated Port-au-Prince, Chile gradually became an attractive destination for Haitians, in part because of its role in the UN Peace-keeping Mission (MINUSTAH) operating in Haitian territory since 2004 (Audebert 2017). Since 2016, the growing number of Haitians sparked new forms of discrimination, as the media and political authorities zeroed in on this group as culpable of the country's "immigration crisis," becoming common targets of structural and everyday forms of racism as the largest Afro-descendant and non-Spanish-speaking migrant group in Chilean society.

The historical moment of intensified immigration, its institutional responses, and the informal networks that surround migrant legality and labor formality constitute a unique opportunity to understand not only the impact of transnational migration on contemporary statehood but also how state institutions shape the everyday lives of racialized and gendered labor migrants in this particular context. I begin this article illustrating how migration and labor laws inherited from the military dictatorship and its authoritarian-neoliberal rule result in contemporary forms of migration control through informal and illicit networks and practices, in which Haitian women become involved. I then examine how Haitian women devise multiple strategies following bureaucratic procedures within and parallel to state institutions and, thus, fulfill their desires to become recognized as formal workers and legal residents by the Chilean state. I analyze the negotiations between a Haitian woman I call Dayana and her employer to get a visa through the black market to show how the emergence of a parallel state bureaucracy contributes to the exploitation of migrants. I further describe the efforts of an entrepreneur I call Brigitte to secure a visa through fake documents and private intermediaries to analyze the articulation of state practices of migration control with the informal economy and illicit markets.

The ethnographic salience of desired formality evidences the gendered and racialized effects of states' legal-bureaucratic integrations and exclusions on migrant livelihoods, as diverse ethnographies have shown (Coutin 2000; Fikes 2009; Gutierrez Garza 2018; Tuckett 2018; Wilen 2019). The focus on how migrants' desires transform state institutions on the ground enables me to consider from a different perspective how migrant-state relations are integral to contemporary statehood vis-à-vis transnational logics of capitalism in the form of bureaucracies that fail to manage and control labor migrants' lives. Here, desired formality reveals the paradoxical character of migration policies and their proceduralism—which simultaneously protect national borders and create a racialized and precarious labor force within its legal frameworks (Calavita 2005; cf. De Genova 2005; Portes 1978)—and explain why migrants continue to attach themselves to fragile good-life fantasies, and the uncertainties of realizing them.

### **The promise of legality**

Chile's long history of state-sponsored economic openness and development since the nineteenth century was reinforced by neoliberal economic restructuring imposed by the military dictatorship (1973–1990). It was only at the turn of the twenty-first century that immigration became a matter of political concern, in part due to the negative net migration rate during the military rule (Cano et al. 2009) and the sudden immigration boom in recent years. Historically, migration policies have given priority to foreigners who contributed to the national economy as workers and entrepreneurs.<sup>2</sup> However, not all migrants in Chile are welcomed in the same way, and finding an employer who will issue a contract so migrants can apply for a work visa is more difficult for some. While Europeans are looked upon with admiration and considered a racial betterment for Chilean society (Walsh 2019), Latin Americans are deemed inferior and alien, particularly if they have Indigenous and

Afro-descendant backgrounds (Mora and Undurraga 2013; Ugarte 2020).

The primary category under which most migrants gain legal status in Chile is “worker.” In the past decade, the relevance of economic migration is reflected in the high proportion of migrants issued labor visas and work permits, in comparison to other categories such as refugees and students.<sup>3</sup> In other words, most migrants’ legal status depends on their formal inclusion in the labor market, turning labor formality into an object of desire for many who wish to make a life in the country. In recent years, there have been a series of work visas in force, most of them requiring labor formality—in the shape of a written, signed, and legalized work contract—to prove an ordered integration into the country. While the Migration Department processes work visas in Santiago,<sup>4</sup> migrants are issued a renewable work permit that shows they can legally work in the country. Only with a work permit, a temporary work visa, and regular social security payments are they then able to apply for permanent residence. Until 2018, migrants could enter the country on a tourist visa and search for work, but if they wished to stay, they were expected to attain a work visa. For this, they needed a written contract from an employer.<sup>5</sup>

At the same time, the labor market in Chile has changed radically since neoliberal restructuring policies in the late 1970s. Together with economic prosperity and the decline of poverty levels since the 1990s, labor policies have combined the strengthening of institutions that enforce regulation to the formal sector with an increase in flexibilization, outsourcing, and the weakening of unions (Sehnbruch 2014). The latter is accompanied by the absence of explicit governmental policies to reduce informality (Henríquez 2019), the persistence of informalized employment without social security benefits—mostly in domestic service in private homes and small businesses of up to 10 workers—and self-employment, that is, people who work on their own in activities such as trading, construction, personal services, manufactur-

ing, and transport (INE 2020; OECD 2018). Thus, contrary to predictions in labor market theories, while unemployment in Chile has decreased, the proportion of informal workers has remained relatively stable at approximately 30 percent of the national workforce.

It is in this context that migrants seek modes of integrating into the Chilean economy and become legal residents through formal work. Research has demonstrated that migrants have a higher participation rate in the labor market than Chilean nationals, and their presence has not impacted negatively on Chilean unemployment rates or real wages (Urria Yáñez 2020). In Santiago, many migrants occupy low-skilled and low-paid positions such as trading, food and domestic service, and construction, which Chilean nationals avoid.<sup>6</sup> For Haitian migrants—and particularly Haitian women—discrimination against their skin color, their accent, and their foreign origin make it harder to find a job with a written contract and receive dignified treatment at work. To improve their chances of being hired, they need identification documents and work permits given with a temporary visa. To overcome hiring barriers in the formal sector and pass bureaucratic stepping-stones to gain legal residence, many migrants purchase fake work contracts in private offices and hidden businesses, a practice considered by state authorities to be a “black market.” Between 2016 and 2019, most of these migrants were Haitian.<sup>7</sup>

Obtaining a work contract for the visa application, a work permit while it is revised by authorities, and then the temporary work visa and an ID card are turning points around which migrants achieve regular status as workers in the Chilean economy. Many Haitian women I met in Santiago during fieldwork purchased a work contract to apply for a temporary work visa to fulfill their dreams of finding what they considered a stable and proper job in Santiago. Some of them succeeded, while others had their contracts detected and their visas rejected by the Migration Department. From the point of view of state agents, whom I also interviewed for my research, these documents were proof

whereby migration control was believed to be attained. In line with migration policies and bureaucratic procedures, documents evidence migrants' compliance with laws ruled by the state administration and demonstrate their orderly incorporation as workers in the country's politico-economic project.

The black market of fake documents operates as an administration parallel to the state. Migrants purchase fake work contracts through people close to them, such as family and friends, who provide the information through WhatsApp and Facebook to communicate with counseling agencies and fake employers. Alternatively, contracts are arranged through strangers on the street, outside post offices and the Migration Department, and near public notaries. In these settings, all sorts of experts and so-called lawyers offer services to assist with the visa application process, some of which include the purchase of contracts. While the application is processed, migrants are entitled to work by showing the corresponding work permit. During this window of time, those who purchase contracts in the black market can search for jobs; the work permit improves their chances of being hired.

According to state agents working for the Migration Department, there has always been a black market of fake contracts, where documents are bought and sold for visa purposes. However, it was only in 2016 that they became a bureaucratic problem, and as such, authorities sought to check visa applications more thoroughly and register the existence of fake contracts in the system. The increase of immigration resulted in a high volume of visa applications. The Migration Department detected inconsistencies in the contracts when too many migrant workers were associated with the same employer, raising doubts about the authenticity of the documents submitted and the labor relations they accounted for. The discrepancies identified in the analysis led authorities to report that the labor relation the agreement specified did not exist. The state denied the temporary work visa and filed a rejection order involving a declaration of expulsion, which was seldom enforced

by authorities. Moreover, the submission of fake contracts entailed for many migrants sending and amending visa applications more than once, collapsing a bureaucratic system that was not ready to receive this volume of applications. The volume of applications was such that each bureaucrat in the Migration Department had to review more than one hundred cases per day, which materialized as piles of files and papers stacked in governmental offices.<sup>8</sup> "The system is shattered, and with no capacity, it needs more staff, it needs its processes modernized, even though it detects many fake contracts, they still pass, there's no organizational capacity," a state agent disclosed in an interview in 2017.

The integration of undocumented migrants in the Chilean workforce during an immigration boom involved new bureaucratic processes and new revenues among those seeking business opportunities (Bear 2011). The procedures involved in the purchasing of fake contracts comprised, as the following sections will show, bureaucratic practices different from legally recognized state modes of governance. Trapped in-between institutional constraints and the pressure to find a job in the formal sector, many Haitian women who wished to secure a work contract sought strategies to attain legal residence through the workings of the black market and the numerous intermediaries that offered support to apply for visas. The displacement of migration management onto illicit and informal networks meant uncertain visa status for thousands of them. For many, it also meant different forms of informalization and exploitation in their workplaces while they waited for their papers, such as the experience of Dayana.

### **The promise of stability**

Dayana arrived in Santiago in June 2016, hoping to live the Chilean dream. She had recently finished law school in Haiti and was living with her mother, who worked as a cleaner at a hotel in Port-au-Prince. She was working as a secretary in a local municipality when she quit and

traveled to Chile in search of a better livelihood following a close cousin named Pierre. Upon arrival, Dayana rented a small room in an illegal migrant hostel in a centrally located *población*, an enclosed space without windows next to her cousin's apartment, with whom she shared a kitchen. After a month in Chile as a tourist, she began searching for long-term jobs, first as secretary or administrative personnel, and then as a saleswoman in shops in the city center, without immediate success. Many employers required a work permit or a residence visa to consider Dayana as a prospective employee. She soon accepted the fact that it would be unlikely that somebody would hire her without papers, even if it was legal to do so, as she could have then applied for a work permit with their employment contract. "It's too difficult. I need to work to be legal in Chile, but I need to be legal to find work," Dayana commented at a time of frustration when she was looking for a job.

Following Pierre's advice and help, Dayana bought a contract to submit a visa application and obtain a work permit. The permit would allow her to improve her chances of finding a job and buy time without becoming an illegal migrant. If she was lucky enough, the contract would pass the revision process and would grant her a work visa for a year. Dayana purchased a work contract from a Peruvian man she contacted through her cousin who had a small office near the Migration Department in the city center. Guided by her cousin, she contacted him via WhatsApp and met him to write, sign, and legalize the contract together. The document she paid for fulfilled all the requirements for the visa, had all the legitimate stamps of the notary, the identification card of the employer involved, and even the legal information of the company who was hiring Dayana as an employer. With this contract, she submitted a visa application and became a migrant who could legally work in the country, inhabiting a space of existence (cf. Coutin 2003) in which she could dream beyond her unemployed status, her precarious living arrangements in an illegal hostel, limited access to healthcare, and inability to material-

ize her aspirations of what migrating to Chile meant for her.

To achieve legal status and labor formality in the eyes of the Chilean state, migrants like Dayana turn to bureaucratic practices which are enabled by different intermediaries—official or not—that configure specific migrant-state relations. Dayana's application form read that she worked in a construction company owned by a Peruvian resident. However, she was searching for jobs at the time, and the Peruvian man who signed the contract was not—and was never going to be—her employer. Her application portrayed a form of life different from what she was doing in the country. In this regard, the mechanisms of migrant control through bureaucratic processes based on the submission of work contracts failed to account for Dayana's and many other migrant applicants' real circumstances in the country.

After submitting the documents and forms, Dayana went to the Migration Department to request her work permit while her visa application was being checked by government authorities. She then visited a clothes distribution company in one of Santiago's busiest commercial districts, where she had talked to the manager about the possibility of employment a week before applying for a visa. The manager had offered her a job as a warehouse assistant once she had a work permit. Dayana showed him the permit, which was a piece of paper with the state's logo and stamp, and a state agent's signature from the Migration Department. The man accepted her as a worker with the permit and told her that he would make her a permanent work contract for the minimum wage once her visa came through. The manager's conditions to hire Dayana did not follow the labor code, as he should have written her a contract with the temporary work permit she already had. Through this informal arrangement, the manager skipped the obligatory social security and health payments that would account for Dayana's labor formality in the eyes of the state, saving him from paying her 20 percent of the minimum wage. Dayana did not know this, and she did not complain or de-

mand anything from him. The manager knew that if Dayana remained ignorant of her rights as a worker, he would not need to amend this nor pay fines to the corresponding authorities in the Ministry of Labor. Negotiating her work conditions was not an option for Dayana at the time. Instead, she was relieved she could finally work in the country with the promise of having a stable job with a contract very soon.

However, in the third month that Dayana visited the Migration Department to renew her work permit—and in passing, ask information on the visa she longed for—she found out state authorities had denied her application for submitting a fake contract. She had been successful in obtaining a work permit and a job, but she had failed in getting a work visa. When she told the manager at work, he replied he could not have an illegal employee in his business, as he risked being fined by state institutions if they visited the warehouse where she worked. It became clear to her how he was taking advantage of her undocumented status and her desire to become a formal worker in the company, to have papers and become a regular migrant. Dayana was frustrated her visa application had failed because her fake contract had not passed the test. She also felt deceived by her manager, who had refused to put in writing her working conditions. This situation made Dayana feel she could not trust the certainty of her labor status at the clothes distributor or the promise of stability the work permit and this job had meant for her.

Dayana's manager used her pending legal status to avoid the formalization of their labor relation, counterintuitively, by promising to write her a work contract. This promise made Dayana attach herself to a work experience with no permanent future, without any prospect for stability or improvement, and contingent on forces outside of her control. Her visa rejection exposed Dayana to her manager as an undocumented migrant and informal worker, even though she had been working with a work permit all along, and the manager had contributed to her "illegality" by failing to write her a con-

tract initially. The instability at work slightly improved when the manager agreed to write her a permanent work contract as a "personal favor" a month after Dayana gave notice of her visa rejection. Dayana knew of her boss's lack of commitment and understood that his claim of doing her a favor was not genuine. Despite this relationship, she felt she could not leave the job until she had her temporary visa secured, more so now that her permit would be tied to a real contract with the clothes distribution company during its processing time.

Dayana returned to the Migration Department many times after she resubmitted her application to renew her work permit, a creased document that was wearing out. This continuous return involved queuing in the middle of the night to talk to a state agent for 10 minutes the following morning early enough to get to work on time. This specific *trámite*, or bureaucratic procedure, entailed the continual return of migrants whose visa approvals were delayed for different reasons, one of them being the submission of a contract deemed fake by authorities. Six months after she sent the last batch of paperwork, state agents informed her the written contract she had submitted was not valid because it did not fulfill an essential requirement: the minimum legal wage for full-time employees in the country. Amending the application meant renegotiating her working conditions with the manager, asking for a raise that would comply with the labor code, and the risk of being fired. Even so, she had no other option. Her boss wrote her a new contract for the minimum wage, including social security payments, but failed to reach this agreement in practice. The manager was aware of Dayana's insecure status and sought to profit from her lack of protection. Dayana did not complain. Becoming a formal employee at the clothes distributor, and thus a legal migrant, transformed her into a precarious worker without voice or power to improve her conditions. For Dayana, obtaining a visa would improve her situation as she would have more security and rights as a worker, and yet, less than a year after Dayana obtained a visa in July

2019—an excruciatingly long bureaucratic process—the manager fired her, claiming that sales were low and he could not afford her anymore.

The stagnation of migrant life projects crossed by power relations, people, places, and institutions (Gardner 2002) paralyzed Dayana and many other migrants' plans to imagine a better future in Chile. For Dayana, the experience of waiting, the negotiations with her manager, the ongoing collection of documents, and the delays in her visa application, foreshadowed more uncertainty in her work prospects and in the bureaucratic process in which she was involved with the Migration Department. Waiting in the streets in the middle of the night, the uncomfortable conversations with the manager, the purchasing of a contract, and the feeling of fear and anxiety over what would happen when facing a state agent in the Migration Department each time she returned to renew her work permit, transformed her relationship with the state as a formal worker and a pending-legal migrant. In Dayana's words, waiting for a visa meant delaying her life project in Chile, "stuck in a job with no stability nor future." This future was associated with a better-paid job that would allow her to live on her own, send remittances to her mother, and save money to visit her family in Port-au-Prince. In this sense, the opportunities granted by the validity of the work permit were also imbued with a deep sense of uncertainty, of strategizing with the unknown and for many migrants, of imminent failure. The inability to have certainty about the timeframe within which the whole process would finish revealed the contradictory predicament of becoming a formal worker through the submission of a fake work contract. What she had envisaged as the materialization of a desire for formality with the hope of "buying time" for a possible future (cf. Han 2011), resulted in an exploitative relation and a precarious present at work (Berlant 2011), along with a form of migrant legality distant from the promises she had attached herself to while working out how to secure labor formality and succeed in this bureaucratic process.

## The promise of prosperity

Like Dayana, many migrants who buy a contract in the black market and have their visas denied, submit their applications again with new—and what they consider to be "more trustworthy"—documents. Yet, it is not the case for everybody that by the time the Migration Department dismisses their request, they are working for an employer with a written contract that fulfills the visa requirements. Some of my interlocutors who found themselves in these situations considered purchasing a second contract in the black market, devising different strategies with which to apply for a temporary work visa without being an employed worker in the formal sector. As a result, many Haitian women at the time had their applications rejected for a second time. The comparison between Dayana and Brigitte, an informal entrepreneur in search of migrant legality, reveals the contradictory effects of desired formality in migrant livelihoods and within state forms of migration control, where becoming a formal worker does not automatically result in migrant legality, and there is even a chance of becoming a legal migrant while being an informal worker and engaging in illegal practices.

I met Brigitte at a street market in a residential neighborhood in the center of Santiago, where she sold second-hand clothes on the sidewalk. Brigitte also ran a small business of African braids and extensions from her home, which she advertised on Facebook, and was a part-time domestic worker for a family with two kids, where she was paid daily in cash and without a contract. Like Dayana, she came from Port-au-Prince, where she had studied informatics but had worked in a local shop her parents ran in her neighborhood. With the help of her family and following the footsteps of a close friend who had traveled before her, Brigitte moved to Chile because it was a safer country with more job opportunities. However, when she arrived in Santiago, she found herself all alone, living in a shared house with four other families, but without anyone she knew from back home in

Haiti. This experience of loneliness transformed her self-confidence and affected her dreams of a better life. “I used to be a sexy girl,” she explained, describing how she gained weight in Chile due to a self-diagnosed depression. She wanted to take care of her mental health and her body, and feel good again, which would come along with the prosperity afforded by a residence permit.

Brigitte searched for different jobs to pay for her living expenses in Santiago. She searched for advertisements on Chilean websites as a domestic worker and as a kitchen assistant in canteens around the city. However, everywhere she went for interviews, employers asked for the ID card given to people with residence visas, both temporary and permanent, to hire her as a worker with a contract. Brigitte experienced a similar problem to what Dayana faced when trying to become a legal migrant through formal work, and Brigitte was vocal about fake contracts being one solution to this situation, “They [the state] don’t give you an identity card without a contract, and they [employers] don’t give you a contract without this ID, the fake contract is the only alternative we have as foreigners.”

Brigitte’s lack of success in finding a job in the formal sector and her ability to make ends meet via different sporadic jobs and commercial ventures did not dissipate her dream to economically prosper in Chile, but rather, pushed her to find an alternative strategy to attain formality in the eyes of the state. She bought a contract that declared she worked as a janitor for a cleaning service company. At the time she was selling informally and building the base of her hairstyling business, contacting Latin American and Caribbean women she met in the market. If Brigitte was already working with some success in the informal sector, why did she want a work permit and a temporary work visa? Why did she want papers that acknowledged she worked in a regular and stable job? “Because you need documents for everything,” Brigitte told me in one of our conversations. An official ID card attached to a formal work contract would give her better opportunities if she were to expand her African braids business, such as applying for state-led

funding and renting a commercial property. Additionally, if authorities were to inspect her informal business, she felt more protected if she had papers that proved she was a legal resident in the country.

Six months after submitting her visa application for the first time with a fake contract, Brigitte visited the Migration Department’s website to check the status of her visa. She realized that her permit had been approved but also that her records were being inspected again. This information alarmed her, making her think that perhaps her visa would be rejected. Following advice on social media and from Haitian friends at the market, she decided to fix this problem by buying another fake contract, this time from a Chilean neighbor who had a mechanic workshop and had offered to help her. According to Brigitte, the second contract was better than the one she had submitted the first time because she was buying it from someone she knew personally and who had a real business. Brigitte was confident that the person who wrote it and signed it was doing it because they were friends and was not making a profit, hence the contract would not raise suspicions at the Migration Department. Brigitte’s desire to prove she was a formal worker came from her dream of having her own business and growing as an entrepreneur. Through friendships and acquaintances she was able to devise a way to provide a chain of fake documents that would allow her to have a residence visa, a national identity card, and a social insurance number with which she could run her own business and become a recognized entrepreneur in the future.

Brigitte submitted the new work contract with a series of documents to amend her previous application. She wrote a letter explaining she had ceased to work as a janitor for the company with documented proof of it—a fake labor settlement—and that she was currently working for a new employer for which she attached the new contract that met all the legal requirements. “I know they are fake, but they can work,” Brigitte commented when I asked her if all the fake paperwork and extra expenses

were worth the fuss. The new documents Brigitte submitted to the Migration Department worked “as if” a labor relation existed with her neighbor in the mechanic workshop. These documents were introduced into the state’s system through a visa application, effectively producing a chain of documentation which, for Brigitte and many others, resulted in a residence visa. More than nine months later, Brigitte’s temporary work visa came through, giving her an ID card for a year. Despite her new migrant status and the new job opportunities it could open for her, she kept working in sporadic jobs and consolidated her braiding business from home. She used social media to promote her services and expanded her customer network from Afro-descendant migrant women to Chilean nationals via word-of-mouth, offering braiding and hairstyling, as well as make-up and fashion advice.

Brigitte’s documentary practices to become a legal migrant consolidate formal work and contracts as objects of desire that position Haitian women and many other migrants in ambiguous relations of interdependence with the Migration Department. Brigitte’s experience migrating to Chile as a black woman who did not speak Spanish and who wished to fulfill her dreams of a better life and a successful hair-styling business, immersed her in a bureaucratic system and in relations with the state that reinforced the importance of documents that proved their formality. Here, relationships between migrants and the state based on fake contracts, real permits, and uncertain legal status reveal the incompleteness of migration control via labor formality in which migrants use bureaucratic procedures effectively to achieve legal status even if fragile. The strategic navigation of migrant bureaucracies through opaque administrative processes, informal networks, and a black market makes plausible what is otherwise unattainable and gives Brigitte and other migrants a sense of hope and a form of empowerment afforded by the same tools through which the state seeks to control migration (cf. Cabot 2012; Tuckett 2018). Here, both real and

fake formality become vehicles through which migrants overcome the stigma of illegality and continue to pursue a prosperous future in a new country.

## Conclusion

Brigitte’s and Dayana’s experiences becoming legal migrants through the purchase of fake work contracts in Chile point to the ethnographic salience of formality as an object of desire. Haitian women resort to illegal and informal practices parallel to state institutions to fulfil the promises of stability and prosperity they wish to pursue in a new country, impacting how they materialize their aspirations for a good life and build their futures as migrant working women. At the same time, when purchasing fake contracts in the black market, Brigitte, Dayana, and many other migrants configure equivocal relationships with the Chilean state, which are mediated by potential employers, brokers, close friends, and even family. These relationships are infused by uncertainty and ambiguity because they are based on documentary practices that work “as if” formal work relationships exist and on opaque bureaucratic procedures that turn the promise of legal recognition into a form of waiting in a precarious present.

Lingering between technologies of control and strategies of empowerment, attaining legality through the façade of formal work challenges processes of legal categorization at the core of the country’s migration law and labor formality as the primary mechanism through which the state seeks to manage migrant workers within its borders. In doing so, the practical effects of becoming formal and lawful through what state agents consider informal and illegal reconfigures the discursive and material effects of contemporary statehood in charge of migration control and the everyday experience of the state as an institutional reality. The experiences of Haitian women and many other Latin American and Caribbean migrants in Chile reveal the centrality of state policies and bureaucratic

practices in their striving to attain a dignified life and work. Thus, Chilean migration policies, labor laws, and bureaucratic procedures fail to correspond to the life-work experiences and moral judgments of migrants, their real employers, and even those intermediaries that compose the black market. For migrant applicants, the state appears to be an ambivalent cluster of institutions, state agents, and bureaucratic processes positioned in spaces that control migration through a labor market crossed by informal and exploitative practices. For employers who are complicit of migrants purchasing contracts and intermediaries who actively participate in the black market producing and circulating fake documents, the state's tardiness and failure become a source of revenue and a business opportunity of speculative practices parallel to state planning (cf. Bear 2011).

Haitian women's strategies to secure legal residence in the country interrogate how labor formality as an object of desire impacts state efforts of migration control and reveal how states presume and attain the formalization of migrant labor in practice. These strategies are afforded by policies that seek to amend an outdated law in the face of an unprecedented immigration boom, bureaucracies that collapse, paperwork that becomes commercialized, and state agents who stamp permits to migrants waiting to become legal residents in a new country. The state and its dissonances are profoundly significant for migrant livelihoods, mapping the logic and rationale that guide migrant subjectivities through institutions and the relationships of power that constitute them. In doing so, the materialization of desires and aspirations for good migrant livelihoods constitute contemporary statehood and configure its shapes in everyday life.

The pursuit of desired formality is based on promises of legality, stability, prosperity, and a better life and involves the negotiation of its meaning in legal frameworks, documentary practices, and migrant livelihoods navigating the state's institutional reality. These promises situate many as precarious mobile workers in the global economy and in national labor markets,

who are vulnerable to diverse forms of discrimination, exploitation, misrecognition, and disregard when looking for ways to accomplish their dreams and aspirations as migrants in a new country. In trying to make sense of why migrants, and many other people, in different ethnographic settings, persist, endure, and continue to attach themselves to objects that work against their wellbeing (Berlant 2011), this article has shown ethnographically how desires result in new forms of statehood and in the mobilization of diverse forms of agency and resistance to realize them, even if at times they foreshadow uncertainty and reinforce the fragilities these life projects contain.

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## Notes

1. Throughout the twenty-first century, Latin America has witnessed the intraregional displacement of millions of its inhabitants. In this context, Chile has experienced an immigration boom not seen in its recent history by receiving in the past years hundreds of thousands of Latin American and Caribbean migrants (INE 2018; INE-DEM 2019).
2. In the mid-nineteenth century, the state sought to attract European settlers who would bring economic progress, contributing to Chile's nascent industries, banking, and commerce.
3. Per 2012–2019 Migration Department data, around 60 percent of temporary visas were granted to migrants proving a formal work relation. The remaining visas include entrepreneurs, students, visas following bilateral agreements (Mercosur), among others.
4. In Santiago and the metropolitan area, the Migration Department depends on the Ministry of Interior and Public Security and issues migrant residence permits and visas. Outside Santiago, regional governments (*gubernaciones*) are in charge of these administrative processes.
5. The legal framework at the basis of Chile's current migration policy is the *Ley de Extranjería*, drafted and promulgated during the first years of the military dictatorship (Vergara 1985). Since the 1990s, numerous reforms to the dictatorship's migration law have been discussed, and only recently a new law was voted on in parliament, December 2020. Despite the previous political stasis, authorities issued presidential and administrative orders, including amnesties for migrants to legalize their stay in the country, and protocols that grant migrants access to public healthcare and education in response to the increase of immigration. At the time of fieldwork, the visa accessed by many migrants allowed them to apply for temporary residency from within the country and change jobs while holding the permit. This visa sought to relax the rules for hiring migrants and reduce the risk of migrant informality and illegality.
6. The Chilean Labor Code rules a quota of 15 percent of foreign workers in companies with 25 or more employees. This ruling excludes special technicians, migrants who have a Chilean partner or children, and migrants who have five

years of permanent residence in the country. Considering these restrictions and the incentive to informalize migrant labor, the ethnographic cases in this article describe situations in which Haitian women seek formal work in family businesses and small shops.

7. This can be in large part due to language differences hindering their understanding of the Chilean legal framework and bureaucratic processes but also due to migration networks that facilitate this practice. Moreover, in line with political discourses that blame Haitians for the country's "immigration crisis," there can even be an institutional bias that prompts a closer inspection to their documents in comparison to migrants from other countries.
8. Until 2019, the state still processed and analyzed visa applications in paper.

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