

Transit - Gate Keeping Unaccompanied Refugee Children

Examining frontline bureaucrats' discretion and their
perception of transit activities in the Swedish welfare system

Abstract

This thesis investigates through semi-structured interviews the perceived discretionary practice of frontline bureaucrats who work with unaccompanied refugee children in Sweden. The frontline bureaucrat theory outlined by Lipsky (1980) has additionally been used in understanding the effects of transit on the clients of these so-called gatekeepers, which in this study consist of teachers, social welfare secretaries and executive officials of the Migration board. Theories concerning critical citizenship have further been incorporated in the analysis.

The main conclusions are that the discretion and the perceptions on the clients of the respondents varies depending on the role they have in the reception system. Furthermore restrictive regulatory framework of some of the respondents makes visible that the line between following or disregarding the rules is not that clear.

Additionally this study discusses the temporary characteristics of transit where the interviews have shown that the children are excluded from some parts of society, mainly through unequal access to education. This is explained by the non-citizenship of the children which according to Lister (2003) can be traced back to the dominant discourse of the “Other”.

Keywords: unaccompanied refugee children, frontline bureaucrat, discretion, critical citizenship, exclusion.

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1 Introduction - Transit: “You must wait”

I don't know why they won't give me a residence permit. I have been to the Migration board. I can't stop thinking about and wondering why they won't let me stay. Everybody else has got a decision and been given a permit to stay. I haven't. The Migration board keeps telling me to wait. I have been in contact with the housing personnel and my custodian and every time I see them I ask: “What shall I do” and they say: “You must wait.” (Ehsan, 17 years old, own translation, in *Barnets bästa främst* 2010:59)

The quote above comes from Ehsan, a young boy who has fled Afghanistan alone and who at the time of the interview lived in hiding since the Swedish Migration board had decided to deport him to Afghanistan. The experience of being told to wait and to live in uncertainty was something he expressed was part of his life from the day he set his foot in Sweden (*Barnets bästa främst* 2010:59ff). The same publication that spread Ehsan's history recounted several other unaccompanied refugee children's stories about their escape, but also about their reception in Sweden. Some of the children were thrown suspicion upon on their arrival by the police, customs officers but also other government officials. Their age was frequently questioned and at times they were even believed to come from other countries than those they had stated (*Barnets bästa främst* 2010; Halvorsen 2005:71; Finch 2005:63).

In the autumn of 2009 I started working part time in a temporal accommodation for unaccompanied refugee children, also known as transit. Many of the children with whom I became acquainted with spoke of racism in different parts of Europe, including Sweden, but also similar to Ehsan, they expressed despair over the long waits and the uncertainty during the reception in Sweden. It was through these dialogues that the exclusionary gates, which I until then had not been much aware of became visible. The feeling that I carry with me even to this day is that transit is in a legal grey area where there are no specific guidelines or persons that can be held accountable.

When drafting the initial ideas for this paper I asked myself: Who's guarding these seemingly invisible gates and what power do they possess in including as well as excluding these children from society?

1.1 Purpose and research question

The aim of this study is to investigate the discretion of frontline bureaucrats within their work concerning the reception of unaccompanied refugee children. According to several studies, frontline bureaucrats have an extensive influence on

the lives of their clients (Lipsky 1980; Schierenbeck 2003 and 2004; Johansson 2007; Lundquist 1998; Taylor 2007; Rothstein 1994; Sannerstedt 2001). The starting point of this study, based on earlier research, is that there is discretion among all frontline bureaucrats. In the end it is about power, the power to interpret and the power to execute. The purpose of this study is also to investigate the limits within the work of frontline bureaucrats and how they are perceived.

Whilst there is plenty of research exploring the relationship between migration regimes and citizenship (Lister 1997 and 2003; Lister et al 2007; Delanty 1998; Kofman 2005; Maas 2008; Sager 2011), there seems to be much less studies on unaccompanied refugee children pending for a decision on their asylum application. Therefore another aim of this study is to explore the temporary characteristics of transit and the way this can be studied through the lenses of critical citizenship. More precisely the exclusionary aspects of citizenship and the margins of citizenship (Lister 1997 and 2003; Lister et al 2007; Sager 2011; Nordberg 2006) perceived by the frontline bureaucrats will be examined in this paper.

This study has been guided by the following research questions:

- What type of discretion do frontline bureaucrats perceive that they have regarding to their work with unaccompanied refugee children?
- What are the perceived limits of practice?
- How do frontline bureaucrats perceive the effects of transit on unaccompanied refugee children?

1.2 Delimitations

This study focuses on the responses of six frontline bureaucrats who are involved in the reception of unaccompanied refugee children in Sweden. Due to the small amount of interviewees the results will only speak for the studied case.

Furthermore, no unaccompanied refugee children have been interviewed, partly because of ethical aspects that must be considered when interviewing children but mainly because the perspectives of the frontline bureaucrats, who work as a passage to citizenship in the welfare-state, is of interest in this thesis.

1.3 Material

The material used in this study contains of first, second and third hand data. The first hand data is collected through interviews, the second and third hand data is mainly collected through written texts, websites and news articles. When working

with this information the question of authenticity and the credibility of the content are raised (May 2009:226ff). All the data collected through the internet come from official websites of different organisations and institutions.

The first hand data is authentic and credible since the interviews and observations have been recorded respectively written down. The second and third hand data is mainly collected through scientific studies found in books and academic journals.

1.4 Previous research on frontline bureaucracy, critical citizenship and unaccompanied refugee children

There is a vast contribution of literature on frontline bureaucrats and discretion (Bastien 2009; Brodtkin 1997; Coble and Crothers 1998; Howe 1991; Hummel 1982) where much of the research in one way or the other has touched the ideas developed by Lipsky (1980; also Hawley and Lipsky 1976). One of Lipsky's main arguments is that the actual policy is shaped by the service deliverers and not the elected politicians. In a Swedish context there are many researchers who have focused on frontline bureaucracy. Schierenbeck (2003 and 2004) has in her research set more focus on the discretion and problematizes the effects on the actual policy outcome. She links frontline bureaucrats as 'gate keepers' in her research studying migrants as 'clients'.

There is a wide range of studies on immigration and the reception of refugees. Hansen's (2006 and 2008) contributions have mainly been on the historical contexts of migration and citizenship while Lister (2003 and Lister et al 2007), Kakabadse and Kakabadse (2009), Kofman (2005) and Delanty (1998) have a much more theoretical approach to citizenship. The Swedish researchers within this theoretical field spans from Spång (2006 and 2008) who mainly studies human rights and democracy, to de los Reyes (2005 and 2006), Khosravi (2006) and Schierup (2005 and 2006) who have their foot in the critical citizenship theory with special focus on the exclusionary aspects of marginalised groups in society.

Different research has outlined an European "culture of disbelief among immigration and welfare institutions in receiving countries" (Watters 2008:71; see also Mitchell 2003; Ayotte and Williams 2001:70; Andersson et al 2005:6; Finch 2005:60) which not the least affects unaccompanied refugee children. Research specifically on unaccompanied refugee children mostly comes from or deals with the reception in the UK (Antoniou and Reynolds 2005; Ayotte 2000 and 2001; Bhabha and Finch 2006; Finch 2005; Kohli 2005 and 2006; Rutter 2006; Watters 2005 and 2008). The Swedish research concerning the rights of unaccompanied refugee children has been studied by among others Lundberg (2009a and 2009b) and von Schéele and Strandberg (2010). The uncertainties refugees encounter

when waiting for their asylum application and how they deal with this during the pending is raised by among others Brekke (2004).

There is a gap between studies concerning frontline bureaucracy and the margins of citizenship – not the least with focal point on unaccompanied refugee children. This thesis places itself in this void.

1.5 Outline

Following this introductory chapter, this thesis starts by presenting the methodological frames in chapter two. Chapter three gives a brief background on the studied field, both in terms of unaccompanied refugee children and the interviewed frontline bureaucrats. In chapter four I situate this thesis theoretically. The purpose of this chapter is to present the theoretical tools necessary for understanding the discretion of frontline bureaucrats and the linkage to their clients by presenting critical contributions on citizenship theory. Chapter five is the empirical chapter where I present the analysis of the first-hand data by combining the interviews together with the theories presented in the previous chapter. The concluding chapter summarises the central arguments of this paper and offers suggestions for further research in this field.

2 Method

This chapter will describe the methods that have been used in this study, how the selection has been made and also how the study has been carried out. The intention is to clarify my approaches to increase the results of the essay. I will also describe the interviewing process from ethical perspectives and lastly discuss aspects concerning validity and reliability.

2.1 Theory as guiding light

In this paper theories of frontline bureaucracy and some aspects from critical citizenship research will be used in an attempt to analyse the discretion of the interviewees of this study but also to examine whether the theories are sustainable in its ambition to explain discretion and the influence of frontline bureaucrats. So in a sense the theory is at the centre of this paper which according to Esaiasson et al (2007:42) defines a theory-testing study. According to this approach the method is designed to test theories against a specific case and it is also important to discuss the extent to which the results can be generalised to other cases (Ibid p.100).

My ambition is not to generalize the results of this study to all frontline bureaucrats in Sweden. However due to the fact that I will be building on to previous research, there is a reason to speak of generalized results. Not in the sense that the results will be held for universal but instead in a sense to show how they can provide “rich, contextualized understanding of some aspect of human experience through the intensive study of particular cases” (Polit and Beck 2010:1451), which in a wider context, can be used to broaden and deepen the existing knowledge base. Esaiasson et al (2007:125) further discuss the characteristics of a ‘good’ theory-testing study, which is done by travelling between empirical material and theory. This has been the very ambition during the analysis where the text shifts between the collected interviews and the theories presented in chapter 5.

I believe however, that one should not become too attached to conventional techniques. Lundquist (1993:97) recalls that common sense should lead the researcher and that there is no such thing as a methodological obligation. Therefore, I will not lay stress on methodological theories but I will instead try to describe the various methodological steps in as simple terms as possible. Furthermore Esaiasson et al (2007) have a narrow view of what really characterizes a theory-testing study and speak of a “shaky ground” (p.287, own translation) when applying interviews in this method. They further argue that the

conclusions about causality require comparisons (p.101ff). Seen from this perspective this paper does not count for a pure theory-testing study in the strictest sense, since my intention is not to compare the responses of the different interviewees but instead to analyse them in relation to the theories. The theory has also been used as a guiding light during both the interviews and its preparation, since the designed questions as well as the selection of interviewees have been inspired by amongst others Lipsky (1980). It's furthermore through the lenses of the theoretical perspectives that the analysis and the results have been contextualized.

2.2 Interviewing frontline bureaucrats

2.2.1 Selection

In this study three different types of frontline bureaucrats have been interviewed: social welfare secretaries, executive officials of the Migration board and teachers. They all have the common denominator of working with unaccompanied refugee children in transit. The interviews lasted between 40-60 minutes. There have been two reasons for choosing these three different interviewees. First, they are among the first bureaucrats who come in contact with unaccompanied refugee children and therefore employ considerable power over the clients because of their discretionary position (see chapter 4). Second, they come from completely different professions making it interesting to see if their perception of their daily discretion and their view concerning the effects of transit on their clients varies. The selection of the six interviewees has thus been made according to their suitability to this study (Bryman 2002).

2.2.2 Gaining access to the interviews

The two first interviews of this study were conducted with social welfare secretaries, who were selected through contacts. And from there the classic snowball effect (Esaiasson et al 2007:291; Teorell and Svensson 2007:86) was in movement.

The research setting of this study is a typical open or public one, indicating that "access is freely available but not always without difficulty" (Silverman 2001:57). During the interviews it has become evident that some of the information received through the interviews has by the interviewee been difficult to articulate and at times the information has been confidential.

There have been some difficult moments within the research process that have affected this study in different ways. Getting access to the Migration board proved to be a much more difficult task than I had first anticipated and at one point I had started to question the openness of the Swedish Government services and was thinking of changing the perspective of the interviews. So in a sense the setting

has also been closed and private, meaning that access to information “is controlled by gatekeepers” (Ibid). Luckily one of the executive officials who I had emailed from the very beginning (three months earlier) contacted me and I could thereby proceed with the initial plan. Through him I got in touch with one of his colleagues.

2.2.3 Ethical considerations

In preparation of the study, demands of information (see Appendix 1), consent, confidentiality and usage have been taken under consideration (Esaiasson 2007:290; Vetenskapsrådet). All the respondents were given information about the study either through telephone, email or by sending a description of the study (see Appendix 2).

Some of the interviewees have given information, which in some aspects is sensitive and classified. One of the prerequisites of getting the interviewees to participate has been by insuring that they could be anonymous and that names of places, such as the name of a certain municipalities, will be changed in the text.¹ This last aspect has been relevant in those cases where the respondent is the only person working in that area with this occupation, making it possible to find out who that person is.

2.2.4 Collecting the data

The interviews have been conducted in different locations on the request of the interviewees themselves. The interviews with the social welfare secretaries and the teachers were conducted in two different cafés/restaurants and the ones made with the executive officials of the Migration board were made in their own offices.

In this study the semi-structured interview (May 2009:150f; Hartman 2004) technique has been used since it has enabled questions to be asked during the partly structured interview, which are not prepared for in advance, so that the interview can be adjusted depending on the situation. This has allowed this research to take part of much higher qualitative information since the answers of the interviewees have been clarified and elaborated (May 2009:111). Consequently the possibility of deepening the answers and entering a dialogue with the interviewee has been given. A specific interview guide (see Appendix 2) was designed prior to the interviews where the central topics have formed the basis of the analysis model.

During the course of collecting data four of the interviewees have been recorded with their approval. Both of the interviewees from the Migration board requested for the interview not to be recorded because they did not feel

¹ The name of cities have been removed in this paper and replaced with XX

comfortable.² This affected the process of interviewing as I had to take notes and took several breaks during the questions. Their responses later on used in this study are thus not verbatim which affects the reliability (Bergström and Boréus 2005:35; Esaiasson 2007:70f; Teorell and Svensson 2007:56ff) as well as the possibilities of giving equivalent results as the other interviews of this paper since only shorter quotes has been enabled. All of this has been taken under consideration in the presented results and as a reminder for the non-verbatim responses, each of the quotes presented from the Migration board have been followed by a comment as follows: Executive official X, reproduced based on the author's notes and memory, therefore not verbatim.

All in all five interviews were conducted; two with social welfare secretaries, two with executive officials from the Migration Board and one with two teachers as a group interview. The teachers interviewed in this study asked for a group interview since it suited their work schedule better. This of course has influenced the responses since the interviewees have affected each other where one of the respondents for example spoke more than the other (Esaiasson 2007:361ff; Teorell and Svensson 2007:90). Some of the answers have also been given in the form of shifted responses where the interviewees have confirmed each other. This has also been taken under consideration and during the analysis of this study I have made an effort to highlight the answers of teacher 2 (who did not take as much space in the interview) to raise a more nuanced picture.

One of the social welfare secretaries (who is referred to as social welfare secretary 2 in the analysis) asked to see the interview question during the interview. On the whole, this was however not a problem since I could just as in the other interviews ask follow-up questions.

2.2.5 Analysing the data

During the interviews focus has been on the discretion of the frontline bureaucrats and their perception on the effects of transit on their clients. During the analysis of the interviews some themes have been used as a coding of the respondent's answers (Hartman 2004:287; Grönmo 2006). Since the perception of discretion and the effects of transit have been the main focus during the interviews, finding conceptions and creating categories by classification have been relevant during the analysis (Hartman 2004:287). The division of the main category has among other things been on the perception of discretion. Here I have found two categories, namely perceiving to have or not having discretion. When it has come to other categories such as "government official" or "fellow being" (Schierenbeck 2003), the dividing line has not been fully fixed and therefore, the categorisation has in some cases tended to shift between the two. Esaiasson et al (2007:308) argue that the interviewee can be placed in two categories at the same time, however this has not been the case within the categories set up in this study since

² The reason for this might be that the Migration board has been criticized repeatedly for their work regarding refugee children, that the employees do not want to be recorded in any way in the case that the material can be used against them (Lundberg 2009b:51).

the theoretical framework has placed them in an antagonistic relation. The categories used in analysing the answers of the interviewees have been: 1) the perception of the client, 2) rule supporter vs. rule interpreter 3) government official vs. fellow being, 3) the perception of discretion and 4) the perception of the effects of transit on their clients.

The interpretations later presented in the analysis are substantiated by quotes from the interviewees (Esaiasson 2007:306) which all have been introduced and where there have been difficulties understanding the responses, the context in which the answers were given has shortly been presented (Ibid p.310).

2.3 Validity and reliability

Simply put, in qualitative research the validity of a study is measured by asking: Is the research really answering the question it has the aim to answer?

This study seeks answers on three different research questions as mentioned in the introduction. But good validity does not automatically mean that there is a well done research at hand. The precision and accuracy of used measurements make up for the requirement of good reliability. Speaking of measurements in a qualitative sense, which means that one does not count and deal with numbers, incorporates precision in the steps of the research process, for instance by eliminating sources of error as far as possible (Bergström and Boréus 2005:35).

Since the chosen research design requires an interpretation of the data, it is essential for the credibility of the study to be on a high level of inter-subjectivity. The question is however if there is a solid ground for knowledge and if there is a conception of the world that is free from interpretation (Beckman 2007:70). To achieve this criterion of inter-subjectivity, where the demand for internal legitimacy is of fundamental significance (Badersten 2006:103ff), it is important to work systematic in this study. All the claims and assumptions made will openly be given an account for.

All the interviews have been held in Swedish, thereafter the recorded interviews have been transcribed and the ones where only notes have been taken have been further developed when needed, reaching to the final process of translating them into English. A lot of effort has been put in converting the interviews as literal as possible. Within this process I have been made aware of the fact that many descriptions and formulations are hard to translate from the Swedish context into English. The same goes for my own translations made in different second- and third-hand material. In those cases where I perceive that the formulations vary from the original, the reader has been provided with the Swedish version as a footnote, as an approach making it easier for the reader to draw own conclusions and also to follow the results.

When transcribing audio recordings the reliability of the interpretations of the transcripts might be undermined when failing to take in pauses made between sentences, body language and the tone of the dialogue (Silverman 2001:33). These aspects can many times be of crucial importance when interpreting and explaining

the interview. The same goes for the interviews that have not been recorded. This has been taken under account and I've therefore taken notes on my observations partly during and after each interview (Ibid p.64f).

Nevertheless I wish to make a short comment concerning intersubjectivity. When conducting interviews, it is necessary to be aware that collected information will always be different depending on who is carrying out the interview. In my case my sex, age, physical appearance etc. have logically had an impact on the interviewees and inevitably this influences their response. This makes it also difficult to speak of rates of reliability since depending on how I am conceived of by the interviewee, I can get more or less or even different information than someone else (Silverman 2011:58f). The ideal according to Bergström and Boréus is that there should be a "neutral observation language" (2005:36). I believe that this is impossible since all people are shaped differently depending on their environmental circumstances, making the ideal quite paradoxical. Speaking of inter-subjectivity in this paper, the aim is therefore to reach a well substantiated interpretation.

3 The reception of unaccompanied refugee children in Sweden

In this chapter a short background on unaccompanied refugee children and transit will be given. Furthermore the central interviewees of this study will be presented.

3.1 Defining unaccompanied refugee children

There are many different definitions to describe a person who has fled their home in international conventions and descriptions. *Refugee*, *asylum seeker*, *foreigner* and *alien* are just some of the terms used in this context. These words are however loaded with meaning and depending on how they are used, they have the “power to stigmatize and be associated with negative states and properties” (Lennartsson 2007:22, own translation, see also Hansen 2008:22ff, Spång 2008; Tesfahuney 1998a:106f).

This study speaks of *unaccompanied refugee children*, just as the subtitle suggests. The difference in speaking of an *asylum-seeking person* or actually a *refugee* lays in whether the recipient country acknowledges the individual a refugee status, thus making the defining of another person completely dependent on a superior authority (Watters 2008:2). This takes away the right of the individual to define and determine its own conditions, denying that the real experts on the subject, namely the persons who have had to flee their home, are heard (Andersson et al 2005:1).

3.2 Who and how many?

When speaking of unaccompanied refugee children it alludes to children who have fled their home country without accompanying parents or a legal guardian (Law 1994:137 Article 1). Many policy papers try to identify the number of refugees in the world and in a specific region or country. It is though difficult to give an exact number of how many refugees there are and according to Watters “data has to be contextualized to avoid confusion” (2008:5). Depending on how the refugee is defined and categorized the outcome of the asylum application, the welfare support but also the level of need of the affected person varies strongly in government work (Ibid p.6f). According to Hansen (2008:22) much of the statistics on refugees in the EU is made invisible by being excluded from official

data. With this in mind the presented numbers and statistics in this study should be read critically, with less emphasis on the quantitative data and more on the way individuals are labelled and categorized.

According to statistics from the Swedish Migration board the number of registered children within this category has slowly risen year after year where it in 2006 was a question of 816 unaccompanied refugee children in relation to the data from 2010 where all together 2393 children fled to Sweden. The majority of these children are boys. In the present situation, most of the children have an average age between 15-17 years and come from Afghanistan, Somalia or Iraq (MV – Rapport ensamkommande barn).

3.3 Unaccompanied refugee children in transit

Since 2006 the municipalities have taken over the responsibility of housing and care of unaccompanied refugee children which was formerly the duty of the Migration board (MV – Rapport ensamkommande barn). While waiting to be assigned a municipality during the asylum process the children are placed in temporal housings, known as *transit accommodation* or *transit housings* (MV - Årsredovisning 2004, 2005 and 2010; SKL; VoB; Vårlyjus).

According to the goal set up by the Migration board in 2010, it should not take more than three months from the time the application is received and the decision of residency respectively refusal of entry/deportation³ is given (MV - Årsredovisning 2010:22). But at the turn of 2010/2011 reports showed that a large proportion of the cases were more than three months old (Ibid p.26, see also Barnets bästa främst 2010).

Speaking of social rights, unaccompanied refugee children have the right to housing, food, daily allowance and special aid (Lag 1994:137; Prop. 2005/06:46; SoL; Prop. 2004/05; MV – Mottagande av barn 1). Furthermore they are entitled to full access of health care, introduction efforts, schooling and have the right to reunite with their parents (Ibid). While the children are awaiting a decision on their asylum application they are assigned a trustee who enters the child's parents' place, such as a guardian and a custodian (Prop. 2004/05:136 p. 29; Schéele and Strandberg 2010:19). The trusteeship is a temporary solution. Informally however the trusteeship works as an executor since the child is under age where many questions concerning for instance responsibilities are left open (Ibid).

The UN Convention on the Rights of the Child (CRC) which is incorporated inter alia in the law on the reception of asylum seekers (Lag 1994:137) is one of the bases for the rights of children. The centrepiece of the CRC is the principle of "the best interest of the child" as enshrined in Article 3, a concept that has been discussed largely in the interpretation of the Convention and, consequently, has

³ As from March 31st 2006, the term refusal of entry (avvisning) is used for a removal decision rendered within three months after the first application for a residence permit after the alien's arrival in Sweden. The term deportation (utvisning) is used for removal decisions given after these three months (Regeringskansliet – Frågor & svar, own translation).

been interpreted differently depending on the individual cases for each child (Barnombudsmannen 1998, Lundberg 2009a, Schiratzki 2005).

The principle of the best interest of the child has been incorporated among other things in the Swedish Social Services Act (SoL), the Law of special regulation for the care of young (LVU), the Children and Parents Code (FB) and the Aliens Act (Schiratzki 2005:30).

3.4 The specific frontline bureaucrats of this study

The three different frontline bureaucrats of this study have been chosen in way to present some of the first frontline bureaucrats with whom unaccompanied refugee children come in contact with while living in transit. These will now be presented.

3.4.1 Executive officials of the Migration board

When unaccompanied refugee children first come in contact with the Migration board their asylum application is collected by the personnel of the application-unit (MV – Årsredovisning 2010; MV – Ordförklaring; Lag 1994:137). Their errand is thereafter handed over to the asylum-unit where the executive official conducts the asylum investigation. Here additional investigative measures are carried out when necessary (eg, language analysis to obtain evidence on the origin of someone who lacks identity papers). When all investigative procedures are finished the executive official from the asylum-unit writes for a residence permit or refusal of entry/deportation (Ibid). The executive official from the asylum-unit is in this study named *executive official 2* and they usually meet the children only once, i.e. during the asylum hearing.

The executive officials of the reception-unit are responsible for various forms of service to the applicants (Ibid). These units have a very broad remit covering everything from housing issues and contacts with health care to personal communication of decisions and measurements that other units have decided upon, such as notification of the final decision from the Migration Board or recordings for language analysis (Ibid). When unaccompanied refugee children talk about ‘their’ officials, it is usually a reception officer referred to since they are the ones with whom the children have continuous contact with throughout the asylum process. The executive official from the asylum-unit is in this study named *executive official 1*.

3.4.2 Social welfare secretaries

The National board of health and welfare is a government administrative authority under the Ministry of Health and Social Affairs. The mission of the authority is to promote good health, social welfare, care and high-quality care on equal terms for

the entire population (Socialstyrelsen – Rapport). The reception of unaccompanied refugee children is in most respects covered in the same laws and rules as the ones that apply to other children in care (SoL). The Board considers among other things matters relating to the licensing of privately run transit housings for unaccompanied refugee children (SOSFS 2003:20), which they also supervise (Socialstyrelsen – Rapport).

The Board is represented by an assistance officer or a social welfare secretary who come in contact with the public. The social welfare secretaries who have been interviewed in this study, referred to as *social welfare secretary 1* and *2*, work with the investigation and handling of unaccompanied refugee children. More precisely their work, where they have a regular contact with the children, involves investigations of the basic needs of the children in connection with the arrival in a municipality and also to investigate their longer-term needs (Socialstyrelsen – Rapport). Investigation, implementation of interventions and follow-ups, is done in close collaboration with the child, the trustee, housing staff at the transit, nursing staff, teachers and others who come in contact with the child (Socialstyrelsen – Rapport; SoL).

3.4.3 Teachers

The municipality in which the unaccompanied refugee child resides in is responsible for the child to receive education in preschool, primary school, primary special school, secondary school, recreation centres and other educational care (Skollagen 2010:800). The right to education applies even if a decision on deportation has been given (29 ch. 4 § Ibid).

The teachers who work with unaccompanied refugee children work according to the School law and meet the children regularly on weekdays. Their work involves among other things to give guidance and stimulation to the children so that they can develop within the goals of the education (3 ch. 3§ Skollagen 2010:800). An example of the goals is to provide mother tongue education and adapted curriculums. The teachers are furthermore obliged to report to the headmaster if it is to be feared that a pupil will not reach the minimum proficiency (Skolverkets Allmänna råd 2008 - För arbete med åtgärdsprogram p.13).

The teachers interviewed in this study are referred to as *teacher 1* and *2*.

4 Frontline bureaucrats

This chapter presents the theoretical background and outlines the theory of frontline bureaucracy developed by Michael Lipsky (1980). The discussion is pursued in relation to elaborations and critical engagements with perspective by among other Johansson (2007), Rothstein (1994), Schierenbeck (2003 and 2004). While the theory of frontline bureaucracy and especially its concept of discretion is central for the analysis, it is supplemented with perspectives focussing on rights – in this case the rights of the unaccompanied refugee child as clients. Thus some aspects from critical citizenship research will be presented with reference to contributions by Lister (2003), Hammar (1990), Khosravi (2006) and Spång (2008).

4.1 Terminology and level of implementation

The origin of the frontline bureaucrat theory comes from Michel Lipsky, who developed the theory of street-level bureaucracy (Lipsky 1980) which in Swedish has been translated into many different variations in which the most established is the “grass roots bureaucrat”⁴ (Esping 1984:76, own translation). Recently other concepts have also been introduced such as “near bureaucrat”⁵ (Sannerstedt 2001, own translation) and “frontline bureaucrat”⁶ (Rothstein 1994, own translation). Lipsky’s definition of a street-level bureaucrat is:

“Public service workers who interact directly with citizens in the course of their jobs, and who have substantial discretion in the execution of their work are called *street-level bureaucrats* in this study.” (Lipsky 1980:3)

This essay will make use of the term frontline bureaucrat, precisely because the term shows that the bureaucrats are right at the border or at the front to their clients in the absolute ultimate stage of the exercise of authority (Schierenbeck 2003:18). Additionally the term denotes that it has a certain war rhetoric, seeing that the word “front” has its origin also in military contexts as the main battle line or seat of war. Consequently the concept clarifies that the frontline bureaucrats are in a role of conflict, something that also Isabell Schierenbeck (2003) exemplifies in her dissertation on the authority of the welfare state.

Lipsky (1980) has a classic bottom-up approach in his view of the implementation of political decisions, something that, according to Schierenbeck, has had fundamental contributions to much of the research undertaken with regard

⁴ “gräsrotsbyråkrat”

⁵ “närbyråkrat”

⁶ “frontlinjebyråkrat”

to implementation of this particular level. It is important to add that there are different approaches to implementation of political decisions and that they should not only be seen as theoretical perspectives but also represent different views on how implementation research ought to be conducted from a methodological aspect (Sannerstedt 2001:25f; Schierenbeck 2003:23).

4.2 Lipsky's frontline bureaucrat and some critical positions

Michael Lipsky was the one who coined the term *street-level bureaucracy* in 1980 in his book with the same name. In his definition, he emphasizes that it is public service professionals and others involved in service delivery who interact directly with citizens and who possess a substantial right of determination within the set of rules in their work (Lipsky 1980:3). Within this group he identifies teachers, police officers, social welfare secretaries, government officials and many other professions.

Lipsky implies that the economically poorer a person is, the greater influence the frontline bureaucrat has in that person's life, namely because the number of bureaucrats that affect that person is more in her/his everyday life. An important aspect linked to the economic situation of the client is that they are "non-voluntary" (Ibid p.54), i.e. the client is not directed freely to the service person, but is *forced* to do so.

Another related aspect is that frontline bureaucrats have an enormous influence on people's lives just because they make decisions that affect the client's life opportunities and life conditions (Ibid p.8f). Once an individual turns to the frontline bureaucrat she/he is 'converted' into a client, with certain predetermined categories that specifically defines that person so that she/he fits into some standard definitions and divisions, where the relationship between the frontline bureaucrat and the client is often fixed at the outset (Ibid p.59; also see Johansson 2007:60; Schierenbeck 2003:33; Skau 2007:45ff).

The main hypothesis which Lipsky has drawn says: *It's the frontline bureaucrats who shape the policies and not the elected politicians*. The explanation for this is that the discretion is of such relevance that they are actually creating the policy and its actual execution, since the conditions for the legislative assembly to make laws while also working with its implementation is nearly impossible.

The crucial feature for the discretion is the frontline bureaucrat's own assessments, where norms and values influence decision making (Lipsky 1980:11ff; also see Johansson 2007:42; Lundberg 2009b:75; Murray 2006:213; Schierenbeck 2003:51ff). The discretion can also be of varying significance depending on the organization's character but also the pregnancy of the guidelines (Lipsky 1980:40). The clearer the goals and guidelines frontline bureaucrats have to relate to, the more restricted their discretionary practice becomes.

There are however some critical positions that are worth taking into account for a broader understanding of the frontline bureaucrat theory. Howe (1991) e.g. has criticized Lipsky's position as he argues that there has been a change in the context of social work "away from practitioner discretion and towards practice defined by statutes, designed by administrators and driven by managers" (Evan and Harris 2004:880; see also Ellis 2011). Howe sees a mayor problem in a continuing discussion on discretion à la Lipsky since the practitioners do not have the self-government which the frontline bureaucracy theory implies.

"Except in matters of style, all the substantive elements of their work are determined by others, either directly in the form of managerial command or indirectly through the distribution of resources, departmental policies and procedures, and ultimately the framework of statues and legislation that create both welfare clients and welfare agencies." (Howe 1991:204)

Dworkin argues that discretion is not the deficiency of rules but rather the room between them, something that Howe (1991:204) considers that Lipsky has recognized as well.

"The concept of discretion as at home in only one sort of context; when someone is in general charged with making decisions subject to standards set by a particular authority. Discretion, like the hole in a doughnut, does not exist except as an area left open by a surrounding belt of restriction. It is therefore a relative concept. It always makes sense to ask, 'Discretion under which standards?'" (Quote on Dworkin in Evan and Harris 2004:881)

Some scholars maintain that the discretion of the frontline bureaucrats have been limited due to technological advances through the routinisation and the managerial control, especially in the case of information technology (Lymbery 2006; Dustin 2006). Where almost all information within administrative circumstances have been collected in computerized programs, Kathryn (2011) argues that this process of routinizing in some settings has made the practice of top-down control over the discretion of the frontline bureaucrats possible through resource management systems, which not only constrains but also motivates the bureaucrat to follow the rules.

These are all critics worth taking into account when analysing using the theory of frontline bureaucracy. It needs to mentioned though that Lipsky's work was written in a social context in the American urban politics of the 1960s and 1970s, where the frontline bureaucrat was often criticized for being bias and incompetent (Lipsky 1980). This was thus a context of constrained public services, working in a challenging environment characterized by poverty and political conflicts (Hawley and Lipsky 1976). Lipsky's theory is however still worth taking into account, which the authors in the following chapters show example of. Sannerstedt (2001) for example argues that frontline bureaucrats must adjust their decisions depending on the client and for that reason there is never *one* given verdict for one kind of a case, i.e. there are no predetermined programmed decisions (Johansson 2007:41; Lipsky 1980:15; Rothstein 1994:98; Schierenbeck 2004:122).

With this said, the next chapter will focus on the discretion and some of its characteristics.

4.3 Discretion and the dual role

Speaking of the discretion of frontline bureaucrats, there are diverse theoretical points of departure which define this space of action differently. Some speak of discretion only within the set of rules while others argue that discretion can also be delivered outside the legal framework. Here it is important to make a distinction of how the term will be used in the analysis to avoid misunderstanding.

According to amongst others Bastien (2009:667) there is a “formal discretion” which consists of the discretionary practices within what is permitted by the set of rules and “informal discretion” which constitutes discretionary practices outside the formal authority of government officials (also see Bozeman and Scott 1996:5; Goodin 1986:235). This study speaks of discretion as frontline bureaucrats’ space of action *within* the legal framework (Johansson 2007:41; Lipsky 1980:15; Lundberg 2009b:47; Rothstein 1994:98; Schierenbeck 2004:122). As soon as the frontline bureaucrat acts outside the set of rules, this becomes, without evaluating it positively or negatively, a case of breaking the rules. In other words, frontline bureaucrats have quite much freedom and power to formulate decisions that affect their clients’ lives (Lipsky 1980:8; Schierenbeck 2004:122f; Lundberg 2009b:47). However the term ‘discretion’ must according to Schierenbeck ultimately “be within the framework of a legitimate authority, that is to say that decisions must be justified based on the situation” (2003:27, own translation). The exercise of professional discretion can on the one hand involve that the decision is made in a stricter form than the offered legal framework, but it can also on the other hand be based on a more tolerant interpretation. It is not only the set of rules which are taken into account with regard to the discretion, it is also a question of the dual role perceived by the frontline bureaucrat (Ibid p.28). Yet just because frontline bureaucrats use their discretion it does not necessarily mean that the decision is automatically legitimate. In addition, discretion is according to the above mentioned definition inevitably part of the daily work of frontline bureaucrats (Brodkin 1997:3; Coble Vinzant and Crothers 1998:46f; Handler 1992:332; Johansson 2007; Lipsky 1980:16; Lundberg 2009b:47; Schierenbeck 2003:19) and therefore frontline bureaucrats’ perception of having or not having discretion is hardly problematized.

According to Schierenbeck (2003:28) there is within the implementation literature a tendency that the discretion of frontline bureaucrats is presumed to have a value in itself, and therefore the greater freedom of action is all the more advantageous for the client’s result. She claims that discretion should not be valued but should be considered as a neutral concept. However, something that is clearly crucial is the actual context which also determines whether the discretion is legitimate or not and therefore this power of action can be positive as well as negative for the client (Ibid p.28f; Sannerstedt 2001:20).

Schierenbeck makes a comparison between frontline bureaucrats in her dissertation and brings the view regarding their regulatory framework down to

two main poles: “the rule supporter”⁷ and “the rule interpreter”⁸ (2003:127, own translation). This was something that also Lipsky made visible in his work, although not using these exact terms, but still with a similar view.

“To deliver street-level policy through bureaucracy is to embrace a contradiction. On the one hand, service is delivered by people to people, invoking a model of human interaction, caring, and responsibility. On the other hand, service is delivered through a bureaucracy, invoking a model of detachment and equal treatment under conditions of resource limitations and constraints, making care and responsibility conditional.” (Lipsky 1980:71)

In reaching this conclusion Schierenbeck (2003:127) asks herself whether frontline bureaucrats perceive the set of regulations as flexible or strict. While studying the Swedish frontline bureaucrats (mainly within the Social services and employment offices) it appeared to her that these were almost exclusively rule interpreters, i.e. that the regulations gave space for personal assessments. Just as the quote above describes there is also another side of his dual role. On the one hand, the dual role is foremost perceived of as “joining”⁹ (Schierenbeck 2003:149ff, own translation), which means that the frontline bureaucrat perceives her/his role as a “government official”¹⁰ (Ibid, own translation) and that the decisions are thus taken with regard to the organization’s goals before the client’s needs and preferences. On the other hand, a conflicted role becomes visible, in which the frontline bureaucrat understands the dual role as “debilitating”¹¹ (Ibid, own translation) and therefore above all as a “fellow being”¹² (Ibid p.150ff, own translation) places the needs of the client above the goals of the organisation.

To make a brief remark, it needs to be mentioned that Schierenbeck refers to the term government official in her dissertation since she studies government employees. This study however also studies teachers, the same way Lipsky (1980; see also Taylor 2007) has defined them, as frontline bureaucrats because of their service delivery as central actors of society. Even though they are no government officials in the exact meaning of a public authority, it is still interesting to study their dual role according to the description put forward by Schierenbeck since teachers are defined as frontline bureaucrats as well.

According to Schierenbeck (2003:57) the best way for the frontline bureaucrat to adjust the verdict to the needs and desires of the client, is the supreme combination of rule interpreter and fellow being. While the combination of rule supporter together with government official suggests that there is a clear identification with the authorities. Nonetheless mixed forms are also an occurring possibility. However, from a legitimacy viewpoint it is according to Schierenbeck (Ibid p.57f) highly disturbing if the frontline bureaucrat is a rule interpreter and government official as this is the least advantageous combination for the client, since the goals of the authorities is used as a starting point while still the

⁷ “regelivraren”

⁸ “regeltolkaren”

⁹ “bärande”

¹⁰ “myndighetsperson”

¹¹ “tärande”

¹² “medmänniska”

discretion is used in a broad extent, meaning that the needs of the client are not met.

4.4 Unaccompanied refugee children in the waiting room

Working with unaccompanied refugee children who are in 'transit' constitute a specific type of client whom frontline bureaucrats come in contact with. First and foremost the clients are refugees who arrive without any family and who themselves are minors, which imposes certain requirements on the frontline bureaucrat. Secondly, the aspect of waiting for either being given a residence permit or being deported constitutes a very specific condition of uncertainty where the clients are entitled to certain rights during their pending. If being granted a residence permit the children are given almost full citizenship in terms of rights and if being denied residence permit they enjoy almost no citizen rights at all.

According to Schierenbeck (2003:14 *passim*) the welfare institutions within a state have the key responsibility for making immigrant's participation in the new society possible. She argues that frontline bureaucrats are central actors in the inclusion of migrants, who she studies in their capacity of new citizens of society (Ibid p.37 *passim*). Depending on how their discretion is used, the outcome of this inclusion though varies.

An understanding of citizenship in terms of membership and identity underlines that it is not simply a question of voting, having a passport or a residence permit, but that it also is about the relation between individuals and the state (Lister 2003:15; Yuval-Davis 2004). Traditionally, citizenship theories have focused on the inclusive/exclusive tensions within borders, where a more recent migration oriented citizenship theory focuses on non-citizen residents or those moving between nation-states i.e. those on the margins of citizenship (Lister 2003:43; Khosravi 2006; Sager 2011; Spång 2008). According to Khosravi (2006:289) non-citizens can be categorized in two groups; regular and irregular where the first category consist of 1) immigrants who have permission to stay in the country, 2) persons who have applied for asylum awaiting their decision or 3) temporary visitors such as tourists who are in no need of permission to stay in the country. The second category of non-citizens thus applies for unaccompanied refugee children (Lundberg 2009b:48). Tomas Hammar (1990:15) has developed theories concerning non-citizenship and speaks of "denizens" which "describes a status approximately halfway between a citizen and a non-citizen" (Groenendijk 2006:3). This means that there is a quasi-citizenship (Ibid) for non-citizens who are treated as citizens and enjoy almost the same rights, but who are not granted full citizenship rights.

According to Lister (2003:47) there is a double set of boundaries that immigrants meet when entering nation-states: Firstly a geographical admission to

the territory, and secondly to the question of “full or partial membership” (Ibid). Within this processes there is a pattern of inclusion/exclusion (Mouffe 1992; Benhabib 2004:66; Yuval-Davis 2004) irrespective of the classification of citizenship which according to Lister (2003:44) and Sager (2011) is gendered and racialised. Lundquist (1998:271ff) argues that these patterns of including and excluding citizens are upheld through frontline bureaucrats as “guardians of democracy” (p.275ff, own translation) in society due to their position and discretion. Studying frontline bureaucrats as ‘gate keepers’ becomes even more relevant in this aspect, seeing that they according to Schierenbeck (2003:208), due to their values and perceptions affect the inclusion of migrants negatively. It needs to be mentioned that she studies social welfare and employment offices, institutions that according to her are responsible for the “integration¹³ of migrants” (p.64). Thus according to her, there is a connection between the frontline bureaucrat and the degree to which the clients are let in to society depending on how the civil servant does her/his work with regard to the dual role (p.208ff).

When migrants are exploited economically within labour (Hammar 1990) and/or are denied full citizenship rights, a distinct type of “second-class citizen status” (Lister 2003:46) is created. Lister (2003) refers to “Fortress Europe” (p.46f) as a way to expose the exclusionary side of citizenship which feeds racist expressions not only towards people who are geographically outside the borders of the nation-state but also racialised minorities within it (Ibid p.47). Liz Fekete (2007:97ff) has analysed the impact of detained refugee children in Europe and argues that the EU and its member states create a distinctive type of refugee who is constantly doubted and whose basic human’s rights are overlooked due to cultural reasons. The cultural differences thus function as a more subtle form of exclusion (Lister 2003:47; Tesfahuney 1998a:35).

“This image, holds, implicitly if not always explicitly, that to be European is to be white, Christian and holding to a Eurocentric view of the world, and that to be other than this is to be “Other”, to be outside.” (Lister 2003:47)

The way people are categorized and the dominant view on migration is closely bound to the idea and discourses of “Other”, which is encumbered with a strong opposition in relation to the uniformity of the “us” (Lennartson 2007; Lister 2003:47; Scuzzarello 2010; Hansen 2008; Kakabadse and Kakabadse 2009; Sager 2011; Tesfahuney 1998a and 1998b).

Schierenbeck (2003:51f) shows in her dissertation how frontline bureaucrats perceive their clients, which in her case all are immigrants, as carriers of specific cultural attributes. In the case that the frontline bureaucrat has a stereotyping view on the immigrant client, which can both be positive and negative, the consequence of this is that the individual and the specific needs of that person are overseen. Bureaucratic procedures thus turn the “individual child with individual interests into a judicial and generalized prototype” (Engebrigtsen 2003:191) where

¹³ This thesis does not speak of integration since the very idea is vague in itself. Integrate in to what? When is the integration process successful and how is it measured? Rather, focus is set on patterns of inclusion an exclusion of people.

authorized and bureaucratic practice has its basis in certain ways of categorizing the social world.

Having introduced some of the ideas of critical citizenship theories together with the theories concerning frontline bureaucracy, this study now continues by studying the collected interviews. The analysis will follow the presented order in which the research questions have been put forward.

5 Frontline bureaucrats' experiences

In this chapter the data collected from the interviews will be analysed in relation to the presented theories of frontline bureaucracy and the exclusionary aspects of critical citizenship theories.

The chapters are arranged in a way so the reader can follow the different questions that have been raised during the interviews. First the perception of frontline bureaucrat's concerning their clients is presented. Thereafter the theories of "rule supporter & rule interpreter and government official & fellow being" (Schierenbeck 2003) will be investigated in order to understand the discretionary practice of the frontline bureaucrats. Do they believe that they have discretion in their daily work and if so, how is it manifested? From there the analysis continues by focusing on the specific clientele group of frontline bureaucrats. Some aspects of waiting, being distrusted and not receiving the same rights as 'national' children is put forward in the last chapters of the analysis as the everyday components of transit.

5.1 Different responses, different roles

It needs not be mentioned that the frontline bureaucrats of this study work within different parts of the reception of unaccompanied refugee children. Several of them work in organisations where the pressure of producing a certain outcome is constantly present (Johansson 2007; Skau 2007; Lundberg 2009a and 2009b:72; Lipsky 1980). Some of the frontline bureaucrats meet the children on a regular basis, whereas others only meet them a few times. According to Johansson (2007:60f) the frequency of the times frontline bureaucrats meet their clients also affects the outcome of the practice and also their view regarding the clients.

According to Hudson (1993:397; also Schierenbeck 2003), the only way to understand policy implementation is by understanding the frontline bureaucrats. Their perception of the children has a significant impact on the outcome of the way the clients are dealt with, particularly when it comes to the discretionary practice, since the norms and views of the frontline bureaucrats influences their approach (Lipsky 1980:11ff; Schierenbeck 2003:51ff; Murray 2006:213; Johansson 2007:42). This leads us to the next chapter dealing with the view the specific frontline bureaucrats of this study have on their clients.

5.2 The perception of unaccompanied refugee children as clients

As a way to portray how the children are perceived, Murray (2006) applies theories concerning “assumptive worlds” (p.219, see also Marshall and Mitchell 1991) in her study to understand the view of the social workers in relation to their clients. According to Murray (2006:220), it comes down to a categorization of the clients, where the interesting aspect is to find out if the viewpoint is shared by most or simply by a few of the social workers she investigated in her study. In this way it can be ascertained if the assumptive world in the specific studied case is a structural or individual phenomena.

When the frontline bureaucrats of this study were asked to describe the children they work with, the answers varied depending on the circumstances in which the respondents came in contact with the children. A common view that was uttered by all frontline bureaucrats except for one at the Migration board was that it was difficult to work with the children because of their complicated background.

One respondent expressed a strong awareness among the children concerning how they are perceived in Europe and also their knowledge of the asylum process.

They are broken people, broken children. They are aware of the everyday racism and many are really aware of this when they have been on a European flight for a very long time. So it's not as if they come here and know nothing, they know that they are outsiders, that they are not Europeans and that they are asylum seekers. (Social welfare secretary 1)

In a sense the aspect of being “broken” reflects a strong consciousness among the children according to the interviewee. This is however also an indication of her own view concerning the children and their situation, since the interviewee speaks of the children and their knowledge in a generalized manner which makes her own opinion perceptible during the interview experiencing the children as intelligent. By talking about them as aware individuals, an image of actors, with a capacity of influencing policy during the implementation stage, rather than passive victims is created (Murray 2006; Keselman 2009:40; Skau 2007:33; Norman 2005:198; Lundberg 2009b:75).

To a certain degree this view is also shared by one of the teachers, however in this case the respondent makes it visible that the view on the children exceeds from a mere active and involved individual to a person of age with a lot of experience.

I can't shape these boys because they carry so much. [...] I think I treat them more as adults, because they feel much more adult than my kids when they were at this age. Because they have a much greater life experience, it is almost visible on them.. not all. They are children sometimes, but rarely children. They are so burdened, not particularly difficult to get around but they are so (pause) it feels like they have a completely different baggage. (Teacher 1)

In this case the teacher approaches the children as adults, not because she questions their age, but because she compares them to her own children. It is thus

a question of child behaviour and the lack of it that influences her way of approaching these children. Halvorsen (2005:71f) comes to the conclusion after have studied unaccompanied refugee children in different European countries, where Sweden was one of the case study countries, that the frontline bureaucrats (she does not use this term) have insufficient knowledge and awareness of unaccompanied children, the cultures they come from, child psychology and development.

When executive official 2 of the Migration board was asked about the laws regulating his work and how he perceived them, a glumness entered the answer of the interviewee followed by a heavy sigh. After having shaken his head, he uttered that the daily compensation of the children was far too low. This was the only time during the interview that the respondent showed some kind of dissatisfaction towards the reception system of asylum seekers. During the rest of the interview the respondent did not criticize his own place of work nor the political system governing the reception of refugee children. Not necessarily because he did not have complaints, but most likely because of the lack of confidence in me. When asked to give a personal view on the unaccompanied refugee children he showed reluctance to speak of the subject, first by a silent pause and then by asking for the question to be explained. When rephrasing the question, the focus was more on general grounds, asking what type of children that seek asylum in Sweden. The answer was formulated in a very short and precise manner:

95% of the children are from Afghanistan and the vast majority is boys. Then there are Somalis, and among them there are some girls. (Executive official 1, reproduced based on the author's notes and memory, therefore not verbatim)

When asked for why hardly any asylum seeking girls came from Afghanistan the answer was again uttered in a reluctant way:

Don't know, maybe it depends on culture. Or that the families sends these boys to support their families. (Executive official 1, reproduced based on the author's notes and memory, therefore not verbatim)

Primarily, it is about the escape route. Many times the flight is the hardest part of everything. It can also be that one sends the oldest son to help the family financially but also to act as the one the rest of the family can seek family tie on. But mainly it is probably the flight that is conclusive and then it's very difficult for girls to come all the way. (Executive official 2, reproduced based on the author's notes and memory, therefore not verbatim)

The first quote of executive official 1 illustrates two aspects regarding the situation. Firstly, the interviewee is not comfortable and feels an uncertainty towards me. Secondly, certain scepticism, to why I ask questions about the children is detected, which is revealed by the short sentences that to some degree is repeated during the rest of the interview. However in this short extracts one of the views shared by both executive officials concerning the children is still revealed: they have been sent by their parents to secure the family's economic situation. This view is though in no way an uncommon one. Fekete (2007) gives examples in her article concerning detained asylum seeking children in Europe that government officials very often are of the opinion that children have been forced by their families to flee their home country as a way to "search for

Europe's riches" (p.96f, see also Finch 2005:60f). This view is also reflected by the Swedish Ministry of Justice which in 2004 composed an internal report concerning unaccompanied refugee children. Some of the reasons that were mentioned in the report were that the children almost exclusively had been forced by their families against their will to leave their home country, that some lied about their flight giving reasons like persecution when the real reason was of an economic matter and that it was not uncommon for the children to come with "the intention to use the Swedish reception system" (Ds 2004:54 p.17f, own translation). The term "anchor child" (Ibid; Språkrådet) is among other things a recurrent concept in this report, which also in a sense is raised by executive official 2, meaning that the children are sent alone to seek asylum so that the rest of the relatives later can come on the grounds of family connection.¹⁴

As the above mentioned quotes from both of the executive officials demonstrates, the motivation for flight does not cover armed conflict, torture, sexual abuse, imprisonment, to mention some aspects, which in fact are the most common reasons for flight (Barnets bästa främst 2010; Save the children 2005; UNHCR – Skydd till flyktingar; Bhabha and Finch 2006; Hart and Tyrer 2006; Watters 2008; Ayotte 2000; Lynch and Cunninghame 2000; Gracey 2003; Hopkins and Hill 2006). By defining the children as "economic migrants" and not as "vulnerable children" (Fekete 2007:97) the interviewees above, but also the Swedish state "legitimizes that these children do not have the same need for protection as other children in care" (Ibid).

5.3 The discretion and the dual role of the frontline bureaucrat

The discretion of the frontline bureaucrat varies depending on the forms of the offered legal framework and the role perceived by the frontline bureaucrat (Lipsky 1980:8ff; Schierenbeck 2003:28; Sannerstedt 2001; Johansson 2007:44). When asked about their experiences concerning the set of rules that regulate their work and their discretion much of the response of the interviewees turned out to be dissimilar. Some were of the opinion that they did not possess any discretion to influence the work they carried out while others argued that they could influence however by working outside the legal framework (Bastien 2009:667f). However according to several studies discretion is inevitably part of the activity of the frontline bureaucrat (Brodkin 1997:3; Lipsky 1980:16; Schierenbeck 2003:19; Johansson 2007; Handler 1992:332; Coble Vinzant and Crothers 1998:46f; Lundberg 2009b:47).

"The first lesson to be drawn from this history is an old one, namely that discretion is inherent in welfare delivery, even in the most apparent rule-bound system." (Brodkin 1997:3)

¹⁴ The term 'anchor children' is also commonly used by Norwegian government officials as a way to explain the increase in child migration (Engebriksen 2003:192).

Schierenbeck (2003) argues that both the set of rules and the dual role perceived by the frontline bureaucrat are significant for the outcome of the discretion (p.28). As mentioned in the theory chapter 4, the dual role according to her can be categorized in different aspects; “the rule supporter” (Ibid p.127), “the rule interpreter” (Ibid), “fellow being” (Ibid p.149) and “government official” (Ibid p.150). It is therefore interesting to look at how the interviewees perceive the set of rules in a way to approach an understanding of the dual role.

5.3.1 Rule supporter & rule interpreter

According to Johansson (2007:63) the strict application of the set of rules has both delimitating as protective characteristics. The delimitating aspect makes it almost impossible for any kind of exceptions to be made in any single case, while the frontline bureaucrat on the other hand can seek protection behind the rules (Ibid). Thus the frontline bureaucrat is not made accountable for any immoral standpoints and consequently all compassionate considerations are set aside: “He does not act, he handles”¹⁵ (Ibid, own translation).

This was made visible while talking to the executive official 1 of the Migration board who gave an example of how the children sometimes misunderstood a situation believing that the trustees had a lot of power when seeing them interacting with him during longer exchanges of views.

E (Executive official 1, reproduced based on the author’s notes and memory, therefore not verbatim): But that is not true. They make theirs and I do mine. I follow the laws, period. I do not take any decisions, I follow the laws.

M (me): *So you mean that you do not have any discretion at all?*

E: No, I follow the laws.

M: *Which laws do you mean?*

E: LMA¹⁶.

M: *Is there anything in that law that is difficult to interpret that might open up for discretion?*

E: The legislative text is quite specific. And when it’s not, I follow the practice.

M: *Which practice?*

E: For example, the way the court has ruled. There are very many cases one can take under consideration (shows with his hands on a large scale), but also in line with the experiences of my workplace.

The short answers following each question makes it visible that the respondent wishes to keep the conversation short. There can be several explanations for this. For example the respondent might not feel comfortable being interviewed, he might be uncertain regarding my intentions and/or it could also be a matter of tactics to keep the interview relatively regulated. The short sentences however bring to light that the interview is not flowing unforced. By emphasizing that he follows the law (which is repeated three times in this short extract), he even says

¹⁵ “Han handlar inte, han handlägger.”

¹⁶ The law on the reception on asylum seekers and others, see Lag 1994:137

“period” in an attempt to make a stop in the conversation concerning the issue of discretion since he means to say that he does not take any decisions whatsoever. Following the analysis put forward by Schierenbeck concerning the dual role, the interviewee according to the above mentioned quotes, can be regarded as a “rule supporter”.

When asking about the set of rules, the respondents cited below were of the opinion that the rules were flexible and that there was space of action within what was regulated in the directives.

Yes, there is room for interpretation. We are people who make decisions so there must be room for interpretation. But it is not easy. (Executive official 2, reproduced based on the author’s notes and memory, therefore not verbatim)

There are no strict rules and just like any other teacher’s role one can branch off if it is needed through private talk or whatever. (Teacher 2)

The two quotes above points to the possibility of adjusting the set of rules according to the needs which are in accordance with the criteria for a flexible understanding of the directions (Schierenbeck 2003:146). These frontline bureaucrats relate to the set of rules and both stress the need of “branching off” when there is a necessity to do so. The second quote speaks of digressing from the rules, meaning that “private talk or whatever” can be legitimized. When later on asking which exact rules that apply in her work she answered as the first quote below illustrates:

I don’t know. The School law... or no... I don’t know the exact regulations in this specific job, but I have worked as a high school teacher before and I’m proceeding with the same regulations I guess. (Teacher 2)

Our directives say almost nothing. I do not think I have ever looked at the directives, I have never read them. That’s how it is, you are thrown into a job and then start to work based on what you believe is how you should do. All we know is that we grant an aid in the form of a housing and housing support. [...] Then it is said that we can’t help the children with appeals, we can’t interfere in the asylum process. But I do not know if something concrete is written about what we may and may not do. I think we all do very differently. (Social welfare secretary 1)

The second example shows that the respondent was never introduced or even got any directives on how the set of rules that regulate her work were to be followed. She was simply “thrown into a job” and works according to her common sense. The less clear the goals of the organisation, the easier it is for the frontline bureaucrat to act freely (Lipsky 1980:40; see also Bastien 2009; Schierenbeck 2003:28). By not giving clear guidelines on how to work within the authority the respondent even believes that all her colleagues work differently. This means that depending on which one of the social secretaries the client is assigned to, the variation in method of working differs greatly. By putting general goals into operation through for instance educational programs or continuous meetings with working colleagues and managers, according to Lipsky (1980:49) different forms of ambiguity between the forms of working within the same office can be limited.

The uncertainty or lack of knowledge of which rules that regulate the work mentioned in both of the quotes above makes it difficult to even speak in terms of rule interpreter or rule supporter.

How are the set of rules then put in practice? Frontline bureaucrats are characterized by widely using their discretion but some of the respondents represent an authority where their discretion is used in more limited forms combined with operating outside the regulatory framework.

And sometimes I wish that I could do just what was required, but it would also mean that I would not be able to keep working. I can't work like a robot, as a cold person. I want to do as much as possible. It gives me a certain space of power to find solutions and short cuts in the system. (Social welfare secretary 2)

The interviewee above speaks of "space of power" and finding solutions within the system. The boundary of breaking the rules or using discretion within the regulations is not always crystal clear. The power of frontline bureaucrats lies in having a bridge-like quality that goes beyond the borders of the prescribed work: they both have first-hand information concerning the clients as well as the possibilities of the organisation which are available in meeting the needs of the client (Johansson 2007:45; Lipsky 1980:24; Schierenbeck 2003:34). So when speaking of the power that the frontline bureaucrats possess, working outside of the restrictions of the authority also is relevant if one wishes to study their influence. However, this does not mean that they are using their discretion since it refers to the set of rules only.

In the following paragraph the same respondent speaks of working outside the legal framework.

I believe that my work restricts my life, for example, that I can't do everything that I would like to do with my life. I may not, for example be engaged in my leisure time in different non-profit groups that work for these children, I may not be a trustee, I can't hide children, I can't help financially, there is much I can't do. I can't give advice and support if it is not anchored in the authority. And it affects me negatively. Then when I do these things anyway, as I have done, several times, then I do it anyway because I think it is the best for this young person and because I know that very little is needed to support this youth. But it is hard, one is needless to say human too and not just authority. (Social welfare secretary 2)

Baily and Brake (1977:23) argue that one of the ways to cope with the difficulties within the social welfare is to develop a radical social work. By understanding the oppressed situation of the clients in connection with the social and economic structure they live in, Baily and Brake believe that the forms of creating a radical social work can be delivered. Leonard (1977:76) continues within this line of thought by including the consciousness of the individual concerning the working conditions as an important aspect of a radical work.

Moreover the aspect of being human and not only authority is raised by the respondent which will be further developed in the next chapter.

The same frontline bureaucrat continued on the topic of resistance in her workplace by saying:

We gladly say that we work with the Social services and we gladly say that we work according to the best interest of the child but in fact we work for the Migration board. And our decisions can never go above their decisions. We run refugee camps in the name of the Migration board, we have just disguised it in the Social services. And that is why I refuse to work according to them. It is like a love-hate relationship to work. (Social welfare secretary 2)

The interviewee above implies that her work does not conform to the best interest of the child, which is explained by her work being prioritized below that of the Migration board. To her, there is thus an antagonistic relation between the principle of the best interest of the child and the work conducted by the Swedish Migration board.

The interviewee also speaks of the paradox of working as a social welfare secretary when they actually are running refugee camps. The goals of the Social services shall with point of departure within the foundation of democracy and solidarity among others, promote human “equality of living conditions” (SOSFS 2003:20) and “active participation in society” (Ibid), and the activity of the Social services shall be based on “respect for people’s autonomy and integrity” (Ibid). According to Wahlberg (1997:189) it is not uncommon that social workers¹⁷ find what is said in the Social services Act to be conceived of more as rhetoric than as actual goals. The above mentioned quotes illustrate how the interviewee not only sees her work as problematic but she also says that she therefore refuses to work according to “them”, which in this case both means the Social services and the Migration board since she sees them in a synonymous relation.

Despite the difficulty in determining the exact form according to the categories set up by Schierenbeck (2003) of rule supporter versus rule interpreter, whether or not they know the rules that apply to their work and whether or not they digress completely from those rules, it can without a doubt be said that these frontline bureaucrats, except for executive official 1, can be interpreted as rule interpreters.

5.3.2 Government official & fellow being

By having little or no contact with the client they are easily “de-personified” (Johansson 2007:60, own translation; Wahlberg 1997:189) by the frontline bureaucrat. Within the social process of change that constructs the client it is thus not uncommon within the organisation to speak of the clients as cases (Ibid; Lipsky 1980:59f; Schierenbeck 2003:33; Skau 2007:46f). According to Skau (2007) one important aspect in the transformation of becoming a client is that the client shifts from being a “subject to object” (p.45, own translation) and that someone other than oneself is decisive for one’s doings. However they can also be “re-personified” (Johansson 2007:61, own translation) through continuous contact with the frontline bureaucrat, meaning that the more often the clients come in contact with the frontline bureaucrats the more often they are viewed as unique individuals (also see Lipsky 1980:71ff).

Schierenbeck (2003:50) argues that the difference between being a “fellow being” and a “government official” (Ibid) lies in meeting the needs of the client as opposed to working with forcing measurements in a way to approach the needs of the organization.

¹⁷ Wahlberg (1997) refers to social workers as the work of most social welfare secretaries which is within the institution of the Social services (p.24).

When asked if executive official 1 had ever been emotionally engaged in a child he answered:

I distinguish between my feelings and my work. I'm good at keeping my emotions here (shows his hand in front of him on the table). It is dangerous to show feelings because then it can arouse hope to the children that I can influence. But I can't. (Executive official 1, reproduced based on the author's notes and memory, therefore not verbatim)

The interviewee expresses a danger of showing feelings, since it can "arouse hope" to the client. His intention is thus to be as honest as possible, where showing any emotions to him hurts the children rather than it helps them. By not showing any feelings the professional conduct concerning the relation with the client becomes impersonal. But not only is it a question of being objective and detached, this way of approaching the client makes it difficult for the frontline bureaucrat to act as a fellow being. According to Andersen (1990) this means that "professionalism has ended up in opposition to the ethics of humanity" (cited on Andersen in Skau 2007:32, own translation). It is however important to emphasize that this does not automatically mean that the interviewee is inhumane just because he strictly follows the rules and shows no feelings at work (see Hummel 1982). It only shows that through the protection of the set of rules, his "inhumanity", as Johansson (2007:63 and footnote p.198) refers it to, or his role as government official is situational.

Being professional and acting as a fellow being does not automatically exclude each other (Skau 2007:33). Caring for the client is an important component within "good professionalism" (Ibid, own translation). It is a question in itself if it is better or not to show feelings as an executive official. However by automatically seeing his job and his feelings as two opposites he not only gets less involved personally in the lives of the clients but it probably makes his job easier to handle. However, does he in this case work according to the needs of the client (see Schierenbeck 2003:50) or his own needs?

Following the description put forward by Johansson (2007:42) concerning the discretion of the frontline bureaucracy, discretion can not merely be a question of a small manoeuvre within the frames of a specific output. The discretionary practice of the frontline bureaucrat must be of a larger influence. Following Johansson's analysis, executive official 1 does not perceive having any discretion in his daily work since he simply is the messenger according to the quote below.

But I think it's good that everything does not fall within the same unit. It facilitates my job since I'm not making any decisions. (Executive official 1, reproduced based on the author's notes and memory, therefore not verbatim)

However, if looking at it from the perspective of how service to the client is provided, both when it comes to the type of communication between the involved parties but also in terms of time signifying when the communication is made, inevitably there is a freedom of action within the legal framework. Since the frontline bureaucrat above for instance is responsible for the practical collection of any information for a conceivable age assessment (see chapter 3.4.1), the internal notes, the way of asking the questions during such a hearing and also the very ambiance during that precise meeting which depending on the mode can have different effects on the client, there is a strong reason to speak of a certain

degree of discretion. Thus the perception of having or not having discretion does not influence that there is actual discretion at hand (Lundberg 2009b:47).

One of the frontline bureaucrats indeed recognized her space of power within her work and described it like this:

But it has happened that I have delayed a process when I know that the youth is going to be moved and does not want this. Then I can postpone the process and I also do it, by saying that their cases are not yet completed at the Social services. (Social welfare secretary 1)

By delaying a process she works according to the needs and wishes of the client since she refers to the youth not wanting to be relocated. This way of working implies that she uses her discretion in a way which gives the client some kind of a space to act before the decision of being moved is actually executed. She can be seen as a “fellow being” (Schierenbeck 2003) in contrast to the previous mentioned example above.

The same respondent spoke of the contradiction she felt in her work where the needs of the children were not the same as the ones of the organisation.

Yes, if you should do the job that is required of me, I must distance myself from the children and from their problems. Firstly, I would then have no time for them, and secondly, it would be too devastating emotionally. It is sick, and I think all my colleagues feel the same way, that one goes in periods. That one puts the work aside and devotes oneself a little to the children and then when it gets too hard you have to take a step back and think: now, I devote myself to the job. (Social welfare secretary 1)

This extract shows the perception of the dual role as debilitating. Her role is seen as conflicted since the needs of the client and the organisation stand in conflict with each other, something she perceives to constantly be the case (Schierenbeck 2003:48ff). But not only is there a conflict between the needs of the client and the organisation, she also expresses that she either works for the children *or* the organisation, never both of them at the same time. By saying “now, I devote myself to the job” indicates precisely that caring and dedicating time to the clients does not seem to be involved in her daily work.

The interviewee cited below meant that the conflict was something she even took with her home, since she experienced difficulties releasing the grip of her work after working hours.

I take it home many times and it affects me negatively. Then I wrestle a lot with the managers I have to follow, rules and regulations to follow and other authorities to follow, which have precedence over my job. And that makes one feel powerless, that one can't do all that one wants for ones clients¹⁸. [...] My work sometimes gets a bit pointless, it seems pointless to me to maintain a system I do not really believe in. And I ask all these questions and disturb in their lives, without a real purpose, because I still can't do anything. I can't go against the Migration board, I can't go against BUP¹⁹, I can't do what I think is best. (Social welfare secretary 2)

In this case the frontline bureaucrat conceives the dual role as debilitating, since she sees the conflict to be in the centre of her daily work, constituting a fundamental component that constantly had to be taken into consideration within

¹⁸ The interviewee has the questions in front of her which probably explains why she uses the term ‘client’.

¹⁹ Child and youth psychiatry

the frames of the exercise of authority (Schierenbeck 2003:49). The feeling of not being able to work sufficiently is expressed. Speaking about the rules and regulations that have priority above her work shows that she is in a situation where she feels divided. Private issues and matters are made objects of intervention from the public side (Skau 2007:45), which the interviewee feels frustrated about referring to her asking questions and disturbing the children's lives. Thus "[t]he private is de-privatized" (Ibid, own translation). The last part of the extract voices the feeling of uselessness which shows the very complexity of the dual role that is characteristic for their work situation (Ibid p.150).

Coming back to the frontline bureaucrat of the Migration board it became clear that the defining process became a bit more multifaceted when he spoke of his job being facilitated since he did not see the children as a stack of cases, but as individuals. On the question if the CRC was assumed in the daily work he answered:

Well we use it. The best interest of the child is the Migration Board's goal and all of our work is done to meet it. The children have the very same rights as Swedish children. When they sit in front of me, I see only people. So the CRC shall apply all the time. (Executive official 1, reproduced based on the author's notes and memory, therefore not verbatim)

When answering the question concerning the CRC the interviewee above first answers by saying that "we use it" instead of referring to himself and continues speaking of the goal of the Migration board. It is first when speaking of seeing people in front of him that he talks of himself and not the organisation he works for. By talking from the stand point of the Migration board and not his own way of working it can be interpreted as if he identifies himself with his work place (Lipsky 1980:15f). The interviewee nevertheless says that he only sees people in front of him, which I interpret as if he wants to explain that he does not categorize or for that matter depersonalize the children. My understanding is that he wants to clarify that he is not working like a robot (see Hummel 1982) and that he sees each individual case. Given that the Migration board has been criticised extensively especially when it has come to matters concerning children (Lundberg 2009b:51), it can be understood that the interviewee wants to defend himself by expressing that he only sees people. This specific sentence shows the complexity of working on the one side strictly according to the regulations but on the other side to seeing the children as individuals and not as cases. Thus the aspect of being a government official or fellow being seems to be a bit hard to pin down. However, he also expresses the view that the children have the same rights as "Swedish children", which was not shared by the other respondents. By creating a distance to the children and by not showing any emotions, as he himself says he never does, he probably does not establish closeness to them. So when arguing that unaccompanied refugee children have the same rights as "Swedish children", this can be understood as an indication that the respondent because of the maintained distance, does not establish a relation of trust, which according to Kohli (2005) is necessary for creating an understanding and be given entry to the children's lives.

Executive official 2 was asked if she ever had felt that the decision-making process was difficult and how she proceeded in those cases.

I have worked with this long enough and think that I have learned to inspire confidence while getting the children to loosen up as much as possible. In the end, I like my job. [...] It is always difficult, really. I work mostly with PUT²⁰ cases and there the difficulty lies in classifying the type of PUT. Then it is quite another thing when it comes to cases that are not PUT, i.e. deportation. One does not want to deport if it is not justified. (Executive official 2, reproduced based on the author's notes and memory, therefore not verbatim)

This response illustrates different aspects. The respondent is of the opinion that she has due to her long experience of working with refugee children found a way to work so that she "inspire[s] confidence". The respondent mentioned that it was difficult when entering the investigation interview with the children and making them speak as unstrained as possible. However she felt that she had gained enough knowledge from her ten years of working solely with unaccompanied refugee children. Since she only sees each client once, it is according to Johansson (2007:60f) difficult to establish a relation where the client is seen as a unique individual. The client is therefore easily "de-personified" (Ibid p.60). When looking at the second part of the response the interviewee does not mention the children once but focuses on the difficulty of arriving at a decision. By saying that she mostly works with "PUT cases" the children are spoken of in an objective manner (Johansson 2007:60; Skau 2007:45). Furthermore she speaks of not wanting to deport if it is not justified. This can be interpreted that she works according to the needs of the organisation rather than the needs of the client (Schierenbeck 2003:50) since it is difficult to see that a refugee would find it justifiable to be deported. The interviewee mentions that it is always difficult in the process of decision-making. However it does not appear that the interviewee finds her work to be debilitating (Ibid p.49), she rather enjoys her work and it seems as if she is content with her working situation.

When speaking with the frontline bureaucrats working in the school about how they handle their position between the client and the teacher's role, the answers poured out of the respondents.

I feel that I am both a fellow being as well a teacher and it must be this way. If something suddenly happens then one is fellow being and one sits and talks. It is more important than being busy working with verbs. It can take five minutes, it can take one hour, it doesn't matter a damn. (Teacher 2)

And it can happen outside the class room, it might happen exactly at twelve o'clock when they are supposed to leave. And then one calls the housing personnel and asks them to put some food aside and then one sits down and talks. And sure, then one has moved to become a fellow being. It is necessary, because otherwise there is a very fragile person in the class the following day. (Teacher 1)

Both the quotes above point to the dual role not being debilitating since the role of being a teacher *and* a fellow being do not contract each other for the interviewees. Since these frontline bureaucrats meet the children they work with more frequently than any of the other frontline bureaucrats in this study, a closer relation towards the clients is created (Schierenbeck 2003:149; Lipsky 1980:71ff; Johansson 2007:61). The teaching role is seen as partly being a teacher but at the same time being a fellow being. The needs of the individual and the organisation are thus not in conflict with each other (Schierenbeck 2003:150f). By acting for

²⁰ Permanent residence permit

instance through “talks” as a fellow being, the frontline bureaucrat is oriented towards the “individual clients needs and wishes” (Schierenbeck 2003:149, own translation). Together with the quote illustrated from executive official 1 and 2 of the Migration board, these are examples where the dual role can be conceived of as joining. The difference lies in the aspect of in this case acting as a fellow being and in the case of the frontline bureaucrats of the Migration board acting as a government official.

5.4 Just like ‘national’ children...

According to Watters (2008:69ff) it is not uncommon that unaccompanied refugee children are doubted for the accounts they give during the hearings with immigration offices, but also in other circumstances, and refugee children are among other things repeatedly forced to undergo a process of age determination (Rädda barnen 2005:20ff). The most common form of age determination is made through examinations on teeth and bones, where “the margin of error can sometimes be as much of as 5 years on either side” (Watters 2008:72, see also Mitchell 2003:182). Age determination is thus a very complex and controversial process also talked about as an “inexact science” (Watters 2008:72; Bhabha and Schmidt 2006:117; Mitchell 2003:182; Rädda barnen 2005:20ff).

The age can also be revaluated respectively devaluated through interviews, where e.g. the Home Office in the UK has given the instructions to treat a person whose appearance suggests an age of over eighteen as an adult (Watters 2008:73). Since the practice of determining the age begins from the first time the refugee child sets its foot in the immigration office (Mitchell 2003:183), it is of crucial importance that the child understands all the questions asked by the executive official *and* that the interpretation is made accurately. Olga Keselman (2009) has in her dissertation focused on the work of the interpreter and has shown, that much of the information from the authorities to unaccompanied refugee children but also the other way around gets lost, is misunderstood and at times also gets distorted. What seems to be a recurring phenomenon is that the interpreters often take the liberty of adding or removing information instead of interpreting literally what is said (Ibid p.41; see also Ayotte and Williams 2001).

The executive officials spoke of the interpreters as well.

With the interpreter it’s not always easy to know if the children understand. It is required of me that I constantly look at the child and through its facial expressions try to make out if she/he has understood what has been said. (Executive official 1, reproduced based on the author’s notes and memory, therefore not verbatim)

As for the interpreters, I think that many times they could be better and child-adapted²¹. With child-adapted I do not mean that they are trained in child psychology, but that they have been through so many cases involving children so that they have learned how to work correctly. (Executive official 2, reproduced based on the author’s notes and memory, therefore not verbatim)

²¹ ”barnanpassad”

Both of the executive officials raised the issue of the work of the interpreters as inadequate. The first quote illustrates how the executive official has to make sure the interpretation is made correctly by looking at the facial expressions of the children while the second quote speaks of the interpreters' lack of knowledge as a problem. Since one of the pillars of the CRC is the right to be heard, the aspect of acting in the best interest of the child can thus be questioned. This will be dealt with further on in the analysis.

5.4.1 The school

The question of schooling goes beyond discussions of equipping pupils with merely basic knowledge in the sense that it is a “platform for pupils to learn and excess their human rights” (Assarson et al 2011, own translation). Schools also fill a social function providing children with a circle of contacts as well as friends and acquaintances (Utbildningsdepartementet U2009/2848/S; Skolverket Dnr U 2009/2848/S). Schools thus function as a way to gain access to society, to be involved but also for creating interfaces in a way to avoid loneliness. Education is thus a basic right for every child and it functions as a safe place for unaccompanied refugee children (Hopkins and Hill 2010:401) but also as a way to regain a “normal childhood” (Argent 1996:25).

“Schools are not only places where the basic skills of literacy and numeracy are taught, but additionally highly emotive symbols of a community’s hopes for the future. They are social hubs in which children meet and play [...]” (Watters 2008:96)

According to article 28 in the CRC all children have the right to education and this right should be realized through compulsory and free primary school. When the United Nations General Assembly Special Session on Children produced a document in 2002 on the right of education for all children, it declared that “[a]ll boys and girls must have access to and complete primary education that is free, compulsory and of a good quality as a cornerstone of an inclusive basic education” (cited on Antoniou and Reynolds in Watters 2008:111). The “right to education is not qualified in any matter by the resident or other status of the child” (Biertwirth 2005:22) and therefore the obligation of the states that have ratified the CRC is to make education free and accessible for all, no matter the response on their asylum request. This right particularly together with the principle of non-discrimination “prohibits any discrimination that hinders the access of refugee of asylum-seeking children to higher education” (Ibid).

The actual practice is often regulated through official policy directives of distinctive provisions (Ibid p.112). The European Union Council Directive has for instance set an own minimum for the standard of the reception of refugees on the question of schooling and education (European Commission 2003 article 10). First it is said that refugee children should be given access to “education system under *similar* conditions as nationals” (Watters 2008:112) continuing saying further down in the text, that “[s]uch education may be provided in accommodation centres” (European Commission 2003, article 10). The children are thus not given the *same* rights but similar rights as nationals, signifying that it

is legally legitimized to treat children differently. Secondly Watters (2008) observes that the article goes on specifying that “where access to the education system is not possible owing to the ‘specific situation of the minor, the Member State may offer other educational arrangements’” (p.112). No concrete examples on these detailed situations and little less on the other form of educational agreement are however given. A critical reading according to Watters suggest that one can distinguish a stance that legitimizes that refugee children are educated outside ordinary schools and that it is up to each member state to decide if there prevails special circumstances that may hinder the education to take place (Ibid p.112f).

When asking the frontline bureaucrats if unaccompanied refugee children have the same rights as children who are nationals, the answers focused mainly on the rights of education.

No they don't have the same rights. For example, if you just look at the school. Some have school for two hours, others have school for six hours. It differs from school to school. (Social welfare secretary 2)

According to the EU Council Directive member states can deny refugee children access to a school up to a year in anticipation of finding suitable alternatives (Watters 2008:113). The children are many times instructed separately and held away from the other children of the member state, which according to the teachers and the social welfare secretaries is a phenomenon also in Sweden (see also Watters 2008:114).

The teachers who were interviewed in this taught their classes in a high school. The class room and the refectory were the only places the children got to ‘mix’ with the other pupils during their school days. But this division not only affected the pupils, the teachers were also divided among themselves in a similar way, which made an interaction between the pupils in their school practically impossible.

If you mean if the colleagues are curious about us; no they are not. Apart from sports and art education. One there was a teacher who came and asked: “what is that?”, when I had recorded with voice recorder and it was the only interest they have shown over a year. (pause) We are the stepchildren, we get everything the last. (Teacher 1)

In this quote the respondent expresses a feeling of togetherness with the children by referring to the injustice of ‘being served the last’ through a ‘we’. The only teachers who have shown some kind of an interest in the activity of her work has thus been the sport and the art education teachers. Hence the feeling of being treated unequal also goes within the teaching staff.

While speaking with the respondent the discontent concerning how the children are treated but also how them as a whole, as a class, are neglected concerning their needs became visible, not the least when asking the teachers if they worked according to the School law.

I do not know, I received directives to go ahead just like in SFI. So it is SFI's curriculum I ‘check off’. But I can't give any grades like in SFI... Yes introductory Swedish, one could call it... And then when you talk about School laws, we don't offer any core subjects, but we offer Swedish only. (Teacher 1)

Unaccompanied refugee children are not only separated within the school environment but they are also treated differently from nationals since they only get to attend school for a shorter time a day *and* since no other school subjects are offered. According to a survey made in the UK in the year 2000, “two-thirds of local authorities had no policies related to unaccompanied minors” (Kohli 2006:2). Interestingly this seems to be also the case in the quote above, if not in terms of laws but rather rules and working guidelines affecting the work of the teachers.

The same teacher later continued when asked to further develop on the question of SFI:

No, this is a temporary school, a temporary school activity [...] this is rather a presentation of the Swedish language. This is transit, a transit school, one tries to give the basic knowledge and then one builds on upon that. (Teacher 1)

The quote shows not only that the education is temporary in its character but also refers to the school as “transit”. It can be interpreted that transit not only refers to the state during which the children wait for their asylum decision but also the activities that surrounds the children during this time. By constantly being associated with something temporary, refugee children are according to Watters (2008:107) not being motivated to work well, resulting in a negative correlation regarding the achievement of the children and the very uncertainty of their future thus causes them harm (Söderbergh 2005:15). So in a sense the state of transit goes beyond the pending of the decision from the Migration board to a state that covers in this case the everyday school life of the children.

In the beginning of the interview it became clear that teacher 1 only had worked with adult refugees and additionally the quote above makes it visible that she never had been given any clear instructions on how to work with the children, more than to proceed the way she had worked as a SFI-teacher. According to Mitchell (2003: 182) studies have suggested that refugees older than 16 are often supported by adult asylum teams rather than teams working with children. More specifically unaccompanied refugee children are often treated as adults during their reception awaiting a response on their asylum request (Halvorsen 2005:67; Floor 2005) even though this goes against the United Nations Convention on the Rights of the Child and many other treaties and laws regulating the best interest of the child (Lundberg 2009a).

There is according to Kakabadse and Kakabadse (2009:38f) a tension between human rights, which are assumed to be universal, and citizenship, as it is determined by each nation-state, where matters concerning children’s rights raises the question of whether or not it only refers to citizens of a geographical territory. According to Mikael Spång (2008:12) citizenship is because of its predetermined status unequal in its way of distributing rights and thus dismisses the idea of human rights as a global right. Similarly de los Reyes (2006:25f) and Khosravi (2006:284) stress that human rights and also children’s rights only refer to citizens within the nation-state and state-unions, and that it therefore actually is a matter of civil rights and that it lacks the universal characteristics it has been ascribed to. The quote above can thus be used as an example that the Swedish School law does not apply for the refugee children. That the same pedagogic and method of

working is used for adults as well as unaccompanied refugee children can be interpreted in accordance with the reasoning that has been conducted above on non-citizenship.

When listening to the teachers describing the situation at their work place (but also the social welfare secretaries) one aspect that comes into view is that the refugee children are kept outside of some social rooms both by the other teachers and by the pupils.

The below mentioned quote shows as an example of how the refugee children at times are treated like everyone else and sometimes, in possibly more open and more 'visible' situations, are ignored by the students at the school, who do not want to be associated with the refugee children.

The guys often go to the recreation centre and have said like this: "At the youth recreation centre we say hi to everyone, but in school they do not say hi to us." (Teacher 1)

Unaccompanied refugee children at the present school are thus treated different, both by the teachers and by the other pupils of the school. They are segregated within the school which most likely affects their dignity and their feeling of safeness, two aspects that Biertwirth (2005:22) addresses as the most important aspects entailed in education. The aspect of being segregated also touches the question of trust and inclusion (Benhabib 2004:66; Lister et al 2007:47; Mouffe 1992:30; Spång 2008; Tesfahuney 1998a). Education not only creates social hubs and admission to certain rooms, it also "enhances the life chances of children in the immediate and longer term" (Antoniou and Reynolds 2005:153). There is thus a correlation between education and social inclusion according to Antoniou and Reynolds (2005). However in the case spoken of in the above mentioned quote, it appears to be no relation of trust among the pupils and the unaccompanied refugee children of the school. The schooling situation described by the teachers with only two hours of Swedish lessons a day illustrate that the children not only are educated in separate class rooms but also that they are excluded from the other pupils. There seems thus to be little actual interaction between the refugee children and the other children of the school. Khosravi (2006) speaks of "inclusive exclusion" (p. 305, own translation) in the case of citizens who do not have a legal permit to stay in a country. Even though unaccompanied refugee children are no irregular immigrants, the aspect of being denied full access to education and being separated in schooling environments can be interpreted as a form of exclusive membership (Ibid) and/or as a "second-class citizen status" (Lister 2003:46; Hammar 1990) in Swedish society.

5.4.2 The everyday temporality within transit

It takes time... and then one asks oneself if this time in transit just is a storage. Is it just refrigerator for the boys or should they also mature during this time? (Teacher 1)

Transit has different implications for the children and also on frontline bureaucrats. "Refugee children frequently enter schools in unsystematic ways,

often at midpoints in the school year” (Watters 2008:107) where the frequency of physical moves has proven to have a negative correlation with educational achievements (Ibid p.157). Except for the issue of schooling, transit also involves housing and contact with frontline bureaucrats who work solely within the transit business. The transit-unites are supposed to function as a passageway where the applicant only is intended to stay for one to five days (MV - Årsredovisning 2004). This is however not the case since the majority of the children are kept in transit for more than three months, sometimes even up to six months which is the upper legal limit (Ibid; Barnets bästa främst 2010; Rädda barnen 2005). For many of the children the very fact that they are placed in temporal conditions where much of the activities are insufficient puts them in a state of uncertainty (Lundberg 2009b:61). This applies to their asylum case but also concerning their value in society, something that Lennartsson (2007) calls a ‘grey zone’ both in terms of a physical and mental meaning, since they do not have a stable place in neither the receiving country nor the country/ies they have fled from. According to guiding principles set up by the UNHCR in 1997 the determination of refugees must be done quickly since drawn out processes have negative effects on the physical and psychological development of children (Jacobson and Olsson 2009:30). Lennartsson (2007) argues that there is a strong connection of well-being tied to the feeling of citizenship and identity. The need for an identity is united with the recognition of human value and “loss of identity, traditions, culture and family puts the individual in a rootless state” (Ibid p.76, own translation).

Since transit is supposed to function as a passageway (MV - Årsredovisning 2004) the activities within this field are many times undeveloped and the staff working with the children have frequently shown to be uneducated in the field they work in. As an example, within this study none of the frontline bureaucrats have received any specific education in how to work with refugee children. According to Lundberg (2009:60) there is no formal demand that executive officials of the Migration board must undergo education for becoming child investigators. Between the years 2005-2006 only five per cent (150 out of 3000 employees) participated in the education concerning how to speak and interact with children. Worth adding, neither the interpreter nor the public counsel needs to have specialist competence in children’s issues (Ibid).

Engebriksen (2003) has studied the reception of unaccompanied refugee children in Norway and compared how the authorities work with this target group and other children in the Norwegian society.

“Immigration officers handling applications for asylum and family reunion are generally lawyers, experts in the interpretation of legal texts and bureaucratic procedures. Decisions concerning children’s wellbeing and psychological adaptation do, on the other hand, require knowledge and skills within psychology or child care. This expertise is mostly lacking.” (Engebriksen 2003:192)

When government decisions affecting ‘Norwegian’ children are taken the standard is that child psychologists are involved and they have a natural place in the investigative work. But this is not the case when it comes to unaccompanied refugee children according to Engebriksen (2003). However this phenomenon does not seem to be only the case within the Nordic countries. Finch (2005:63)

has among other things studied unaccompanied refugee in the UK and her study entails that immigration officers but also other personnel such as social welfare secretaries, have received no education or training neither in child psychology nor about the countries from which the children arrive from for that matter. This is alarming since it is legally international standard that:

“interviews with children should be carried out by professionally qualified and specially trained individuals with the appropriate knowledge of children’s psychological, emotional and physical development and behavior” (Halvorsen 2005:68, see also footnote).

There is very seldom an interaction between the pupils, the teachers, the schools and the unaccompanied refugee children within transit. There is additionally a problem concerning the aspects of “social networks, high mobility, poverty, placement in underperforming schools and the impact of being identified as ‘problem’ children” (Watters 2008:108). Moreover Rutter (2006) has shown in her study of unaccompanied refugee children in the UK that also other areas of problem have been identified in this context, where the children additionally this have been subjected to racism and bullying, also outside the school environment.

Even in the cases studied by Watters (2008:115) where the educational needs of the children are offered, they are yet hindered by migration laws affecting children. This is however not only the case when it comes to education and schooling. During the interviews with the social welfare secretaries in this study the superior position of the migration laws concerning not just the school law but also the Social services act has been discussed. This was among other things something one of the social welfare secretaries expressed.

We have a coercive legislation within the Social services act, but then the Aliens Act can go against it... Or like this example: in a situation where a youth is too dangerous to himself, or dangerous to others, the Law of care of young persons²² is in force. But then the Aliens Act can go above that law, despite the fact that the Social services has said that that young person is at risk of harm and self-injury. [...] In order to apply these coercive laws, it is extremely... very extreme measures are required, yet the Aliens Act goes above these laws. (Social welfare secretary 1)

The interviewee above first addresses how the Aliens act prevails over the Social services act even when the most extreme measurements, such as LVU and LPT, are taken. The fact that her expertise and her colleagues expertise have ridden roughshod over, is expressed with displeasure. This is however in no way a typical Swedish phenomena, but also Norwegian studies have shown that when there is a clash between the CRC and the Norwegian immigration law for instance, the Norwegian law always exceeds in those cases (Engebrigtsen 2003:192).

Transit involves, except for the uncertainty that the children experience awaiting a verdict from the Migration board, that there is no actual persons or authorities that are responsible for the children’s situation when something goes wrong (Barnombudsmannen; SKL – Vem ska ta ansvaret?). A report published in 2005 by the Swedish Save the Children showed that there were several

²² LVU 1990:52, Särskilda bestämmelser om vård av unga

deficiencies in the reception and in the area of responsibility concerning unaccompanied refugee children.

One of the executive officials of the Migrations board found that the effects of transit at times could be negative on the children since they had to deal with long waits and in her opinion it was better when the Migration used to be in charge of all the transit activities.

It can be really negative, sometimes it takes six months before even a reply has come and then it is obviously difficult to settle down. Some, for example, have been in XX for so long that when they later are assigned a reception municipality they do not want to leave XX since they have started to get a living here. [...] Before the Migration board was in charge of the transit-housings and it worked better than now. (Executive official 2, reproduced based on the author's notes and memory, therefore not verbatim)

Another aspect except for the long waits that was raised during many of the interviews was the lack of responsibility among the authorities involved of transit. One of the teachers of this study expressed her frustration about the transit system where there was no concrete person assigned for helping unaccompanied refugee children being included in Swedish society.

And who's responsible for channelling them in the Swedish society? Is it the housing, is it the school, is it the trustee? Whose assignment is it? As long as there is transit there will be excuses for not doing this. (Teacher 1)

The interviewee not only speaks of the lack of persons of responsibility in this case, but she also addresses the problematic of transit. She namely says that “[a]s long as there is transit there will be excuses for not channelling” the children in Swedish society. The respondent is thus of the conviction that it is the nature of transit that creates this room of uncertainty concerning who actually is responsible for the well-being and social inclusion of the children (see Benhabib 2004; Mouffe 1992).

The below interviewees spoke of the uncertainty they perceived in their daily work since even their working conditions were in a way similar to the temporary character of transit.

Except that we have the Migration board over us we also don't have any employment security at work since we are employed six months at a time. It is also a political decision that this business should not be made permanent. For this is a temporary business where there might not be any more children tomorrow. (Social welfare secretary 1)

In XX, where our work has existed since 2006 and still is regarded as temporary, the politicians don't make decisions so that it is not temporary anymore, by building long-term solutions instead of short-term solutions. (Shakes her head) And then there is this pretence that Sweden is such a good country when it comes to children, but what happens to the children who receive a residence permit? They get assigned to a municipality, they are put alone in apartments, they enter schools, they get no Swedish friends, they become almost bullied. They only have each other. There is no... what are we actually offering these children? How many are there who are really doing well? (Social welfare secretary 2)

Both of the interviewees above mention that their work is “counted as temporary” as a political deliberate strategy. In a report published in April 2011 the Social services in Sweden emphasized that it is the Social welfare board²³ that

²³ Socialnämnden in Swedish.

is responsible for investigating that the needs of unaccompanied refugee children is met (Socialstyrelsen – Rapport p.5). The quotes above indicate that the unsecure terms of employment affects the social welfare secretaries negatively which also makes one question if they are able to fulfil the measurements of responsibility mentioned in the report. The same report accentuate the Commission of the Social services saying that their work should “promote good health and social welfare and care and high-quality care on equal terms for the whole population” (Socialstyrelsen – Rapport p.8, own translation). It is further said that the reception of unaccompanied children is covered in most respects by the same laws and rules that apply to other children in care, which is why the publications of the National board of health and welfare²⁴ are often also applicable for the reception of unaccompanied children (Ibid). There is thus a discrepancy between the guiding principles of the Social welfare board and what is expressed by the social welfare secretaries above.

Finch (2005:63f) has shown that the quality of support offered to unaccompanied refugee children influences their ability of successfully pursuing their asylum claim. However her observed study showed that many of the children were placed in housings that were equal to “bed and breakfast accommodation[s]” (Ibid p.64) were they had to fend for themselves, thus their need for support was met poorly.

The second quote also raises the doubts of the respondent concerning the perception that Sweden is a “good country” regarding children and that the children are socially excluded from society. Lister (2003:44ff) implies that migrants who are not members of society, in the sense that they are kept out of certain rooms, are denied full citizen rights and regularly are exposed to racism (Sager 2011). “Fortress Europe” (Ibid p.46) thus excludes people who are outside the nation-state as well as racialised minorities within it (p.47), something that the mentioned quote seems to illustrate.

Participation is one of the corner stones of citizenship (Kakabadse and Kakabadse 2009; Lister 2003; Sager 2011). By giving the children the right to opinion and be involved in the planning of their everyday lives, their involvement result in “wide-ranging benefits” according to Ansell (2005:235). Furthermore she argues that the children should not just be seen as “interested participants” but also as “competent actors” (Ibid p.159ff), which also is Watters’ (2008) main conclusion: the children should be taken seriously and be seen as “competent interpreters of their own lives” (Ibid p.187; also see Lundberg 2009b:75).

Concerning the question if unaccompanied refugee children have the same rights as other children in Sweden, one of the respondents in detail explained how unaccompanied refugee children are dealt with differently within the authority she works in.

There’s a very huge difference, both in the sense how we work from the authority, e.g. when one opens an investigation it must be very legally secure for the guys according to the Social services act. But we adapt it to our situation. [...] For Swedish children, it is

²⁴ Socialstyrelsen in Swedish. The National board of health and welfare is the authority that regulates and controls the work of the social services.

absolutely not okay to place a youth in an HVB²⁵ without there being a complete investigation. Then there is also the fact that Swedish children do not have the Aliens act or the Immigration board above them... It is not the real Social services that work with this target group, it is a separate part. It is sick to say so but that's how it is. (Social welfare secretary 1)

The transit accommodations and the activities that are associated to them are problematic from various points of view. Firstly transit creates a constant uncertainty within the activities, something that affects children's health but also some of the employees who work with them (see Lundberg 2009b:61). By no means is this only the case with the schooling, which in the case of this study only consists of two hours of language teaching a day, but also within other areas where the children come in contact with the Swedish welfare state. The above mentioned quote concretely illustrates how a method of work, which differs from the "real Social services", has been put in practice. "Swedish children" are not treated this way according to the respondent, illustrating the difference in government handling of 'children and children' (see Sivanandan in Fekete 2007:93).

²⁵ HVB is short for "home for care or living"

6 Conclusion

The aim of this study has been to investigate the perspectives of frontline bureaucrats in their daily work with unaccompanied refugee children. One part of this thesis has been to examine the discretion of frontline bureaucrats while the other part has been to study the perceived effects of transit on their clients.

On the discussion of discretion this thesis has illustrated that there is different forms of discretionary practice between the interviewed frontline bureaucrats. As discussed in the theoretical chapter Lipsky (1980), among others, has argued that the discretion varies depending on the authority of the frontline bureaucrat. This study confirms this, but unlike Lipsky the empirical material has not proven that the respondents always are the actual policy-makers due to their discretion. The restrictive nature of the regulatory framework is outlined among other things in the interview with social welfare secretary 2. Rather than responding to the narrow framework which she considers restricts the lives of her clients, she seeks “shortcuts in the system” by simply disregarding the rules.

The dual roles with regard to the interviewees in this study most likely influences their behavior towards unaccompanied refugee children. While the executive officials have been interpreted as government officials, the teachers and the social welfare secretaries have been recognized as fellow beings in accordance with the lines of thought developed by Schierenbeck (2003). This aspect reveals that they have different roles in the reception of unaccompanied refugee children. In the case of the Migration board, they actually have the mandate to decide whether or not the children have the legal right to stay in the country. This role of legally deciding the entry of citizenship is crucial to have in mind since the other frontline bureaucrats do not exercise this particular influence over the lives of their clients. Therefore it is not unexpected that the executive officials in this study express their relation to their clients with certain distance according to Schierenbeck’s categorisation of “government official” (2003:150). Furthermore the only rule supporter of the analysed interviews has shown to be executive official 1. However, the specific conditions e.g. of scepticism during the interview must be taken under consideration since it can have had an effect on the answers of the respondent.

A further crucial dividing line between the interviewees has been their perception of their clients: the assumptive world of the respondents is of crucial significance for the outcome of how they use their discretion (Lipsky 1980:11ff; Murray 2006:213; Schierenbeck 2003:51ff). The empirical data shows that this perception varies. Again it is the executive officials that stands out by expressing that they believe that some of their clients are economic migrants. This view is however not only shared by the two frontline bureaucrats of the Migration board, but the discussion also emerges on a more structural level (Ds 2004:54). This

perspective legitimizes according to Fekete (2007:97) that the children are treated unequal which brings the question of structural discrimination to light.

By taking part of the frontline bureaucrats' view on transit activities, the discrimination of the children has further been strengthened by a picture of exclusion. Studies have shown that unaccompanied refugee children often are distrusted in the country of arrival, something that 'national' children are not exposed to (Watters 2008:69ff). Not the least, the rights of these children primarily in discussions of education reveals how they do not enjoy the same rights as other 'nationals'. An 'us' and 'them' mirrors according to teacher 1 the daily work at her school which according to Lister (2003:47) is connected to discourses of the "Other".

On the basis of critical citizenship theories, this can be explained because of the non-citizenship of unaccompanied refugee children and thus they are included in a form of exclusion (Khosravi 2006:305). Formally, they are entitled to welfare of various kinds but the perceptions that are outlined in several of the interviews in this paper show that these rights are not fully conformed to in practice. Moreover, transit not only affects the children. The teachers express that they are excluded from the rest of the working force while the social welfare secretaries voice the uncertain working conditions which have the temporary characteristics, just like transit.

6.1 Suggestions for further research

This study has focused on different factors affecting unaccompanied refugee children's opportunities in relation to the Swedish reception. For further research, it would be interesting to deepen the knowledge of the structural factors by studying unaccompanied refugee children from an intersectional perspective: how matters of gender, sexuality, class and ethnicity affect the reception.

Other relevant areas that would be important to explore are the impacts that transit has on the opportunities of unaccompanied refugee children once they are granted residence permit or been given a deportation notice. What happens to them? How is their citizenship manifested?

In addition, it is interesting to explore the perception of unaccompanied refugee children regarding their reception and how it can be improved. Seeing them as actors rather than passive victims would give access to expertise information which is currently lacking in the academic sphere.

7 Executive summary

This thesis has been guided by two aims. The first one investigates the discretion of frontline bureaucrats within their work concerning the reception of unaccompanied refugee children. According to several studies, frontline bureaucrats have an extensive influence on the lives of their clients (Lipsky 1980; Schierenbeck 2003 and 2004; Johansson 2007; Lundquist 1998; Sannerstedt 2001). The starting point of this study, based on earlier research, is that there is discretion among all frontline bureaucrats. The purpose of this study is to investigate the limits within the work of frontline bureaucrats and how they are perceived.

The second aim is to explore the temporary characteristics of transit and the way this can be studied through the lenses of critical citizenship. More precisely the exclusionary aspects of citizenship and the margins of citizenship (Lister 1997 and 2003; Lister et al 2007; Sager 2011; Nordberg 2006) perceived by the frontline bureaucrats will be examined in this paper.

This study has been guided by the following research questions:

- What type of discretion do frontline bureaucrats perceive that they have regarding to their work with unaccompanied refugee children?
- What are the perceived limits of practice?
- How do frontline bureaucrats perceive the effects of transit on unaccompanied refugee children?

This thesis has been conducted from two methodological viewpoints. First and foremost theory has been used as guiding light similar to a theory-testing approach as defined by Esaisson et al (2007:42). Secondly semi-structured interviews have been used when interviewing two teachers, two social welfare secretaries and two executive officials of the Migration board. These are among the first bureaucrats who come in contact with unaccompanied refugee children, who in this study refers to children who arrive without any family or other custodian (Law 1994:137 Article 1).

While awaiting a decision on their asylum application unaccompanied refugee children are placed in temporal housings which in this study are referred to as transit (MV - Årsredovisning 2004, 2005 and 2010; SKL; VoB; Vårlyjus). The time spent in transit should according to the goals set up by the Migrations board not take more than three months from the time the application is received and the decision of residency respectively refusal of entry/deportation is given (MV - Årsredovisning 2010:22). This has however not been put in practice seeing that

many children wait more than three months (Ibid p.26). During the time in transit these children have almost full access to welfare (Lag 1994:137).

The theoretical framework combines notions of frontline bureaucracy together with critical citizenship theory. The origin of the frontline bureaucracy theory comes from Michel Lipsky, who developed the theory of street-level bureaucracy (Lipsky 1980). According to him they are:

“Public service workers who interact directly with citizens in the course of their jobs, and who have substantial discretion in the execution of their work are called *street-level bureaucrats* in this study.” (Lipsky 1980:3)

According to Schierenbeck (2003) there are some aspects that are important in understanding discretion, namely the dual role of “the rule supporter” and “the rule interpreter” (p.127, own translation), depending on the perception of the set of regulations as flexible or strict and “government official” and “fellow being” (Ibid, own translation), depending if the decisions are taken with regard to the organization’s goals or the client’s need and preferences.

While the theory of frontline bureaucracy and especially its concept of discretion is central for the analysis, it is supplemented with perspectives focussing on citizenship and the rights of the unaccompanied refugee child as clients. A more recent migration oriented citizenship theory focuses on non-citizen residents or people moving between nation-states i.e. those on the margins of citizenship (Lister 2003:43; Khosravi 2006; Sager 2011). Unaccompanied refugee children are thus analysed through the notion of non-citizenship.

In analysing the answers of the interviewees certain categories have been established: 1) the perception of the client, 2) rule supporter vs. rule interpreter 3) government official vs. fellow being, 3) the perception of discretion and 4) the perception of the effects of transit on their clients.

This study comes to the conclusion that all the interviewed frontline bureaucrats have discretion in their daily work, however not by saying that they perceive to have discretion. One of the executive officials of the Migration board for example argues that he “only follows the rules” and therefore does not possess any discretion.

The discretion of the interviewees though varies depending on the authority of the frontline bureaucrat, just the way Lipsky (1980) has argued. However the empirical material has not confirmed that the respondents always are the actual policy-makers which is one of the main conclusion raised by Lipsky. Rather restrictive regulatory frameworks and resistance in the form of disregarding the rules is brought up in the analysis. One of the social welfare secretaries among other things spoke of finding “shortcuts in the system”.

The dual roles with regard to the interviewees in this study most likely influences their behavior towards unaccompanied refugee children. The executive officials have been interpreted as government officials and the teachers and the social welfare secretaries have been recognized as fellow beings in accordance with the lines of thought developed by Schierenbeck (2003). This aspect reveals that they have different roles in the reception of unaccompanied refugee children. The difference mainly lays in the fact that the Migration board actually has the mandate to decide whether or not the children have the legal right to stay in the

country. Therefore, it was no unexpected that the government officials of the Migration board have expressed their relation to their clients according to Schierenbeck's categorisation of "government official".

Further the perception of their clients varies were the idea of "assumptive worlds" (Murray 2006:213) has been incorporated in the thesis. According to Murray (2006:220) it comes down to a categorization of the clients and the interesting aspect is thus to find out if the viewpoint is shared by most or simply by a few frontline bureaucrats. In this way it can be ascertained if the assumptive world in the specific studied case is a structural or individual phenomena. Again, here it is the executive officials of the Migration board that stood out seeing that they expressed that some of the children are economic migrants. This view is however also raised by the Swedish Ministry of Justice which in 2004 composed an internal report concerning unaccompanied refugee children. According to Fekete (2007:97) this view legitimizes that unaccompanied refugee children are treated unequal since they are not seen to "have the same need for protection as other children in care" (Ibid).

After having discussed the dual role of the interviewees the analysis continues by addressing the last research question, namely the perceived effects of transit on the clients of frontline bureaucrats. Unaccompanied refugee children are often distrusted for the accounts they give during the hearings with the immigration offices and in several cases the children are been forced to undergo a process of age determination something that 'national' children do not have to experience (Watters 2008:69ff).

A picture of discrimination and exclusion is made visible through the responses of the frontline bureaucrats. Specifically in the case of education it becomes visible that these children do not enjoy the same rights as 'nationals' since they do not have access to education despite their rights and that they are excluded from the rest of the pupils in the school environment. The aspect of being treated differently has been analyzed through the lenses of critical citizenship theory where the exclusionary aspects of unaccompanied refugee children as non-citizens are exposed according to Lister (2003:47). Khosravi (2006:305) argues that citizens who lack the legal permit to stay in a country are included in their exclusions. This has also been applied to the studied unaccompanied refugee children where a "second-class status" (Lister 2003:46; Hammar 1990) in Swedish society has been discussed.

This thesis has also shown that the transit activities not only affect the children but also some of the respondents. The teachers voiced their exclusion from the rest of the working force and one of the teachers argued that they were the stepchildren since they received everything the last.

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9 Appendices

Appendix 1



Pouran Djampour
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Studie kring tjänstepersoners erfarenheter samt handlingsutrymme i enskilda ärenden

Mitt namn är Pouran Djampour och jag skriver för tillfället min masteruppsats i statsvetenskap på Lunds universitet. Fokus i uppsatsen ligger kring tjänstemäns erfarenheter av att jobba med ensamkommande barn.

Enligt "bottom-up"-teorin om "street-level bureaucracy" har den enskilda ämbetspersonen ett någorlunda stort handlingsutrymme att påverka avgöranden som berör klienterna (se bland annat Michael Lipsky 1980). Däremot har tjänstepersoner knappt eller inte alls något handlingsutrymme enligt den traditionella "top-down"-teorin, där regelverket inte lämnar några luckor för tolkning eller handlingsutrymme.

I denna studie ämnar jag att pröva dessa två teorier för att se hur det förhåller sig i mitt empiriska underlag, vilket består av intervjumaterial. Utöver detta är jag intresserad av att studera transit och dess effekter på ensamkommande barn, och därför skulle jag även vilja fråga kring transitverksamhetens karaktär.

Studien fokuserar på tre intervjugrupper som består av handläggande personal vid Migrationsverket, socialsekreterare samt lärare som alla jobbar med eller handlägger ärenden som berör ensamkommande barn. Tanken är att sammanställa alla intervjuer för att ge en nyanserad bild av olika tjänstepersoners erfarenheter. Jag har ingen avsikt att namnge några personer, så alla uppgifter såsom namn på personer samt orter kommer att tas bort i arbetet.

Intervjun kommer att ta mellan 30-60 minuter och det är upp till personen som blir intervjuad om jag får använda diktafon till inspelning eller ej. Formen för intervjun kommer att följa mallen om semistrukturerat frågesamtal, vilket innebär att vissa frågor kommer att vara förbestämda varpå följdfrågor samt utvecklande av argument kan komma att bli aktuella i de fall som intervjupersonen uttryckt sig för intervjuaren oklart.

Nedan följer några av de frågor som kommer att ställas under intervjun.

- Hur länge har du jobbat som XX?
- Vad är din arbetsuppgift?
- Beskriv regelverket som du jobbar ifrån.

- Är regelverket tydligt utformat?
- Hur stort är ditt individuella inflytande när det kommer till ditt arbete?
- Vad vet du om ensamkommande barn?
- Har din uppfattning om ensamkommande barn förändrats sedan du började jobba som XX?
- Upplever du att nationella och ensamkommande barn har samma rättigheter i Sverige?

Detta är det ungefärliga upplägget på intervjun, men som sagt med undantag för följdfrågor så kan även utvecklande frågor komma att bli aktuella.

Jag hoppas att det finns intresse för att delta i denna studie och jag vill betona att jag värdesätter intervjupersonernas delaktighet samt erfarenheter högt. Studien ska sammanställas i mitten av augustimånad och därför skulle intervjuerna om möjligt genomföras så fort som möjligt.

Vid eventuella frågor kontakta mig gärna per email eller mobil.

Med vänliga hälsningar
Pouran Djampour

Appendix 2

Intervjufrågor:

Om intervjupersonen:

- Hur länge har du jobbat som XX? Vad gjorde du innan?
- Kan du kort beskriva vad du jobbar med och hur en vanlig arbetsdag ser ut?

Regelverket och handlingsutrymme:

- Beskriv regelverket du jobbar ifrån?
- Är regelverket tydligt utformat eller finns det delar som kan tolkas olika?
- Tror du att dina kollegor fattar precis samma beslut i ett givet fall? Vad tror du påverkar?
- Har du någon gång upplevt att dina direktiv har varit jobbiga att följa/att de är dåligt utformade?

Klienten och transit:

- På vilket sätt jobbar ni efter Barnkonventionen i ert arbete?
- Vad är ditt intryck av ensamkommande barn? Hur uppfattar du dessa klienter?
- Har din bild av ensamkommande barn förändrats sedan du började jobba som XX?
- Upplever du att nationella och ensamkommande barn har samma rättigheter i Sverige?
- Hur uppfattar du att transit påverkar de barnen du jobbar med?