

# UNACCOMPANIED MINORS (UN-)MADE IN SWEDEN

UNGRIEVABLE LIVES AND ACCESS TO RIGHTS  
PRODUCED THROUGH POLICY

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بنی آدم اعضای یکدیگرند      که در آفرینش ز یک گوهرند  
چو عضوی به درد آورد روزگار      دگر عضوها را نماند قرار  
تو کز محنت دیگران بی غمی      نشاید که نامت نهند آدمی

*All human beings are members of one frame,  
Since all, at first, from the same essence came.  
When time afflicts a limb with pain  
The other limbs at rest cannot remain.  
If thou feel not for other's misery  
A human being is no name for thee.*

- Persian poet Sa'adi, in translation of Edward Eastwick

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---

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## Abstract

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On 24 November 2015, the Swedish prime minister announced a new, restrictive asylum policy with the explicit aim of placing Sweden at the EU minimum level in terms of refugee reception. A temporary Aliens Act minimized the right to asylum and family reunification. At the centre of the policy debate was the figure of the unaccompanied minor. In this thesis, the meanings associated with the concept of unaccompaniedness in Swedish legislation is explored in order to critically analyze the changes that took place during and after 2015.

With a theory-method design drawing on post-structural policy analysis and discourse theory, seven government bills are analyzed together with interviews with welfare workers/activists and young persons affected by the policy changes. What the government bills have in common is the centrality of the concept of unaccompaniedness. The reforms are positioned at the intersection of social work and migration policy: custodianship for asylum-seeking unaccompanied minors, reception in municipalities under the Social Services Act, construction of alternative “Supported Housing” services aimed at this target group and other youth, age estimations in the asylum process and exception rules as a path to residence permits based on participation in upper secondary education.

The main results indicate that the way in which unaccompanied minors are described as different from children in general and thus in need of other support and other rights, has existed long before the restriction laws from 2015. The discursive formation with a specific position for unaccompanied minors has thus not undergone a total transformation. Rather, additional layering of meanings associated with the concept has been added. In the reforms from 2005-2006, unaccompanied minors are mainly regarded as grievable lives due to the vulnerability associated with their specific migration experience and being without guardians. Through various political logics, where economy and anti-immigrant sentiments have an impact, subjects are increasingly excluded from this position. They are attributed negative associations and disqualified from being both children and vulnerable. This demarcation defines who can be a "real" child and thus a grievable life with the right to protection and rights. The exception rules that were presented in 2017-2018, acknowledge the precarious position created through the restrictive reforms. A pathway to residence permit through participation in upper secondary education was provided. Thereby, the figure of the unaccompanied minor was also re-invented from a child refugee to an international student and potential labour migrant. In this thesis, it is argued that lives are constructed as grievable and not through specific meanings given to the term vulnerability in relation to concepts of childhood, borders, racialization and the nation. Through these processes of meaning-making subject positions are shaped and access to rights defined. However, policy is produced in a political context and dependent on social practices. Thus it is relevant to see the reforms in relation to social work practice, social movements and the populations affected, who through acts of citizenship and of solidarity challenge the dominant border regime.

*Key words:* unaccompanied minors, borders, migration policy, social work, WPR, asylum, acts of citizenship, jouissance, anti-racism, solidarity, ethics

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## *Prologue*

In August 2018, I visited a reception centre for asylum seekers run by the Swedish Migration Agency. There I met a number of young persons who had been registered as unaccompanied minors upon their arrival in Sweden, but, due to recent changes in legislation, were no longer in the care of social services. For these individuals, it meant going from being provided with housing, adult support, food and financial aid, to various levels of minimized or no benefits. Those who were still in the asylum process had the right to stay in this centre for adults and they received financial aid to cover their expenses for food. Those who had their asylum claims rejected were granted neither housing nor aid. These were young persons who, through previous policy, up until recently would have been granted permanent residence permits based on humanitarian need and the situation they would face if sent back to their country of citizenship. Now, entangled in new policy on age assessments, restrictions in the Aliens Act and changes regarding benefits for asylum seekers, they found themselves in a situation with almost no rights. One in particular, who I have called Navid in this text, made a very strong impression on me. He had been denied a residence permit and access to benefits as an asylum seeker. He remained in the reception centre, although he had lost his right to do so, because he could not afford train tickets to go elsewhere and had nowhere to go. I asked how he went about his daily life with no financial aid, work permit or housing. He said:

*Well, like I told you, I go to my friends to eat. Sometimes I take the leftovers from other people in the kitchen and cook with them. Sometimes I only eat one meal per day, because what should I do at the end of the month? I have to save some [food].*

Navid's account, as well as the situation of the other boys I met, made me angry, sad, filled with shame and even guilt. "How did this happen?" I wanted to ask – but there was nobody to take my questions. Navid had arrived in Sweden during what was referred to in the media and political discourse as "the refugee crisis" in 2015. The policy response to this "crisis" shaped not only what rights he could access as an asylum seeker, but ultimately, what life he could live as a human being. Navid did not access benefits such as housing and financial aid, and he did not dare to go to school, out of fear of the police. He slept in his friends' room and climbed out of the window when staff from the Migration Agency came to count the residents. He received food packages from the Red Cross but they did not last a whole month. He was living in Sweden, he had just turned 18 and he had almost no access to the system of welfare. When we finished the interview and I thanked him for his participation, I said I wished I could change his situation, and that I hoped that in the long term, by writing this thesis, I would be able to somehow contribute to at least bringing attention to the precarious situation of (young) asylum seekers in Sweden. But during the car ride home, that felt very inadequate. I had a home to drive to and he had a story to share. This sense of injustice has come to be a driver for me in my research.

PART I

EXPLORING THE INTERSECTION OF SOCIAL WORK AND MIGRATION POLICY

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## 1. Introduction

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People have always migrated. And nations, for as long as such imagined communities have existed, have had different ways of dealing with this mobility of people. Until the beginning of the 20<sup>th</sup> century, Swedish policy did not regulate migration with visa requirements and border controls – it was around the time of the Second World War that such measures were introduced to stop the refugee migration from the European continent (Åmark 2016).

In recent decades, political interventions to stop and control immigration have been increasingly explicit. In the European context, this has come to be referred to as the construction of Fortress Europe – a process that was intensified during the so-called refugee crisis (Hansen 2018, Fassin 2005 & 2011). Sweden has been involved in policy changes both on a unilateral level, with EU legislation and standards for visa requirements and on a national level through reforms regarding the asylum process, refugee reception, access to welfare and the possibility of family reunification. A central strategy has been to allocate border controls to international waters or to other countries, in order to avoid the *non-refoulement* principle. This means getting around the Geneva Convention where member states agree not to return asylum seekers to their country of origin if there is a risk of harm or persecution there (Kallergis 2020, Baker 2019, Human Rights Watch 2019 & 2018, Trevisanut 2018, Convention Relating to the Status of Refugees adopted by the UN in July 1951).

My area of interest is the intersection of Swedish child welfare policy and migration policy. I come from a background of social work; I worked for eight years as a child welfare caseworker before I embarked on the journey of writing this thesis in 2015. The same year, historic numbers of refugees were reported around the world by the UNHCR, and Sweden was no exception. While public opinion initially was compassionate and inclusive, it soon shifted towards increasing anti-immigrant sentiment and ideas that the welfare system was on the brink of a collapse (Lems et al 2020, Dahlgren 2016). This shift in attitude is illustrated by how the Swedish Prime Minister Stefan Löfvén, in September 2015, during a public rally under the slogan of Refugees Welcome proclaimed that “*My Europe does not build walls*” (Löfvén 2015a). Only two months later, in November the same year, he expressed the need for a “respite” in order to save the municipalities from the perceived logistic burden of refugee reception (Löfvén 2015b). The need for a “respite” resulted in the introduction of supposedly temporary legislation with restrictions in the arena of asylum and the right to family reunification for refugee migrants (Lag 2016:752 om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige). In the following, I will refer to this law as “the Temporary Aliens Act” and this period of time as “the migratory turn”. I write in this way in order to not further emphasize the idea of a “crisis”, but rather to focus on the policy responses. This is also a strategy in order to label the events without limiting their understanding to either a continuity of previous regime(s) or an abrupt shift in discourse(s), as the term “migratory turn” suggests either or both. A number of changes in policy on national and local were put in place during the years that followed (Lundberg 2017 a).

With the migratory turn, migration policy was at the centre of the public debate, with increased attention in Swedish media and an increased polarization of public opinion regarding migration

(Martinsson et al 2018, Strömbäck et al 2017). A dominant narrative was that there was not enough room for all asylum seekers, but also that it was not the responsibility of Sweden to provide shelter for “all” the refugee migrants that arrived to Europe. The situation was not described as a humanitarian crisis because people had to flee war, but because Europe had to deal with it. In this rhetoric, the figure of the unaccompanied minor came to embody the idea of a crisis and the concept of unaccompaniedness came to be associated with doubt and threat (Lems et al 2020). A narrative was repeated about adult migrants giving false accounts of their age in order to access welfare benefits and these migrant men posing a threat to order in Europe (Pruitt et al 2018).

Against this background, I view the period and the political reforms that were introduced in Sweden following 2015 as an example of a normative conflict, between universalist claims on human rights and nationalist claims on protecting the members of the state. My point of departure is that perhaps there was not less “room” for migrants in 2015 compared to one or ten years before, but that the meaning given to the presence of migrants may have changed, thus motivating new policy approaches. The fact that an event is labelled as a “crisis” does not necessarily mean more than that this event has been emphasized in political discourse with the purpose of signalling a distinct time of urgency and exceptionality (Ramsay 2019). As already mentioned, unaccompanied minors, as well as other refugee migrants, met restrictions and ambiguous policy programs after 2015. The temporality and uncertainty associated with the position of refugee migrants is not, however, unique to these groups, but rather a condition of austerity shared by increasing populations as a result of global capitalism (Ramsay 2019). Along the same lines I argue that the withdrawal of rights and access to welfare resources is not limited to unaccompanied minors. Within the framework of Swedish welfare since the 1990s, strategies to organize the welfare state through slogans of individualization, privatization and cost-effectiveness have motivated cuts and limitations in access to many welfare institutions for different populations, both migrant and non-migrant (Lennqvist Lindén 2010, Heffernan 2006). The concept of unaccompanied minors is positioned at the intersection of social policy and migration policy. This makes policy directed towards unaccompanied minors a relevant point of departure for policy analysis with a focus on access to rights and bordering practices.

Although children were supposed to be exempt from the Temporary Aliens Act, in practice it came to have a severe impact on the lives of both children and adults. Lundberg et al (2020) show that the opportunities for unaccompanied minors to establish themselves in Sweden were minimized through the Temporary Aliens Act and other reforms that followed the “respite” (Lundberg et al 2020). Furthermore, responsibility for basic welfare services such as housing, food, care and support for refugee migrants was transferred from welfare institutions of the state and municipalities to the civil society (ibid). The number of children and young persons who were pushed out of different support systems, in terms of housing, financial aid, access to health care and education reportedly increased following the restrictions introduced during and after 2015 (Barnrättsbyrån 2018). The standards for how and when children could be deported without accompanying adults were stretched with new interpretations of what it means to have organized reception in the country of origin (Lundberg & Jansson Keshavarz 2019). The principle of *non-refoulement* seemed not only to be disrupted

but also under attack, as the question seemed to be whether we should be entitled to rights only as citizens or as human beings (Arendt 2017). The question of access to rights as a fundamental principle for human rights, citizenship and social work ethics is at the core of this thesis.

Coming from a child welfare background and with experiences of *No Border* activism that goes back to the early 2000s, my first instinct in 2015 was to leave academia before I had started my PhD program. I thought I should make myself useful on a Greek island or at the Central Station in Stockholm where volunteers were working day and night to provide the basic humanitarian aid that the state had suddenly withdrawn (Franck 2018). Family reasons, political depression and other circumstances made me decide to stay. I had also already spent many years in activism and I felt disillusioned. To paraphrase Frantz Fanon, I was utterly exhausted with shouting (1968). It is indeed tiresome to demand justice and rights, it was so in the era of colonialism and it remains so today. Yet, it is a privilege to be able to choose whether to engage or not. I therefor dedicated my research to the rights claims that were articulated by young asylum seekers. It was difficult not to critically reflect on the subject matter when the media and public debate was increasingly focused on migration (Strömbäck et al 2017, Dahlgren 2016, Bolin et al 2016). I, on a personal level, as well as part of contemporary public debate in its broadest sense, need to understand how subjects can be re-constructed within public policy as it seems, on a whim – how it is that individuals can be included or excluded from the right to rights from one day to the next.

When I met Navid and other young persons who were positioned outside all welfare networks, it became clear to me that the universalist welfare approach, for which Sweden and its Scandinavian neighbours are famous, does not live up to its reputation. Former colleagues, from my time as a caseworker for unaccompanied minors, expressed frustration, anger and depression during the years following the Temporary Aliens Act. Some quit their jobs, saying that they could not defend what they were being asked to do. The main criticism within my network of social worker friends was that they could not conduct social work in line with their professional ethics in a setting that was aimed at deportations. This frustration, which can be seen as anecdotal information, later took the form of an organized critique in new social movements, where welfare professionals, activists and newly arrived asylum seekers made demands of policy makers. Social workers played a central role in these movements together with young asylum seekers. These actions, which came to expand the space for inclusion, will be analyzed as enactments of citizenship (Saward 2013, Isin 2002).

The intersection of social work and migration policy is thus interesting because it highlights ways in which borders are thought about and practised through the policy and practice of social work. I see social work as an arena for inclusion and exclusion of subjects into communities, welfare systems and rights, and, as such, it touches on questions such as who belongs and through what conditions. It therefore becomes less sufficient to ask “how” and “why” the so-called “refugee crisis” was caused. Such explanations have already been presented in terms of numbers, volumes and economic prospects (Ostrand 2015, Esaiasson et al 2016). In the same way, rather than collecting accounts of those who were subjected to these reforms, I see a need for research which critically analyzes the logic which

*enables* these changes in policy. Such an analysis stretches from an empirical level, grounded in policy close to social work practice, to an elevated abstract level, interacting with discussions in political philosophy regarding the right to rights. The concept of grievability is a theoretical point of departure (Butler 2009). The construction of ungrievable lives refers to dehumanizing practices, ways of positioning certain subjects as less worthy of collective engagement. The pain and suffering of such subjects becomes invisible through specific discourses within which these subjects are produced. Analyzing discursive effects can mean focusing on the way access to rights is defined for such subject positions, how this is shaped by particular meanings articulated through discourse.

The way policy shapes lives means, among other things, the production of thousands of young persons in the position of Navid. While writing this thesis, I remember the grief I felt when we met, but also the shame of being a citizen, a taxpayer, a researcher in a country that treats young people the way he was treated. To me, it is not a case of deciding whether the Swedish policy and reforms after 2015 were right or not – they were obviously very harmful for many people. What is relevant is to understand how a (particular) political context enabled these reforms and to discuss the presence of ideology and ethics in the realm of social work. How lives are defined depends on the boundaries drawn around them but also on the ideological ambitions articulated in relation to the nation. Borders can be produced through acts on different levels in society, from policy to routines in a social services office (Yuval-Davis et al 2018, Balibar 2004). Inclusion in the system of welfare is also shaped through acts on different levels, citizenship enactment, assertion in informal contexts as well as extension of the formal institution of citizenship through legal procedures (Saward 2013, Isin 2008). This defines the rights that Navid and young persons with similar experiences have and ultimately shapes both their lives and the social work practice organized for them.

In the case of Navid, policy and the recent reforms shaped his access to a number of benefits – not only to a residence permit. This makes it relevant to think around the discursive effects of policy, what policy does to the persons affected by it. Limited scholarly work has been published in a Swedish context where social work is infused with theoretical inspiration from the fields of migration studies as well as critical race studies and/or anti-racist approaches, in order to analyze how migration policy affects the conditions for social work. I argue that it is of relevance, both to academia and to the contemporary professional and political debate, to further explore the relationship between migration policy and social work. Such analysis can be a way to bring light to consequences of bordering policies that refer to or affect child welfare services. Beyond the practicalities of welfare distribution, the fears and fantasies caught up in the concept of unaccompaniedness expose how it is possible to become a subject whose life is worth grieving, how this position is conditioned and limited by access to rights. On the other hand, processes of inclusion and exclusion show what subjects can be excluded from the right to have such rights. What is really at the core of this thesis is thus a question of humanity and what lives are constructed as (un-)grievable through migration and welfare policy.

## 1.1. Aim and research questions

In Swedish migration law, reforms have been continuous with new asylum policy in 1989, again in 2006 and 2015 and ongoing. These changes in policy have reorganized access to residence permits, but have also brought about shifts in the meaning of key terms such as “generosity” (Abiri 2000). To be a generous nation in response to refugees and human rights in a more general sense has been central to the Swedish national self-image – an ideal that is increasingly challenged with more nationalist, racist and anti-migrant sentiments (Hübinette & Lundström 2020). The seemingly continuous reforms of migration law and the shift in attitude described both in relation to migrants and asylum seekers made me curious to explore the process leading up to new policy. I am interested in what makes it possible (or not) to produce a policy program at a moment in history – how certain demands become hegemonic and others perhaps are marginalized or silenced. A central idea to this thesis is thus how a phenomenon becomes articulated as a “problem” and a particular policy is formulated as its “solution” (Bacchi & Goodwin 2016).

Within academia, the concept of unaccompanied minors has become almost a buzzword in recent years in numerous fields. The fact that a theme becomes popular to write about does not in itself mean that it is more important or prioritized than other topics (De Genova et al 2016, Glick Schiller & Salazar 2013). It is therefore relevant to ask if yet another thesis on unaccompaniedness is necessary. My answer is that it is, because in my work it is not the unaccompanied minors themselves that are the object of research, but the policy and how it shapes conditions in which subjects are constructed as unaccompanied (Keshavarz 2018, Sager et al 2016). It is the processes through which persons are made and un-made unaccompanied minors and the consequences of such categorization that are analyzed, rather than the individual. My contribution is hence to introduce such analysis, by combining critical border thinking with social work research, which I hope can inspire further discussions on politics and ethics within both professional and academic arenas.

Through an analysis of government bills and other policy texts, I look to see if and how there are shifts in how unaccompaniedness is given meaning, and how the concept is positioned in relation to other concepts and subjects (borders, rights, children with parents/non-migrant children/non-child migrants etc.). Unaccompanied minors function as a figure at the intersection of social work and migration policy, which triggers ideas about citizenship and access to rights, grievability, racialization and fantasies about the Swedish nation and “Swedishness”. As such, the concept of unaccompaniedness provides a point of departure from which to explore and analyze policy processes where social work ethics and bordering practices coincide or collide, to identify discursive claims and counter-discursive action and to analyze social work as an arena for bordering but also for resistance.

In order to focus on the process of change over time, a broader time spectrum than the precise year of the migratory turn in 2015 is included. The time line for my selection of material goes back to 2005 and the first legislation that was formulated specifically with unaccompanied minors in mind (Prop. 2004/05:136). The policy selected in this analysis includes both refugee reception (in the arena of child welfare and the Social Services Act) and asylum policy (in the arena of migration law) produced



until 2018. The time-line stops there for methodological reasons: reforms are, as mentioned above, a continuum in migration policy, but for the sake of limitation, I selected the Upper Secondary Education Reform in 2018 as the last policy process to be included (Prop. 2017/18: 252).

Unaccompanied minors are met with policy responses at the intersection of migration policy, social policy and child welfare policy. The case of unaccompaniedness thus illustrates how the governing of migration is not separate from domestic social policy (Rajaram 2018). There is rather a connection between policy approaches directed at unaccompanied minors and other “troublesome” populations such as adolescents, migrants or ethnic minorities (ibid). By analyzing how problems are formulated in relation to the concept of unaccompaniedness in policy and how these problem representations change over time, the political tension inherent in social work and its position in relation to migration policy can be dismantled and discussed. Unaccompaniedness serves as an illustration of how discourse shapes lives, enables and limits positions for different subjects and ultimately forms the political space within which policy is produced (Bacchi 2009). The overarching purpose is thus to analyze how access to rights and (un-)grievable lives are produced through policy directed towards unaccompanied minors. Four research questions guide the analysis:

- What is presented as a problem and a motive for the government bills and how can this be understood given the political context of the bills?
- What is assumed about unaccompanied minors, their needs and the needs of society in relation to these subjects?
- How can discursive effects of policy be understood in terms of grievability and access to rights?
- How are borders and citizenship enactments produced through articulations of unaccompaniedness? What expressions of resistance or counter-discourse can be identified as a response to this?

It should be noted that, with the poststructural approach to policy analysis, the ambition to address consequences does not mean evaluating outcome. Rather, it means looking at effects on discourse and subject positions made possible. Effects of policy, the way Bacchi & Goodwin use the term, refers to open-ended processes of meaning-making, not causes and effects (Bacchi & Goodwin 2016). Such discursive effects can be found within policy text, but also elsewhere. In this research project, government bills are contextualized with material such as Government Commission Inquiries (SOU), parliamentary debate transcripts, referral comments, media debate articles and interview transcripts as complementary data to access perspectives other than that of the legislature, in order to identify multiple understandings. This approach to policy analysis serves to make visible silenced or marginalized accounts. A connection can thereby be made regarding the political context at a certain moment and how it enables specific demands while alternatives (in terms of political projects and visions) are marginalized.

## *Reflections on terms and labels*

In the media, as well as in the administrative language of authorities, there has been variation in how children and young persons with these experiences of migration are labelled. When I conducted a pilot study with analysis of court decisions regarding compulsory care, I noticed that the Administrative Courts use terms such as “unaccompanied asylum seekers“, “unaccompanied refugee children“ and other similar terms (in Swedish “ensamkommande asylsökande” or “ensamkommande flyktingbarn”). There is no consensus on which exact label to use or why. Each of these labels emphasizes different aspects of the person’s experiences, such as being a child, being a refugee or an asylum seeker. It is relevant to reflect upon the connotations of words. In Swedish, the distinction between child and minor is not made in this context. The translation of “ensamkommande barn” as “unaccompanied minor” thus adds another layer of transformation to the meaning of the concept. I learned through correspondence with the National Board of Health and Welfare, that, until the beginning of the 2000s, it was usual to say “unaccompanied refugee children“, whereas now it is more common to talk about “unaccompanied children and youth” (in Swedish: ensamkommande flyktingbarn, ensamkommande barn och unga). I imagine that the removal of the refugee experience from the label has an inevitable impact such as devaluing that very experience and what it can entail in terms of right to protection.

With the ongoing changes, perhaps by the time this thesis is published, the administrative lingo will have shifted from “unaccompanied children and youth” to something new – perhaps only “the unaccompanied”. In my writing I often refer to “persons categorized as unaccompanied minors”, “the subject position made available for unaccompanied minors” or the “figure of the unaccompanied minor” to emphasize the constructional aspect of this label. I see the term as a concept which is reinforced through legislation, political speech and self-identification. Through policy based on assumptions about who this particular child is, what s/he needs and what differentiates him/her from children in general, a position is constructed, which shapes and limits the possibilities and actions of the subject. This subject position is thus “real” in the sense that it has palpable effects in the lived experiences of the person. In other words, the human beings who are called unaccompanied minors very much exist in the material world. However, what it means to be an “unaccompanied minor” has no given definition. It is a contingent term that shifts in meaning, as all language does. And it is in these collective expectations and agreements on what meaning the concept should be given, how such processes of meaning-making constitute subjects, that my research question is placed.

## **1.2. Chapter conclusions**

In this introductory chapter I have presented the outline of the thesis. With a post-structural approach, policy is viewed as a product of political struggle (Bacchi & Goodwin 2016). Identifying political logic is thus key to this approach (Glynos & Howarth 2007). Since the Temporary Aliens Act was introduced in Sweden in November 2015, a shift in discourse has been described: a move from a more generous and inclusive approach to nationalist and anti-migrant sentiment (Lems 2020, Martinsson et

al 2018, Strömbäck et al 2017, Dahlgren 2016). In order to explore the discursive landscape that enabled the reforms in migration policy during and after 2015, and to critically analyze how such reforms were possible and what new meanings they produced, I find it necessary to work with a longer time period, to highlight continuities and shifts in the way the concept of unaccompaniedness was given meaning through policy. Working with seven government bills as a point of departure, I aim to analyze how migration policy and racism shape the conditions in which (un-)grievable lives can be constructed, and to discuss the implications for social work policy and practice.

### 1.3. Outline and reading recommendations

This thesis has, in a sense, a traditional structure with introductory chapters (part 1) where, as well as an introduction and aims, a historical background section and a literature review are to be found. A theoretical chapter and a methodological chapter follow, in which an ethical discussion is included (part 2). The analysis is presented in five empirical chapters (part 3). In the final discussion I begin with some concluding remarks in relation to the research questions and the findings in the empirical chapters, after which I directly address the community of social work in a more general discussion about ethics, representation and rights (part 4).

In the bracketed sections at the beginning of the three parts of this dissertation, I offer a reflection, similar to the prologue where Navid was introduced. The purpose of these bracketed reflections are an attempt to reach for and convey feelings, both in me and in the reader, and offer a point of departure to “lean on” while taking in the chapter that will follow. In the brackets the texts are fragments; of interviews, political speeches and memories, embodied experiences. Throughout the thesis, my “I-voice” is present. In the brackets however, it is not only “I think” or “I argue” but also “I remember” and “I felt” that are used with the intention to make more visible that I write from *this* body, my body, and this shapes my understanding of things. As such, I use an experimental approach inspired by post-structural autoethnography, a strategy to place myself within the text and to enable a shift in position, to remember and reflect from subjective bodily experience(s) (Gannon 2006).

Merleau-Ponty (1997) writes that the body enters the world dependent on perception and that clarity in perception requires a ground from which to make sense of what is seen and experienced (ibid). We do not passively observe the world, receive input and then process it mechanically. Rather, we see from a perspective and our bodily experience of that input is essential to how the situation is registered and understood (Dreyfus 2017). The memories that I have chosen to share in the bracketed sections are moments that made an impact on me and put a shadow or shed light on my perspective when entering the research project. As such, the bracketed reflections included in this dissertation are intended to be a reminder of my body in time and space, attempting to make meaning of the moments I encountered.

By providing memories of specific events and my experience of them, I also aim to make visible that the analytical process is not a one way process (of input and processing), but a puzzle made

of different parts, being put together. I am, like everyone else, invested and positioned in relation to policy debates, and with these reflections I want to illustrate that self-knowledge and transparency can only ever be tentative, contingent and situated (Gannon 2006). Further, I want to challenge taken for granted hierarchies of knowledge production, where theoretically generated knowledge is considered superior to lived experience (Rajan-Rankin 2015). In my understanding, theoretically generated knowledge production is not necessarily in conflict with the bodily experience, but rather represents different qualities of knowing, where with inspiration from Merleau-Ponty, the embodied experience is the ground from which theorization can be made.

Following this introductory chapter is Chapter 2, a background presentation written with an international reader, who is perhaps not familiar with the Swedish welfare system, in mind. I would however not recommend “Swedish” readers to skip this part, as a critique of the so-called “people’s home” will be introduced, which will be relevant in the analysis that is to come. In part 2, I introduce a number of theoretical influences: critical border thinking, childhood studies and discourse theory paying specific attention to post-structural policy analysis and the logics approach. As the reader may soon discover, I work with an experimental structure in theory-method-design, which in practice merge into one another and are difficult to separate (chapter 4 and 5).

The third part of the book consists of the empirical chapters and a presentation of results in a traditional sense – although I would argue that the analysis already begins by choosing perspective and setting the theoretical and methodological design. In chapter 6 I analyze the first government bill addressing unaccompanied minors: the custodian reform from 2005<sup>1</sup>. It is followed by a chapter regarding inclusion of unaccompanied minors in the Social Services Act with two reforms from 2006 and 2013<sup>2</sup>. In chapter 8 I focus on the Supported Housing Reform from 2015, which was not written specifically for unaccompanied minors, but where I will show that this category of the population was foregrounded in a way which would be made relevant in further policy processes<sup>3</sup>. Chapter 9 is about age estimations during the asylum process, with a reform from 2016<sup>4</sup>. In the last empirical chapter, I address the two exception rules from the Temporary Aliens Act dated 2017 and 2018, through which some unaccompanied minors and young persons gained access to temporary residence permits<sup>5</sup>. Each empirical chapter has a brief summary and discussion.

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<sup>1</sup> Strengthened Protection for Unaccompanied Minors, Prop. 2004/04:136

<sup>2</sup> Reception of Unaccompanied Minors Prop. 2005/06:46 and Municipal Reception of Unaccompanied Minors, Prop. 2012/13:162

<sup>3</sup> Supported Housing – a new form of placement for children and young persons, Prop. 2015/16:43

<sup>4</sup> Age Estimations Earlier in the Asylum Process, Prop. 2016/17:121

<sup>5</sup> Amendments to the Temporary Law for Residence Permits Concerning Studies at Upper Secondary School Level, Prop. 2016/17: 133 and Extra Amending Budget for 2018 - New possibility for residence permit, Prop. 2017/18: 252

The fourth part of the book is the shortest, but perhaps also the most important as this is where I complete the jigsaw puzzle and present my analytical contribution in the form of a discussion about the construction of (un-)grievable lives through policy, how this shapes access to rights and what it means in terms of border practices, especially in relation to social work. Emphasis is on the ethical and political aspects of social work and the role of social workers and activists in this field. If you, the reader, only wish to focus on one part, this is it.

## 2. Welfare and Migration in the Swedish Context

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In order to tell the story of the Swedish model of welfare state, the term “welfare state” needs some clarification. In the, now classical, writings of sociologist Gösta Esping-Andersen, a schematic definition is drawn, where the welfare state is defined as a system where the state is involved in responsibility for securing basic standards of welfare for its citizens (Esping-Andersen 1993). In most cases membership is defined by citizenship, making it essential to the welfare state (Esping-Andersen 1993:21). I take this definition as a point of departure in this chapter to discuss eligibility, inclusion and exclusion in the welfare state. Because, as famous as it is for its universalist and far-reaching welfare benefits, the Swedish model has also faced criticism. Feminist and anti-racist scholars have argued that the Swedish welfare model fosters a nationalist idea of *Nordic Exceptionalism* – a humble form of white supremacy which declares this nation and its culture superior to others due to its progress in human rights and gender equality and its denial of racism and discrimination (Loftsdóttir & Jensen 2016, Habel 2015, Keskinen et al 2009).

### 2.1. The Swedish model: the people's home

Addressing the question of who should be entitled to services within the welfare state and to what extent, Richard Titmuss (1963) suggested a distinction between *residual* and *institutional* welfare states, the first being states that intervene when the market or citizen has failed whereas the second assumes responsibility with a generic or universal approach. This is a schematic definition based on ideal cases. Reality is obviously more complex. However, in this division between residual and institutional welfare approaches, the way the Swedish state historically has organized welfare services would fall into the latter category. This idea of universalism is merely a typology to contextualize the Swedish model in relation to other welfare states – it has never been a reality in the sense that there was once a time when all Swedish citizens had equal access to welfare (although such fantasies have been essential to the construction of a national identity, which I will return to). As will be discussed further in this section, the construction of the Swedish welfare model has, from the beginning, been a nationalist project, where both national minorities and foreign citizens have faced exclusion and repression (Hübinette & Lundström 2011).

The construction of the Swedish welfare model was a response to industrialization, poverty in urban and rural areas and high levels of emigration in the late 19<sup>th</sup> century (Lundh & Ohlsson 1999). The social democratic party united around the ideal of a strong welfare state, formed a government in 1920 and thus began the building of the “Swedish model” (Halvarson et al. 2002). The economy was organized around Keynesian principles, with state investments to encourage production and consumption during years of recession. This process was intensified after the Second World War, when the welfare system, as in education, health care, social work, pensions, elderly care and child- and family care, was expanded. New standards for housing were introduced, which regulated the size and rent regarded as suitable for industrial workers (Tykesson et al 2001).

One fundamental idea in the Swedish welfare model was to increase standards of living for the population as a whole, with generic support rather than interventions aimed at certain parts of the population. The “people’s home”, or “folkhemmet” in Swedish, was initially a concept used by conservatives, much like Edmund Burke’s analogy about society as a unified body (Burke 1854). The term was embraced by the social democratic party in the 1920s and loaded with a different meaning, as a symbol for a welfare system combining a capitalist economy with socialist ideas of wealth distribution. In a famous speech in 1928, the chairman of the Social Democratic Party, Per-Albin Hansson, used this analogy of the nation as a home for its people:

The Swedish society is not yet a good home for its people. Although there is formal equality here, the equality of political rights, socially class divisions remains and economically the dictatorship of the few prevails. (...) If the Swedish society is to become a good people’s home, class divisions must be removed, social care developed, an economic equalization must be achieved. The workers are prepared to participate in the financial administration; democracy should be implemented and applied also socially and economically<sup>6</sup>.

This speech is still often referred to almost in a mythological way, and can be described as part of the construction of the Swedish national identity (Ehn et al 1992). The self-image produced through the “Swedish model” is of a nation that has created the best system on earth, a success story about “a chosen people in league with the future” (Larsson et al 2012). This idea is relevant to my thesis, both as a contextualization of access to welfare services and social rights, and, moreover, as a presentation of a nostalgic fantasy of “the golden past” which is often brought up in the public debate regarding migration policy (Nilsson N. 2017, Lönnæus 2009).

### *Criticism of the “people’s home”*

When the Swedish welfare model was constructed in the beginning of the 1920s, Europe was divided by political conflicts and, in many places, on the brink of revolution. In order to soothe the capitalist class, Swedish social democracy suggested a middle way forward, a welfare state combined with a capitalist economy. This blurred class conflict through rhetoric about “the people” as a unified category with a common interest (Khayati 2017).

The concept of a “people’s home” has faced criticism, and not only from the right-wing capitalist position where high taxes and public spending are seen as an obstacle to economic growth.

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<sup>6</sup> The speech was made in the Swedish Parliament on 18 January 1928. It is my own translation, as the speech was originally made in Swedish. The full speech can be found at [svenskatal.se](http://svenskatal.se).

The Swedish model has been associated with several problematic ideas, from homogenous, heteronormative images of who could be included in the community to violent expressions such as the “science” of eugenics which proposed forced sterilizations of women from ethnic minorities and economically underprivileged populations (Runcis 1998). The modern Swedish nation and the welfare state, as an integral part of this construction, is thus built on concepts such as racial purity and exclusion of ethnic, indigenous or religious minorities (Runcis 1998 & 2007). With the utopian ideal of constructing a new home came the understanding that the people/citizens had to conform to the ambitions of the state (Hirdman 1994). It fell within the scope of the welfare state to foster “modernized” citizens, and those who refused or failed to fulfil this ideal could face interventions in order to better adapt (Hirdman 1994). Previous research shows that single mothers, poor families and ethnic minorities were systematically targeted by compulsory interventions because their way of life did not live up to ideals of a “healthy childhood” (Montesino et al 2015, Runcis 2007). Practices of repression and control have thus been integral to child protection from the beginning of the construction of the Swedish welfare model. The unity of the “people” within this idea of the nation as a home bears ethnic connotations, both in relation to minorities that have been in Sweden historically and migrant communities (Johansson 1999). The institution of citizenship is thus coloured by understandings of inclusion and exclusion based on ethnic categorizations (ibid). Against this background, contemporary narratives that portray populations as an “economic burden” or a “moral threat” to society can be understood as expressions of a continuity of this welfare chauvinism - a welfare state that prioritizes natives/citizens over migrants/non-citizens (Kitschelt 1997).

One way of understanding the dominance of race-relations in the construction of national identity, is through the concept of *hegemonic whiteness* (Keskinen 2018, Hübinette & Lundström 2014, Hughey 2012, Hage 1998). By this, I refer to an understanding of race relations where, regardless of subjects’ self-understandings such as “white anti-racist” or “nationalist”, ideas of privilege and subordination reproduce white supremacy (Hughey 2012). Along these lines, Hübinette & Lundström (2011) distinguish three periods in the construction of whiteness as a core of national identity in Sweden: the *white purity phase* in the era of eugenics during the period from the early 20<sup>th</sup> century until the mid-1960s, the *white solidarity phase*, characterized by international engagements in the liberation of colonies and a self-image as non-racist, and the *white melancholia phase* referring to the era in which we find ourselves now (ibid). In all of these phases, the national identity is constructed around an idea of hegemonic whiteness, referring to fantasies about ethnic and cultural unity and dominance (ibid). In the last phase of loss or sadness, parts of the population call for a return to the imagined time when Sweden was considered racially pure and homogenous and others demand a return to the imagined time when Sweden was seen as the best nation on the planet in terms of human rights and equality (ibid). What both positions have in common is an idealized image of the past where Sweden as a nation was seen as superior to other nations. This is to say that ideas about racial superiority have been intrinsic to the construction of the Swedish welfare model. In relation to this, my stance when writing this thesis is that a welfare state, even with this huge flaw, is preferable to a complete allocation of social rights to charity, volunteerism or what has been referred to as the “NGOization” of public



policy and civil rights claims (Lang 2013). This does not mean, however, that the racism inherent in the Swedish welfare model should not be criticized but rather the opposite, that a critical perspective is necessary if we are to learn from history. In the following two sections, I will focus on policy approaches to inclusion of migrants in the welfare system, as it is in a continuity of these programs that my empirical material has been produced.

## 2.2. Migration and integration policy in Sweden

A central theme in this research project touches upon the inclusion and exclusion of non-citizens in the welfare state: on what grounds and to what extent migrants are included/excluded in the system of welfare. To contextualize the contemporary policy debate, I find it relevant to provide a background about the modern history of migration to Sweden. This first section is therefore a brief overview of the past century's migration policy, as a point from which I will expand on how access to welfare services has been organized in response to immigrants.

Migration to Sweden was, to a large extent, unregulated until the early 20<sup>th</sup> century, when passport controls and residence permits, as a requirement to stay in the national territory, were introduced (Hammar 1964). In the early 1930s, emigration from Sweden to America had declined. During this decade, Sweden went from a country of emigration to one that received immigrants (Lundh & Ohlsson 1999). During the Second World War, there was an ongoing political debate regarding refugee reception in Sweden (Åmark 2016). Those in favour of inclusion of refugee migrants used the rhetoric of humanitarianism and ideas about ethnic or ideological unity. From an antagonistic position, concepts such as threat of cultural differences, increased xenophobia and a negative impact on workers' wages were expressed as arguments against the inclusion of migrants and refugees (ibid). Due to the Keynesian economic model, with collaboration between the labour unions and the capital owners, in Sweden, like in many other countries, the arrival of migrants was seen as a threat to the status of the national workers (Byström 2014). The Swedish state refused entry to Jewish refugees with J-marks in their passports, hence returning them to the war-torn Nazi-run continent. It was not until the last years of the war that a shift in approach occurred (ibid). Thanks to its "neutral" position, Sweden did not suffer the same damage and traumas as neighbouring European countries (Scott 2002)<sup>7</sup>. Right after the Second World War, with a strong economy, the project to construct the new welfare state, as a middle way between communism and capitalism, began (Esping-Andersen 1993). This needed more manual labour than the population could provide, hence there was a need for labour migration (Byström 2014). The labour migration policy was developed during the 1950s. During the

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<sup>7</sup> The neutral position of Sweden, both during World War II and later, during the Cold War era, has been contested and destabilized, as it has been shown that Sweden collaborated with the Nazis during the war (Scott 2002). For a discussion about the Swedish military position during the Cold War, see Larsson et al 2012.

1960s, about 40 000 migrants per year arrived (Lundh & Ohlsson1999). In the post-war years, immigrants from the Nordic countries were endorsed with residence and work permits. Bilateral agreements made it possible for labour migrants also to arrive from Turkey, former Yugoslavia and the Mediterranean countries (Wickström 2014, Frank 2005). According to such bilateral agreements, family members of the workers could reunite with them, and the workers were eligible for state aid if they became unemployed (Lundh & Ohlsson 1999). Individuals could travel to Sweden as tourists and then apply for work and residence permits, until 1967 when a requirement for a work permit before arrival was introduced (ibid). The labour migrants were expected to return to their countries of origin, but as long as they were in Sweden they were generally included in the welfare system and social insurance (Johansson 2005). This changed after the economic crisis in the 1970s when the demand for labour decreased.

With the economic crisis and the reduced need for labour migrants, the position of migrants from the Nordic countries was more distinctly differentiated from that of European and non-European migrants. While Nordic citizens maintained free movement, others did not. The non-Nordic migrants who arrived were increasingly asylum seekers and persons applying for family reunification (Johansson 2008, Frank 2005, Lundh & Ohlsson1999). Despite the fact that this was a time of restrictions, other policy approaches towards migrants were simultaneously liberal/generous: a reform in 1976 stated that one year of legal residence in the country was enough to obtain a permanent residence permit (Södergran 2000).

During the 1980s, migration and migrants were increasingly depicted as a problem within the political debate (Johansson 2005). With an extensive reform of the Aliens Act in 1989, stricter requirements for documentation and a limit to the categories that could obtain residence permits were introduced (Utlänningslag 1989:529). Globally, the number of refugees increased from about 8 million in 1980 to 20 million at the beginning of the 1990s (Lundh & Ohlsson1999). As suggested by the title of the book by Lundh and Ohlson (1999), which translates as “from import of labour to refugee migration”, there was a shift in migration regimes in the 1970s. That is to say that, while in the post-war years migrants arrived in Sweden in search of work and for economic reasons, from the 1980s migration was mainly dominated by refugees who sought asylum. Within the framework of labour migration, a migrant was eventually expected to return, while refugee protection has an inherent legal apparatus and more long-term obligations for the welfare state (Hansen 2018).

The previous Aliens Act from 1989 was replaced in 2006 with a new legal system (the Aliens Act 2005:716, based on Government Bill 2004/05:170). The aim of this reform was, according to the bill, to create a more transparent and legally just system, where applications were assessed more rapidly and where the asylum seeker had the right to be present and heard in the higher court. One of the main differences was that a system of Migration Courts was introduced. The new legislation was the result of years of political demands from various NGOs, and in some ways can be seen as a strengthened position for asylum seekers, but it also minimized the possibility for asylum based on humanitarian grounds. Furthermore, the prerequisites to prove the risk of persecution were

interpreted more restrictively (Stern 2008: 114). The new paragraph for humanitarian grounds, renamed as *particularly distressing circumstances* (synnerligen ömmande omständigheter, Utl 5:6), was formulated as an exception rule (ibid). With the restrictions in asylum procedures introduced in 1989 and 2006, the number of undocumented migrants increased.

In the field of Political Science, Livia Johannesson (2017) has analyzed asylum procedures in the Swedish migration courts. She concludes that there are a number of institutional routines that give the impression of justice and objectivity, but within the court procedures there are also practices that result in inequality. Examples she mentions are how the *credibility* of asylum seekers is considered inferior to the state, as well as the *imbalance in access to recourses* and the *uncertainty* inherent in the process of asylum (Johannesson 2017). In 2008, an “opportunity” was introduced for rejected asylum seekers to “change track” and apply for a residence permit based on labour market participation instead of protection grounds (Larsson et al 2012). As a commentary on this reform professor in political science Peo Hansen (2018) wrote that refugee migrants were redefined as labour resources in a process where the inherent rights to protection and inclusion were challenged or, more explicitly, refugee rights became obsolete (Hansen 2018).

### ***Access to welfare for migrants***

So far, I have focused on who has had the right to access Swedish territory, to reside and work within the country. An equally important aspect, which is central to this thesis, is the connection between migration and access to welfare services. The matter of citizenship, and the question of being registered in a specific municipality, marks access to different welfare services within the Swedish organization of welfare. Grounds for access to welfare benefits are contingent, not least through individual assessments and room for professional discretion. Reforms during the past decades have worked in both directions with inclusion/exclusion of non-citizens for different benefits. The right to, and access to, welfare services is increasingly connected to the type of residence permit a person obtains. When it comes to refugee reception, once an asylum seeker has obtained a residence permit, s/he is eligible for most welfare services on the same terms as a citizen. This means that the welfare state provides housing, financial aid, language training, health care, education and unemployment insurance (Kelly & Hedman 2016).

In the beginning of the 1980s most refugee migrants were placed in municipalities in and around the larger cities (Borevi & Myrberg 2010). With a reform in 1985, the responsibility for refugee reception was transferred from the Swedish Public Employment Services (AMS) to the Board of

Immigration<sup>8</sup>. The idea of the reform was to spread the newly arrived asylum seekers to 60 municipalities according to labour market opportunities and available housing and to minimize the time spent in refugee reception centres. At the same time as this reform was implemented, the number of asylum seekers increased. Through the new legislation regarding financial aid<sup>9</sup>, the government ruled that only those asylum seekers who were economically independent could live outside the refugee reception centres while waiting for their decision (ibid). The question of whether asylum seekers should have the right to arrange their own housing or whether they should remain in reception centers has been up for debate ever since then and is still occasionally a source of political conflict (Committee of Social Insurance, report 2019/20:SfU11, Expressen editorial 2019, Delby & Vrede 2016, Borevi & Myrberg 2010, SOU 1992:133). The main “problem” as described in this debate is that, on the one hand, it is considered bad for the “integration” of asylum seekers if they stay too long in centers, while on the other hand, it is also considered bad if they arrange housing with relatives or friends in areas that are defined as “socio-economically challenged” (Socialförsäkringsutskottet 2019/20:SfU11).

### *Grounds for inclusion and exclusion*

The Swedish Model, the “people’s home”, is renowned for its generic and generous welfare system, but like all systems, communities and states, it has limits and frameworks that define who is to be included and who is to be excluded. With a new migration regime emerging during the 1980s, racialization practices became increasingly explicit in the political and media debate, with rhetoric about “cultural otherness” (Molina in Knocke et al 2006). Through different practices, local variations and individual discrepancy in welfare assessments, positions of inbetweenness were created, where subjects could be at once formally excluded from membership of the welfare state and included on temporal or spatially particular terms (Nordling et al 2017).

Examples of such inclusion/exclusion can be found in the areas of health and education. In terms of access to health care and education, a residence permit is equal to citizenship in Sweden, meaning that migrants, regardless of grounds for a residence permit, have been eligible for the same level of services as citizens (Borevi 2014). Excluded from such rights are subjects categorized as adult asylum seekers and undocumented migrants who have restricted access to both education and health care (Biswas et al 2012). Undocumented migrants are eligible for emergency health care, or care that cannot be postponed, which is particularly difficult given that undocumented migrants often have precarious living conditions which create health problems (Biswas et al 2012, Law (2013:407) about

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<sup>8</sup> Statens Invandrarverk, the institution that is now called Migrationsverket or the Swedish Migration Agency. This reform can be seen as an expression of the shifting regimes, from labour to refugee migration.

<sup>9</sup> Lagen om bistånd åt asylsökande m.fl. (1988:153)

health care services to some foreigners who are in Sweden without required permission). Another example can be found in the area of education. When it comes to the right to and access to education for the children of migrants, this has been a complicated chapter in the Swedish welfare history. School enrollment is compulsory until 9<sup>th</sup> grade and includes citizens and residents. However, education is not compulsory as long as a residence permit is not granted. Until 2013, it was not regulated as a right for undocumented children, but rather as a possibility if a municipality or private school provider agreed to enroll the child (Government Bill 2012/13:58). As shown by Lundberg & Strange (2017) although undocumented children were formally granted the right to education with the reform, this right has been contested and characterized by ambiguity and a lack of clarity regarding the responsibilities and boundaries of different authorities. This is highlighted when border police demand lists of pupils to identify and trace undocumented families and in the way that the Swedish National Agency for Education has made recommendations for schools not to register the addresses of undocumented pupils in order to protect them (Skolverket 2015: 67,78). For children, even though formally entitled to education, the possibility of participating thus become limited. Such practices make access to education a struggle between different levels of governance but also shed light on how practices of bordering can take place within different welfare institutions.

A final example, and the most crucial to my analysis, concerns access to welfare through the Social Services Act (Socialtjänstlagen 2001:453). Representing the main legislative framework for social work in Sweden, it is through this law that benefits can be distributed to children and adults, based on individual assessments. Access to welfare benefits such as financial aid, housing, parenting support, rehabilitation from substance use and other social interventions are examples of the rights regulated through the Social Services Act. Being included in the framework of this law is a condition of eligibility to such rights (however not a guarantee). The use of terms such as “solidarity”, “democracy”, “equality” and “liberating resources” in the portal paragraph makes the design of this law an articulation of political ideals and rhetoric characteristic of the Swedish Model during the post-1968 phase, referred to by Hübinette and Lundström as the white solidarity phase (Hübinette & Lundström 2011). The way the legislation is written does not explicitly exclude or include non-citizens:

The social services must, while taking into account the responsibility of the person for his and others' social situation, focus on liberating and developing the resources of individuals and groups (Socialtjänstlagen 2001:453 Section 1).

There is, as the quote above illustrates, an explicit ambition to promote equality and wealth distribution. There are also ambiguities on what subjects are to be included. As a result, this law has, in recent years, formed a frontline for negotiations on the right to rights. It should be clarified that the way the welfare system is organized in Sweden, social services are administered by local municipalities. With the sovereignty of the municipalities, there can thus be different solutions or approaches to inclusion and exclusion, depending on local policy. This becomes particularly obvious regarding undocumented migrants as they are not registered as belonging to any specific geographic area, thus

not being formally subjects of responsibility in relation to any municipality<sup>10</sup>. In 2013, the municipality in Malmö made a more inclusive interpretation of the Social Services Act than most other municipalities, by stating that undocumented migrants could be eligible for financial assistance (Malmö City Council 2013). Although clearly more inclusive than systematic rejection of such applicants, this new practice also seems to have embedded mechanisms of exclusion, where some groups of migrants were considered more deserving or less difficult to grant financial aid to:

The guidelines have contributed to new exclusions and distinctions between groups of migrants who are perceived as vulnerable/‘worthy’. Even if not directly expressed in the guidelines, in practice there seems to be a hierarchy of perceived deservingness where giving assistance to children and former asylum seekers is seen as less problematic than, for example, to adult EU citizens who reside as undocumented. In the case of EU citizens without residence permits, social services in Malmö today (if giving any support at all) pay for a ticket back to their country of origin (Nordling et al 2017).

The findings of Nordling et al (2017) are interesting as they show that even a new policy that aims to be more inclusive has an inherent mechanism of exclusion as some categories of people/clients are favoured over others. In the article quoted above, the struggle for access to welfare services is described in terms of migrants enacting citizenship as a strategy to overcome borders and exclusion. This means that, although not formally accepted or included as residents or citizens, when undocumented persons make claims and gain access to specific spaces that usually demand citizenship, they temporarily come closer to the rights that they are otherwise denied. The debate over how access to services under the Social Services Act should be organized reflects ideological divisions regarding belonging to the welfare state. Although not a widespread position, suggestions have been made that eligibility to the welfare system should not be decided by place of birth or formal citizenship, but by the location where the person lives and works (Tjernberg 2010). Both the provision of financial aid to undocumented migrants, as practised by Malmö social services, and the suggestion that undocumented migrants be included in the taxation system and in the welfare system can be seen as examples of *included exclusion* (Sager 2011). This means that although a person formally still lacks citizenship or a residence permit, through contextual and local practices, he or she can partly access social rights that are normally reserved only for those included in the welfare system through citizenship/residence

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<sup>10</sup> *Folkboföring* is the Swedish practice where every citizen and residence is registered with a personal number and an address through the tax authorities (Skatteverket). It is based on this registration belonging to a municipality and the right to services from it is being organized. Asylum seekers and undocumented migrants cannot be registered, since the personal identification number is only received upon obtaining a residence permit.

permit. Nordling et al (2017) writes that this inclusion, although arbitrary and partial, can function as an opening of new spaces between citizenship and non-citizenship.

### *Unaccompanied minors in a Swedish context*

Until now I have described the Swedish welfare model and its response to migration, but I have not mentioned the concept of unaccompanied minors. This is, to some extent, a reflection of the absence of such terms in earlier migration and welfare policy. It was not until after the turn of the millennium that the concept became articulated in policy debates (Hedlund 2016). The expression *unaccompanied minor* is defined by the Swedish National Board of Health and Welfare and by the UN as persons under the age of 18 who arrive in a country without parents or legal guardians (Socialstyrelsen 2016, UN 2005). Most commonly, it is used in reference to asylum seekers. The term “unaccompanied minors” can refer to children or young persons who travel alone or with relatives other than their parents. In some cases they travel together with their parents and are separated on the way or in the country of destination (Stretmo & Melander 2013).

Although young persons have long migrated without accompanying adults, this specific term seems to have first been introduced in the Swedish policy debate in 1995, when the NGO Save the Children wrote a report on the need for custodians for this group (Rädda Barnen 1995). In 2000 the use of the term *unaccompanied minors* was recorded for the first time in parliament. Maj-Inger Klingvall, the Minister for Social Security, was asked about the discrepancies between the rights of children described in the Social Services Act and the reception of unaccompanied minors by the Swedish Migration Agency (parliamentary debate 2000/01:860, see Appendix 1). While 20 years have passed, this matter of differentiation and inclusion, and the position of those categorized as unaccompanied minors within the Swedish welfare system, is still a question for debate – *are those defined as unaccompanied minors equal to children in general or not, and if not, should they be?*

During the early 2000s, the term seems to have become more commonly used both in the media and in political debate. Hedlund (2016) shows how the term was first used in the news media in 1992, and only appeared a few times per year in the media during the 1990s. In 2006, it was used in more than 100 articles during the same year. Even though the term “unaccompanied minors” is a relatively new concept in Sweden, the phenomenon of children migrating without parents obviously existed previously. To mention but two examples, during the Second World War thousands of children arrived in Sweden from Finland (Korppi-Tommola 2008) and during the Civil War in the Balkans in the 1990s, about 1500 unaccompanied minors arrived in Sweden as refugees (Socialstyrelsen 2013). The policy responses to these events have been various: both foster care and institutional housing run by the Migration Agency have existed, although interest in following up such policy programs has been low or non-existent (Backlund et al 2012: 8).

In 2004, about 400 persons registered as unaccompanied minors arrived in Sweden and applied for asylum. The number had been quite stable for some years, but in 2006 the number of

unaccompanied minors arriving almost doubled, and in the following years it increased to about 2000-3000 persons per year. In this context, responsibility for reception for unaccompanied minors was transferred from the institution of the Migration Agency to the municipalities. Through this reform in 2006 unaccompanied minors were included in the framework of the Social Services Act (Prop. 2005/06:46). As I will elaborate in chapters 6-10, unaccompaniedness was increasingly conceptualized as a position separate from asylum seekers in general, but also in a dialectic way with ideas about universal childhoods.

### **2.3. The migratory turn in 2015**

In 2015, the numbers of displaced people on a global scale reached unprecedented levels. While the numbers of unaccompanied minors arriving in Sweden had steadily increased from the early 2000s, that year it went from about 7,000 applicants to 35,000 (Swedish Migration Agency Statistics, see appendix VI). The Social Democratic-Green coalition government requested “respite” from the increasing numbers of asylum seekers by introducing a number of restrictions into the asylum procedure (Lundberg 2017, Löfven 2015b, Prime Minister’s Office 2015). Among the key reforms, a “Temporary Aliens Act” (Swedish Code of Statutes 2016:752) was introduced with temporary residence permits replacing permanent residence permits, the removal of “particularly distressing circumstances” as grounds for asylum and further restrictions in access to family reunification. These reforms were announced on November 24<sup>th</sup>, 2015 and, in order for them not to be implemented retroactively, asylum applications registered before this date were handled according to the ordinary Aliens Act. This caused a number of complications as the date of arrival and the date of application were often not the same in the weeks when thousands of asylum seekers arrived (Vi står inte ut 2017). For those categorized as unaccompanied minors, the difference between having the case handled according to the previous or new rules meant eligibility to the humanitarian clause of particularly distressing circumstances or not. Prior to the Temporary Aliens Act, this had been an important basis for asylum, particularly for those categorized as unaccompanied minors due to the absence of organized reception in the countries of origin. It thus became important to prove the date of arrival through documentation from the social welfare office – which therefore found a new role in the practice of bordering the welfare system.



### *Restricted access to asylum and welfare services*

In 2016, a new routine for age estimations was introduced, giving the Migration Agency authority to change the age presented by the applicant (Prop. 2016/17:121)<sup>11</sup>. The new age estimation could be done either by medical examination or through observation, and the legislation stated that if it is “obvious” that the person is not a child, the stated age should be changed without delay. This meant a further weakening of the position of the unaccompanied child in relation to the state, with the verbal accounts provided in the asylum process being seen as inferior to the medical examinations and assessments made by professionals (Hedlund 2016). Furthermore, with the arrival of approximately 168 000 000 asylum seekers in 2015, the Migration Agency had long processing times for asylum cases. For many young persons, this meant that even if they had been under-age upon arrival, as time passed they became older. In many cases, applicants turned 18 before their asylum case was decided.

After the introduction of restrictions in 2015, minors who could prove that they had arrived before November 24<sup>th</sup>, 2015 could obtain permanent residence permits. Those who arrived later but were believed to be under-age could obtain temporary residence permits due to the lack of organized reception in the country of origin (Lundberg & Jansson Keshavarz 2019). Once the temporary residence permit had run out, or if applicants had their age changed, they were considered adults and could be rejected for asylum. During the summer of 2016 the Migration Agency began giving temporary residence permits to applicants who were 16 years or older, changing practice from previous permanent decisions (ibid). The definition of “organized reception” was also stretched to new levels, where minors were considered to have organized reception if it could be assumed that parents/legal guardians were in the country of origin, even if they had not been located or contacted by the child or the authorities (ibid). In 2017, the Migration Agency published a new country guideline according to which most provinces in Afghanistan were still considered to be in armed conflict and unsafe, but where alternatives for internal displacement and safe areas for civilians amidst the war were described:

Internal flight for individuals who do not have a network may be relevant and reasonable mainly to the cities of Kabul, Herat or Mazar-e-Sharif for adult men and adult couples consisting of a man and a woman, if there are no disabilities or medical obstacles. If a network exists at the place of internal refuge, in the form of relatives where male relatives are included, internal flight may in some cases also be considered for others, for example unaccompanied children and families consisting of a husband and a woman and children (Migrationsverket SR 31/2017).

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<sup>11</sup> Age and identity have been grounds on which asylum seekers have been mistrusted long before the migratory turn, and practices for age estimations have varied over time. A more detailed presentation of this topic is provided in Chapter 9..

With this new assessment of the situation in Afghanistan, and the new ways of determining the existence of networks, the possibility of executing a deportation order increased in relation to unaccompanied minors. To summarize the changes, and how they shaped the position of those defined as unaccompanied minors, the right to asylum and hence other welfare services was minimized and the risk of being deported through institutional practices of bordering was strengthened in what can be described as a *deportability regime*. This refers to a more steady discursive formation grounded in the ideological vision of bordering and deportation.

In 2017, a new practice of age estimations was introduced (Prop. 2016/17:121). Thousands of young persons who had initially been registered as unaccompanied minors had their age changed, either through observation by case officers or based on medical examinations. Changes to the financial agreement between the Swedish Migration Agency and the municipalities (Förordning 2017:193) regarding reception of unaccompanied minors resulted in new practices for the municipalities. Persons who had been received as minors were returned to the reception units of the migration agency when they turned 18 years of age. When defined as an adult, the asylum cases were, in many instances, rejected and the young persons faced deportation. A reform in the Swedish Reception of Asylum Seekers Act (LMA) meant that rejected asylum seekers were no longer eligible for housing or financial aid. As a consequence of these changes in policy, thousands of unaccompanied minors found themselves in a position outside the welfare institutions (Barnrättsbyrån 2018). This rightsless position is described by social work researcher Torun Elsrud as *social death*, a concept previously used in academic work on slavery and genocide (Elsrud 2020, Patterson 2018, Cacho 2012). Elsrud uses the concept to describe a situation where the authorities, including the social services “take away their opportunities for interaction, self-protection and self-control leaving them with severely restricted opportunities to master their situation” (Elsrud 2020). The Swedish NGO focused on children’s rights; Barnrättsbyrån, in its report describes a situation where many young persons lived on the streets, in churches, in the homes of strangers and in ad-hoc housing solutions provided by activist networks and NGOs (Barnrättsbyrån 2018). During this time the position of the young persons previously categorized as unaccompanied minors was no less than extreme, with the majority or all of the aspects of social life, inclusion and protection being severely limited.

As access to asylum and the welfare system increasingly diminished, demands were made to make an exception for those young persons who had arrived in 2015 and remained in the country in a rightsless position: persons such as Navid, who were denied asylum and access to housing, financial aid and other basic rights within the welfare system. In 2017 and 2018, the two Upper Secondary Education acts were introduced, as a path to residence permits for some of those who had been denied asylum (Prop. 2016/17:133 and Prop. 2017/18:252). The implementation of the Upper Secondary Education Act serves as an example of the ongoing negotiation of inclusion and exclusion, both in terms of residence permits and also, in a broader sense, in the way the figure of the unaccompanied minor was constructed in public debate at this time (Lems et al 2020). There were political interests in closing the border altogether, but also social movements with an agenda of inclusion (Lundberg et al 2019).

## 2.4. Chapter conclusions

In this section I have provided a historic overview of the construction of the Swedish welfare model and the key concept of the “people’s home”, which function as a fantasy of unity and (ethnic) homogeneity. While the Swedish welfare model is renowned for its universalist approach to citizens as recipients of benefits, it has also been criticized for its embedded white supremacist ideology, both with regard to the “science” of eugenics and the ideas of Nordic Exceptionalism (Lofsdottir & Jensen 2016, Habel 2012, Keskinen et al 2009, Runcis 1998). At the same time as differentiation and discrimination on ethnic or racialized grounds has been identified throughout the modern history of the nation, it can also be said that inclusion of new members of society took place through labour and refugee migration (Kelly & Hedman 2016, Montesino et al 2015, Borevi & Myrberg 2010). With the migratory turn in 2015, it becomes increasingly difficult for asylum seekers in general, and unaccompanied minors in particular, to access both the protection of asylum and the welfare system in a broader sense (Lundberg Jansson Keshavarz 2019). What becomes visible when using a long-term perspective is the constancy of change, how antagonist positions of liberal and restrictive border thinking, between xenophobic/racist expressions, rights claims and solidarity, is embedded in the history of the Swedish welfare model. At some moments in time, due to particular events or circumstances, more or less profound political changes seem to have been made possible, such as introducing a much more generous approach to refugee migrants in the last few years of the World War II in contrast to the previous, strict deportation policy (Byström 2014). When moving forward to the literature review focusing on academic work, it becomes relevant to focus on such examples of how populations are categorized, included and excluded and, in particular, to look into how the concept of unaccompaniedness has been constituted.

### 3. Literature overview

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As mentioned in the introduction, the concept of unaccompaniedness has indeed been a buzzword in recent years, generating thousands of papers and books. Within social work research, it is often the reception system and integration that is the focus of research on this subject (Eriksson et al 2014, Stretmo & Melander 2013, Brunnberg et al 2012, Kohli a), with emphasis on concepts such as ethnicity and culture (Brunnberg & Darvishpour 2016), home and belonging (Söderqvist & Börjesson 2020, Wernesjö 2015, Söderqvist 2014) and the strategies of social workers in contact with unaccompanied minors (Kohli 2006b). There is thus a rich body of material from which this chapter could expand into a book of its own, describing the situation of unaccompanied minors within the refugee reception system. However, given the purpose of my research, instead of describing who unaccompanied children are and what they need, the aim of this section is to present research that analyzes the categorization process of defining a subject as “unaccompanied” and how this shapes access to rights. It is therefore the theoretical design that makes the selection of research relevant, with focus on post-structural approaches, scholars that have explored the relationship between discourses on childhood, post-coloniality and the concept of unaccompaniedness (Stretmo 2014, Wernesjö 2014, Bilotta 2015, Sinha et al 2008).

The fields of research within which I have found inspiration and traditions I wish to contribute to are at the intersection of social work, migration studies and critical race studies. I have therefore found it relevant to look at how social work has related to practices of bordering in other contexts, in relation to populations other than unaccompanied minors. And finally, the ongoing scholarly and professional work in anti-racist social work is highly relevant, both as inspiration and as an arena which I address in my own discussion.

#### 3.1. The concept of unaccompaniedness

In the field of post-structural research there has been an exploration of how the concept of “unaccompanied minor” as a monolith has been constructed (Stretmo 2014, Wernesjö 2014). One of the main findings in this type of discursive research is that persons categorized as unaccompanied minors are generally understood through binaries such as trauma/resilience, vulnerability/agency and innocence/fraud (McLaughlin 2018, Barbulescu & Grugel 2016, Bilotta 2015 Stretmo 2014, Bhabha 2008).

An example of such research from a Scandinavian context is the dissertation *Governing the unaccompanied child* by Live Stretmo (2014), posing the question of how discourse shapes the common understanding of “the unaccompanied child”. Stretmo (2014) has studied how the category of unaccompanied children is constructed and given meaning through guidelines and manuals intended for employees at the Migration Agency, through media language and the way professionals talk about the children. She shows how unaccompanied children are associated with concepts such as strategic migrants, problem youth, survivors, victims, vulnerable children, etc. In government documents the

emphasis tends to be on defining the child in contrast to an adult, where the child is, by definition, seen as more vulnerable and dependent on adults. The authorities' view of unaccompanied children builds on an assumption that they are in a more vulnerable position than children who migrate with their family. According to Stretmo (2014), this indicates that children are always better off with their parents, which silences the experiences of children with dysfunctional families where they have been maltreated and where the abuse within the family may even be the reason they migrated (ibid).

Furthermore, Stretmo (2014) shows how meanings associated with biological age become central to the categorization process of unaccompanied children. Both in Sweden and in Norway, where her empirical material is selected, it is considered important that only those who are under 18 can be defined as unaccompanied children, so that others will not have access to the special support which these children are entitled to. Parallel to the determination of biological age, the authorities are interested in assessing *maturity* and *independence*. The degree of maturity is put in direct relation to age, where older teens are assumed to be able to take on more responsibility and to have a higher degree of independence. It also leads to their behaviour being interpreted as strategic in some cases, for example that they could state a lower age in order to gain benefits in the asylum process (ibid).

### ***The phenomenon of unaccompanied minors that went missing***

In policy addressing unaccompanied minors, the phenomenon of children who “disappear” has been continuously constructed as a problem (Holmlund 2020, Stretmo 2014). The phenomenon is not limited to the Swedish context but is reported from other European countries as well (Gkioka & Biswas 2018). In a report from Greece, persons categorized as unaccompanied minors share their experiences of absconding from housing and give different motives for doing so, such as searching for better migratory opportunities, expectations from family members to continue the journey, long waits and administrative procedures, lack of safety or poor conditions in the shelters (ibid). The Ombudsman for Children in Sweden reported similar results where young persons bore witness to the austerity they faced while living clandestinely in order to avoid deportation – many of them claiming to have had their age wrongly assessed by the Migration Agency (Barnombudsmannen 2017). However, the policy response to unaccompanied minors who run away or disappear from housing units entails a contradiction between, on the one hand, concern over the risk environments that these children may be exposed to, and, on the other hand, constructing the children per se as a risk (Stretmo 2018, Righard & Montesino 2014 and Mikkelsen & Wagner 2013). Problem representations constructed around binaries such as vulnerability and risk are articulated in relation to unaccompanied minors who “disappear” from housing units (Holmlund 2020). The children's claims about inability to return to their countries of origin are treated by authorities as a motive for monitoring these children even more closely, in order to prevent their “disappearance”. This way social work, housing and other welfare services become involved in a combined co-operative practice in which care and policing are interlinked (ibid). The phenomenon of unaccompanied minors who “disappear” is therefore an example of the intersection of social work and migration policy which is embodied by the figure of

the unaccompanied minor and which I will return to in the empirical chapters (mainly Chapters 6 and 7).

### *Unaccompanied minors constructed through the professional gaze*

In the previous section I described scholarly work on the construction of unaccompaniedness as a concept through media and policy processes. Another aspect of the construction of unaccompanied minors is related to professional practice and how norms and routines within social work institutions shape expectations on this new client category (Järvinen & Mik-Meyer 2003). Research related to persons categorized as unaccompanied shows that social workers tend to have different approaches in relation to their clients (Backlund et al 2012, Kohli 2006 b). Seen from my constructionist point of view, the different approaches become key in how the clients are understood, which is what makes these results of interest. The first strategy identified by Backlund et al (2012,) with material from a Swedish context, is that the social worker focuses on the clients as being *children* in the first place and *refugees* as in the second, which connects to a notion that they have the same universal needs as other children (ibid). Backlund et al (2012) explain this with the theory of colour blindness (ibid). The second approach is based on an individual perspective, with the ambition of focusing on *the individual child*. Here, social workers want to avoid making generalizations. The third approach is to focus on what is assumed to be *healthy and normal* in the child. Backlund et al argue that although such approaches may be well-meaning, they have an inherent risk of silencing the need for support, due to expectations on the subjects to show strength (Backlund et al 2012 p.73). A similar variation in strategies is described among social workers who work with unaccompanied minors in the UK, where the difference is mainly related to the extent to which the accounts of the child are believed (Kohli 2006 b).

To be believed, or rather to be seen as credible, is central to how asylum seekers in general are constructed as subjects (Wikström & Johansson 2013, Khosravi 2010). In his dissertation *Drawing the limits*, Daniel Hedlund (2016) analyzes how the credibility of unaccompanied minors is constructed through the asylum procedure in Sweden. He shows an increased tension between the verbal accounts of asylum seekers and medical examinations. Through these practices, an inferior position for the unaccompanied minor in relation to the authorities is produced. The age presented is mistrusted and medical examinations are considered more reliable, which connects to the concept of *culture of disbelief* – a concept used by anthropologist Khosravi in reference to a generalized scepticism and distrust of migrants (2010 p.112). This doubt organizes the context of the asylum process in a way that solely aims to find discrepancies in the claims of the asylum seeker. It is expressed in the asylum process but also through practices in and around the life of asylum seekers in general, as in the security measures they are met with (ibid). Lundberg & Lind (2017) show how the asylum claims of children are overlooked by social practices involving neglect of what is stated. Repeatedly, asylum claims were not included in the assessment of protection needs. Through analysis of 100 asylum cases and interviews with 10 case officers at the Migration Agency, Lundberg & Lind argue that "...children in families seeking asylum are not adult enough to for their asylum claims to be considered, and not children

enough to deserve qualification as bearer of children's rights in Sweden". Consequently, the principle about the best interest of the child is reduced to negating potential harm in a race to the bottom in terms of providing protection and access to rights (ibid).

Claims about identity, and in the case of unaccompanied minors their age, are central to the doubt shed on this category in public discourse as well as in policy and implementation. As Lundberg (2017 b) discusses in her critique of the practice of age estimations, the Swedish Board of Health and Welfare has identified a "need" to further study ethnicity as a parameter in the performance of age estimations: to register populations according to ethnic groups in order to minimize the margin of error. This way, race – which is perhaps rather the categorization called for, is made explicitly relevant. Lundberg associates the rhetoric with the dark periods in Swedish history, with the science of eugenics and practices of sterilization and other interventions against "othered" populations (Lundberg 2017 b). And yes, it should be stated that neither disbelief nor tests that contradict or overrule the accounts of applicants are unique to the case of unaccompanied minors. Rather again, this forms one (but not the only) example of how borders are performed within several parallel coexisting arenas, how medical examinations become relevant to decision making in the asylum process, which in turn shapes access to welfare and social work institutions.

What the literature presented in this section indicates is that how the person defined as an unaccompanied minor is understood (as vulnerable or strategic, as an individual or as part of a group, as trustworthy or fraudulent) shapes relations with authorities and affects access to services. In the context of social work practice, such institutionalized expectations are crucial to the needs perceived and the services/interventions provided (Järvinen & Mik-Meyer 2003). As described by Kohli (2006 b), in some situations even if the social worker has a generalized understanding of the figure of unaccompanied minors as not trustworthy, this may change through personal relations, creating a space for contingency and changes of meaning, depending on a specific situation. Lundberg's work illustrates that it is not merely in the individual client-professional meeting but above all within a societal discourse that such understandings and demands are articulated.

### ***The concept of hope as an enactment of rights***

How persons categorized as unaccompanied minors relate to experiences of racism and othering is a topic that Djampour (2018) works with in her thesis *Borders Crossing Bodies*. She shows empirical examples of bordering within the Swedish context. Drawing on the works of Frantz Fanon and Sara Ahmed, Djampour argues that experiences of being defined as a threat, constantly stopped and subjected to controlling measures can result in the internalization of borders, to stop oneself and to avoid certain behaviours to prevent repeated reprimands (ibid, Ahmed 2011). Djampour brings this down to experiences in the everyday life of those participating in her research:

...being bordered, hindered in one's movement, does not mean that the subject cannot act outside the position of precarity, but rather that the mobility can be enacted through expectations of reunion, promises to oneself, wishes for the future and all the potentialities that lie in the act of hoping. (Djampour 2018: 227)

While Djampour writes ethnographically about the lives of a number of young persons in Malmö in southern Sweden, policy and restraints put on these lives are constantly present, not least in the story of a young couple who are struggling to live in the same country. By hoping for such reunion, the couple enact a mobility they are legally refrained from. This meaning of hope is also elaborated on by Elserud (2020) in a recent ethnographic project where she has followed a number of young persons from Sweden to Italy. Elserud concludes that the importance of recognition, being treated with respect by authorities and seeing a prospect of a livable life, has saved the young persons in her study from *social death* (ibid). I will return to this concept in the ethical discussion and in the analysis.

### **3.2. Social work, bordering and access to rights**

The way social work practice is traditionally organized in Sweden means that social services, governed by municipalities, are one of the main, or perhaps *the* main, arena for social work. This highly institutionalized and professionalized practice is a tradition shaped by the Swedish welfare model and differs from other ways of organizing social work through community organizations, activism or voluntary efforts in what can be summarized as the “civil society” (Trägårdh 2008). The way social work is tightly linked to the state and municipality also shapes the discretionary space of practitioners in relation to other authorities, such as the police or the migration agency. In this section, I will present scholarly work that addresses the intersection of social work and migration policy, with a specific interest in critical work where the role of social work as a bordering practice is problematized.

#### ***Inclusion/exclusion in welfare systems***

Historically, social work has had a double-edged function, both as an arena for empowerment with humanitarian and democratic ideals (SSR 2017, Heffernan 2006, International Federation for Social Workers 1994), and as a means for state interventions to shape and discipline the population if its behaviours deviate from what was considered as normality (Fahlgren & Sawyer 2005). Categories such as “addicts”, “criminals”, “immigrants”, “single mothers” or “large families” have been excluded from the concept of normality and thereby placed in a position where intervention is or has been considered necessary (ibid). In this sense, it is not uniquely in relation to migrants that social work practice may encompass a bordering or excluding element. Inclusion of migrants in general, or unaccompanied minors, in the system of welfare has been organized around key ideas of who is a deserving subject, and consequently, who is not (Wernesjö 2020). As discussed in recent work by Gustafsson & Johansson (2019) the so-called refugee crisis revitalized a dilemma about what it means to provide a



“worthy” refugee reception (Gustafsson & Johansson 2019). That is to say, which subjects are entitled to what rights and to what extent. As Gustafsson & Johansson show through ethnographic data from 2016, welfare workers negotiated the idea of which “refugees” deserved to stay in Sweden through their professional practices (ibid). In this understanding, certain subjects were constructed as more deserving than other subjects, from whom it was believed that the nation must be protected. This differentiation was often infused with economic motives or a belief that not “everyone” can come here (ibid). Some participants in the study stated that they preferred “working hard” to make it possible to include more new refugees and they were critical of the restrictive policy (ibid). This division is not new. It reinforces a binary understanding of migrants, divided between “refugees” as deserving migrants in contrast to “economic migrants” as non-deserving of inclusion in the welfare state (Sassen 2016, Gibney 2004).

In the literature, concepts such as the *discretionary power* of social workers and/or the impact of personal attitudes in client work has been analyzed (Schütze 2019, Watkins-Hayes 2011 & 2009, Sandfort 2000). Although not a key concept for my own analysis, it can be mentioned that scholars have stated that *discretion* can function both as a space for decision-making and as a risk for biased assessments (Sandfort 2000). Individuals both create and are constrained by social structures (ibid). For instance, professional identity is not only defined through institutional and organizational norms and regulations, but also by personal experiences and social group identification, such as race, class and gender (Watkins Hayes 2009). However, a qualitative interview study with black and latino benefit recipients in a diverse social welfare office in the USA shows that the benefit receivers did not experience that social workers from the same race or minority group treated them differently (Watkins-Hayes 2011). Watkins-Hayes argue that diversity among co-workers is important from a representation point of view, but that the organizational structure is so strong in defining the relationships and to a far greater extent shapes how race is understood in these institutions (ibid). Against this background, the results of Schütze’s dissertation are interesting, since she has analyzed attitudes among welfare workers in Swedish authorities (Schütze 2019). In this research a connection is made between welfare workers<sup>12</sup> having a self-understanding of a colour-blind approach and holding negative attitudes toward migrants (Schütze 2019). Schütze’s analysis is grounded in quantitative data, where attitudes and self-understanding are analyzed. The results suggests that the welfare workers notions of national identity play an important role in their attitudes toward migrant clients. This is similar to findings within the overall population, it is stated, but with the difference that, in the case of welfare workers, a negative attitude toward migrants can affect the welfare outcome (ibid). The results identify different strategies that are used by welfare workers, such as distancing oneself, resentment toward migrants and engagement in mutual dialogue in order to overcome ambiguities and complexities (ibid). It can

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<sup>12</sup> Schütze (2019) has included in the data employees at the Swedish Public Employment Service (Arbetsförmedlingen) and the Social Insurance Agency (Försäkringskassan), and the term “welfare workers” is used for both institutions.

thus be stated that processes of inclusion/exclusion are shaped by discretionary acts and discursive preunderstandings about deserving clients as well as institutionalized expectations. What the scholars mentioned in this section contribute is empirically grounded analysis on how social work practices reinforce a division of the population according to assumptions about “migrants” and “Swedes”, which in turn may form their approach and professional assessment (Wernesjö 2020, Schütze 2019, Gustafsson & Johansson 2019).

### ***Differentiated access to welfare services***

Processes of othering grounded in racialized expectations, orientalist discourse and prejudice against persons based on their religion is inherent to social work practice (Eliassi 2015 and 2017, Ferguson & Lavalette 2014). In this section, I will focus on research which exemplifies ways in which such categorization can have the consequence of unequal access to the welfare system in a broader meaning. I will then direct attention specifically to the category of migratory status as grounds for othering and exclusion (Lind 2018, Backlund et al 2013, Backlund et al 2012).

In the Scandinavian context, normality is strongly connected to national identity and there is an idea that the more similar to “us” (as in the vague category of Swedes or Norwegians) the migrants are, the more normal and the greater potential for “integration” they hold (Andersson 2003). One example of this is discussed in Gruber’s study about institutional care (Gruber 2013). She concludes, based on her empirical material from Swedish institutional centres, that the categorization of immigrant boys occurs significantly more often than the categorization of boys as Swedish. Gruber argues that this is because the characteristic of construction of difference is that it distinguishes what is perceived to be different, while what is associated with normality is rarely mentioned. The immigrant boys, in the case of her research, are made into the representatives of difference through this categorization process (Gruber 2013:12). There are thus specific mechanisms within the Swedish welfare system which function to constitute particular forms of life as normal and others as abnormal (Sahlin 2004). In such processes, orientalist discourses combined with bordering logics tend to construct migrants as abnormal “others” (Eliassi 2015, Beck et al 2017). This is something that is difficult to address due to the way race and racism is often talked about, with a colour-blind approach (Eliassi 2017). The instinctive answer for most social workers in contemporary Sweden is perhaps to say “I don’t make any difference between people!”. Within critical-race studies the concept of *colour-blindness* is used to describe practices where it is said that race does not matter. Such understanding of race relations not only risks overlooking discriminatory practices (Silva 2006), but recent research from social work in Sweden shows that there can even be a connection between welfare workers having a colour-blind approach and holding negative attitudes toward migrants (Schütze 2019).

When looking at migratory status, the point of comparison differs. The very fundament of the welfare state and access to welfare resources is, as I have already discussed, membership through citizenship. For a non-citizen to access welfare resources is thus not self-evident. Migratory status can

thus both formally and informally lead to inclusion and exclusion. By formal inclusion, I mean such regulations that explicitly exclude asylum seekers, for instance from certain healthcare services or social services. More interesting to me are the implicit forms of inclusion and exclusion where there is a space for discretionary action and different processes of negotiation that shape access. As an example, the Social Services Act does not explicitly exclude undocumented migrants. Nor does the LVU, which is the legal framework for compulsory care (Care of Young Persons Act, 1990:52, SFS 2020:1259). However, as pointed out in a report by the United Nations Children’s Fund (UNICEF), the social services refrain from interventions such as compulsory care when they know that the child is undocumented (Backlund et al 2013). This is motivated by claims that it would be worse for the child to first receive support and then have it withdrawn through deportation. Therefore the child can be left in a dysfunctional home (ibid). The report also shows that children in undocumented families generally receive less in-depth social assessments (Backlund et al 2012). And in this sense, being defined as undocumented can lead to less support, protection and minimized access to care services compared with what citizens or resident children would have received. This can be seen in relation to the findings about unaccompanied minors who run away from voluntary housing placements. A discourse reproduced by local authorities and policy makers, depicts missing youth as “survivors“ or “vagabonds”, who are used to looking out for themselves (Stretmo and Melander 2013). This image is then used to legitimize the lack of intervention in terms of searching for or staying in touch with missing unaccompanied minors (Stretmo 2019)<sup>13</sup>.

The way migratory status shapes access to welfare services, and ultimately to the right to have rights, is analyzed by Lundberg & Strange (2017) in a combination of interview study and analysis of local policy. The empirical material of the study is from the city of Malmö and the situation with access to education for children residing in Sweden without residence permits, as undocumented migrants. While such access was not regulated as a formal right until 2013, ambiguous relations and local practices made it possible in some cases for children to enrol in school. An example of such ambiguity is illustrated by this quote:

One principal (Principal A) was adamant that all children, no matter their legal status, should have a right to attend school. Everyone in Principal A’s school was asked to work toward this goal of access as central in the negotiations. The principal saw, for example, that in some cases it was necessary that, to protect them, undocumented child migrants had to be registered in the class lists under false identities. However, another principal (Principal B) opposed such activity due to concern that it contravened legal guidance. Principal B argued that, unless the rules state otherwise, children who lack documentation to stay in Sweden should not be treated

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<sup>13</sup>For further discussion about unaccompanied minors that go missing from voluntary residential units, see Stretmo 2018, Righard & Montesino 2014, and Mikkelsen & Wagner 2013.

differently due to their vulnerable situation. Her main argument was that there should be no 'hiding' of students in the Malmö schools that contravened the law (Lundberg & Strange 2017).

The different approaches understandably resulted in different access to education, depending on what school the child was enrolled in. Based on fieldwork, interviews with teachers and other welfare professionals, the scholars argue that the discussion over why undocumented children should have human rights was, to a large extent, overshadowed by practical barriers to accessing such rights. That is to say, technical legal issues and division of responsibility between different authorities (ibid). In 2013, after international criticism, this was made a right – children with unauthorized migratory status should also be entitled to education. However, the authors argue, due to the contradiction that there are no sanctuaries for undocumented migrants in Sweden, the children were not, in fact, safe when going to school. They risked police interventions at any moment – a risk that increased with the project of REVA, where intensified identity checks in public spaces were conducted to find deportable populations (ibid, Kazemi 2012). Lundberg & Strange thus argue that human rights limited to a legalistic discourse (that the child has the right in law) is not sufficient when the national law at the same time creates a position of deportability. With the example of Principal A, they argue for a need to interpret human rights grounded in the experience of the students in ways that facilitate school participation, even if it means working beyond the narrow framework of the law. Therefore, access to rights is largely a matter of practices and struggles on a local level (Lundberg & Strange 2017). This tension between national law and local practices is also illustrated by Jönsson, based on interviews with social workers and representatives of NGOs (Jönsson 2014). She shows that there are different approaches among social workers towards undocumented migrants. While this is in conflict with ethical principles of social work, there is a lack of guidance or strategies for social workers to deal with this in their daily work. Most of the participants failed to make a connection between the hardships in the daily lives of undocumented migrants and global justice issues. Undocumented migrants are viewed through two main discourses: either as victims or as illegal. Victimization triggers a paternalistic social work response to care for someone. Seen through the illegalization discourse, however, social workers express the opinion that undocumented migrants are in the situation they are in due to their own action of remaining in the country without permission (Jönsson 2014).

There is a gendered aspect to these discourses. The victim discourse is mainly used for women and children, while men invoke less engagement. This depiction, Jönsson argues, risks making invisible the living conditions of undocumented men. Additionally, this category of men are, to a greater extent, seen as 'oppressors' who should be re-educated or changed (Jönsson 2014). Depending on their understanding of the situation, the social workers take different positions in relation to undocumented clients. While some distance themselves from this issue, because it is complicated and falls in-between regulations, others take action and see this as a struggle for social justice and social change. To take one example, a social worker states that if the police are called to obtain information about a client, he would ask to get back to the officer soon. He would search for the client in the database and, if a

case existed, he would close it. He would then call back and tell the police officer that they did not have an open case on that individual in their system. Social workers with this approach emphasized the need for a political change regarding the situation of undocumented migrants and the incompatibility between the principles of human rights and social work practices which exclude undocumented migrants (ibid).

As shown through examples from the welfare fields of social work and education, access to welfare services and the type of services deemed most suitable is shaped by the type of “client” the child is categorized as (Schütze 2019, Lundberg & Strange 2017, Jönsson 2014, Backlund et al 2013). There are thus profound empirical grounds for stating that institutionalized expectations on clients are informed by racialization and migratory status (Järvinen & Mik-Meyer 2003). Being defined as a migrant in general is associated with certain assumptions and, often negative, stereotypes. As the example of Lundberg & Strange (2017) shows, there are also acts of inclusion made within the institutions in spite of dominant discourses aimed to exclude. Access to rights and services is defined by both policy approaches and discretionary power on an individual level and on local institutional levels.

### ***Fantasies of migrants as a threat***

As described so far, the particular position of the unaccompanied minor as an idea or a concept is intersected by discourses on migration, racism and bordering practices. With the introduction of a stricter asylum policy in 2015, a decrease in rights formally accessible by this subject could be seen (Lundberg 2020). A shift in approach from sympathy and welcoming to anti-migrant sentiments took place, targeting migrants in general but particularly unaccompanied minors (Lems et al 2020, Lundberg 2020). Since a question central to this thesis is to analyze how such changes could take place at that specific moment in time, it is relevant to look into scholarly work where such questions are addressed with regard to the so-called “refugee crisis” in 2015 or similar events. Lems et al (2020) show that the figure of the unaccompanied minor, by virtue of its ascribed innocence and vulnerability, came to represent the human face of the “refugee crisis”. Yet, and paradoxically, this figure also embodied the fears and fantasies produced by the concept of the “crisis” – a particular kind of dangerous group of teenagers out of control by the state and society through their mobility (ibid). As unaccompanied minors were labelled with the concept of “crisis” in 2015, this figure was connected with other stereotypes such as “delinquent youth” and “welfare scroungers” (Lems et al 2020). For those categorized as unaccompanied minors, their lived experience came to be shaped by having to relate (or express resistance) to these negative stereotyped norms, rules and expectations on a daily basis (Meloni 2019). Similar discourse where migrants are defined as a threat and the nation is described as “full” with room for no more immigrants, have been identified in research projects from other European countries and the USA (Mora & Christianakis 2015, Brooks & Sowards 2013, Engelken-Jorge 2010 ). In the USA, the presidential election campaign in 2016 largely revolved around the idea of building a wall on the US-Mexico border through a discourse of paranoia in relation to migration

(Ibrahimhakkioğlu 2016). It is thus far from a unique phenomenon. Although the rhetoric of crisis and negative images linked to unaccompaniedness were emphasized during and after 2015, such discourses were dominant long before, a situation which Wernesjö shows in her article discussing how deservingness was negotiated in narratives of unaccompanied youth in 2011-2012, as well as showing how these negotiations can be understood as expressions of conditional belonging (Wernesjö 2020).

A number of scholars have thus addressed the particular role ascribed to the figure of the unaccompanied minor, as an idea or a concept central to the political processes both before and after 2015. Intersected by norms on child protection, belonging, vulnerability but also agency, risk and even threat, the concept of unaccompaniedness is highly politicized, with the consequence that subjects associated with it, through their very bodies and presence in the nation, embody the conflicts of inclusion and exclusion in migration and welfare policy (Djampour 2018).

### **3.3. Anti-racist social movements and social work**

In this thesis I draw on theoretical traditions from several fields, with an ambition to inspire the ongoing professional and academic discussion within social work. I wish to speak from a position of border critique but also from a more general anti-racist position through which the binary of migrant-citizen can be reimagined and challenged.

In the Swedish context, anti-racist movements have a different history than in countries where colonialism and anti-colonial struggle has been more central in the construction of national identity. To begin with, racism has not been conceived as a problem within Swedish society (de los Reyes 2016). The struggle against racism has hence also been organized around conceptualizations of racism such as the (German) Nazi movement in the 1930s, Apartheid in the 1970s and 1980's and neo-Nazi movements defined as marginal and extremist within Swedish society in the 1990s (Jämte 2013). When racism has been mentioned in these three “waves”, it has been in relation to such external expressions, not societal norms and institutionalized practices within what is considered to be Sweden or Swedishness (de los Reyes 2016). In the Swedish self-understanding as a “good” nation, solidarity with oppressed black populations in South Africa and the USA has been integral, but also a way to position race and racism as issues relevant elsewhere but not here (Hübinette & Lundström 2020). Racism became a concept associated with Sweden in the late 1980s and early 1990s with the surfacing of neo-Nazi movements and the serial killer referred to as “the laser man” – a man who targeted non-white victims on the streets of Stockholm and Uppsala and killed several people (ibid p. 49, Tamas 2010). A fourth wave of anti-racist social movements can therefore be recognized, which increasingly speaks of racism as “internal” and institutionalized (Jämte 2013). The many and sometimes conflicting ideological positions on how to define racism, and thus also anti-racist positions, has created a fragmented and devised movement, which makes it difficult to locate anti-racism both as a movement and a subject in Swedish contemporary society (de los Reyes 2016).

### *Anti-racist practices and the politics of ethics in social work*

The tradition of anti-racist social work emerged in the UK and elsewhere in the 1980s as a response to the perceived inequalities that were reinforced by institutionalized practices (Singh 2014, Dominelli 1988). It was born out of a broader anti-racist movement and core issues were equality in recruitment, protection of black and minority communities and a critique of stereotypification and pathologization of black families (ibid). While social movements have been integral to the Swedish nation-building, practices explicitly referred to as anti-racist social work seem less elaborated on. This may be understood in relation to what was stated in the previous section, about the fragmented and devised anti-racist movement(s) (de los Reyes 2016). In this section, I therefore find support in research from outside the Swedish concept to highlight discussions about anti-racism, ethical positioning and discretionary power in social work practice (Rajaran-Rankin 2015, Ortiz et al 2012). I provide examples of research that touches on anti-racist social work in the Scandinavian context (Eliassi 2017, Jönsson 2013, Anis 2005). I also find inspiration in scholarly work presented in section 3.2 touching on the tradition of anti-racist social work, not least the works of Jönsson (2014) and Gruber (2013).

Several studies show empirical evidence of experiences of racism and discrimination within social work practice and education (Schütze 2019, Eliassi 2015 & 17, Rajan-Rankin 2015, Gruber 2013, Ortiz et al 2012). It is, however, also relevant to look at scholarly work that addresses the issue of ethics of anti-racist social work and the use of discretionary space by professionals. Husband (1995) argues that the morally active practitioner ought to recognize the conflicts inherent in social work practice, and that claims such as “doing one’s duty” may be mere routine and compliance. Articulating personal moral concerns with the other as a person – not a client – is often interpreted as “political”, he argues, and he goes on to state that social workers are expected to show responsibility to their employer before identification with, or being for the client (ibid). The ethical status of social work practitioners is thus limited by the employer and loyalty to the organization is now more important than loyalty to the client.

How loyalty to the organization is interpreted in practice and in relation to anti-racism is brought up in a guest editorial in the *Journal of Social Work Education* by three US-based professors (Ortiz et al 2012). They demanded that the Council of Social Work Education oppose what they defined as racist migration laws. The article pinpoints a tension between ambitions to maintain “neutrality” on the one hand and demands to include the rights of migrants and to oppose unjust border practices as acts of racism on the other (Ortiz et al 2012):

Aside from their economic intentions, this type of law represents hate laws and has a tendency to bring out the worst in people, and their impact is far reaching. In effect, these laws are intended, in the words of critical theorists, to racialize the immigrant. (...) The micro aggressions and racial profiling that these laws sanction impact the Latino population as a whole and serve to reduce cross-cultural communication and trust in ways that can reduce the willingness among Latinos to reach out and take advantage of educational opportunities as well as other services for which they are eligible (Ortiz et al 2012).

The law at the centre of this debate was HB 87, Georgia's Illegal Immigration Reform and Enforcement Act of 2011. This law targeted unauthorized migrants in the state with a list of restrictions, and included the possibility of condemning an individual to up to 15 years in prison for the use of false identification in order to obtain a work contract. According to the editorial, the CSWE refrained from criticizing the law so as not to upset conservative educators (Ortiz et al 2012). The association also preferred a "neutral" position to safeguard future funding. By defining the restrictive law as racist, the authors of the editorial call for resistance against it within the framework of anti-racist social work and social work education (ibid). They mean that acceptance of such a law does not comply with basic ethical standards of the profession. It can thus be stated that there is an ongoing debate on the ethical positioning of social workers in relation to increasingly securitized borders in different geographical contexts, which ultimately reflect the need for situated and contextual ethical assessments. This debate is similar to what has been argued by Lundberg & Strange (2017) and Jönsson (2014) about the tension between national migration law on the one side and principles of human rights and professional ethics on the other. The difference may be that the Swedish-based scholars do not explicitly position themselves within anti-racist social work.

Linking in with the debate on Social Work Education and advocacy for anti-racist social work, a research project from the UK explores how social work students understand their race and cultural identity in relation to their experiences as students and their professional identity (Rajan-Rankin 2015). In-depth interviews with ten undergraduate and masters students formed the empirical material. One of the findings is that the participants had early childhood memories of becoming aware of their race. Regardless of colour, race was something they were aware of in relation to studies to become professional social workers. Embodied racial identities shaped their approach to thinking and talking about race in the classroom. For the white students, this was often associated with discomfort and "racial guilt" but also frustration over a lack of concepts through which their whiteness could be talked about. For students that identified as minorities, the experience was painful and rendered a sense of being voiceless, with a fear of being depicted as troublesome if too outspoken. Among the non-white students, many shared experiences of racial discrimination during their participation in the social work education program, especially during the practice placement (ibid). Rajan-Rankin ends with a statement that calls for alliances that go beyond race divisions in order to disrupt racism (ibid).

In the Swedish context, there is a tradition of critical research within social work that touches upon issues of racism and anti-racism, without necessarily referring to anti-racist social work as a particular practice. At policy level, the concept of race has been erased from Swedish legislation (Lundström & Hübinette 2020). It is rather through the division of "immigrants" and "Swedes" that racialization is conceptualized. The discourse of immigrants as essentially different than "Swedes" and in need of "integration" has been hegemonic since the 1990s (de los Reyes 2006, SOU 2006:73). The idea of an "ethnic other" became a point of departure for policy addressed at migrant minorities, through which a particular subject was conceptualized through a double-binding that called for a homogenisation of the population, but did so through differentiation and ideas of cultural essentialization (de los Reyes 2016). Within social work practice, immigrant populations are often



talked about as a group that need to be “integrated” into “Swedish” society, while the function of racism in structuring ethnic relations and the social services is silenced (Eliassi 2017). Eliassi states that there is an absence of anti-racist, anti-oppression and/or anti-discriminatory ideas within Swedish social work and that this is due to the dominance of a colour-blind and universalist welfare discourse. In this way, the integration of “others” is seen as a service to strengthen the equality and inclusion in society while, at the same time, it becomes a tool to control and intervene against particular, othered populations (ibid). In Eliassi’s interview study with 22 social workers, the participants with an immigrant background gave different accounts of their understanding of racism within social work practice compared to the colour-blindness expressed by the white Swedes. The participants with immigrant background displayed an awareness of experiences of discrimination that migrant populations may meet on the housing market, labour market and in contact with authorities. This stands in contrast to how the majority of the white participants stated that there is no need to speak about racism because it does not exist in their institution (ibid). This understanding of the social worker (or volunteer/non-professional service provider) as a “good” person, and the institutions as separate from racist ideologies and practices, is essential to understanding how demands are formulated and what voices are silenced.

While Eliassi’s study stands somewhat alone with the race concept in Scandinavian social work research, several scholars have carried out similar studies analyzing meanings given to the concept of “culture” and “ethnicity” and put this in relation to institutionalized racism (Jönsson 2013, Kamali 2008, SOU 2006:73 Anis 2005). As long ago as 2006, Andersson stated that institutional racism exists within the Swedish police force (Andersson in SOU 2006:73). Based on a case study of the death of an asylum-seeking man, Andersson argued that the police made racialized assumptions about this man. In his material, expressions used by the police where they depict the asylum-seeking man as hot-tempered and potentially aggressive are provided – seen through stereotypes about men from Turkey/Kurds, Andersson argues. This stereotypization motivated an intervention that led to one police officer firing a lethal shot at the man (ibid). The ways in which “culture” is understood among social workers is problematized in a research project from Finland based on conversations between social workers and clients with a migrant background in six different social service offices, as well as individual interviews with the same participants (Anis 2005). The finding is that culture is generally used in three ways: to explain the “right” way to act, to explain problematic behaviours and as a tool to communicate. Anis argues that, if the concept of culture is used in a Eurocentric way, the result may be a culturalization of immigrant clients. She therefore calls for an awareness of the social workers’ own cultural concepts as well as a reflection on what clients may mean by the term culture (Anis 2005). In a Government Commission of Inquiry, editor Kamali describes the tendency to blame victims of “failed integration” for a form of symbolic violence, drawing on Bourdieus’ concept of violence that is not necessarily perceived as violence. This attitude, he argues, is grounded in an essentialist understanding of culture, where what is considered “Swedish” is seen as superior to what is defined as the culture of immigrants (SOU 2006:73 p.14).

Culturalization of social problems is, as a pitfall in social work practice, further elaborated on by Jönsson (2013). Based on empirical data from ten interviews and documents from a social work organization promoting “cultural competence”, she states that the majority of the social workers participating in her study saw a need for “cultural competence”. The meaning given to the term by the participants is in line with learning or obtaining information about the culture of the immigrant clients. Two out of ten participants had a critical approach to this way of defining the clients’ problems through culturalization. The conclusion made by Jönsson is that culturalization of social problems silences structural and institutional mechanisms behind marginalization. The perspective of “cultural competence” may benefit individuals with a migrant background who can advance as competent experts on “their group” but it does not contribute to a progressive social work beyond the us and them division (Jönsson 2013).

There are therefore a number of works both from Sweden and internationally that address anti-racist social work and the tension between national migration law and the international ethical standards of the social work profession (Rajan-Rankin 2015, Jönsson 2014, Ortiz 2012, Husband 1995). Furthermore, the way race and racism have historically been articulated in Sweden has shaped a context in which race and racism are often left unmentioned. Social work practitioners rather speak of colour-blindness or “cultural competence” (Eliassi 2017, Jönsson 2013, SOU 2006:73). Against this background, it is relevant to look not only at the formal social work practice, but also NGOs and the civil society as a potential arena for anti-racist social action.

### *Civil society and the new social movements*

In section 3.2 I provided some examples of scholarly work that has dealt with the exclusion of racialized populations in general and, in the Swedish context, specifically migrant populations as a category or racialization. In the previous section I showed how a tradition referred to as anti-racist social work has emerged as a response to these practices, where social work practitioners aim to find strategies to disrupt oppressive and discriminatory discourse through action. In this section, social movements are focused on as another arena for rights claims and citizenship enactment.

What I mean by the civil society is, in general terms, organized communities that are not directly under the governance of a state or municipal authority, although they may be funded through public institutions. State and municipal institutions have traditionally been the major platform for social work within the Swedish welfare model. However, cutbacks in resources have created deficits that affect both the relationship between professionals and clients and the outcomes in terms of benefits (Hertz 2016, Sernhede 2009). As the public sector has withdrawn, NGOs and civil actors have become increasingly important as alternatives to the welfare state (Trägårdh 2008, Hertz 2016). Although there was already an active civil society in Sweden before the re-organization of the welfare state (since the 1990s and ongoing), its work was often pursued at the periphery since the welfare state held such a strong position as the main provider of rights and benefits (Kings 2011). This peripheral

position is now in transition, and in this section I will provide some examples of this and how it becomes relevant to policy making and anti-racist social work. As a point of departure, I would like to reflect on the following statement made by de los Reyes (2016):

In the light of the militarisation of borders around fortress Europe, in Gaza and in Rio Grande and in front of the impossible task of stopping displaced people, asylum seekers and refugees, the issue of the rights of the other is once again on the political agenda. In this context, intersectionality can develop alternatives to disembodied political strategies that ignore experiences of diaspora, exile and colonial exploitation and instead explore the potential of a stance where the other is nothing more and nothing less than 'another me'. (de los Reyes 2016: 41).

In the quote, as I understand it, de los Reyes calls for inclusion of asylum seekers in the more general anti-racist struggle in Sweden. Because of the position of my own research question in between social work and migration, this question is of particular relevance. As concrete examples of what de los Reyes describes, a piece of social work research from the city of Malmö in southern Sweden includes subjects defined as undocumented migrants in a broader analysis on inclusion, citizenship enactment and anti-racist struggle (Nordling 2017, Söderman 2019).

The dissertation of Emma Söderman (2019) is about a community musical consisting of young asylum seekers/unaccompanied minors together with activists with varying migratory status. The empirical data is interviews with participants in the musical. To act on stage in a musical about life as undocumented, while being in that very position, was experienced as strengthening by the participants, but also with its limits. Not least was the challenge that many of the participants risked being arrested by the police. Söderman states:

The performance of the musical in two ways challenged the condition of deportability, of not being able to perform in public and claiming a place: by making visible not only pain and loss but also rebellious resistance and by having actors performing on stage although lacking residence permits. In a context where experiences of seeking asylum in Sweden are seldom represented by individuals themselves seeking asylum, performing together on stage, even though the actors risked reproducing generalised images of asylum seekers through faceness, still has a potential to provide strength to continue to struggle (Söderman 2019 p. 186).

In the above quote, Söderman addresses the meaning of being able to perform in public. She addresses potential criticism of this act as one of reproducing victimhood by emphasizing the agency of the individuals who choose to participate and that it was their wish to also tell of painful experiences of loss and to be disbelieved (ibid: 190). The dissertation furthermore highlights the complexities of organizing political movements through alliances between persons with different migratory statuses and that this context has an inherent inequality. Söderman argues that this inequality can be approached through relationships and translation work that is not limited to language, but to experiences of life (Söderman 2019).

Sager (2018) has also studied social movements where undocumented migrants participate as activists and make rights claims. Through interviews with activists, Sager shows processes of self-reflection and how several of the participants stress a need to understand their position and the way irregularity is performed within a global context:

...the wars and conflicts that force people to flee, colonial histories, the role of Sweden and Europe as a whole in these wars as parties and in arms export, the unequal global distribution of resources that forces people to move irregularly and precariously and the interpretations and the questioning of people's credibility that permeate the asylum process. These are aspects of irregularity that several interviewees experience as continuously invisible, arguing that the visibilities of these other contexts of irregularity would produce more politicised subjectivities than the one that has come to the light now: the irregular migrant as a subject of social policy (Sager 2018 p.180).

What Sager shows is the discrepancy between how the position of irregularity is met as a “problem” to solve through policy, and the articulations made in the interviews, of subjects in this position, wanting a more global and political interpretation of their situation. This highlights the need to direct the gaze not at the migrant subject as the object in need of “fixing”, but rather to have an analysis of the political situation through which that subject is positioned in precarity. In his dissertation, Keshavarz argues that a research approach of analyzing the subjects per se has an inherent risk of also reducing the lives and suffering of individuals to a “problem” to analyze (Keshavarz 2018 p.62).

There is thus a body of empirical studies in the Swedish context addressing the position of migrants, specifically undocumented migrants, and the ethical dilemmas in engaging in research, activism and social work. The Asylum Musical analyzed by Söderman has ideological proximity to other movements of rightsless populations, such as the sans-papiers movement, and can be seen as one form of anti-racist movement (Zorn 2014). These are social movements with rights claims which stretch the idea of citizenship from a formal right to practices that can be lived through resistance (Zorn 2014). Another example of research focused on such organized movements is the work of Tsavdaroglou on No Border Camps (Tsavdaroglou 2019). Drawing on a case from Greece, Tsavdaroglou argues that undocumented, irregularized migrant subjects through acts of squatting can broaden their access to the city. The occupied locations, often with a central position in the city or spaces of bordering, can be defined as an enactment of the right to the city and citizenship rights. Tsavdaroglou argues that such communities and common spaces actively aim to destabilize the boundaries between locals and newcomers, refugees and citizens etc. (ibid).

With the migratory turn in 2015 and the “Refugees Welcome” movement in Europe, a different ideological orientation can be identified. In the context of the UK and the Refugees Welcome movement that emerged there, Armbruster (2019) argues that the proximity in the relationship between volunteers and refugees created new grounds for how the subject positions of refugees were understood by the volunteers. They ceased to be an anonymous group defined by vulnerability and

became individuals with different identities, needs and circumstances (ibid). But, as Ambruster also points out, the compassion-driven, pro-refugee social initiatives embodied the ambiguities inherent in every construction of vulnerability, where some experiences invoke more compassion than others (Ambruster 2019).

### **3.4. Chapter Conclusions**

In this chapter I have presented brief summaries of previous scholarly work which I find relevant and use more or less directly when working with my own analysis. Within the tradition of post-structural social work research, it has been argued that the concept of unaccompanied minors has emerged as a particular kind of childhood constituted through binary ideas about vulnerability, agency, trauma and resilience (Stretmo 2014, Wernesjö 2014). While there is a continuity in how unaccompanied minors are conceptualized through binaries, there is also a number of research projects arguing that there is a shift in discourse and/or strengthening of anti-migrant fantasies, both in Sweden and elsewhere (Ibrahimhakkioğlu 2016, Brooks & Sowards 2013, Engelken-Jorge 2010). With the migratory turn in 2015, negative stereotypes associated with unaccompaniedness and migration in a broader sense were articulated in the media discourse (Lems et al 2020, Meloni 2019). This also meant minimized access to welfare services and ultimately, to rights (Lundberg 2020). Previous research has provided a framework to understand social work practice and migration policy as connected (Wernesjö 2020, Stretmo 2014, , Backlund et al 2013, Backlund et al 2012). There have also been a number of works addressing the tension inherent in social work, between loyalty towards the organization or the client (Husband 2005). Or put differently, between following national legislation that promotes deportations or acting in accordance with ethical principles of the profession (Jönsson 2013, Ortiz 2012).

While racism, discrimination and bordering have been researched in relation to social work and the access to rights such as education and social services, less scholarly work in a Swedish context has elaborated on anti-racist social work (Lundberg & Strange 2017, Jönsson 2014). However, hegemonic concepts such as “integration” as a policy strategy and the concept of “cultural competence” have been challenged by scholars who call for intersectionality and anti-essentialist approaches to migrant populations (de los Reyes 2016, SOU 2006:73). My reading of this is that research that would fall into the category of anti-racist social work emphasizes other theoretical concepts such as culturalization, othering and citizenship enactment, while race and racism are less explicit. This can be understood against the background of how issues about race and racism have traditionally been defined as something external and not an issue related to the Swedish context (Lundström & Hübinette 2020). Furthermore, although many aspects of both migration and social work have been explored and analyzed, the connection between these two fields remains weak. Social work, borders, racialization and social movements within this intersection are contingent and take on various expressions, which cannot be summarized or reduced to a monolith.

With this overview of literature as a point of departure, I have positioned my own research project in the field of social work, with specific interest in the tradition of anti-racist social work. In the next two chapters, the theoretical and methodological design of this thesis will be presented. And to prepare the ground for the discussion of theory, an illustration of a particular moment in time is made.

## PART II

### CHILD PROTECTION AND PROTECTING THE NATION

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## *(the migratory turn)*

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“I ask the Swedish people to be patient and open their hearts to the vulnerable we see around the world. When many flee in a short time, it creates tension in Swedish society. But we have learned that people who come here later take part in building Sweden together with us” (Reinfeldt in Rosén 2014)

These were the words of the leader of the Moderate Party, Fredrik Reinfeldt, in 2014, a month before the parliamentary elections. During the election campaigns, I remember feeling optimism. The Left Party and the Green Party were in favour of legal routes for asylum seekers to enter Europe. The Centre Party, the Liberal Party and the Christian Democratic Party proposed asylum visas or emergency visas, where the applicant would be able to apply to the Swedish Embassy and enter the country legally instead of risking their life on a small boat at sea (Radio Sweden 2014). The Moderate Party and the Social Democratic Party, who have historically cooperated in migration policy, did not propose any legal routes. But their leaders’ tone was also humanitarian. I thought perhaps now something will change. And a migratory turn did happen, but not in the direction that I anticipated. Yet, during the first months of the so-called crisis, even the prime minister Stefan Löfvén claimed that his Europe does not build walls. He also stated the following about Alan Kurdi, the toddler who momentarily embodied the figure of the refugee:

I mourn him and all the other children who die while fleeing and in war. I mourn with his parents and relatives. I grieve for humanity when this happens before our eyes (Löfvén 2015a).

Alan looked like my son when he slept in his cradle. The picture that spread around the world invoked as much compassion as there could be – or so it seemed. I was still optimistic. The life and death of refugees was grievable, in these speeches and in the actions of ordinary people with banners stating “Refugees Welcome”. I did not notice what happened when the turn occurred. While in September, the prime minister was urging solidarity, in November of the same year he presented a long list of new restrictions in migration policy. It was not walls in the concrete meaning of the term, but it was a tightening of those invisible borders in and around the geographic entity we call the nation.

Sweden has taken the greatest responsibility in relation to our population, while other EU countries have done very little. Sweden needs respite. Swedish legislation will adapt to the EU minimum level to get people to apply to other countries (Löfvén 2015b)



When the prime minister presented the restrictions in the Temporary Aliens Act, the deputy prime minister shed tears in front of the cameras. I also wanted to cry. She was obviously in pain at this moment of letting go of political ideals. But as I watched the press conference, there also seemed to be a sense of satisfaction with the new decision. A sense of being strong leaders of a nation, of “doing what has to be done” and being proud of it. The public service news media reported that 55% of the Swedish population wanted to see a decrease in the numbers of asylum seekers (Axel dotter Olsson 2015). To make it increasingly difficult for refugee migrants to reach a safe haven was thus not a tragedy for everyone. For some, it was even satisfying. This paradox of suffering and satisfaction when confronted with the pain of “others” is perhaps the hallmark of our time. On the other side of the Atlantic, Donald Trump was campaigning with the promise to build a wall all across the already militarized US-Mexico border. And soon, I was banned from visiting my cousins. And soon my children’s grandparents were refused visas to Sweden. The borders were everywhere, but they were not sensed by or visible to everyone.

## 4. Theoretical design

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The purpose of a theoretical design is to provide a conceptual framework to organize the exploration and analysis of empirical material. The, perhaps obvious, theoretical themes in this chapter relate to the concepts of *childhood* and *borders*. In this chapter I will therefore address questions regarding who is seen as a child and what that entails, how national borders are conceptualized and enacted in everyday relations and how specific ways of thinking about these issues have come to dominate in contemporary society. But in order to present key concepts, some clarifications are necessary regarding the ontological point of departure of this thesis. The theoretical concepts that will be presented here serve to analyze processes of meaning-making. This calls for a reflection on the approach to language, on how to understand expressions and what they represent. In order to do so, I have found my main theoretical inspiration in the works of Carol Bacchi and the post-structural policy analysis called *What is the problem represented to be* (WPR) which she has designed as a theory method for social policy research (Bacchi 2009, Bacchi & Goodman 2016). The WPR approach is theoretically grounded in the post-structural understanding of meaning-making processes as ongoing, never completed and open-ended (Derrida & Bass 2001). This means that the meaning associated with every concept is always contingent. A function of policy is an attempt to fixate that which is floating – to position subjects in specific relations to other subjects, to the state, to rights. Therefore, to analyze policy text critically can be a way of making visible alternative meanings that otherwise become silenced through political processes.

### 4.1. Ideal childhoods and normalization of children

Universalism (or lack thereof) is a central theme in the discussion about human rights, as well as when it comes to the specific rights of children. Are there some things in common for all children, such as needs or rights? Universalism, in the common sense way it is generally spoken of, often refers to colonial norms from Europe constituted as universal for all people and contexts through political projects (Nicolaidis 2015). Europe as a birthplace of values and standards enforced in the rest of the world can, and should, be criticised. My point of departure is that yes, some experiences and needs are universal: all children are born into the world as dependent creatures, in need of care and support concerning their basic needs such as food, hygiene and comfort (Wells 2009). Beliefs about who is to feed the child, how one is to care for a child in the best way possible and when childhood ends are however far from universal. Childhood is not simply a time in the biological development of humans, but an identity instituted through social relations and habitual acts (Garlen 2018). However, in the discussion about children's rights, the universal norms to be discussed are whether all children should be entitled to the same level of rights and protection, or if it is reasonable or even necessary to differentiate between subjects. In other words, childhood is a social norm in society, which is rarely contested but nevertheless contingent in meaning. Depending on what meanings are given to this concept, the outcome, in terms of rights and position in relation to other subjects, will differ. A theoretical framework used in this thesis to analyze the concept of childhood is inspired by Critical

Childhood Studies, where issues such as the meaning of childhood, expectations on children and adults and how boundaries are constructed between the two are addressed (James & Prout 2015, James & James 2004).

### *Vulnerable children and children at risk*

The boundary between childhood and adulthood varies in different times and contexts (James & Prout 2015, Sallnäs 2000). Different professions and different societies mark the end of childhood in different ways, which can create difficulties when these different perspectives meet. For example, a medical age estimation referring to the biology of the body may differ from a legal assessment referring to the calendar, identification documents and date of birth. In national law, it is common to assume age limits from which a person is considered mature enough for certain responsibilities. This can regulate expectations of children (and adults) regarding criminal liability, sexual consent, hours and places of work and compulsory schooling (Wells 2009). In other places, and depending on social class, a person may be considered to be an adult when regarded as physically mature enough to work (Wyness 2006).

To answer the question of what meaning the term “childhood” is loaded with, I have made a short historic overview, both to identify continuities in meaning-making and to place the concept in a context. Until the early 1900s, family life in Sweden was largely outside the control of the state, as long as the family was constituted within the norms of society. Children born outside wedlock and unmarried mothers were considered a stigmatized social problem (Ohrlander 1992). The question of what influence and interventions the state should have over families and children can be rephrased as a question about responsibility for individuals in sometimes *vulnerable* positions (Schiratzki 2013 a). The conflict is between the sovereignty of individuals united through the institution of the family, or through other communities, on the one hand, and the control and influence of the state on the other (ibid). After the world wars, ideas about children, and what adults owed to them, were more clearly formulated through policy programs which highlighted the perceived vulnerability of children (Fass 2011). The ideal was that childhood should be a bright and happy time, filled with joy and comfort (Garlen 2018). These concepts of childhood and of “The Child” were in no way unique to Sweden. They were constructed from the end of the 19th century until mid-20th century, at a time when decreased religiosity, the women’s rights movement, the end of slavery and many other parallel processes transformed the norms of society. Such a childhood required a parent (mother) who constantly pampered the child – a privilege of the white middle class (ibid). Those who failed to live up to this fantasy of childhood were considered to put their children at risk, and the children were subsequently seen as being in need of protection. This has remained a dominant discourse which is often reproduced in contemporary Swedish society and in which children are defined as particularly *vulnerable* subjects, in need of *protection* and care from adults (Wyness 2006). In this discourse the idea of *innocence* is particularly important and reproduced through media and policy (Garlen 2018). Children or adolescents who cannot fit into the category of innocence are described as *children at risk* or as a

potential threat to order and security - a group that has to be protected, controlled and disciplined in order not to be a danger (Wasshede 2016). In contemporary society there is furthermore a strong discourse on children as *belonging to the family* (Qvortrup 1993). This tendency of familization is reinforced through the welfare state in a way that constructs this relationship as the only one possible (Makrinioti 1994). The bonds between the child and the family are seen as so natural and taken-for-granted that the individual subject of the child is obscured (ibid). In the Swedish welfare model, historically it has been an ambition for child and youth institutions to replicate the institution of the family, to provide care and treatment that is similar to that of a family, as this is considered the best and most “natural” for children (Sallnäs 2000).

### ***Adolescents as a threat to society***

In a binary position to vulnerability was, and still is, the concept of *risk* and, more precisely, young persons as a risk to society. At the turn of the previous century adolescence became constructed through public policy as a particular phase of transition between childhood and adulthood (Gillis 1985). Teenagers, especially from the working classes, were portrayed as in need of interventions by the authorities (Hendrick 1990). Legislation to address a perceived social problem of youth delinquency was produced in the early 1900s and thus reinforced the image of adolescence as a time period of risk and deviant behavior (Wegs 1992). Society feared young people who lived an independent life and earned a wage as factory workers, without the supervision of masters or parents (ibid). Another aspect of the emerging new urban youth at the turn of the previous century was their sexuality. The idea that adolescents grew up in “wild” and “immoral” circumstances created moral panic in society (Wegs 1992). As a response, European countries introduced compulsory education and different institutional measures to prevent youth crime and control the sexual activities of adolescents in order to protect society (Hamreby 2004, ibid). As late as the 1960s, a clause was introduced into child welfare legislation aimed at adolescents, with the purpose of protecting them from harmful environments where they could come into contact with alcohol and “seduction“. Adolescents could be taken into compulsory care through this supplement, in order to maintain public safety and order (Hamreby 2004: 58). Unsupervised adolescents and sexual activities of young people were thus historically treated as a threat to order in Sweden and Europe, long before the phenomenon of refugee migration and the arrival of people defined as unaccompanied minors.

## **4.2. Borders, citizenship and rights**

While at the turn of the previous century, the Swedish national identity was constructed around ideas of racial purity and superiority, these days the differentiation between people is made without explicit use of the term race (Hübinette & Lundström 2011, Balibar et al 1991). How borders are drawn around and within nations to include and exclude populations has given rise to a growing field of research:

critical border studies. In this section I will provide a presentation of ideas that have been inspiring to me when exploring the construction of subjects and national identities.

### *Critical border thinking*

The common sense understanding of the term borders usually refers to a line on a map, a checkpoint, passport control. But bordering practices can be far more discrete and intrinsic to day to day life, as uncontested social logics, to use the terminology of the logics approach. French philosopher Étienne Balibar (2004) has described borders as omnipresent practices that cover the whole geographic area of the nation, not only its outskirts. Borders are not just the lines of barbed wire or high walls between one nation and its neighbour. They are everywhere and inside each geographic entity called a nation. This means that there are practices, such as inclusion and exclusion from activities or welfare services, discrimination, rules, memberships and institutionalized routines, that target certain subjects more than others (Ahmed 2011). Bordering can occur through ticket controls in the public transport system, formally there to catch free riders, but also with the function of sifting out those who do not have permission to stay in the country. Bordering can also be used to create limits for what subjects can do or be within a context. An example of this is to set language skills as a prerequisite for residence permits or citizenship, differentiating between the “deserving” and “undeserving” migrants (van Oers 2013). Another example is when the activities of young migrant men or boys are monitored and controlled because these subjects are considered to pose a risk to society (Pearson 2006). Borders can be opened and closed, creating inclusion and exclusion, but that is not the main function. The metaphor of liquidity when talking about borders and border control addresses the changing strategies of nations (Bigo 2014). The main function of a *liquid border* is to control who can pass and who cannot, thereby offering free mobility for some and simultaneously excluding others (ibid). To function as such, the border cannot be reduced to a passage between countries or a wall. It needs a variety of features, of nets that identify who belongs and who does not (ibid). Examples of such nets can be racialization in “randomized” controls at airports, where passage is in practice open but certain bodies are stopped. These bordering practices do not need to be visible to everyone in order to be effective (Rumford 2013:9). Following the “war on terror”, such interventions range from controls in the public space to demands on teachers and other public employees to report suspected subjects based on radicalized stereotypes (Bigo 2014). Recent research from the field of criminology shows how Muslim minorities in Sweden are disproportionately targeted by such controls (Schclarek Mulinari 2019).

Balibar (2004) uses the term “European apartheid” to describe the division that takes place, on the grounds of migratory status and racialization, even though race is not explicit. He argues that the ideology of apartheid is institutionalized, from border controls to internal policing, administrative functions that determine who can pass and who should be deported (Balibar 2004). The institutionalized racism necessary for border practices becomes more decisive than prejudice or ideological rejections of the “Other” (ibid: 36). The mechanisms of surveillance and societal control are expanding deep into society in such a way that the key location of a national(ist) border does not

lie at the concrete borderline but in the manifestations of nation-building processes and nationalist practices (Paasi 2011:23). Testing and examining the bodies of migrants is an example of institutionalized practices for border control that takes place within different spaces inside the nation (Fassin 2011). It is an explicit expression of the systematic doubt, suspicion, illegalization and criminalization of migrants that is integral to the system of refugee reception (Fassin 2011).

In the light of the increasingly intricate technologies of border control, such as medical age estimations and eye-detecting systems in airports, the concept of *biological citizenship* has been introduced to describe how the body and biological qualities and abilities can be used as grounds for inclusion in the community of the nation. It can be in terms of DNA testing as a requirement for residence permits and family reunification (Heinemann & Lemke 2014). But, as argued by Mol (2002) and shown in the ethnographic study on forensic age estimations by Netz (2019), the body is contingent and always in relation to institutional practices and processes of meaning making. It is hence not the body per se that generates inclusion or exclusion, but the bureaucratic, medical and social relations constructing the body as a particular body. Consequently, in current border regimes in Sweden and Europe, practices of bordering take place both within and on the borderline of the nation and have different effects depending on the bodies that are passing or being stopped (Ahmed 2011). Van Houtum et al (2005) use the term “b/ordering” to illustrate how technologies of bordering both serve to create social boundaries and border-making in the migration policy sense of the term. Bordering hence carries a double meaning. As we have seen in Sweden since the beginning of the 20<sup>th</sup> century and with an acceleration in and after 2015, processes of bordering have been carried out both at the actual borders of the nation and through various government agencies, private companies and, to some extent, by individuals. When the public service reporter Fredrik Örnevall helped a young Syrian boy to travel from Greece to Sweden in the midst of the failed European refugee reception, he and his team were convicted of human trafficking after having been reported by a private individual (Zachariasson 2017). As argued by Yuval-Davis et al (2018), bordering is thereby conceptualized as practices that are situated both in the political negotiations of rights and in everyday life, where they are performed through different acts and in the construction of individual subjectivities (ibid). In this understanding of the practices of bordering it is closely tied to political projects of belonging, identity and citizenship (ibid). This implies making a difference between belonging and politics of belonging, where the latter refers to specific political projects aimed at constructing communities of belonging where particular subjects can be included and others excluded.

### *Citizenship and rights*

In the previous section, citizenship was mentioned as a central concept to practices of bordering but I have not yet defined it. In this section the discussion about the right to rights, as introduced by Arendt, will be presented. As an introductory comment, at the time of Arendt's writing citizenship was generally defined through liberal understandings of a contract or membership regulating the relationship between the state and citizens (Marshall 1950). Such definitions distinguish between civil

rights such as rule of law and equality in the system of justice, political rights enabling participation in elections, and social rights granting welfare and basic living standards. In this thesis, I have chosen to focus on the social aspects of citizenship and to see it as a practice rather than limiting citizenship to the judicial relationship between the state and the individual (Clarke et al 2014). Seen as a practice, the concept of citizenship can illustrate political struggles and rights claims. As I will show in this section, the concept of citizenship and how it symbolizes a link to the access to human rights is contingent. At the core of the discussion about rights is this question: if rights are regulated through citizenship, do human rights exist disconnected from citizenship, nationalism and other political positions? This is a question posed by Arendt in the essay *The Right to Rights*, which was written in 1957 and remains highly relevant today (Arendt 2017).

Increased numbers of refugee migrants challenge this connection between rights and nationality - people who move across geographic entities disconnect both from their citizenships and their rights. Holding membership of a nation state is therefore the most fundamental of rights, Arendt claimed (Arendt 2017). She wrote specifically with the position of state-less refugees after the Second World War in mind but the same line of thought can be applied to people waiting in the asylum system or the so-called “undocumented” migrants of our time (Benhabib 2004). What it boils down to is that human rights, as declared by the UN, the European Union or nation states, are not in fact rights connected to humans because they are human, but the rights of equal members in a political community (Zhang 2014). In the words of philosopher Giorgio Agamben, if refugees represent such a disquieting element in the order of the modern nation state, this is because, through their presence, they break the continuity between human and citizen, nativity and nationality and thus bring light to *bare life* (Agamben 1998 p.131). In other words, the human without citizenship is rightsless, exposed to violence and without the right to protection from a nation state (Agamben 1998).

A different way of approaching the matter is to state that human rights are in fact connected to the human, not to the participation in the political organization of society. The groups that are excluded from rights, such as undocumented migrants, are not excluded from political activity but, through their very position, embody social struggles that are at the core of political life (Schaap 2011). This means that certain subjects are, per se, politicized because their existence is by default an arena for contestation. The complicated aspect of connecting rights to the human rather than to citizenship is that there is no evident body of responsibility. In the citizenship rights it is the state that is responsible for its members. If rights are to be disconnected from this relationship, it is not clear how and where they can be materialized. My position in relation to this is that a conceptualization of refugees/undocumented migrants as politicized subjects carries an inherent risk of reinforcing the inequalities. Remaining in a country as undocumented for lack of better options is not comparable to being included in the nation as a subject of responsibility in relation to the state, regardless of participation in political struggle. A problematic aspect of Arendt’s theory is, on the other hand, that she connected the right to rights so closely to the institution of citizenship and thus to the state. The figure of the “refugee” is thereby constructed as out of place in society, due to its detachment from the nation state in a process that becomes objectifying and dehumanizing (Malkki 1992). The

fundamental critique is that. while Arendt argues that the rightless should also have rights, she does not offer a solution to where these rights should be provided. It leaves no way to escape this fate for those who are not recognized as members of a political community (Zhang 2014). The need for alternative ways to think about this theme has been addressed by scholars, with the concept of *citizenship enactment* as a way to get around the intellectual fixation on borders (Saward 2013, Isin 2008). Through this concept, focus is shifted from the subject, as holder of a status, to studying acts, formal and informal, through which, regardless of the status, “subjects constitute themselves as citizens or, better still, as those to whom the right to have rights is due. But the focus shifts from subjects as such to acts (or deeds) that produce such subjects” (Isin 2008:2) As a theoretical response to the dilemma of citizenship and rights, the concept of citizenship enactment offers a lens through which dynamics of individual relations are made visible beyond the dichotomy of having or not having rights. In the theoretization of citizenship it is argued that citizenship can be enacted in two different ways: either through acts of extension, which refers to formal institutions extending the already existing framework for citizenship, through legislation, court decisions and formalized actions (Saward 2013). The second form of citizenship enactment is through assertion, which refers to acts in society, by advocates of human rights, “ordinary” citizens and the non-citizens themselves. These acts can be more indistinct and also less explicit in aims (ibid). Acts of citizenship under the dynamic of assertion enable subjects who are positioned on the margins of a national community to claim inclusion rights that are otherwise denied to them (Nordling 2017, Söderman 2019). By studying practices of citizenship enactment through the dynamics of assertion and extension, the connection between lived experience and the formal and legal framework of citizenship can add to the existing research on inclusion and exclusion in the Swedish welfare system.

### *(Un-)grievable lives*

Bordering and acts of citizenship accentuate the processes of inclusion or exclusion, belonging or not belonging in the community of the nation, in the welfare state or in the idealized vision about a shared identity. In the previous section an ongoing discussion about the right to rights was introduced. Hannah Arendt argued that exclusion from the community of the nation means exclusion from the right to rights as the relationship of responsibility between citizen and state is broken (Arendt 2017). However, the concept of rights is more complex. Not even all citizens in a democracy are included in the concept of citizenship and rights at all times and in all contexts. Butler (2009) writes in her book *Frames of war – When life is grievable* that all lives are precarious but the precarity of life is defined through frames resulting in some people running higher risks of experiencing poverty, violence and starvation. The experiences of suffering for some people tend to bring about more public debate and demands for new policy, whereas the sufferings of others are almost invisible and tend to be accepted as they are not seen as subjects in the political debate. The frames can be active regarding punishment and torture, but also in migration policy which defines only certain lives as important lives. Due to institutionalized racism the suffering of some groups is ungrievable. This “differential distribution of



grievability” across groups has consequences for why and when we feel sentiments that are politically relevant, such as horror, guilt, righteous sadism, loss and indifference (Butler 2009: 24).

I see the concept of grievability as connected to the differentiation that occurs between childhoods and lives of migrants and non-migrants, citizens and non-citizens. Ungrievable lives are dehumanized, stripped of rights and of the possibility to act as citizens with rights. Emphasizing social citizenship (with inclusion in welfare systems regardless of the formal/legal citizenship) means looking further into how access to rights is demolished when lives are constructed as ungrievable. Unaccompanied minors are not (necessarily) formal citizens of the Swedish nation, holders of Swedish passports and included in all aspects of citizenship. Nevertheless, the way immigration and refugee reception has been organized historically in Sweden has meant a certain level of rights for persons in that position. As members of society, regardless of citizenship, unaccompanied minors hence form a relevant case for a discussion about access to rights as social citizens or through enactments of citizenship.

Although not always used in the exact way it was formulated by Butler (2009), it is recurrent in fundamental discussion within social work, about deserving clients (Arapoglou 2004, Cooper Altman 2007, Andersen & Bjørklund 1990, Will 1993, Jeene et al 2014). (Un)deservingness is often underpinned by moral discourses regarding behaviours and respectability (Skeggs & Haider 1999, Kissová 2018). It can be expressed both in political discourse, public opinion and in institutional practice (Petersen et al 2011). Deservingness and grievability are similar words, but what the concept of grievability adds is an aspect of value linked to the very life of the subject. In the analysis I therefore prefer working with this concept, although the concept of deservingness perhaps is more established in the tradition of social work research

### **4.3. The WPR-logics approach**

The aim of this research project is to explore the processes of meaning-making and identify silences but also encompass a need for conceptual tools that connect such contextual expressions to macro-level processes. In order to connect the specific process of meaning-making in an analysis where the political context is also included (on a macro level), I have combined WPR with the *logics of critical explanation approach*, which is referred to in the following as the logics approach (Glynos & Howarth 2007). I found WPR mostly focused on assumptions and underlying discourses in particular policy documents, with a lack of theoretical or methodological concepts to connect these assumptions and make a more general analysis beyond the specific text. The WPR-logics combination allows me to move from specific expressions and wording, in the government bills or other material, to a bigger picture where we can address questions such as what a problem is, to who, how it becomes so, what in the moment enables this “problem” to grip the policy process and what alternative visions have been silenced along the way. The logics approach hence adds a context to the specific expressions at hand and provides a way forward to make the analysis relevant in a broader perspective. The purpose

of combining two theoretical approaches into one design is thus to gain conceptual tools to address the aspects that are of interest to this research: both particular expressions and how they relate to ongoing struggles of interest in society.

### *Discourse*

My point of departure is that all policy is the product of political projects – thus ideological and never neutral in terms of interest (Bacchi & Goodwin 2016). All policy is also discourse (ibid). By discourse I mean our collective way of giving meaning to things. I do not distinguish between discursive and non-discursive aspects of life but rather see that anything that means something passes through discourse – hence everything is, or is dependent on, discourse (Laclau & Mouffe 1985). The bodies that arrive in the territory called Europe surely exist, but our understanding of them as young, migrants, children, illegal, vulnerable and so on, are discursive, just like our understanding of geography, borders, nations and what bodies belong where. The social being constructed does not mean that it is not real. The consequences of discourse shape our abilities for action in just as real ways as the material aspects of reality (Jørgensen & Philips 2002: 177). Inspired by the way it was introduced by Derrida (1998), I use discourse theory mainly to reach an alternative way of thinking about the order of things. Instead of seeing phenomena and identities as fixed, they are seen as under constant construction, always contingent and only one of many possible understandings (ibid). One feature of discourse is that it naturalizes meaning in a way that means we think that the constructed identity of an object is the only possible. Hence, a discourse that becomes dominant or *hegemonic* covers the contingency of meaning. By unmasking this and showing other possible understanding, research can open up for change (Jørgensen & Philips 2002).

### *The relationship between problem representations and logics*

The WPR and logics approaches both derive from a tradition of post-structural discourse theory, where the role of the research is to complicate and make visible contingencies in meaning-making and, thereby, deconstruct the taken-for-granted. Carol Bacchi (2009) uses terms such as *problem representations*, *assumptions* and *silences* to analyze policy in order to identify what underlying, taken-for-granted “truths” are expressed in the policy text. All of these concepts address the material at hand, to make visible the struggle over meaning within the policy process, within the text itself. In the logics approach, such taken-for-granted truths, routines and practices that are considered natural, are referred to as *social logics* (Glynos & Howarth 2007). We are usually unaware of social logics as long as they are not challenged.

Drawing on a tradition of post-structural thinking, the logics approach assumes that all social structures are incomplete and contingent and that there is a tension between this incompleteness on one side and the subject’s desire to reach an uncontestable state of meaning and identity on the other

(Glynos 2008). The term *logic* in itself can need some clarification. A logic is an explanatory unit within discourse theory, comparable to other explanatory units within other theoretical approaches (such as mechanisms, frames or causes). A logic is an articulation of discourse, a type of expression within discourse. Glynos and Howarth (2007) distinguish between three different qualities of logic. This distinction is schematic and, ultimately, it is up to the analyzer to make the distinction. Social logics, as introduced above, refer to unreflected practices that go on routinely, both in institutions and personal relations. *Political logics* refer to expressions that take form when the taken-for-grantedness of a social logic is questioned: the debate that occurs when there is not (or no longer) only one natural way in which a phenomenon is understood. A trivial example can be that for many years it was an unquestioned norm in Sweden to refer to a particular chocolate pastry using the n-word. In the 1990s, this was criticized. Occasional struggles still occur in 2021 over the right to use the n-word in relation to the pastry – or at all in society. While it was uncontested it was a social logic – the only natural name for the object. When debated and formulated in arguments about rights it becomes a political logic – what should the object be called and who gets to decide? Political logics can be centred around economy, nationalism, rights claims etc. A set of political logics together can form an *ideology*. The status, when all alternative visions are marginalized to the extent of non-existence is called *hegemony*. This is when one political logic or ideology is seen as the natural state of things, the only way possible to act and think in relation to a phenomenon. The struggle over hegemony dismantles what is at stake in a policy process, which interests are represented and what voices are silenced. Searching for silences and marginalized visions is hence something that both Bacchi & Goodwin (2016) and Glynos & Howarth (2007) stress as relevant in an analysis of policy. When a political logic or an ideology becomes hegemonic discursive formations are constructed within the institutions. In other words, constructs that are still contingent, but relatively fixed through the marginalization of options. These are referred to as *regimes*. A regime is a larger discursive formation, such as the state, legislation or institutional routines; an order which is structured in practices, which in turn shape the social logics that become taken for granted (Glynos & Howarth 2007 p.105). As examples there can be welfare regimes, border regimes and so forth. I sometimes use the term migration regimes and sometimes border regimes. Although referring to similar phenomena, all migration regimes are not necessarily border regimes, but a border regime is an approach towards migration where bordering is prioritized over other ideological visions (such as solidarity or liberalism).

Furthermore, what the logics approach adds to the conceptual framework of post-structural policy analysis and the WPR is the concept of *phantasmatic logics*. If social logics describe taken-for-granted norms and political logics identify how (new) political frontiers are drawn or disrupted, the concept of phantasmatic logics explores what it is about a political project that *grips* the subject: how a particular idea becomes politically relevant at a specific historical moment (Glynos 2008). Phantasmatic logics refer to notions, emotions, fears and visions that are not necessarily explicit, but relevant in the process of political debate and ideology. In the example of the prime minister's speech, phantasmatic logic forms the fears about "others" coming to "our nation", fantasies about what nation this is and can be, visions of solidarity, fear of collapse, all the ideals and all the subjects that can

belong (or not) within this imagined community. Phantasmatic logics are hence vital in making political logics become relevant.

The illustration (Figure 1) serves to show the logics approach and how it fits together with the WPR. The triangle, that is to say everything in this picture, is discourse. But the different sides represent different logics or ways in which discourse can be articulated. In this understanding of discourse there is not one origin or root for how ideas are conceptualized. The reason I have placed the social logics at the base is because I see these norms, habits and taken-for-granted truths as a point of departure for my approach to policy analysis. This is also how Bacchi & Goodwin (2016) reason in the WPR approach, where the analysis begins by identifying assumptions about a subject or topic in order to deconstruct what is taken for granted.

Figure 1. The relation between the logics approach and the WPR



Social logics are usually normalized to the extent that they become invisible. The overlaps between social logics and political logics, represented by a chairman's club, symbolize a *moment of dislocation*, when the social logics become visible through contestation (Laclau & Mouffé 1985). That is to say, when something taken-for-granted and seen as the natural state of things is challenged, perhaps by new political visions or a counter-discourse which destabilizes the norm. At the other end, where social logics are structured by and consist of phantasmatic logics, the face of fear is placed as a symbol

of the anxieties in society, often expressed in subtle and indirect ways. The fears and fantasies can also be articulated in more overt antagonist practices, which is illustrated by the protesting crowd where phantasmatic logics and political logics overlap. By this, I mean to say that such ideals or fears are a driver in political projects, just as relevant as the taken-for-granted norms and assumptions. In every process of political change, all of these aspects interplay, reinforce and structure the “truth” in that moment. By *structuration*, I mean the process through which a hegemonic view grows to become a discursive formation. This formation is temporary and contingent, but nevertheless, a form through which meaning is produced.

### ***Jouissance – enjoyment as a political factor***

Watching the press conference on 24 November 2015, there was a contradictory message of pain and necessity, a message of doing the only right thing, at the same time as this caused suffering. As a conceptual tool to explore such discursive expressions of affects, I will use the concept of *jouissance* (Laclau & Mouffe 1985, Glynos & Howarth 2007, Stavrakakis 2005). Jouissance the way I will use it refers to a state of enjoyment, and more explicitly, the sense of loss over lack of such enjoyment, such as the state of white melancholia described by Hübinette & Lundström (2011). The concept of jouissance originates from the psychoanalyst Jacques Lacan, who used it to conceptualize the complex, paradoxical state of “enjoyment in pain”. The concept is used in post-structural discourse theory to analyze the affective aspects of political change, how desires and fantasies become articulated in political processes (Laclau 2003). Although use of psychoanalytical concepts in migration research is not new, they are often used with focus on the psyche of the individual migrant, whereas this approach gives conceptual tools to analyze society. It should be noted, however, that jouissance in itself is not an affect, but rather the animated expressions: it is not purely to be identified within language, nor solely limited to fantasies (Žižek 1994).

Applying jouissance to the field of law or policy enables the research to look at investment in political projects (Hook 2017). On a societal level, examples can be of when resources or a way of life are seen as threatened by the image of an “Other”. Racism relates to jouissance, both in the sense of satisfaction with white supremacy and in the pain of seeing “the others” enjoy (Hook 2018). Hübinette & Lundström (2011) refer to an ongoing sense of sadness over a perceived loss of the nation as it was. What is missed is either an image of racial purity or an era of humanitarianism and international superiority (ibid). It is this sense of loss that can be captured with the concept of jouissance. Within the conceptual framework of discourse theory, *stolen jouissance* is used for the state where a subject or a collective senses that its rightful experience of enjoyment has been taken away, by an intrusive “other”. The “other” has enjoyed in the place of the subject or at its expense (Hook 2017). In every society or collective there are some values or rituals that are crucial to the shared identity, considered as more “holy” and which cause more outcry if taken away (ibid). It can be symbolic activities in the sphere of the social, but also fantasies in the sphere of the imaginary (ibid). When such activities are considered threatened or “stolen” the collective tends to react. Hook mentions gun laws in the United

States, rugby in South Africa and fox hunting in the UK as examples of such social norms (ibid). I imagine that the Swedish context can offer many examples of such discontent: the debate over gender-separated hours at the local swimming pools, the opportunity to sing the national anthem and/or Christian hymns in school or the right to use the n-word in relation to a particular chocolate pastry. But also perhaps the idea of a “system collapse” due to the arrival of refugees in 2015.

In its theoretical definition, the concept of *jouissance* includes a “male” and a “female” quality, which are opposite features, male enjoyment being that of wanting everything, more than what is possible, never being satisfied, while female enjoyment refers to settling for less, being happy without owning (Lacan 1999). I give myself the liberty to bracket the gendered labels of these concepts and rename them, since the concept otherwise has much to add to my analysis. Instead of “male” and “female” *jouissance*, in the following I will refer to these two concepts as *consuming* and *sustaining jouissance*. When I write *jouissance* without the labels, I refer to the consuming *jouissance*. That is to say, the fantasy of lost privilege and collective satisfaction in getting worked up, even angry over this imagined loss.

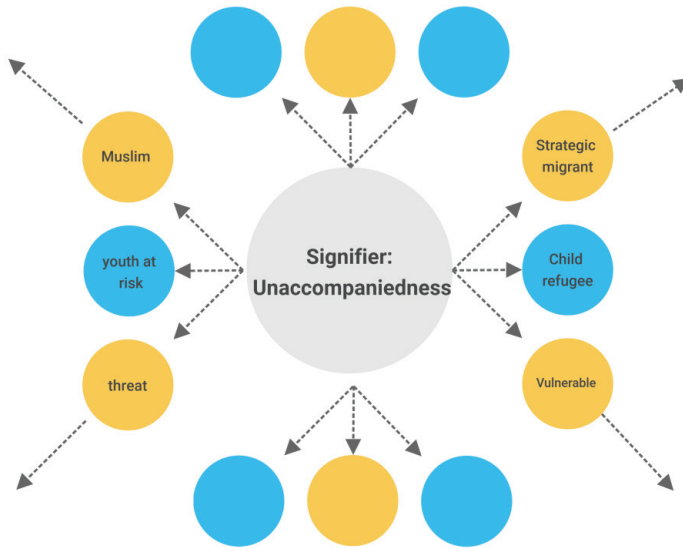
The way I see it, as an analytical category, the concept of *jouissance* is an expression of phantasmatic logics. The concept can add an affective aspect to the analysis. A question that comes to mind is that, if it is not explicit, how can the researcher identify the fantasy? How can the research claim to know what a subject or a community thinks and fears? These questions are valid and tangible to a discussion on expert knowledge and subject agency. It is important to state that I do not use *jouissance* or fantasy in a way that resembles the concept of false consciousness (Runciman 1969), as to produce an “expert knowledge” about individual subjects and their motives. What I mean by fantasies is expressions that are supported by fear, ideal visions and nostalgia. Expressions that become social logics through behaviours and routines and that are grounded in but also constitutive of political agendas and ideological understandings about the world. What is characteristic about *jouissance* as a drive for ideology, is the dissatisfaction – there is a lack of enjoyment which must be covered by ideological projects (Engelken-Jorge 2010). Or put differently, there is an idea of a surplus of enjoyment that is missing because it has been taken away by an “other”, an “enemy”, and the wish to regain this missing part becomes the ideological drive (Stavrakakis 1999). This can be expressed in descriptions of how unaccompanied minors “cost too much” or “pose a threat to gender equality”, which implies that, by their very existence, they are an obstacle to Swedish society reaching its highest potential. The concept of *jouissance* can along these lines be seen as structured by phantasmatic logics, but articulated not specifically as affects but also in the sphere of the social, in norms, laws, language and other symbolic expressions (Hook 2017). While post-structural policy analysis as presented by Bacchi & Goodwin (2016) focuses on the content of policy as discursive expressions, the addition of the logics approach and the concept of *jouissance* provides a pathway to a critique not only of the content but also the ways in which subjects relate to these norms through phantasmatic logics (Glynos 2008).

### Signifiers and the signified

In post-structural discourse theory, key concepts are *signifier* and *signified* which can be described as the term expressed and the associations it invokes (Derrida & Bass 2001). For example, if unaccompaniedness is the signifier, in structuralist way of thinking, it is assumed to bring about specific sets of meaning or images in our minds, the same for everybody. In post-structural thinking, the given relationship between the signifier and what is signified is seen as non-existing (Derrida & Bass 2001).

In the illustration (Figure 2.), the large grey circle symbolizes the signifier: the word that is supposed to invoke a specific meaning. The yellow and blue circles are symbols of the signified: the different associations. As illustrated, there can be an infinite number of meanings and each meaning is contingent. It can have slightly different connotations. And the arrows can always go in multiple directions.

Figure 2. The signifier and the signified.



When we think of the word “unaccompaniedness”, it does not bring about a universal image in everyone, but rather triggers different associations depending on subject and context. The illustration above is an example of terms associated with the concept of unaccompaniedness in different policy text, previous research and media debate, used to illustrate the variety. In processes of meaning-

making, the possible signifiers are infinite. All the terms in the yellow circles can potentially be described as “the signified” in relation to unaccompaniedness. With post-structural thinking, the relationship is not only non-existent. Each of the associations can in turn be considered signifiers in an infinite chain of meaning. This contingency, or possible chains of signification, in every concept is essential to discourse theory, since identifying the contingency can be a point of entry to challenge taken-for-granted understandings and meanings. In the logics approach, the contingency of meaning-making processes is taken as a point of departure to address the complexity of the social world. Multiple processes and interactions may shape the outcome of any given situation. The basic ontological stance in this approach is that the object of investigation is either a practice or regimes of practices, where *the aim is to critically explain their transformation, stabilization and maintenance* (Glynos & Howarth 2007:14, my emphasis). This falls well in line with my aim and what I discussed in the introduction about unaccompanied minors not being the empirical object of this research. The critical position both acknowledges the impact of context and subject and at the same time can provide explanations grounded in a materialist ontology, which emphasizes the relational conception of reality and the radical contingency of social relations (Glynos & Howarth 2007:102).

Being critical calls for analysis that goes beyond predictions and causal laws, yet does not stop at self-interpretations (Glynos & Howarth 2008). The way in which social science explanation becomes critical is thus through the ontology which acknowledges the contingency of meaning, and which draws on this contingency and moments of disruption to make visible the discursive structures and relations of power which make one interpretation dominant (ibid).

### *Dislocation and subject positions*

I have so far discussed how contingency of meaning is central to post-structural thinking and to the post structural discourse theory. Laclau & Mouffe (1985) stress that, through this space of contingency, the way in which meanings and positions are never obsolete but always open-ended, there is both a possibility for the subject itself to challenge its position and for others to do so. That is to say, because what the subject position of unaccompaniedness may entail is not fixated, it can be negotiated and re-constructed as a new or different position. *Dislocation* is a term that I use in the analysis and therefore wish to introduce in this section. It refers to when a subject position is challenged and contested to the extent that a re-positioning needs to take place (ibid). Laclau (1990) states that all subject identities are always dislocated, due to the contingency of all meanings.

When meaning is not taken for granted, an antagonist struggle between different positions takes place. The struggle is to define the position of the *subject* and its relationship to the discourse(s). Human beings are transformed into particular subjects through different modes of objectification (Howarth 2000). This is to say, when a person is made into an unaccompanied minor, this is a particular form of subject which is different from other subjects. *Subject positions* are made possible, thinkable and available within and through discourse (Laclau & Mouffe 1985). A subject position



being discursive means that it is always incomplete and under constant re-construction. The positions cannot be fixed in a closed system (Laclau & Mouffe 1985). The subject positions are the results of the power relationships expressed through discourse, and this is, at least to me, what makes a discursive approach relevant for a policy analysis. In particular in relation to my empirical material I find the concepts of dislocation and subject positions interesting to elaborate on. When a moment of dislocation takes place, the responses to this dislocations can be seen as both structured by and shaping of political and phantasmatic logics. Jason Glynos (2008) writes about a case where the mining industry was retrenched, with high unemployment rates as a result, and what this meant in terms of self-representation and subject position for the laid-off workers in a small community where the mining industry had been essential to their identity. In the moment of dislocation, previously unthinkable or marginalized ideas gain space. While the social logics established through the mining industry incited competition between workers, the moment of dislocation meant an opening for other ways to relate, through care for others and concern for justice. This change can be referred to as a *counter-discourse* or, as Glynos writes, a counter-logic: an alternative to the dominant discourse. For counter-logics to become visible, a moment of dislocation is necessary, when the self-interpretations of subjects “resist easy assimilation into an already existing mold” (Glynos 2008). Transformation of norms can be analyzed on two different levels: first the shifts in the norms or context (in this case, the organizational changes in the mining industry) and second the new ways in which subjects relate to these shifts, new fantasies and political visions that become thinkable. For the sake of my research questions, the concepts of subject positions, dislocation and counter-discourse are conceptual tools to approach potential shifts in discourse relating to unaccompaniedness.

### ***Summarizing comments on the WPR-logics approach***

Post-structuralist scholars have a tendency to write in complicated language. With this chapter, I have attempted to introduce central concepts and show how they relate to each other in a comprehensible way. My analysis of policy is grounded in the WPR approach as described by Carol Bacchi and will be presented in the next chapter (Bacchi 2009, Bacchi & Goodwin 2016). This means viewing all policy through the lens of post-structuralist theory, where all meaning-making processes are ongoing and contingent. Central to Bacchi's approach is identifying problem representation and assumptions as trajectories to unpack taken-for-granted “truths” about populations and their perceived needs. To this framework, I have added inspiration from the logics approach (Glynos & Howarth 2007). This provides a broadened theoretical platform, where not only can assumptions about the meaning of unaccompaniedness in a specific document be identified, they can be further positioned in a political context. The three different qualities of logics (social, political and phantasmatic) serve to distinguish between what is articulated through discourse, how it is articulated and how such articulations become politically relevant in a certain moment. While social logics refer to taken-for-granted habits and practices, political logics are the expressions of struggle, debate and ideology, which are in turn often underpinned by phantasmatic logics as idealized visions or fear of the “other”. A specific way of

conceptualizing fantasies is through the concept of *jouissance*, which refers to a collective sense of enjoyment and, moreover, a sense of loss over “stolen” enjoyment. And given that migration and exclusion of migrants is a central thematic of the research questions at hand, it becomes relevant to use concepts from the field of migration research in general and critical border studies in particular.

#### **4.4. Chapter conclusions**

With the combination of the post-structural policy analysis and the logics approach as a point of departure, in this chapter I have provided an overview of the theoretical design of this thesis. I have borrowed concepts and found inspiration from a number of different fields, stretching from political theory to migration research, critical border studies, citizenship theory and critical childhood studies.

The concept of childhood and how it is constructed around binaries such as vulnerability and risk is crucial to this approach. In European discourse adolescence has been particularly portrayed as a time of risk, where society and the state must intervene and control the actions of the subject to prevent immoral behaviour (Garlen 2018). The central point of view from this section is that childhood is not a natural state, but an identity constituted through discourse (James & Prout 2015, James & James 2004, Sallnäs 2000).

I have introduced perspectives that allow an analysis of both borders and citizenship as acts rather than objects or statuses. A point of departure grounded in critical border studies is that borders are not limited to the material borderlines of national territory, but rather performed through techniques of control, racialization, institutionalized routines in different welfare professions, and ultimately through the acts of individuals without a formal position as border guards (Rumford 2013, Yuval-Davis 2008, Balibar 2004). Borders are enacted through actions both in formal settings, such as border controls, but also in everyday interactions such as exclusion from a soccer team because of migratory status. Citizenship can, in similar ways, be viewed as a relation of acts, where formal institutions and courts can extend or limit the existing legal framework of citizenship, but moreover, informal acts of citizenship can reinforce existing positions or claim access to rights that a subject is excluded from (Saward 2013, Isin 2008). The negotiation over inclusion and exclusion touches on how subjects are conceived: as lives worth grieving or subjects whose pain and suffering is invisible in the dominant perspective (Butler 2009).

Discourse theory forms the basis of the theoretical approach, with concepts that enable an analysis of processes of meaning-making. I have explained how a combination of WPR and the logics approach allows for an analysis of both specific expressions in policy text material and for positioning these expressions in a broader political context (Bacchi & Goodwin 2016, Glynos & Howarth 2007). Key concepts are logics (social, political and phantasmatic) which are all expressions of discourse. Through the concept of *jouissance*, the ideological drive in political projects can be further explored with emphasis on senses of loss and fear of the enjoyment of “others” at the expense of the imagined “us”.

## 5. Methodological design

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In the theory section I introduced the combination of WPR and the logics approach that I use in this thesis. In the following chapter I go through the concrete procedures of the analysis. The function of this chapter is to describe how I connected empirical material to the theoretical framework in order to say something about how access to rights and (un-)grievable lives is produced through policy on unaccompaniedness. A number of different ways of structuring a policy analysis exist where focus is put on different aspects of the problem to be solved by policy or the policy process (Dunn 1981). Most of these approaches differ from the WPR-logics approach that I work with in a fundamental way: the researcher analyzes policy *problems*, whereas the WPR researcher analyses *problem representations* within the policy text. My combined WPR-logics approach can thus be placed within a broader tradition of interpretive policy analysis (Yanow 2000).

The chapter begins with a brief introduction to the legal procedure of policy making in Sweden. This is to present central steps in the process, different roles and documents that will repeatedly be referred to throughout the analysis. In the section headed “The practicalities of analysis” I go through the steps of my own process. That is to say, the selection of material, the analytical process, coding and how I went from having a lot of words listed as “key nodes” to building an analysis of these words. As I have combined policy material with interviews, the next section specifically addresses the methodological challenges of combining materials and methodological dilemmas of selection and analysis particular to interviews. The last section of this chapter is an ethical discussion which is perhaps a little longer than is customary in academic dissertations of this kind. This is a consequence of ethics being such a central aspect of this research, both in relation to the social work practice and the discussion in chapter 11, and in relation to my own positioning in relation to the field.

### 5.1. Introduction to the Swedish policy process and my approach to policy analysis

To briefly summarize the policy process in Sweden, there are a number of separate but connected procedures linking to a Government Bill. When the government aims to initiate a new policy, the terms of reference of a commission of inquiry (kommittédirektiv) define a set of terms or points of departure, based on which a Government Commission of Inquiry is produced (Statens Offentliga Utredningar/SOU). This investigation forms a proposal on which following debates and decisions are based. The report is circulated to referral bodies, such as public institutions and civil society organizations that may be affected by the new policy (remissförfarande). Individuals without an affiliation to any institution can also comment on the inquiry. The inquiry’s findings are sent to the Council on Legislation for consideration (lagrådsremiss). After this, the Government Bill is produced (proposition), giving a presentation of all the procedures above and a final suggestion for new legislation. Sometimes a parliamentary committee comments on the bill. And finally, the members of parliament, who represent political parties elected by the citizens, vote in favour or against the bill.

When passed in parliament, a new law as proposed in the bill can be added to the body of national legislation.

The policy processes related to the field of migration are complex and in constant flux, including not only national legislation but also EU legislation, bilateral agreements and regulations between the state and municipalities (Eule et al 2019, Brown 2010). I have decided to focus on national legislation and the policy processes within parliament. This could be criticized for not reflecting the transnational nature of the topic. On the other hand, it reflects the nation as a border and the function of national legislation in relation to the enactment of borders and citizenship. The choice to focus on legislative processes at a national level was based on several ideas. First and foremost, this was where a great deal of change were taking place after 2015 and I wanted to approach the process of change. Second, national legislation is defining for social work practice and migration policy in a way that local routines are not. My interest in working with national policy has grown successively, partly as a result of the interview study I conducted in 2018 and partly as a reaction to the trend in contemporary research to focus on organizational practices on more local levels (Contu & Wilmott 2006). It is relevant to concentrate on national policy processes as a way to seek an understanding of societal conditions beyond the choices of individual practitioners and beyond concepts such as discretion. Having said this, the importance of situatedness should not be underestimated (Jarzabkowsky 2005). If time and resources had not been a factor, policy material such as local guidelines and political decisions on the level of municipalities would have added another dimension to this thesis, and even more so, ethnographic studies of organizational practices, especially given the background that different courts and municipalities made different implementations of legislation following the Temporary Aliens Act (Lundberg & Jansson Keshavarz 2019).

### ***Selection of empirical material***

When I first started working on and thinking about this thesis, I had a large sample of text material in mind, including all the steps in the legislative process for different reforms, media material, parliamentary debates, etc. Both for practical reasons and in order to stay focused and relevant to my research questions, I soon realized that I needed to scale down the material, and I decided to focus on national legislation and, more precisely, on government bills. Carol Bacchi suggests that the selection of material for a policy analysis can begin in one important document and that the researcher should have the freedom or creativity to add documents as the work continues, for instance to go back to original reports and references made in those (Bacchi 2009: 20). Furthermore, she stresses that the analysis already begins in the selection process, since the theoretical understanding and personal interest of the researcher determines the selection, and that it is important to be self-aware and to describe what interests motivate the choices. The categories of material that most commonly are of interest for a policy analysis are legislation, background material from the legislative process (such as Government Commission Inquiries, Referrals, Government Bills etc.), legal practice such as court decisions, and guidelines and practice from authorities (Schiratzki 2013 a). As argued in previous policy

research, the Government Bills are suitable for a policy analysis, since it is in these documents that the finalized arguments for a reform are presented (Ekström 2012:53). The bills build on arguments from the Government Commissions of Inquiry, include comments and the government's response to criticism during the consultative procedure and present the final proposals for a reform (Ulmanen 2013). They therefore represent relevant material for research that aims to analyze problem representations.

As suggested by Bacchi & Goodwin (2016), when working backwards to identify the *genealogy* of policy, or from where presuppositions in policy derive, the researcher needs to look outside the empirical selection, perhaps to previous documents in the same policy line or elsewhere, in political debate, previous research and media discourse. My analysis is thus not strictly and solely based on Government Bills, but it is these bills that are the starting point from which I, in some cases, continue tracing a specific articulation of a concept to other material. The methodological difference is that the selected Government Bills are thoroughly analyzed, the whole document coded and with a combination of inductive and deductive approaches, whereas when other documents are read it is to answer a question that occurred while reading the Government Bill. When such material is referred to, it is read in relation to a question regarding the key nodes in the Government Bill, to see how that specific phenomenon is conceptualized elsewhere. As an example, in a bill from 2015, there may be many statements about the assumed need for adult supervision. This sparks my interest to look for how ideas about adult supervision have been articulated in other contexts, such as the parliamentary debate on that particular bill but also in previous bills. These other documents are at this stage only scanned for the specific idea of adult supervision, not for all theoretical concepts of relevance to the thesis. By comparing statements made in different policy documents and outside the context of policy production, an analysis can be reached on how expressions entail fantasies about ideal childhoods, independent subjects or fear of youth at risk (for example) and how these fantasies structure political demands for increased or minimized care services. What the addition of other material contributes is to contextualize, trace and relate statements in a bigger picture.

### *The practicalities of the data selection*

My first decision in terms of empirical selection was to focus on Government Bills. The second important choice was to decide upon which bills to study. Given the aim of analyzing logics and problem representations in policy material addressed at unaccompanied minors, the selection is based on how central the concepts of unaccompanied minors or unaccompaniedness are to the policy material. I used the parliamentary database to search for data. The search word was

“unaccompanied”<sup>14</sup>. My first search resulted in 194 Government Bills written from 2003 until 2018. According to the database, all of these documents mentioned “unaccompanied” somewhere in the text. However, I soon realized that most of the documents were irrelevant to my research. First, I went through the list of documents by reading the titles and the summary, if one was available, and otherwise reading the introduction, in order to identify the main topic of the document. This was a time-consuming process and, in retrospect, I could have discounted a vast majority of the documents just by reading the title. In the first selection process, I removed the obviously irrelevant documents (regulation of fishing, toxic pollution and so on) and also very general documents such as annual budget proposals. I obtained a list of 52 Government Bills that dealt with refugee reception systems, migration policy, health care, education, social policy such as regulations within the municipalities, compulsory care, institutional care, regulation of legal guardianship and the financial agreements between the state and the municipalities regarding refugee reception.

I put the list through a second selection process, focusing only on documents that mainly concerned unaccompanied minors. The selection process resulted in seven Government Bills that mainly concerned policy aimed at unaccompanied minors. The bills are as follows:

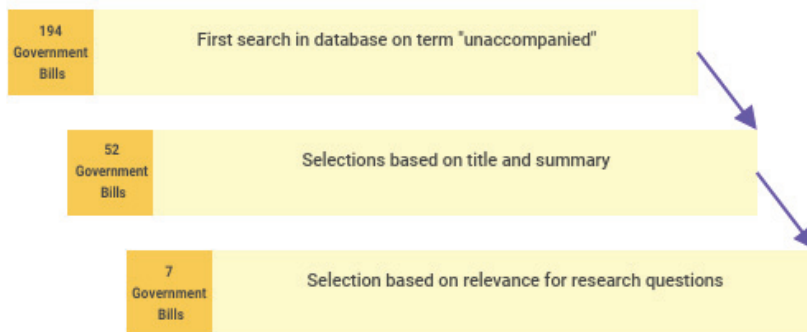
- **Strengthened Protection for Unaccompanied Minors** (Prop. 2004/05:136), about the introduction of a new legislative framework to appoint custodians for unaccompanied minors.
- **Reception of Unaccompanied Minors** (Prop. 2005/06:46), about re-organization of the refugee reception system, to include unaccompanied minors in the Social Services Act.
- **Municipal Reception of Unaccompanied Minors** (Prop. 2012/13:162), an expansion of the reform above, enabling reception of unaccompanied minors in all municipalities.
- **Supported Housing – a new form of placement for children and young persons** (Prop. 2015/16:43), the introduction of a new housing service between institutional care and independent accommodation.
- **Age Estimations Earlier in the Asylum Process** (Prop. 2016/17:121), about the need to perform age estimations on unaccompanied minors.
- **Amendments to the Temporary Law for Residence Permits Concerning Studies at Upper Secondary School Level** (Prop. 2016/17: 133), the first exception rule produced to give the rejected asylum seeking unaccompanied minors a path to a residence permit.
- **Extra Amending Budget for 2018 - New possibility for residence permit** (prop. 2017/18: 252), the new exception rule that was aimed at providing a way to residence permits for (some of) those rejected a residence permit under the Temporary Aliens Act.

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<sup>14</sup> The word “unaccompanied” (“ensamkommande” in Swedish) is rarely used in Swedish to describe situations or persons other than the concept of unaccompanied minors.

In this list, the first four reforms are more within the arena of social policy, whereas the three subsequent reforms are more clearly positioned in the arena of migration policy. However, all of the seven bills touch upon both migration/residence permits and reception/access to social services. This tells us something about the figure of the unaccompanied minor and how this subject is positioned in the intersection of these fields of policy. However, it was not my intention to choose policy documents from a specific field of law. My only focus when searching for government bills was the centrality of the concept of unaccompaniedness. As the illustration (Figure 3) shows, I conducted a general search in the parliamentary database and found nearly 200 government bills where the term “unaccompanied” apparently was found. Most of these were, however, completely irrelevant to my research. Among these were reforms on fishing, general budgets and many other issues where the term “unaccompanied” perhaps occurred once in a reference somewhere in the text.

*Figure 3. Selection of empirical material*



After a selection based on title and summary of the bill, 52 bills remained, which were all in the area of migration and/or welfare. Most of these did not, however, specifically target unaccompanied minors but a broader category under which unaccompaniedness could be positioned, for example access to health care for undocumented children or new asylum procedures. In this last step of selection it was the centrality of the concept of unaccompaniedness to the reform that was crucial. As an example, I included the Supported Housing Bill, although it is not written only with unaccompanied minors as the target group, due to the centrality given to the concept of unaccompaniedness in the bill. By this I mean that the bill stems from a policy process regarding care services for children and young persons in general but, as I will show in the results, the idea of unaccompanied minors as a

(main) target group is present in the bill and in the rhetoric when the reform is defended. I excluded bills that related to (migrant) children in general or asylum seekers in general in order to obtain a selection relevant to my research question. As an example, there were seven government bills concerned with education (for undocumented children, for newly arrived children etc.). These were excluded because unaccompanied minors were not foregrounded and education policy in general falls outside the area of interest in this thesis. This reasoning also meant excluding the government bill preceding the Temporary Aliens Act (Prop 2015/16: 174) which does not specifically address unaccompanied minors but has had a great impact on the premises of migration policy and social work. My main motivation for this was the need to have material of a reasonable size and to remain focused on the categorization of unaccompanied minors.

In total, the selected government bills consist of 570 pages with additions such as Government Commissions of Inquiry, parliamentary motions, debates and other policy documents and guidelines. All of these reforms were preceded and followed by a public debate, media attention and comments from institutions and NGOs within the framework of the referral process. As mentioned above, regarding local policy documents, a systematic analysis of the media debate, especially during and after the so-called “refugee crisis”, would have added value to my research but could also have made the material even more heterogeneous and complicated to manage. I have chosen to make the limitations presented in this section in order to focus on national policy and the political processes around its production. Rather than attempting to make a correct selection (as if such could exist), I have tried to be transparent about the motives and methods used in the selection of material.

## **5.2. The practicalities of analysis**

After having made a selection, I found myself with thousands of printed pages which I had begun to read and mark with coloured markers and pens. This soon proved inefficient, and I turned to the literature in order to find ways to orient myself in what felt like a massive amount of seemingly unrelated text, because the bills were produced during different periods and covered different arenas of policy. To make sense of the process while I was in the middle of it, I compared the analysis to building with Lego bricks – each interesting concept that I did not yet know where to put was a brick. Very different constructions can be built with the same pile of bricks. To my surprise, the Lego analogy showed up in a method book on analysis, which I took as recognition of my struggle to organize the material (Rennstam & Wästerfors 2015). As well as being inspired by theoretical approaches to methodology, I have also gone about this with inspiration from works by scholars who have used the logics approach in empirical studies (Speed & Mannion 2020, Hamann & Suckert 2018, Glynos 2014). In the following section, I will go through the different steps and discuss potential shortcomings in the methodological approach.



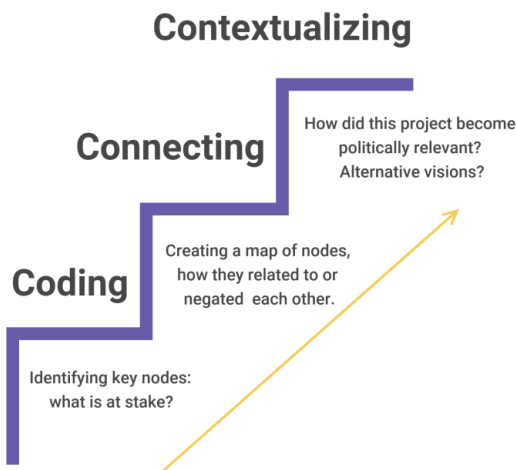
### *Identifying key nodes*

In order to identify key expressions, from which a problem representation can be identified, I have coded the entire material (all seven Government Bills). But what do I mean when I say coding? Well, the first steps were taken with coloured markers as I intuitively attempted to find the answers to my questions in the texts. But I soon abandoned the analog method and uploaded all the documents in the analytical software Nvivo. There, it became easier to read through the documents, highlight the text, sometimes line by line, sometimes specific words, sometimes longer sections, and label it for first organization.

The coding process was a time-consuming process during which several readings of the text were made. As I will return to, the building blocks of the coding are called *nodes* (Rennstam & Wåsterfors 2015). In short, it means labelling the expressions in the text documents in order to organize the analysis. In the first readings, I labelled more intuitively, while, after a few months, I saw a need to use the theoretical concepts to organize the labels. I was struck by how the concept of unaccompaniedness was associated with needs of different kinds – needs of the child, needs of the state and how these needs seemed to be associated with different concepts familiar from the theoretical reading, such as vulnerability, belonging and risk. I noticed that in one document, unaccompanied minors were strongly described in one way, as dependent on adults for their protection for example, while in the next document their independence was stressed. These descriptions, which were essential to motivate the proposal, were highlighted as key nodes in each document. What they tell about the policy proposal is what is at stake, why the reform is considered necessary to implement and what is feared to happen if it is not. In other words, it is already possible at this first stage to identify assumptions and problem representations, but the other steps are necessary in order to reach an analysis about the political relevance of the reform.

When I had a rough idea about the main nodes, central articulations, I could also use the text search function of Nvivo to see if what was a central node in one document re-appeared in another. Nvivo also has a family tree function that enables the researcher to see how a node is related to other nodes. This can be further explored by manually detecting resemblance, association and negation. As the illustration (Figure 4) shows, the process can be divided into three steps, starting at the bottom and moving up a stepladder. The first step of coding is essential to the following steps because, without key nodes, it is impossible to relate the nodes to each other and make an analysis of how they are connected. However, it is possible to go back to earlier steps when necessary.

Figure 4. *The process of analysis*



This three-step method meant that I first got to know the text material in detail, then zoomed out to see the bigger picture. In practice it did not look like a staircase, but more like a to-and-fro process in circles, because as I was on the third step of contextualization, I may have come to think of a new way of organizing and understanding the expressions in a particular text. This to-and-fro movement is referred to as the circle of reproduction in discourse theory (Glynos & Howarth 2007:34).

Although it may sound simple, coding can be a never-ending process. I decided to stop after several readings of all seven Government Bills and text search on a wider range of material including Government Commissions of Inquiry and parliamentary proceedings. I then found myself with a pile of 148 nodes and the following step, to organize them into categories, themes or families was a challenge, since the nodes covered very different types of concepts, terms and theories. In order to identify nodes, or rather in order to get a hold on the large amount of text, I conducted a text search to see what words were the most common in all seven Government Bills. The top results were residence permit, child, the law, unaccompanied, the child, municipality, studies, the migration agency, Sweden, education and care/treatment (“vård” in Swedish). But this list merely tells us something about what words are more frequent, not necessarily how central they are to the ideological project that the proposal is an expression of. Plausibly, it is sufficient for it to be stated in the introduction to the bill that this reform was deemed necessary due to economic motives for economy to become a central backdrop for the analysis, regardless of how many times the specific terms economy, costs, saving or budget are repeated. I found support in the previous academic literature for focusing the analysis on what is relevant to my research questions. The term “citizen” for instance, is not on the list of the most common words but, given the discussion about citizens and non-citizens and the right

to rights in relation to the state, I found it relevant to work exploratively, to search for how issues related to citizenship were articulated and how they were connected to other nodes, such as “rights”, “responsibility” and “independence”. In other words, what words are defined as nodes is the first step of the analysis, and this is a theoretically informed assessment, not a quantitative measure. What I understand as a process of meaning-making, what terms are signified by what other terms and how this is presented is exemplified through quotes in the presentation. It is nevertheless an analysis, a conclusion that may, and most probably will, be contested. Nvivo has many functions which I did not use greatly, such as word trees, frequency counts and other more quantitative features. However, I did make a word count only out of curiosity to see if what I found central, oriented by my research interest, corresponded in any way to what words were most frequently used. I would argue that based on this very simple check, my analysis is at least not very far from what is also quantitatively central to the bills (see Appendix V).

### Creating a map of nodes

As discussed by Bacchi (2005), discourse analysis does not stop at describing what is said or how a phenomenon is described. The purpose of a map of nodes is to identify what such descriptions represent. Hence, the nodal points are key words that connect a number of different elements in constructing a discourse (Laclau & Mouffe 1985). As I will show with the following example, the process of labelling and connecting the nodes is very much dependent on the researcher and guided by the theoretical framework of the research (Glynos 2008).

Figure 5. Example of how a node is defined.

#### Boenden för ensamkommande unga i dag

Prop. 2015/16:43

Erfarenheter från Inspektionen för vård och omsorg (IVO) är att ensamkommande när de fyller 18 år som regel flyttar till någon form av utslutningsverksamhet som ofta innebär en egen lägenhet. De har som regel permanent uppehållstillstånd. De kan vara en del av en HVB-verksamhet eller fristående. Kunskapen om dessa är begränsad eftersom de inte omfattas av IVO:s frekvenstillsyn.

#### Ökningen av antalet ensamkommande barn medför ett ökat behov av fler placeringsalternativ

Den rådande situationen med en stor ökning av människor på flykt till Europa hösten 2015, har medfört en kraftig ökning av antalet asylsökande som kommer till Sverige. Av Migrationsverkets senaste prognos (den 22 oktober 2015) framgår att ca 19 500 ensamkommande barn har sökt asyl i Sverige fram t.o.m. v. 42 (den 18 oktober 2015). Migrationsverket uppskattar att antalet ensamkommande barn sannolikt kommer fortsätta att vara högt framöver. Den stora ökningen innebär stora ansträngningar för landets kommuner.<sup>9</sup> Behovet av fler placeringsplatser och fler placeringsalternativ är stort. Med stödboende som kompletterande placeringsform kan kommunerna enklare hitta en placering som passar barnet eller den unge och flexibiliteten i kommunernas mottagande ökar.

Hem för vård eller boende (HVB) är utformat för barn och unga som behöver placeras utanför hemmet och som har ett annat behov än vad ensamkommande barn generellt sett har. I avsaknad av andra alternativ enligt SoL har många ensamkommande barn och unga placerats i HVB. Det finns därför behov av en mer självständig placeringsform och ett mer individanpassat stöd med ett annat innehåll jämfört med HVB.

Node of *differentiation*

The example in figure 5, with the highlighted text, is a description of how unaccompanied minors have been placed in institutions that were not designed for them and how their needs differ from those of other young persons in institutional care (HVB) because they need more independence. The text serves as an example of how I have worked with the material. In the analytical process I have already read the document several times and highlighted the segment's expressions of relevance given my theoretical perspectives. These can be broad and general categories such as "parents", "children", "residence permit" or more specific theoretical concepts such as responsabilization, being stopped and grievability. When confronted with the text above, during my first reading I only labelled it as "needs". The second time I added the label "differentiation". In the next step, when connecting this specific text segment to other, I search for other places where a differentiation of the perceived needs of those categorized as unaccompanied minors can be identified. That is to say, how have their needs been described elsewhere; in contrast to the needs of which other subjects, as similar or equal to which other subjects? Needs then function as a key signifier in this part of the analysis. What is said about needs? How are needs understood and given meaning? What is not a need? I connect the information in the text segment to the public debate and other expressions in the policy process to see what meaning(s) is/are produced. Through a to-and-fro process, comparing statements over time and in different contexts, a problem representation can be identified. At this stage in the analysis it is relevant to connect the problem representation with *assumptions*, or in the language of the logics approach, to social logics. That is to say the norms and routines that construct this "truth", the taken-for-granted "facts" about the needs of unaccompanied minors, and how they are reproduced in different parts of the policy process.

Creating a map of nodes means analyzing what the key terms are (signifiers) and how they relate to other terms (signified). All nodes are signifier-signified, but not all signifier-signified words can be considered as nodes. In language, all words signify something, otherwise they are just sounds/letter combinations without meaning. But in an analysis, certain words and expressions are considered as nodes because they do something relevant to the analytical focus. The nodes that I have chosen thus in one way or another are related to unaccompaniedness, how the figure of the unaccompanied minor is portrayed, what central motives are presented for the reform, etc. Had this been an analysis with focus on the relationship between different stakeholders in the policy process, more attention would have been paid to the different actions and expressions, the legal authorities, the political parties and the difference between different referral bodies. So nodes are words and expressions in the text material central to the analysis. The first step in drawing a map of these nodes is therefore to relate them to each other. Some nodes contain others. This refers to the fact that there are certain sweeping expressions, such as general statements about childhood or migration. These can be broken down into more particular expressions, such as what it means to be a child in a particular context, the principle of the best interest of the child and how it is used or, in relation to migration, different sub-categories of migrants, specific grounds for a residence permit, etc. Consequently, when mapping the nodes, some very specific expressions are put together under a more general umbrella (such as the node of childhood containing a range of expressions referring to children) Nodes are

given meaning in relation to other nodes (child in relation to adult, asylum seeker in relation to citizen, but also in relation to borders etc.). A central issue while interpreting the data came to be the question of before and after 2015: what remained stable and what changed, and how can this be illustrated in a comprehensive way? Ultimately, what I want to ask the data is how and when life is grievable. I therefore took the list of nodes as a point of departure and asked precisely this: what nodes constitute unaccompaniedness as a grievable position and what nodes work the other way? With a list of 148 nodes, not all, but many, could be organized in such a map. Inspired by Hamann & Suckert (2018), these maps of nodes serve to visualize the co-existence of several, sometimes contradictory, discourses. The idea behind the two maps on the following page are to identify in what ways the rhetoric associated with unaccompaniedness remained stable and in what ways it potentially changed. The maps should not be read as factual statements of *how it is*, but rather as one of infinite possible ways to read and understand the empirical data.

What the illustrations point to is the construction of lives as grievable, through ideas about vulnerability, unaccompanied minors as particular subjects with particular rights or as universal children with rights. And simultaneously, the contradicting construction of the same lives as ungrievable through ideas about borders, risk, economy and responsibility. Each of the nodes, both the smaller grey ones and the larger master signifiers (pink and yellow), contain various expressions. In my analytical process, a node is described as a master signifier when its significance for the proposal and the ideological direction of the reform is decisive. This is not determined by frequency, but rather through a theory-oriented decision grounded in the empirical body – which is the core of the analysis and its most challenging aspect.

The label “belonging”, for instance, includes arguementation about where young persons categorized as unaccompanied minors should stay, in what municipalities, on what grounds, but also ideas about belonging to the nation. Connected to this is a rhetoric about how housing for unaccompanied minors does not fall within the natural interest or responsibility of municipalities because it is not profitable. And so on. The figures show how statements constitute unaccompaniedness as a position of grievable lives and as not and on what grounds. A more advanced illustration would adjust the size of the nodes according to frequency, use different types of lines to clarify directions and also point out antagonism. However, increased detail and complexity does not necessarily enable comprehensibility of an illustration.

Figure 6: Nodal map of Government Bills 2005-2013



Figure 7: Nodal map of Government Bills 2015-2018



The important function of these two maps as a step in the analytical process is to make visible the temporality of generalized “truths” and to focus the analysis on the idea of a shift, on continuity and discontinuity. The co-existence of the contradictory assumptions, where the concept of unaccompaniedness constitutes grievability or ungrievable positions, challenges the idea of a shift. The two maps look similar, and this supports the idea of a continuity. At the same time, the map of government bills dated after 2015 shows important changes. New nodes such as independence and risk have emerged, but what is perhaps most striking is how the small node of economy has grown to a large “master signifier” which contains and constitutes many of the other nodes in a way it does not on the first map. There are thus certain assumptions and expressions that connect the time before and after the migratory turn, and there are also new expressions. With such mapping as an analytical tool, the data can be approached with questions regarding the articulation of political logics. By observing how the new nodes are connected to those already existing, the analysis can be brought forward as to how economy and/or increased bordering becomes politically relevant at this specific moment.

### *Contextualizing the proposal: how did this become the solution?*

My analysis has so far been described as three steps: identifying nodes, connecting them and contextualizing them in the broader political landscape. The first two steps are inter-related and empirically oriented towards the main material: the government bills. The very term contextualization is complex, and the purpose of the third and final step is not just to complicate but to provide a broader picture, to analyze how it is that this very policy is brought to us at this particular time. In combination with identifying nodes and thereby making visible the assumptions and the problem representations in the government bills, I searched in related documents to contextualize these assumptions. To mention a few, other documents can be transcripts from parliamentary debate, debate articles, political speech but also, in the later chapters, accounts of the participants in the interviews that I have conducted and which I will return to. In the process of contextualizing the problem representation of a political project, the context of the time around the bill is necessary. What I aim to reach is a sense of *what is at stake* in this policy process. What different interests are represented or silenced? How did this proposal become politically relevant at this particular historical moment? The critical explanation serves as a conceptual tool to address such questions and provide answers which are at once grounded in my subjective vision *and* in a systematic work of analysis. The answer to the “how” question is thus based on the nodal map and expressions and statements that can be supported beyond my personal opinion.

One main difference between the WPR approach and the logics approach is that, while Bacchi finds her main theoretical inspiration in Foucault, Glynos and Howarth are disciples of Laclau & Mouffe. I have so far not addressed this difference and what it means in terms of potentially conflicting ideas. In relation to the idea of contextualization, it may be relevant to comment on this. While in the earlier writings of Foucault there is an idea about a non-discursive realm forming the limit of the



discourse, this is rejected by Laclau & Mouffe (Torfing 1999). Torfing explains what this means in rather concrete terms:

...Ernesto Laclau and Chantal Mouffe (1985) agree with Foucault's insistence on the internal relation between power and discourse, and they also define discourse in transcendental terms as the historically variable conditions of possibility of what we say, think, imagine, and do. However, they take issue with, and ultimately abandon, the unsustainable distinction between the discursive and the nondiscursive. Hence, they claim that discourse is coextensive with the entire social fabric. Although they still want to pay attention to the discursive rules governing the use of language, they are more concerned with elaborating a set of theoretical concepts and arguments that can help us to account for the construction of such rules in and through power struggles. In this sense, their work can be seen as a continuation of Foucault's later studies, although their theoretical sources of inspiration are different.

What this quote by Torfing illustrates is that Laclau & Mouffe abandoned the idea of a strict distinction between a discursive and a non-discursive sphere in life: everything is discursive. Glynos & Howarth (2007) further elaborated on their ambition to provide a set of concepts to help us account for discursive formations and how they function. The logics approach is a result of this work, by defining discourse through different qualities, which enable an analysis on different levels of expression (ibid). Hence, by joining the tradition of Laclau & Mouffe, there is not a direct conflict with Bacchi's Foucauldian approach, but my understanding is that Laclau & Mouffe and Glynos & Howarth suggest a stronger emphasis on the political context aside from what is expressed in the particular empirical data than perhaps Bacchi does. If the ambition is to contextualize the articulated discourse with the contemporary political context, this in turn raises a question on how to systematically select this material. What aspects of the political debate and context to present in relation to each bill. My approach to this is to work in a way similar to the background and literature sections. This means that I begin each empirical chapter by presenting the government bill and placing it in a historical context based on what I find relevant and necessary for the analysis that will follow. These are more general expressions such as ongoing political campaigns and media discourse. In the third section of each chapter specific expressions are presented which are more directly connected to the policy project, often from the parliamentary debate. This way, both a broader and a more specific notion of the political context is provided, although it should be emphasized that the image is never complete because there are obviously many politically relevant events and expressions at any given moment.

With this comment as an additional explanation of the theoretical approach to the empirical material, the analytical process continues. The nodal points have been manually organized in a map. With the software, one or more documents can easily be taken out from the map, enabling comparisons to be made, such as before and after a certain date, or the maps of policy made within social welfare to be compared with policy from the field of migration. It is also possible to see each bill and what nodes it contains separately. Now these maps (which can be made into one map based

on all seven government bills) can be related to the expressions found in political debate, in parliament as well as in the media. At this stage of the analysis, the two materials (policy and political debate) must be processed jointly by addressing the question *how did this proposal become the solution?* This is a key question to identify the political logics and critically analyze how they are interconnected with social practices, routines and taken-for-granted truths. The maps of nodal points identified earlier are the point of departure. Guided by the theoretical framework and the material relating to the political context I elaborate on different ways in which the nodal map(s) can be understood. The process has meant a lot of back-and-forth, going between different documents. For the sake of readability I begin by presenting the problem representation and the assumptions underlying it, and then move forward to the explanation on how this policy became possible. Each chapter ends with a discussion about discursive effects and the marginalized visions, which reflects on the results and a way of addressing the material consequences and lived experiences within the theory-method design of this thesis.

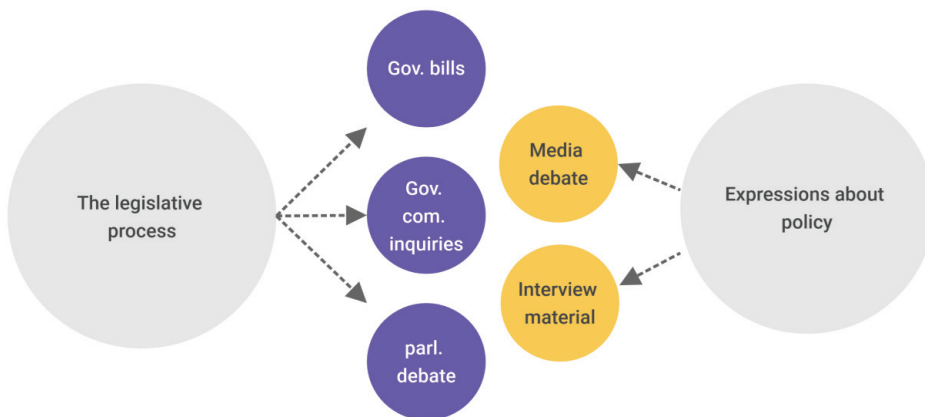
### **5.3. Combining empirical materials**

#### *Interview as a complement to policy data*

This is a policy analysis and, as such, is grounded empirically in policy text. But I have also conducted a number of interviews which will be presented in relation to some of the policy processes. The reason for this is that I found it necessary, both ethically and empirically, to include voices that were otherwise silenced throughout the policy process, in order to better understand and analyze the political context around the time of the bill. Policy analysts sometimes use interviews as addition to their policy data to obtain empirical material from “the field” or “on-the-ground” (Bacchi & Goodwin 2016: 110). With a post-structural understanding of subjects, information provided through interviews is not seen as more or less “true” based on the “direct” experience (ibid). The approach to interviews and interview data is thus rather to locate comments within the practices that generate them (ibid). How does the person reflect on what s/he is, does and can become? With such questions, the interview can form empirical data with equal status to the policy text material – although I do make a distinction in approach. The distinction is that I use the legislative process and specifically the Government Bills as the main empirical material, the point of departure for the analysis. In the illustration below (Figure 8), the circle on the left represents material that comes directly from the legislative process, such as government bills, government commissions of inquiry and parliamentary debate within the policy process. The selection of these documents is informed by the research question with the focus on the centrality of the concept of unaccompaniedness. Additional material is located on the right-hand side of the illustration. Expressions that reflect on policy can be debate articles, news articles, editorials and so on, where there is a discussion about issues relevant to the policy proposal. This can also be the interviews that I have conducted, where we together reflect upon the impact of the policy on the lives of the subjects. This division of the empirical material means that material in the yellow circles is not directly generated from within the policy process. Regardless of when these expressions were produced in time (if the interviews were conducted or a debate article was written before or after a

government bill was coded), in the order of the analytical process, the blue circles come first through coding. The yellow circles become relevant to set nodes in relation to alternative expressions, to find out how a certain issue is articulated in a context outside the legislative process. That way, the genealogy of discourse, as well as discursive effects such as subject positions, can be identified. The blue circles are not more “true” or “real” than the yellow ones – status as reflections of the policy process is equal, in line with what is suggested by Bacchi & Goodwin (2016). However, it is after coding of the policy material (blue circles) that I turn to reflections on the policy (yellow circles) to contextualize and be able to say something about the question - how did this proposal become the solution? The policy material within the blue circles has thus a more central position as empirical grounds for the analysis.

Figure 8. The different empirical material used



Although Bacchi and Goodwin argue that the policy process goes beyond the formal scenes of the legislative process, through discursive expressions in the rest of society, I make this distinction for methodological reasons. This is to make clear what material I look at first hand with detailed coding and what serves as contextualizing background. What should be noted is that I do not consider the additional material (interviews and media) as policy per se. However, the social and political logics articulated within these expressions are of relevance for the policy process, as examples of self-interpretations, counter-discourse and also as social movements shaping the political landscape in which the policy is constituted. The difference in quality, as already mentioned, is not about what is more “real” or “true”, but rather different positions from which these expressions are made. In Government Bills the language of the legislation process is often meticulous, stripped of what could be perceived as emotion, seemingly neutral, legal, precise. In interviews, media and the political debate, the opposite is often the case, with affective expressions explicitly articulated. Given the theoretical

approach, where my interest is in part to identify the drive for ideological projects, the part to the right of the illustration (yellow) cannot be excluded.

My ambition when designing this project was to include the interview results far more than has happened. The reason why they become visible in chapter 12 regarding age estimations, and not before, is because the interviews were conducted in 2018 and reflect events after the introduction of the Temporary Aliens Act and the restrictions that followed it. As can be seen in the interview guide (Appendix II) I had not made the selection of what policy to analyze when I conducted the interviews, which can be seen as a flaw in terms of methodological planning. Nevertheless, the interviews add a quality of lived experience and reflection to the otherwise quite bureaucratic policy text. This need from my side to add “flesh and blood” to the policy text can be understood against the background of my own detachment from the lived experience of newly arrived asylum seekers. Although I had about a decade of professional and activist involvement, in 2015 all these relationships ended for me as I took up academic studies again. With this change in personal network and interactions, I felt that the “knowledge” I accessed was considerably shaped by the discourse(s) used by the legislature and the public institutions. Bacchi & Goodwin (2016) write about de-familiarizing from what is taken for granted, de-inevitabilizing the things that are the most evident to us in the present (Bacchi & Goodwin 2016: 46). One way of approaching this is by allowing an insurrection of “subjugated knowledges”. *Subjugated knowledges* is a concept used by Foucault, referring to “knowledges” that have been silenced (ibid .48). It can be “knowledges” that are defined as inferior, as below a required level of scientificity or as insufficiently elaborate (Foucault 2003). The methodological use of such knowledges is that they can be useful in order to de-familiarize from the taken-for-granted. It is thus not a question of which content is the most “true” or valid, but rather a method to render different alternatives imaginable. In my research project, the interactions with persons who were “at the other end” of the policy process, during and after the migratory turn, had the function of such insurrection of subjugated knowledges.

Some extracts from the interview study are presented in chapters 9 and 10, mainly to provide examples of how assumptions are articulated and the effects these assumptions have in terms of discourse and subject positions. Furthermore, Bacchi & Goodwin (2016) write about the constitutive effects of protest. Some of the participants in the interview study were actively defying deportation orders, others were participating in protests or acts of civil disobedience. Through the embodiment of such practices, new identities and subjectivities are performatively constituted (Death 2010: 245). Using the interview data as a complement to the policy text thus provides an empirical point of departure to analyze how the figure of the unaccompanied minor becomes a legitimate “subject” in relation to welfare and migration policy but also how, through protests and citizenship enactment, such subject positions may be destabilized and challenged. This means analyzing how interview subjects both relate to and resist positions constructed within a relationship of discourses. What the interview material provides is thus access to practices and events that challenge and transform the landscape in which the subject is made (Bacchi & Goodwin 2016).

### *Selection of participants and methodological considerations*

With the new research plan and the sense of a changing landscape around me, in terms of migration regulation, social work practice and activist networks, I was determined to combine my policy analysis with interviews. During the summer of 2018 I conducted 11 interviews with 12 participants (out of which one interview was with two participants jointly). The participants were professionals and activists, and some of them were young persons who at some point had been defined as unaccompanied minors by the Swedish authorities. Out of these, six interviews were conducted in person and five using the video call application Skype. For the sake of anonymity, I have changed all names. In the initial drafts, I wrote “interviewee 1”, because although anonymous, made-up names are also problematic. Names are associated in different ways, prompting prejudice based on nationality, class, age and gender. On the other hand, numbers have a dehumanizing connotation which I eventually could not work with. Therefore, I have made up names for all participants. The participants were located in different parts of Sweden at the time of the interview. I have not specified information about their location to further anonymize the material.

**Anna** became involved in activism regarding unaccompanied minors when she was appointed as a custodian for young persons in 2015. At the time of the interview, she was supporting a number of unaccompanied minors and young persons over 18, through legal aid, emotionally and financially.

**Lisa** worked as a member of care staff at a residential unit. She started working with unaccompanied minors during 2015, and was doing so at the time of the interview, but she was about to change work as the residential unit she worked at was closing down due to lower numbers of unaccompanied minors arriving.

**Marie** is a social worker who had worked mainly with child and family cases, but was transferred to work with unaccompanied minors due to the needs in the municipality where she was working in 2015.

**Emma** is a teacher who became involved in asylum rights activism after one of her students had his age changed and was rejected for a residence permit. The student then moved in with her family and they became an informal foster family.

**Johan** is a psychologist who, at the time of the interview, was working at a clinic where he met many young persons with migration experience, both those defined as unaccompanied and others.

**Johanna** is a social worker who started working with unaccompanied minors in 2016. She had worked as a social worker with other client categories prior to this.

**Lili and Ali** were interviewed together. She and her family acted as a voluntary foster family for him, and he had been defined as an unaccompanied minor when he sought asylum, but had then had his age changed to over 18.

**Navid** arrived as an asylum seeker and was categorized as an unaccompanied minor, but eventually had his aged changed. He stayed in an adult reception centre without permission and avoided deportation one day at a time.

**Said** was defined as unaccompanied initially but had his age changed and was then moved through different housing units. At the time of the interview, he was hopeful of receiving a residence permit through the new Upper Secondary Education Bill.

**Ali** was under-age when he arrived as an asylum seeker in Sweden, but turned 18 before he received a response to his application. He was living at the same reception centre as Navid and Said and was waiting for his final decision.

**Kim** was working in government in a position with insight into the political negotiations and decision making in 2015 when the Temporary Aliens Act was introduced and the following period. This interview was added a year later than the others, with the specific aim of exploring the self-reflection of subjects during a time of dislocation.

The young persons with migration experience had all turned 18 at the time of the interview, both according to themselves and according to the Swedish authorities. I made contact with the participants by posting a request with an information letter on various Facebook groups where unaccompanied minors and/or activists organized. I was overwhelmed by the numbers of people who responded positively within just a few hours of the posting. Many stated, both in the initial contact and later on in the interview, that they wanted the events following the “refugee crisis” and the Swedish treatment of young migrants to be documented. The participants were thus all more or less critical of the restrictions introduced in the name of “respite”.

In planning the interviews I used a semi-structured interview guide (see Appendix II). That way I had some prepared themes and questions, but I left it up to the interview situation to formulate follow up-questions (Kvale 1997). The interviews therefore turned out rather different from one another and were often more like reflective conversations and less like data collection. My intention with open questions was that it should be possible for them to be answered in elaborate ways, where the participants could relate to themselves and others in the societal context that we were talking about. The topics that were discussed in the interview were thus partly decided by me as a researcher but partly took shape during the interview, giving the interviewee influence over what was made relevant. This way of interviewing has been criticized for creating biased data, which is only a relevant criticism if the theoretical understanding of data and reality is that there is something neutral and that it is possible for the researcher to collect this pure data without affecting it in the process (Silverman 1997). This, perhaps needless to say, is not where I position myself theoretically.

The interviews were recorded with the consent of the participants. Three of the interviews were conducted in Persian and in one of the interviews a few sentences were in Persian but the rest in

Swedish. In the transcription, Persian is written using the Latin alphabet, so-called “Finglish”. My writing skills in Persian are not good enough to transcribe long interview segments. Additionally, Persian is written from the right to left so, when combining Persian and Latin writing in one document, it often happens that the writing is disorganized and difficult to handle. Finglish is commonly used online among the younger generation of Persian or Dari speakers and, although it has some phonetic shortcomings, it is a practical alternative to the Persian alphabet, especially since the final text is written using the Latin alphabet.

The many languages involved can nevertheless be a complicating factor in the analysis. In order to avoid misunderstandings based on translation or other issues, I had the opportunity to call or email participants during the analysis process, to double check and clarify where there was confusion from my side. However, it is impossible to know exactly what a person means with a statement. As in all communication, I can only make my own interpretation. Using exact quotes is a way of creating transparency from the interviewee to the reader but, with translation, the quote is never exact. Even if all interviews had been in English, I am the one choosing what small parts of an hour-long interview to include in the presentation. That is also true when it comes to the policy text and, in this sense, the production of text always shapes the way the empirical material is perceived, regardless of whether it is policy or interview data (Yanow 2000:87).

#### **5.4. Ethical discussion**

In the field of social work, the literature on ethics can be divided into social work ethics, which touches upon professional relationships in social work practice and research ethics, relating to ethical conduct in academic work in the field of social work (Banks 2008). This chapter will focus on the latter, but initially I wish to also address practical ethics within the field. Social work is a values-based profession (Reamer 2018). Ethical dilemmas and decision-making are at the core of social work practice (ibid). Since the 1950s there has been ongoing production of ethical guidelines within the profession (ibid). The Swedish union for professionals in the field of social work published an updated code of ethics in 2017 (SSR 2017). In this document, the following statement is made:

Ethical awareness is especially important in professions that can have a profound impact on people’s life and conditions - in actions that exercise power in some form. Social work is of that kind. The individual can be at a disadvantage which is sometimes very substantial. This applies not least to social work with children and young people (SSR 2017 p.5).

In the code of ethics, a number of themes are presented as central to social work practice: empowerment, advocacy, community work, normative work and guidance, protection, care and service, knowledge production. Depending on which of these themes a social worker or an organization is oriented towards, different practices and ethical norms will be formed (SSR 2017). A

key question, according to the code, how the human life should be valued (SSR 2017: 11). Additionally, the SSR codex lists a number of key values to social work practice, among which humanity, solidarity, dignity and human rights are mentioned. In an appendix, potential dilemmas that a social worker can be faced with are described (ibid). Deportability is not mentioned or discussed. And regardless of whether it might have been, the impact of such a document can be discussed. Research with a post-structural approach from social work practice in Canada argues that ethical conduct cannot be limited to what is stated in a document (Rossiter et al 2000):

The site of ethics is not the independent, pre-formed individual who may be more or less precariously influenced by organisations. The site of ethics, instead, is the process of production of ethical possibilities and limitations within the social relation of the particular location of the ethical concern. Thus, individuals are not susceptible to organisation – they are constantly engaged, within mutually constituting relations with their organisation, in the business of making and being made as ethicists (Rossiter et al 2000:92).

The above understanding of ethics means moving away from a fixed code and instead identifying practices and acts within specific contexts. This relational approach to professional ethics is something that I will return to as a point of departure for the final discussion of this thesis in Chapter 11. Shifting focus to research ethics, which is the focus of this chapter, I have been faced with many dilemmas which I wish to address in the following sections. One question I have come to ask while completing the jigsaw puzzle of the theory-method design of this thesis is, can migration research be ethical without a critique of the fundamental premises of the existing border regime – and if not, how is it possible to navigate away from the norms in which I as a researcher am also invested? To me, criticism of borders is both personal and a matter of research ethics. I would not have chosen to spend years writing a thesis about a topic unless I felt passionately about it, and resentment of bordering practices lies deep within me. To me, borders mean that my children cannot see their aunt because Sweden (“our country”) does not allow her to visit even as a tourist. It is the anxiety in the waiting room at the Migration Office, while my husband is being questioned about our relationship and the random selection of my bag to be checked three times during one journey. And maybe most of all, borders remind me of the fear in my friend’s voice when she called me from a remote village and needed me to arrange her flight, crossing borders “illegally”. However, I am a holder of a European passport, well aware that borders have more brutal consequences for those who do not have this privilege. My experiences of “being stopped” in my mobility, symbolically or physically, are anecdotal and, in most cases, not life-threatening as they would be for many migrants on the borders of Fortress Europe (Eule et al 2019, Ahmed 2011). Nevertheless, these experiences have shaped me, in the same way the dominant ways of speaking about migration have, and positioning my person and my research in a critical stance in relation to current migration regimes is a choice I do have. The absence of critical perspectives can turn research into fragments of lives without acknowledging the fundamentally unequal terms on which societies are constructed. A non-critical perspective would be a perspective



where one accepts the violence practised through border policy as a natural state of things. Being critical of borders means seeing them as the consequence of political decisions and ideological statements but also trying to imagine a different order. The critical border thinking, which I refer to in the theoretical section, is thus an ethical statement as much as a theoretical perspective.

My position in relation to the research field is complex. Regardless of how my body may be read and racialized, migration is now my area of interest and work, not (so much) my daily distress. This position means that I somehow earn my living from migration policy which causes pain and suffering to others. There are therefore levels of existential and ethical questions to unpack. In this chapter I open up for reflection and discussion about who I am and what my person does to my perspective and results.

### *Positioning myself in relation to the field*

In the introduction I wrote that policy is political. In this section I will claim that so too is research. With a post-structural understanding of knowledge production, knowledge is not a “true” object but a set of understandings that *make* reality. This distinction plays a critical role in how one is to understand the function of science – it means that production of knowledge is a political practice. The term “ontological politics” captures this sense, that research *makes*, rather than *reflects*, worlds (Bacchi 2016: 15, Mol 2002).

As I write this in 2021 I hardly think it is a controversial claim that objectivity is impossible and that we all see the world from one of many possible horizons. What we can do is to acknowledge this and be straightforward about our specific approach and point of view. It is often a part of scholarly work to mention one’s way “into” the field and perhaps strategies to create “distance” from one’s own experiences. In order to create some transparency to the reader about my pre-understandings regarding the field of research, I also began to write about my previous experiences of work, activism and migration. I re-wrote this many times. The section grew until I realized that no matter how many anecdotes I share, it will only be fragments and perhaps not as illustrating as I imagine them to be.

What is relevant as background knowledge about my person is that migration has been an ongoing theme in my personal life from early childhood until the present day. I have a background in feminist, anti-racist and no-border activism and professional experience as a case worker with child welfare. All of these experiences shape my interpretation of the empirical body in this thesis. Critics may say that I am biased in favour of migrants. I can only say I am much biased much more towards human rights (including that of migrants *as human beings*) than in the direction of border control (to prove my professionalism), if those are the only two choices available. The aim in writing this thesis is nonetheless to provide alternative ways of thinking or to make visible those ideas that are marginalized in policy debate, in order to move away from the binary positions of for/against and either/or in predetermined categories. In the discussion of objectivity or neutral positions, it is generally the experience and position of the “other” that is considered problematic. I argue that it is

necessary to be grounded in an ethical position that can be considered strongly normative when thinking about ontological politics (Bacchi & Goodwin 2016 p.15). By this I mean, for instance, stating that all children who reside in Sweden should have equal rights is a normative, political position. But refraining from such positioning is equally political, reproducing a discourse of inequality.

### ***Representation, or re-thinking centre and margin***

A topic that I will return to continuously in the analysis is that of representation. While the discussion so far has been focused on the ideal of objectivity, an even more important issue is that of subjectivity and the dilemma of addressing inequalities from a position of privilege. This question links to a discussion in political theory on who can speak and who can be heard (Spivak 1988, Fanon 1967). It is how to form criticism of a border regime in which one is privileged. Spivak (1988) addressed this by stating that while speaking from a position of privilege entails the risk of only supporting the “subaltern” as long as it falls within one’s own interest – but also that if it is assumed that the “subaltern” can speak and represent itself - there is also a risk of reinforcement of inequalities. This illustrates a dilemma about representation and self-organization. Spivak urges us to ask if it is possible to speak about “others” without essentializing subjects to a category and thus reinforcing the status quo. On the other hand, by not taking a position of solidarity and not using the privilege, not using this position to eradicate the power-imbalance, is also to turn a blind eye to injustice and benefit from status quo. The challenge is to imagine what is made unthinkable while existing within the hegemonic discourse. I am not sure I (or anyone) can succeed with this task, but one strategy could be to at least switch the gaze from centre to periphery, which is also what Bacchi & Goodwin call for in the analysis of silences. In the work on this thesis it means challenging notions about what lives are grievable, what subjects are deserving of inclusion and rights. Here, concepts such as *bare life*, introduced by Agamben, and *social death*, as a position of extreme loss of social connectedness isolation, form a trajectory which can lead an analytical movement between the centre and the margins (Králová 2015). By looking for the subjects that are on the brink of existence (symbolically or literally) light can be shed on how dehumanizing practices become normalized (Cacho 2012). Against this background, positioning myself in the field is not only about positioning myself but also reflecting on how research can challenge status quo. What has been said so far has been in relation to the research project overall, how to approach and make meaning out of text material and how to present conclusions in a highly politicized field. In the following section, I will discuss ethical dilemmas more specific to the interview study.

### ***Ethical considerations particular to the interview study***

This research project, as much as I aim to take a critical position, is shaped by dominating discourses on childhood and migration. The very concept of “unaccompanied minors” is a discursive

construction. My point of departure is that research ethics are not a formula that can be addressed by ticking checklists or, as put by Bilger and Van Liempt (2009), ethical questions are not static. While working on this thesis I have been confronted with ethical dilemmas of different kinds, especially in relation to the interview study.

I have already justified the methodological benefits of combining interview material with policy text. The first ethical dilemma in terms of doing justice to the empirical material is that this is a policy analysis. Had this been ethnography, a presentation of the accounts provided in themselves would have been the result. The activist in me would like to present all interviews as they are, as a collection of accounts about the events following the Temporary Aliens Act in 2016. However, I argue that this way of positioning the interviews, as a complement to and contextualization of policy text, is more relevant to social work practice and research as it can add to a badly needed discussion about alternative visions. In concrete terms, this has meant that the interviews are less present in the analysis than I initially had thought they would be. Not all participants are quoted in the results section and not all themes brought up in the different encounters are accounted for. Even if the verbal accounts are not considered more or less “true” than the policy text, because they function as a reflection on the policy process, they become subordinate in how the empirical material is analyzed and presented in the analysis. However, in offering an alternative perspective to that of the policy process, the accounts serve to move peripheral lived experience closer to the centre of the policy process (Tuhiway Smith 1999).

### ***Consent and protection of participants***

When I applied for ethical approval in 2016, it was with a research plan to interview unaccompanied minors in relation to compulsory care. It had been reported that increased numbers of unaccompanied minors were placed by the social services in institutional compulsory care, and questions were raised about why (Kaunitz & Jakobsson 2016, SIS 2015 a&b, SIS 2014, Mellquist 2014). In the application, I argued that persons with the lived experience of illegalized border crossing may have had negative experiences of formalized, bureaucratic routines such as signing documents, and that I did not want to reproduce such experiences by initiating my contact with the interview participants with a set of documents, information and consent forms to be filled out. This was not accepted by the board that assessed my application. The research plan was then modified. I promised to use all the conventional forms, and so the project was approved. Then I went on maternity leave for a year and when I returned, my research plan was no longer relevant. In short, I contacted the institutions where I had planned to make observations (SiS) and found that they no longer had that many unaccompanied minors placed there. I conducted three reference interviews (which are not included in this study) with two managers of housing units for unaccompanied minors (HVB) and one group leader at a Social Services office. What they said was that, due to the new regulations with the Temporary Aliens Act, earlier age assessments in the asylum process and a number of other changes that had happened while I was on maternity leave, the context for compulsory care of unaccompanied minors had changed. As

one of the group leaders said, the young persons remained for such short time in the provision of the social services, before being transferred either to the Migration Agency or to clandestinity, that they did not have the time or opportunity to get to know them and, when needed, make assessments on compulsory care. So I had an ethically approved project that I did not pursue.

At this point, I was a little disoriented and decided to conduct a policy analysis in line with what has been described now. New reforms were announced every day it seemed (Lundberg & Jansson Keshavarz 2019). I found it difficult to make a selection of material and decided to deal with the interview study first. As the reference interviewees had described, it was difficult to even find participants who were formally defined as unaccompanied minors. I decided to abandon the focus on age and status and sent out a request to two activist networks to let the participants choose me instead of the other way around (Appendix III). I reasoned that regardless of whether it was minors or adults (on paper, in self-identification, under the gaze of the migration case officer...) they would have interesting things to say in relation to the ongoing changes in policy. Likewise, I decided not to focus only on migrants or only on social workers but to make an open call. However, in the process of selecting empirical material and meeting interview participants, I realized that this idea of age limit as defining vulnerability, and how it is reinforced through arbitrary methods and practices of ethics, is not important to reinforce through my thesis (see discussion in Djampour 2018: 96). It happened that all participants were adult, in their own accounts as well as according to the authorities. Nor were they in compulsory care. Nevertheless, I kept to the plan approved by the board by using information letters, consent forms and transcribing the interviews for the sake of formality (consent form can be found in Appendix IV). The letters and forms can be found in the appendix and the transcribed interviews will be kept, in accordance with existing regulations, on a USB stick with password protection. After finalization of the project, transcriptions will be kept in a locked store room at the University of Gothenburg, with some exceptions where the participant has asked me specifically to not keep audio recordings or transcripts from the interview.

### ***Being confronted with the suffering of others***

In the previous section I described my approach to formalized routines regarding ethical approval. However, the ethical dilemmas in this project had very little to do with forms and checklists and more to do with material and inhumane conditions. When I met young persons, the precarity of their situation was striking to me. The lack of food, money, housing – it was a textbook case of an ethical dilemma. Four years have passed since 2018, when I conducted the interviews, and I still cannot say I know with certainty what would have been the “right” way to act. Intuitively, I wanted to offer accommodation in my home or to at least buy pizza for all the young persons who could not afford a meal. It would not have been wrong. My own lack of strategies when confronted with the suffering of people in the role of a researcher was augmented by a panoptical unease, as if the ethical review board and the bureaucratic gaze of an imagined community of scholars were present in that remote Swedish village where the reception centre was located, ready to judge me for providing questionable

donations to participants. The interview study, although short, had an ethnographic element of observation and participation, as I met with people in their homes, offices and spent three days at a Reception Centre for adult asylum seekers. In ethnographic research there are methodological and ethical recommendations on how to enter or leave the field, how to inform the participants and how to build mutual trust (Lalander & Johansson 2012). I was guided by a sense of collective bond to the people I met – we shared a critical position and there was a sense of community in the new social movements in which I felt somewhat included, although I was never actually part of it. In the interview situations, regardless of whether they were with professionals or young persons, I tried to make sure I did not make promises that I could not keep and emphasized that my thesis is a policy analysis where interviews will not be the main empirical material.

Both in the interview situation and afterwards, there are a range of actions to choose between, from giving money and food, using one's network, writing in (social) media, starting petitions, contacting the authorities etc., to merely witnessing the suffering and then writing about it in the ethical section of the thesis. In retrospect, whether I had offered a meal or not, it would probably not have changed much for the situation of the young persons that I met in the long run. Rather, as charity often does, it would have settled my own anxiety and made me feel like a good person (Liedman 1999). I cannot say I am proud of myself for all the situations where I did not intervene, although maybe I could or should have. I found it hard to give something to somebody and not to the next person, to offer something to one participant and not to others. I was worried that it would compromise both my position and that of the participants. Now, this should not be about me. In an introspection out of proportion, but an inescapable dilemma of research with subjects in precarious positions and how to act when confronted with suffering. What I tried to do, instead of donations, was to show solidarity with the people I met (Englund 2015). By solidarity, I mean working for their cause as in, beside the thesis, connecting people to legal aid, sharing their posts and fundraising on social media and engaging in the public debate and protests from my position as a PhD candidate. In retrospect charity in the form of donations could have equally fitted this definition of solidarity.

### ***Subjectivity – thinking outside the discourse***

During my last year of PhD scholarship I worked part-time at a small research centre. One day, a colleague asked me: “is it the researcher or the activist in you that wants this?” The question at hand was whether to make a post on social media regarding a new report about the (negative) outcomes of the Temporary Aliens Act. For a moment I did not know what to say because I felt ashamed and a failure as a professional. I then answered him: “They are the same”. What I meant by this is that I try not to distinguish the role of the activist from that of the academic or the experiences of practical social work in municipalities. Yet, an unpleasant feeling remained and I wondered why the colleague had asked me this. I do think it is important to reflect on one's position and relationship to the topic of research, but I sometimes wonder if migrants who study migration are scrutinized more than others.

A slightly different, yet similar experience was when I conducted interviews with asylum seekers for this study. This field note from the second day at the reception centre summarizes many of the conflicting thoughts I had at that moment. I was, at the same time, concerned with my own body and what I became in this context, and the situation of the people I met:

## Day 2

There seems to be some kind of conference at the hotel where I'm staying. It's a bizarre feeling. Everyone is white but me, both the staff and the visitors. At breakfast, I notice a man about 50 years old who looks at me as if he's wondering what I'm doing there. This look of confusion returns when I exit the building at the same time as a group of women on bicycles arrive. They look like they could be nurses or some kind of care staff, perhaps social workers or working in the public sector.

As I leave the hotel building and walk across the field toward the other buildings, I feel how I blend in, yet not really. Is it obvious that I have a hipster backpack? Does my lack of hijab give me away? Or my screaming pink sneakers? A man and woman come to the support group office and look for someone. They borrow my phone. I meet them again in the corridor. They ask about that same person. I say I have no information, that I just arrived last night and that I know no one. The lady asks if I have a residence permit. I say yes, I live here, meaning Sweden, but I realize how confusing it might sound if she interprets it as if I live in the centre, so I say, in Sweden, for a long time, I am here for research purposes, from the University of Gothenburg. I feel the distance growing. They say thank you and become embarrassed, as if they have caused trouble by asking. I ask if there's anything I can do, and they say no, it's ok, they'll find the person they're looking for.

I often think I embody the social worker character I've been for so long. I remember making home visits for work and feeling so obvious on the street with my calendar and notebook sticking out of my bag, not knowing the code to the door. I wonder what people see when they see me here. Do they see a social worker? A researcher? A migrant? Can I be all of those or would that be confusing? I've conducted two interviews so far. O and A. They both looked very young. Especially O. He had almost no facial hair. Their stories are filled with regret and sadness, like why did we come here? Where should we go? And what can I say? I want to say, hey, I'll buy you dinner, or come on, I'll write you an appeal, or come stay at my house. But I think that would be for my own good, to feel less bad about the whole situation. Today, Maria Ferm apparently showed up here to talk about the Green Party. Such an irony. (Field note, August 2018)

Reading this in retrospect, I notice how I, like the case officers at the Migration Agency, unaware of my own action, conduct an age estimation based on vague expectations on the body of children. The

facial hair (or lack thereof) has repeatedly served as a feature defining age for young migrants, especially in public debate. Would it be acceptable at the entrance of a night club, at the state liquor shop or anywhere with an age limit, to include or exclude young white/Swedish men based on their facial hair? I have not investigated this, but I think the beard associations that young migrants have to deal with are different. They connect to orientalist discourses on hair, where fair skin and light hair colours are considered more trustworthy while brown or darker hair is associated with negative prejudices (Womack 2011). I have inserted this field note to exemplify that although I attempt to be critical, orientalist discourse shapes my own processes of meaning-making to an extent that I am mostly unaware of. The social logics that I aim to dismantle thus dominate my own “knowledges”.

So was I an activist, an academic or a social worker while at the reception centre? Was I perhaps an “old” immigrant with language skills and racialized experiences enough to communicate with the “new” ones? This stresses the necessity of a discussion about subject agency. To what extent can any of us choose between subject positions or ways of navigating among discourses? If one assumes that the subject comes about through the discourse, the positions of refugees, activists, women, children and the intersection of these, all the effects of the power relationships are expressed through discourse. From this point of view, the intention of the individual to “choose” to act or speak outside of the dominating discourse is limited or even impossible (Parker 1990). It is the discourse on childhood that creates the subject position from which I can make a statement in my notebook about another person’s facial hair. I have chosen not to censor myself by excluding this section in the presentation because I think this example says something about the contemporary way of viewing children in general and unaccompanied minors, moreover, it shows both how discourse affects my line of thought and how it is possible to think in other ways.

The discourse theory that I have been inspired by provides intellectual guidance to reflect on the topic of subject agency (Glynos & Howarth 2007, Townshend 2004, Laclau & Mouffe 1985). What appeals to me about this approach is that, although our perception of the world is seen as discourse-dependent, there is a space of contingency, which means that a subject has multiple alternatives for action and thought. Within the dominant discourse (and it is rather relevant to speak of discourses to emphasise the multitude) dominance and eventually hegemony is the result of antagonist struggles, which means that there are always differences in meaning-making (Laclau & Mouffe 1985). Although dependent on it to create meaning, the subject is not determined by discourse. There is always a possibility of alternatives. With this anecdote from the field and a theoretical framework, my position is thus that by reinforcing social movements and demands made by those in disadvantaged positions without essentializing them as a group, there can be a way forward to increasing spaces for equality. Easier said than done, but this has been a motivation throughout my work on this thesis, in terms of both writing and the knowledge produced.

Regarding combining the identities of activist, academic and social work practitioner, I see it as a strength if one accomplishes the task. My personal experience is that conformism is easier, as is submitting to assimilation (Glynos 2008). When only based in one context (academia, social

movement, social work practice) it is easy to forget about the other norms, to adapt to the environment. This is true for me at least. And in recent years I have not been grounded in social movements and activism the way I was prior to 2015. The answer I gave my colleague about my identity being a combination of the academic, the social worker and the activist was thus more wishful thinking than I would like to admit. Yet it reflects my ambition to remain rooted in the social movements, even if it is sometimes done remotely and through second-hand information.

## **5.5. Chapter conclusions**

In this chapter I have expanded on my approach to post-structural policy analysis and the specific theory-method framework that I have designed, drawing on the WPR approach and the logics approach (Bacchi 2009, Bacchi & Goodwin 2016, Glynos & Howarth 2007). The seven government bills selected as the core of the empirical body are more or less centred around the concept of unaccompaniedness, and thus serve as points of departure for an analysis that stretches beyond the specific document to the political context within which it is imaginable. By a theory-oriented coding of the bills, I have traced key concepts informed by the literature on which I support the analysis. Two maps of nodes, or labels, have been sketched out to illustrate the process of change during the moment of dislocation that I refer to as the migratory turn. A main dilemma in my work has been how to perceive this moment (as continuity, dislocation, disruption, shift in discourse...) The nodal maps provided one way to conceptualize the situation. After having organized the key nodes from the government bills, the work of analyzing particular articulations of discourse and contextualizing them began. This meant broadening the empirical body, including interview data and using other sources, such as media and parliamentary debate, exploring and critically analyzing how a specific proposal could become hegemonic, taken for granted as the natural solution to a unquestionable problem. In the ethical discussion, I reflect upon the concepts of objectivity and neutrality and how my own perceptions are also contaminated by dominant discourses on childhood and borders.

## **5.6. The structure of the analysis**

In chapters 6-10 I work with a model as described so far in this chapter. In the first section of each chapter, I summarize the contents of the bill and describe the political context in which it was conceived. This cannot be expected to be a “complete” historic overview but is rather an attempt to place the bill in relation to central events which set the tone in the public debate at that specific moment – events which are likely to have shaped the policy process in different ways.

In the second section of each chapter, my WPR-inspired analysis of the problem representations and the underlying assumptions is presented (the social logics). In each chapter, a number of assumptions are discussed, what is seen as a natural state of things, a taken-for-granted fact about populations. The focus is on how the figure of the unaccompanied minor is portrayed in the



Government Bill (and in some cases, in other related documents) and what it is that is perceived as a problem. One theme that follows through all chapters is that of differentiation and normalization, as all the policy processes in my selection have in common this conflict of who is to be included in the community of the welfare state.

The next section addresses the political and the phantasmatic logics in order to explain how this proposal became the solution. In chapters 6-8 it is the third section, whereas in chapters 9-10 it is the fourth section. Here glimpses of the parliamentary debate or other material that exemplifies the dislocation of social logics is provided. Where is the political struggle, and what is at stake? How is the reform at hand defended and criticized? I use the concept of jouissance to analyze the interplay of fantasy and ideology in how this perceived problem gripped the debate and was made relevant – how the proposal became the solution.

In chapter 9 and 10, the third section consists of interview material under the heading “Subjective reflections”. This is a section where the subjects defined as unaccompanied minors and activists/professionals in contact with this group are represented. The main purpose of this section is to provide a self-reflective perspective to the analysis, where individuals are allowed to reflect on the subject positions and relations shaped by changes in policy.

The fourth and last section of each chapter, begins with a summary of the findings in terms of how a problem has been conceptualized and what phantasmatic and political logic(s) produced this problem representation. This is followed by a discussion on the discursive effects of the policy and a reflection on marginalized political visions and voices during the policy process. Similarly to how I have proceeded so far, each chapter ends with a summarizing conclusion.



PART III

CONSTRUCTING (UN-)GRIEVABLE LIVES THROUGH POLICY

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## *(the banality of bordering)*

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In 2015, at a historical peak in refugee migration to Europe, Sweden decided to minimize the opportunities for asylum. Denmark confiscated the belongings of refugees on the border (Sahlin 2016). In Hungary, the border police shot refugee migrants attempting to cross the border from Serbia (Sveriges Radio 2015). More than 4 000 fatalities were reported from the Mediterranean Sea alone (IOM 2019). In an attempt to get my head around how, at this moment in time, it seemed important, even urgent, for Swedish policy makers to introduce restrictions, I met with Kim, who was working in one of the government departments where the Temporary Aliens Act was negotiated. I wanted to explore how a subject with a self-understanding as “asylum-friendly” could take a position in favour of restrictions. Kim said:

But it was being explained all the time that now we have to make temporary changes so that the same number of people will not come every week, because we cannot handle that. Everyone could buy this, because we could see that we could not. If as many were to come every week as came when it was at the peak, if it continued every week forever, well then it is obvious that it's not sustainable, it's evident for the most asylum-friendly that that's how it is. Well okay that's not so good. But then all the changes were presented as something temporary. And then even those who thought it hurt the most could buy into it. Because it was temporary and with the additional idea that, at the same time, we would increase capacity. We would build a system that would be able to receive more in the future. And we would improve the settlement for those who come. So there were promises of amendments, and I feel that we then lost these amendments quite quickly, because the whole shift meant that you could not talk as positively about settlement and then you could not invest as much in settlement as you might have liked to.

I met with Kim, we had the interview, and I felt like the researcher with the easy task of being critical, while her reality was dead-end negotiations. This quote echoes much of how I remember the public debate around the time of the introduction of the Temporary Aliens Act. I heard several friends in the professional field of politics complain about not being met with more understanding during this period. Friends affiliated with different parties who, for different reasons, felt unfairly criticized for their participation in the bipartisan migration agreement that opened the way for the Temporary Aliens Act. And I can agree that it is far easier to participate in a protest, or even to write a PhD thesis criticizing border regimes, than to come up with a strategy in a political game where the opponents threaten a government crisis and a new government perhaps consisting of former neo-Nazis.

Arendt (1997) argued that the subjects involved in a regime do not necessarily need to be invested in the ideology of the regime. I wonder whether there needs to be a contradiction

between being an “ordinary” person, not driven by hatred, and being invested in ideological projects that ultimately produce such hatred. Perhaps it is within this dilemma that the broad bipartisan support for the restrictions aimed at asylum seekers can be understood. And perhaps it is at this ethical crossroads that an analysis should begin. To unpack the banal, everyday acts of bordering and to reflect on how they relate to professional and political ethical principles.

## 6. Custodians for unaccompanied minors

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This is the first analytical chapter of the thesis, and therefore, this first section functions as an introduction, not only to this chapter, but to all six following chapters where I approach policy material with the combination of logics and WPR.

So far, I have referred to the migratory turn and the Temporary Aliens Act rather extensively, and not as much to the policy processes that form the empirical body of my research. The reason for this is that my point of departure, the overarching research aim, is to analyze meaning(s) given to the concept of unaccompaniedness with the inductive approach that there may (or may not) have been a shift in discourse after 2015. The emphasis on events around that time, which I see as a moment of dislocation, is therefore something that I return to. But in order to speak of a shift (or not), a point of reference is required. For this reason, this analysis begins in 2005 and with policy that has more to do with refugee reception and child protection, and less with asylum policy. This first reform serves as an example of a “before”, although it should be said that the idea about a before and after 2015 is a model that I approach as a sensitized concept which I am not sure about (Blumer 1969). The idea forms a starting point for an analysis.

With the Custodian Bill in 2005 (Prop. 2004/05:136) the first legislation aimed directly at children and young persons defined as “unaccompanied minors” was introduced. This is a relevant reform to begin the analysis with, not only because it chronologically came before the others, but because it touches on many key issues about *universalism/particularity* and *inclusion/exclusion*, by defining who the figure of the unaccompanied minor is, what it is in need of and who is responsible for taking care of those needs. These themes can be seen as points of departure, which further policy processes will reinforce or contradict.

### 6.1 The Custodian Bill and the political context

The reform of custodianship for unaccompanied minors mainly addresses the “problem” of children and young persons under 18 who arrive in Sweden without legal guardians present (Prop. 2004/05:136). It is therefore their *age*, in combination with their particular *migration status* and the fact that they do not have *adult company* that is at the core of the bill. The content, in terms of proposal for new legislation, is to introduce a new law, with a new form of custodianship, solely for those defined as unaccompanied minors. This is seen as necessary, since it is not considered possible to include unaccompanied minors in the existing legislation for citizen children who find themselves in a situation without a legal guardian (*ibid*).

The role of the custodian for unaccompanied minors is defined in the bill as more similar to that of a legal guardian, than to a custodian for elderly or disabled persons, where the function is mainly related to their personal care. Custodianship for unaccompanied minors is described as a role with increased authority to make decisions about the personal affairs of the child, school enrolment,

housing, etc. (Prop. 2004/05:136 p. 30). Furthermore, the bill suggests a need for legal adjustments to provide a custodian quickly after the arrival of the child in Sweden, preferably within hours or a few days (a time limit such as 24 hours was discussed, both in the referral process and the parliamentary debate, but the legislature responded that this would not be necessary because it was also important to appoint a suitable adult, and this would be done as quickly as possible by the chief guardian regardless of time limit).

What is specific, in terms of differentiation and the construction of a specific client/subject, is that the institution of custodianship is aimed particularly at unaccompanied minors instead of incorporating them into the already existing framework of legal guardianship, which is where “universal children” would find support in similar situations (Hedlund 2019). Hedlund argues that the institution of custodianship is, by definition, a minimized and temporary version of the more protective legal guardianship, which unaccompanied minors are not eligible for due to their legal status as asylum seekers.

### *The political context around the time of the bill*

The Custodian Bill (Prop. 2004/05:136) was produced as a result of a long policy and lobbying process where several NGOs and other stakeholders outside the parliamentary system were involved in bringing the problem representation to the table (Barnrättskommittén 2005, Rädde barnen 1995, Brendler-Lindqvist 2004). In the public debate during the 2000s, human trafficking and sexual exploitation played a part in defining the particularity of the childhoods of those defined as unaccompanied minors (Parliamentary motion 2004/05:L26, Johansson & Kino 2002). There was thus a public discourse on the suffering of these children and the responsibility of the Swedish state not only to provide shelter in terms of asylum, but also to provide adult representation and protection from the risks that were associated with this category of migrants.

Another aspect that may be of relevance is actual numbers. In 2000, 350 unaccompanied minors sought asylum in Sweden and the number remained quite stable, with 398 applicants in 2005 (Swedish Migration Agency statistics). Another aspect of the context in which the bill was produced is the asylum process. The rates of approved asylum applications declined during the early 2000s, from having been on a stable level of 80-90% approvals among unaccompanied minors, to 50% in 2003 (Brendler-Lindqvist 2004). The explanation provided by Brendler-Lindqvist is that the Migration Agency made different assessments regarding the safety situation in countries of origin such as Iraq, Afghanistan and Somalia. During the same period, NGOs expressed criticism of the implementation of the Dublin Regulation (ibid:29, Röda Korset 2010). The regulation meant that asylum seekers could be returned to the first EU country that they had arrived in. Accounts of violence, incarceration and lack of transparency in countries such as Italy, Greece and Hungary were collected by a coalition of NGOs and social movements, and handed to all members of parliament in 2010 (Röda Korset 2010).

A journalistic work discussed the fear of being transferred in accordance with the Dublin Regulation as one possible motive for young persons to abscond from housing units (Mikkelsen & Wagner 2013).

Regardless of the reasons for a clandestine position, the articulation of unaccompanied minors as bodies to be bordered or as bodies to be exploited was present in the public debate during this period. My perspective when analyzing the data is that it is perhaps not the most important issue to define whether the children were forced to leave by criminal networks or perhaps later ended up in contact with criminal and destructive elements due to lack of options. A multitude of experiences can, or at least should, be imagined. What I find important to bear in mind is that the agency of the child, the choices available, are shaped by the legal framework and other discursive practices within which this subject position is constituted. Consequently, the task for this analysis is to explore how the idea of unaccompaniedness is constituted through this new policy.

## 6.2. The problem representation

What is the problem represented as being? That is the question at the back of my mind while reading all the government bills. In the introduction to the Custodian Bill (2004/05:136) it is stated that this reform is necessary due to the lack of legal options to provide adult representation for the category of unaccompanied minors within then existing law:

Guardianship according to Swedish law can thus be arranged if, after inquiry into the state of citizenship by the Ministry for Foreign Affairs, it is clear that guardianship will not be arranged there. The same applies if the answer to a request does not come within six months. A further condition is that a guardian is also deemed necessary according to the law of the state of citizenship. If arranged later, according to the law of the foreign country, guardianship no longer has to be arranged in accordance with Swedish law (Prop 2004/05:136 p.16).

The above quote speaks about guardianship (*förmyndarskap* in Swedish), not custodianship (*god man*), which this reform will be about. As pointed out in the policy text, there was already an opportunity for unaccompanied minors to be given an adult representative before the reform. The prerequisites were residence in the country (which I will return to) and a dialogue with the authorities of the country of origin. While the decision on guardianship is awaited, a custodian temporarily fulfils the role of adult representation. Before the reform, the legal framework for the custodian was from 1904 and, to a large extent, focused on economic assets (Prop. 2004/5:136 p. 17). As a result of this regulation, minors who arrived in Sweden without legal guardians could remain without adult representation for a short or long period of time. The bill draws on a report produced by the Swedish National Board of Health and Welfare and the Migration Agency stating that the order was not satisfactory:



The report states that, as part of the reception of unaccompanied minors, it is normal for them to be provided with a custodian pursuant to Chapter 11 Section 1 of the Parental Code and Chapter 4 Section 3, second paragraph, of the 1904 Act. It is thus matter of a custodian who has the task of taking care of the child's affairs in the place of a legal guardian. However, the report points to some problems with the current scheme. Among other things, it often takes a long time to appoint a custodian. It is unclear who will take the initiative to make this happen and sometimes questions arise about which municipality is responsible for appointing a custodian for a particular child. Furthermore, it is emphasized that the appointment of a custodian is not offered for all children – for example it is not offered for those who will soon turn 18 - and that it is not clear what duties the custodian should have. This part of the report culminates in the finding that custodianship, under Chapter 11 Section 1 of the Parental Code, is mainly focused on the representatives' customary task of managing the minor's assets and that this is an overly limited assignment in the case of unaccompanied children. It is therefore proposed that a new representative institute be created, where the appointed representative is to have a far-reaching mandate within the framework of the assignment. This authority would replace the guardian as representative of the child. There are also proposals for an arrangement that would allow a representative to be appointed quickly, if possible within 24 hours of the unaccompanied child being discovered (Prop. 2004/05/136 p. 21).

The above quote summarizes the formal motives presented for the reform. There is a need for a new institution, because otherwise children, categorized as unaccompanied minors, run the risk of being unrepresented and without one specific adult who is responsible for their affairs. This can, however, be analyzed with different key nodes as points of departure. What signifies this need of representation? How is it decided who “resides” in a municipality and why is it assumed that unaccompanied minors cannot be considered residents from the start of their arrival? These are some of the questions that will be discussed in the sections to come.

### ***The problem representation critically analyzed***

So far, I have presented the formal motive for the reform as expressed in the government bill. In this section, I present my understanding of what is articulated as a “problem” in the policy – that is to say, going deeper than the explicit motives, such as “children need adult representatives”, to analyze what could be seen as constructed problems in relation to such statements. Central to this analysis is the making of “unaccompaniedness” as an object of thought.

In the Custodian Bill (prop. 2004/5:136) adult representation is described as a *need* that child migrants without legal guardians have, caused by the *vulnerability* of being minors and refugee migrants when they arrive in Sweden.

However, the very special living conditions of the unaccompanied child mean that further demands must be made on the person to be appointed a custodian for such a child. Therefore, as the investigation suggests, it should be stated directly in the law that, in his decision, the chief guardian must attach special importance to the vulnerable situation which the child is in (Prop 2004/05: 136 p. 35).

The above quote emphasized the particularity of unaccompaniedness through the vulnerable situation that the child (in the singular) experiences. In the above quote a request is made for “further” demands. The first question that comes to mind is perhaps further than what? The discussion is in relation to children in general, or “universal” children, as I refer to when writing. The point made here is that all custodians have a responsibility in relation to their clients but in the case of the unaccompanied minor is particular. The *vulnerability* of unaccompanied minors is understood as different than that of other children, and the need for support from adults becomes different based on this particularity. The vulnerability is mainly articulated as a consequence of low age, absence of adults and migration experiences. The migration experience and assumed traumatic experiences, although not emphasized, bring about a subject position which becomes worth the care and support of the state. That is to say, more need for protection than both “universal children” and adults who are in need of a custodian for different reasons, such as disability or old age. This is perhaps expressed most clearly in the parliamentary debate by the Christian Democratic parliamentarian Yvonne Andersson:

We all have a question which must be answered: can anyone ever be so vulnerable as a child without parents or other relatives in a foreign country? (Parliament Proceedings 2004/05: 131)

This way of portraying unaccompaniedness as a hyper-vulnerable state of childhood is at the core of the Custodian Bill. There is basic consensus regarding the need for reform from all political parties in parliament. This status as the most vulnerable children positioned unaccompanied minors in relation to other categories as being in need of more protection. If others in need of custodianship could wait for days and weeks, this subject should be given this support within 24 hours, the liberal-right opposition demanded (Prot. 2004/05:131). It should be stated that drawing attention to how unaccompaniedness is described in the policy process does not mean that I question the experiences of hardship and vulnerability lived by many of those defined as unaccompanied minors. The concept of unaccompaniedness is given different meanings during different policy processes, and it is therefore relevant to unpack these processes of construction and meaning-making in each policy.

Unaccompaniedness is not a category in existence regardless of the policy addressing it (Bacchi & Goodwin 2016: 87). This refers to the fact there is no naturally existing category in society, unless it is created. In Sweden, a norm associated with the concept of childhood is that children under 18 years of age are seen as in need of adult care and support in decision making. The general solution to this is the institution of parenting and guardianship that regulates the freedom and vulnerability of children through adult supervision (the Parental Code/Föräldrabalken). When citizen/resident

children cannot be cared for by their parents, they become eligible for the services of a legal guardian. This can be the case if their parents are unfit to care for them. The support of a legal guardian is not accessible for newly arrived asylum seekers. This lack of eligibility is, in my understanding, a border grounded in nationality and belonging, which excludes unaccompanied minors from a service and differentiates them from other children.

### ***Assumption: Unaccompanied minors cannot be eligible for a legal guardian***

Appointing a custodian is a welfare service managed by the Chief Guardian Board of each municipality. It can be discussed whether this service is within social work or migration policy when aimed at unaccompanied minors. I consider the chief guardian and the process of appointing a custodian closer to social work than migration policy, because it is performed by the municipality. But the position at the intersection of migration and social work is highlighted through several expressions and assumptions which I will discuss in this section.

The temporality of displacement is something brought up in the literature within migration studies (Ramsay 2019, Brun 2016, SOU 2006:73). With the custodian reform, yet another aspect of transition is added to the situation of unaccompanied minors: a provisional adult representative while waiting for a more permanent one:

A custodianship under this Act shall be a temporary solution while awaiting a decision to be made in connection with the child's application for a residence permit (Prop. 2004/05:136 p.52).

As the above quote makes explicit, this is a temporary solution. It reflects a view on the position of asylum seekers as transitory, one that becomes more stabilized through the residence permit. Hence the suggestion to provide more permanent support once the subject is no longer an asylum seeker is in line with assumptions on refugee migration. But why is it taken for granted that unaccompanied minors cannot be eligible for legal guardianship right from the beginning – why must there be a temporary solution? The reform of custodianship is the first where unaccompanied minors are provided with particular services outside of the migration law. A differentiation based on migratory status is central to this process:

A child who comes to Sweden alone can hardly be considered to have his residence here from the very beginning (Prop. 2004/05:136 p. 17).

The above quote refers to the legal concept of residency, which I see as a master signifier due to its impact on the bill. It is assumed here that unaccompanied minors cannot be considered to reside while

they do not hold a residence permit. This assumption is a social logic in this policy process which is taken for granted, and therefore not contested. Briefly, legal residence is a principle that works parallel to that of citizenship in defining to which nation an individual belong. It is relevant in international cases of family law (divorce, guardianship etc.) to define under which nation's legislation the individual should be treated (see Prop. 2004/05 p.24-25). Regarding refugee children, according to the Hague Convention, it should be the state on the territory of which the child is present that has jurisdiction (see Article 6 of the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children). The Government Commission of Inquiry also supports this interpretation, which means moving away from the nationality principle practiced before, with potentially a long wait while in dialogue with the country of citizenship (SOU 2003:51 p.58). Nevertheless, neither the Hague Convention nor the Government Commission of Inquiry equate residency with a residence permit. One alternative interpretation of this would be that the status of residence (hemvist) in Sweden would be gained right after applying for asylum. Through such an interpretation, unaccompanied minors would become eligible for the institution of legal guardianship in the same way as citizen children without guardians are, without the need for a separate system.

In the Government Bill the issue, which ultimately defines belonging, is discussed in connection with the referral units. The legislature proposes a way of defining "residence" based on a suggestion from Linköping District Court (Linköpings Tingsrätt).

According to the Government, however, this is not a criterion that is clear and simple enough for whoever is applying the law. It is seldom easy to say for sure when a person's presence in a particular state has acquired the character of residency. Another solution should therefore be chosen. This might lead to the use of the order suggested by Linköping District Court. The district court states that linking the procedure to the fact that the child has been granted a residence permit could be considered. The Government notes that, as a starting point for the process to replace the custodian with a legal guardian, an easily ascertainable event would be defined, as a typical case to determine that residence is in Sweden (Prop. 2004/05:136 p.40).

This quote illustrates the reflections within the policy process on the issue of residency, and how a definition is made. The certainty with which it was initially stated that residency cannot be acquired from the beginning becomes more ambiguous here, since no simple answer seems to be at hand for what event marks the beginning of residency. This is both a reinforcement of the temporality of the migrant position in a general sense, but also a negotiation of the belonging of unaccompanied minors. If they cannot belong from the first day of arrival, then when – how? There could have been a time limit or an infinite list of other solutions. One of the courts offers a suggestion, which is favoured in the government bill. It is thereby decided to define residence for unaccompanied minors as the time when the child obtains a residence permit. As a material consequence of this decision, unaccompanied minors who do not have a residence permit are excluded from a "universal" welfare service. The policy

and the particular interpretation of the term residency thus becomes an enactment of national borders, which is not enacted by police or migration case officers but rather by co-workers of the chief guardian in different municipalities.

This way of defining the legal term of residence differs from that of the Hague Convention. I understand the convention as having an ambition in respect of unaccompanied minors, to make presence in the country, not attachment through citizenship, the key to eligibility in order to receive protection where they are, not where they “belong” according to principles of nationality and citizenship. In Swedish welfare tradition, citizenship and the residence permit have functioned in parallel in relation to welfare services (Borevi 2014). For the legislation to equate residency with residence permit in this case is thus a circular argument. The point of strengthening the principle of residency over nationality is to provide support where the children are. Equating residence to a residence permit makes it more difficult to receive services based on presence – hence a strengthening of the nationality principle. The slide from immediate eligibility shapes the possibility of inclusion/exclusion, not only regarding access to a custodian but in how the figure of the unaccompanied minor becomes positioned in an imaginary waiting room for the welfare state. The temporality of this subject’s experience is thus reinforced.

The interpretation of residence as equal to residence permit is an example of a negotiation about belonging which runs through the policy process. In this context, the term residence becomes a master signifier which associates to belonging, inclusion and the borders of the nation. What is at stake is the position of unaccompanied minors in Swedish society, belonging to it through the legal term of residence (hemvist) or existing in the territory without being part of the nation. It is a struggle over expanding the space of citizenship (and residence permit) or limiting it. Different ways to understand the Hague Convention could be refugee children being considered as holders of residence from the date of entry to the territory, from the date of seeking asylum or from any other given date. But in this case it is stated that residence cannot be obtained *from the very beginning* (Prop. 2004/05:136 p. 17). That is to say, asylum-seeking children cannot belong. Residence permit hence operationalizes a border, not only to the territory of the nation but also to belonging to the community of the municipality and to accessing child welfare services. With the interpretation that legal residence occurs when residence permit is granted, separation of asylum-seeking children from other children becomes inevitable.

### ***Assumption: Unaccompanied minors conceptualized through vulnerability and risk***

In the previous section the assumption of belonging and bordering principles were deconstructed. In this section another assumption will be discussed, namely that of unaccompanied minor constructed around binaries of risk and vulnerability. Within welfare policy, there is a long tradition of portraying children and young persons without adult supervision as a risk, both to themselves and to society. In all societies with a concept of childhood, there are ideal childhoods and morally deviant childhoods

that must be controlled (Brown 2004). Children defined as unaccompanied minors are intersected by a number of discourses. They often find themselves in a transition between childhood and adulthood, which is seen as a time of risk in our society as well as in the industrial Europe of the 20<sup>th</sup> century (Wegs 1992. Hendrick 1990). When seen through a lens of critical perspectives on the concept of childhood and adolescence, the position of unaccompaniedness is differentiated from other asylum seekers as particularly “vulnerable”. But the term “vulnerable” also functions as a signifier that marks the differentiation between unaccompaniedness and other (normal) childhoods. That is to say, although children in general can be associated with vulnerability, the way unaccompanied minors are constructed is as particularly vulnerable – more so than their citizen peers:

So far it has been stated that the person appointed to be a custodian for an unaccompanied child must comply with the general requirements set by the Parental Code for custodians and, in addition, be suitable for work with children who are in a vulnerable situation (Prop. 2004/05:136 p. 36)

In the above quote attention should be focused on the expression *in addition*. This is to say, the figure of the unaccompanied child is additionally vulnerable. The general requirements are not enough. Aside from qualifications that custodians for all children and other categories need, those appointed for unaccompanied minors should have something more to meet this higher level of vulnerability. This vulnerability is either connected to the absence of legal guardians, or connected to the migration status, because that is what defines the particularity of unaccompaniedness in contrast to other childhoods. At the same time as being differentiated and excluded from the existing framework for legal guardianship, due to migratory status, unaccompanied minors are defined as more vulnerable than other children. As declared by a Liberal Party MP, it is a matter of gut instinct – it *feels* right to protect this child:

It feels quite right to protect the unaccompanied minors in particular and to make sure that the period during which they experience being left alone and abandoned in a foreign world is as short as it can be (Mia Franzén, parliamentarian for Fp/L<sup>15</sup>, Prot. 2004/05:131)

What constitutes the grievable position is the experience of being *alone* and *abandoned* but also a dislocation of the subject, being out of place in a *foreign world*. The intersection of hyper-vulnerable childhood associated with unaccompaniedness constitutes a subject position differentiated from the “universal child”, which, through that very differentiation, becomes grievable and deserving of the protection and support of Swedish society. What is interesting in this articulation of grievability is that

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<sup>15</sup> The Liberal Party at the time of the debate was called ”Folkpartiet” (which translates directly as “People’s Party”).

the foreigner must be incorporated into the body of the nation state in order to solve the problem of dislocation. The non-citizen child, whose distress causes agony within the observer, must belong in order not to suffer. And this right to inclusion is uncontested. It is hence both a legal differentiation of childhoods based on migratory status, and a presumed different vulnerability that motivates a separate legislation for custodianship instead of incorporating unaccompanied minors in the legislation of legal guardianship. Through this separate legislation, those defined as unaccompanied minors gain access to support that is similar to that provided to the “universal child”, hence almost universal access to welfare services. In terms of rights, the position of the unaccompanied minor is thereby moved closer to or made more equal to that of the “universal” child, but this normalization is made through a process of differentiation.

One central aspect in the particular vulnerability associated with unaccompanied minors is the risks this subject is presumed to face in society. In the Government Commission of Inquiry which preceded the Custodian Bill, the risk of harm and exploitation is addressed with regard to unaccompanied minors who disappeared from residential units:

Some children who disappear are recruited into prostitution or criminal networks. (...) Regardless of the reason why a child disappears from a placement, there is a high risk of them being harmed or injuring themselves while without any adult supervision (SOU 2003\_51 p. 115)

In this quote, the expression “regardless of the reason why...” is revealing of the subject position constructed for unaccompanied minors. Regardless of motives, if they do not remain where they are assigned to live, there is a risk. Not only does this statement create a silence around lived experiences such as maltreatment in foster families, the longing to reunite with siblings, fear of deportation and multiple other reasons for absconding (see Barnombudsmannen 2017 and Mickelsen & Wagner 2013), with this statement risk is made inherent for the unaccompanied minor. This problem representation is not contested in the Government Bill, rather the opposite – it is reproduced and reinforced both there and in parliamentary debate:

During the period 2001–2003, an average of just over 30 children per year went missing from registered private accommodation or from the Swedish Migration Agency’s facilities. (For 2004, a preliminary estimate of about 90 such cases is available so far, but the task is fraught with significant uncertainty factors, and experience from previous years show that a quality review of the statistics generally leads to the number being revised down.) Some of the children disappeared without the Migration Board or other authorities knowing anything about either the reason for the disappearance or their new whereabouts (Prop. 2004/05:136 p.22).

In the above quote, it is made clear that the phenomenon of children who “disappear” from housing units is a problem for the government (see Appendix VI for statistics on unaccompanied minors that

went missing). There is concern over the situation of these children, an underlying fear when nobody knows their whereabouts. Furthermore, a differentiation is made between asylum-seeking unaccompanied minors and other unaccompanied minors:

The children who stay in the country without applying for either asylum or a residence permit will, for obvious reasons, not be identified [by the authorities]. These children may, for example, have run away from home, been brought here by force or be wanted [by the authorities]. (Prop. 2004/05:136 p. 21)

Here, further risk is associated with unaccompanied minors, with an asymmetric division between those who are in the formal system of migration, as asylum seekers or other applicants, and others who are irregularized through this statement. Doubt is shed on those subjects that do not fit the image of asylum seekers, and they are associated with crime such as being brought here against their will or being wanted (by the police for criminal actions that they have committed, it is implied). When looking at the three quotes above together, a cause-and-effect idea about the absence of adult supervision and the risks children may meet in society is articulated. The risks are both concrete, as in recruitment into child prostitution, and more ambiguous, as in being harmed more generally. But the link between the subject position of unaccompanied children and the dangers is made quite clear both in the Government Commission of Inquiry and in the Government Bill. While the differentiation above was between children within and outside of regulated migration, another distinction is made based on age. In the Government Commission of Inquiry the investigator distinguishes between younger children and adolescents. While the younger children can be kept in a home by physically holding them or preventing them from leaving, the same is not believed to be possible for older children:

The staff at a child and youth unit and foster parents can, just as little as Swedish parents, prevent older children from going to another place or meeting an unknown person while being outside their place of residence or foster home. (...) However, regardless of whether the custodian has given any instructions or not, they should always contact the custodian as soon as they suspect that something is not right. This may be the case if the child wishes to accompany an unknown person or leave the facility at odd times of the day. Another such situation may be that the child is in an upset state and wants to leave his or her home. Furthermore, the staff of a child and youth unit and foster parents have an obligation to inform both the custodian and the social services in the municipality if they suspect that the child is harmed in any way, whether the child is involved in drug abuse, crime or prostitution. In this connection, it should be pointed out that the social services have the authority to take measures according to LVU (compulsory care) if necessary (SOU 2003\_51 p.116).

The quote above serves to illustrate the ambiguity between protection and control that is articulated in the policy process regarding custodianship. A Government Commission of Inquiry does not



necessarily represent the standpoint of the legislature. However it does form one of the most important references in terms of knowledge produced in the policy process, which the Government Bill and legislative text is produced in relation to. In the quote, equivalence is made between the figure of the unaccompanied minor and other young persons – neither can be restrained and held at home by force. *However*, and this is crucial, their whereabouts must be under adult supervision and minimum sign of *harm* should be taken into consideration. A number of behaviours are defined as deviant: meeting with “unknown” persons, leaving at “odd” times and being “upset” and wanting to leave. The acceptable state or behaviour for a child in this position is thus to “only meet with persons known to the staff”, “only go out at hours considered normal by the staff” and “not to be upset”. Equivalence is articulated between all “deviant” behaviours”. These assumed dangers can be examples of articulations of social logics of risk and control. These logics echo dominant discourse on adolescents as a category of risk and in need of control but are intersected by border thinking and logics of integration that are activated in relation to migrants. The role of the staff or foster family becomes to define normality and thus decide when interventions are needed and, if deemed necessary, to contact the social services and the custodian.

The way in which unaccompaniedness is conceptualized around binaries such as vulnerability and risk has been analyzed within research and is thus not a finding unique to me (Holmlund 2020, Stretmo 2014). The either-or approach within this understanding, which produces a subject position either as a vulnerable child in need of protection or a youth at risk and in need of controlling interventions, limits the ways in which the actions of those categorized as unaccompanied minors can be understood. The fact that a long list of behaviours are defined as risk illustrates this limited scope for action. To paraphrase the Government Commission of Inquiry and the quote in this section, regardless of the reason why, leaving housing units is understood as risk. Behaviours deviating from the “normal” are too. These actions are given meaning in relation to assumed particular characteristics of unaccompanied minors of vulnerability and risk. Hence, constructed around this binary, the welfare interventions reflect this through a double-binding of care and control. These assumptions together form social logics, taken-for-granted truths about the concept of unaccompanied minors, which distinguish this category from children in general

***Assumption: With increased authority the risk can be controlled***

In the previous two sections I have described how the concept of residency is given the meaning of residence permit, thus functioning as a border around the universal welfare service of legal guardianship. Furthermore, I have discussed how the concept of unaccompaniedness is constructed around the binaries of vulnerability and risk and how this further limits what is thinkable and doable for persons positioned in the category of unaccompanied minors. The policy proposed in the Custodian Bill responds to both these assumptions with an institutionalization of protection and control. With statements demanding an increased authority for the custodian, the legislature responds

to a problem where the unaccompanied minors who run away must be controlled – for their own sake and for the sake of society:

With the extensive authority that the custodian is now given there also comes the opportunity to exert decisive influence on the issue of the child's accommodation. By extension, this means that the custodian, in the child's interest, can forbid the child to leave a certain place, for example a foster home or one of the Migration Board's residences (Prop. 2004/05:136 p. 30).

The phenomenon of unaccompanied minors who “disappear” or abscond from housing units is repeatedly made relevant in the policy process, in the Bill, the Government Commission of Inquiry (SOU 2003:51) and in the parliamentary debate (Prot. 2004/05:131). It has been argued in previous research that unaccompanied minors, through the phenomenon of “disappearance”, become associated with risk: both as vulnerable subjects at risk of harm and as strategic subjects that embody risk (Holmlund 2020, Stretmo 2018, Righard & Montesino 2014 and Mikkelsen & Wagner 2013). The children's claims about inability to return to the country of origin are overlooked, while their action of leaving housing assigned to them is seen as problematic (Holmlund 2020). As the above quote exemplifies, it was assumed that increased authority would provide the means to stop children from running away. The formal reason for introducing this new law – the lack of legal framework to provide representation for unaccompanied minors – is thus underpinned by this assumption that there is a need for such representation in order to stop children from leaving housing units. This tells us something about the normative approach to children and childhood as something that must be controlled (by adults and authorities) and leaves limited scope for action in the capacity of the subject of the child. Regardless of whether it is framed as a means of protection or control, a feature of this new legislation is to increase the authority of the custodian in order that the unaccompanied minors remain in the residential units where they have been placed by the authorities. My understanding of this is that the unaccompanied minor is constructed as a sub-category of migrant youth at risk, with all the associations that this invokes (Schclarek Mulinari 2019). For children associated with this subject position, the need for intervention and control is taken for granted.

To summarize, in the early 2000s the phenomenon of children that run away from home was more common among those categorized as unaccompanied minors than among children in general. The social work response traditionally has been interventions to return the children to their family homes (Sjöblom 2002). The policy response in this reform, to increase the authority of the custodian in order to keep the unaccompanied minors in their housing units, can be understood as a continuity of this discourse. I argue that it is not unaccompanied minors running away or disappearing from residential units per se that is the problem represented in the Custodian Bill, but rather that it is *these particular children* who do so. Through their unaccompaniedness, their migratory status and the absence of responsible adults, the figure of the unaccompanied minor causes or caused more concern among policy makers. They do not have families in relation to which social work interventions can be focused (at least not parental homes in Sweden). They are described as more vulnerable and associated with

human trafficking and international crime. They are, at the same time, described as deceitful and, potentially fraudulent, adult migrants ‘disguised’ as children, which Live Stretmo (2014) shows in analysis of media and policy discourse from the same period in Sweden and Norway. There are therefore other reasons to protect them from running away/disappearing, compared to children in general, but also reasons to protect the nation from their uncontrolled presence as it is loaded with meanings of crime and danger. The solution presented draws on a combination of social logics of protection, where the subject/object to be protected is both the child and the nation. The nation must be saved from the “non-child” unaccompanied minor who fails to fulfil the norms of childhood and, as such, represents a contagious evil (Brown 2014), but, moreover, from the unsatisfactory lack of enjoyment triggered by not being able to claim the role of a safe, child-friendly nation. The solution is to protect by securing the presence of the child in the home. This understanding of the “problem” links with the general way of understanding children, through a family-oriented logic suggesting that the natural place for the child is in the family sphere. The role of the custodian thus functions as an enactment of parental supervision – limiting the sovereignty and agency of the child the way parents are expected to do, in order to protect. The custodian becomes the protector of the child, but also of the nation, through its specific task to prevent unaccompanied minors from “running away” or “disappearing” and engaging in risk activities or being subjected to harm by others.

### ***Assumption: Unaccompanied minors seen as fraud children***

Those categorized as unaccompanied minors have, at least initially, qualified for the definition of childhood. Within the policy process of custodianship, the dominant way of describing unaccompanied minors is as children. But this is a contested subject position – a contestation which will grow stronger with time. Unaccompanied minors, as migrants and asylum seekers, are interrogated, questioned and subjected to a bureaucratic machinery in what the anthropologist Khosravi describes as a culture of disbelief (Khosravi 2010:112). With regard to unaccompaniedness, because the position of the child grants certain benefits in the asylum process, this position becomes an arena for antagonism in defining the identity of the unaccompanied minor. Being a child migrant without accompanying adult is different both from being a child and from being a migrant, and in this case, it is associated with a specific doubt formulated for this particular subject:

The lack of identity documents often makes it difficult to determine whether a person has reached the age of 18. Some asylum seekers claim to be under the age of 18 in the hope that their asylum application will be processed faster and more favourably. If there is doubt about the age of an asylum seeker, the person’s age can often be determined by x-rays of teeth and wrists (SOU 2003\_51 p.52)

There are many assumptions to unpack in the quote. One is that identity is proven with specific documents. Through this bureaucratization, the complexity of life and the relational aspect of the

concept of childhood is reduced to the existence of identification documents. The next sentence casts doubt on the figure of the unaccompanied minor as a potential fraud (Stretmo 2014). This “fraud” migrant is necessary as a contrast to construct the “real child migrant” – the one whose life is grievable and worthy of the protection/control provided through the institution of custodianship. The way to distinguish the two is through expert knowledge and medical examinations of the body (Hedlund 2016) – yet another practice that objectifies this particular childhood and reduces it to a physical “fact”, such as the size of the skeleton or development of wisdom teeth (Netz 2019). Again, it should be emphasized that it is as a child, not as an asylum seeker, that the “real child” triumphs over the “fraud” migrant.

I return to this Government Commission of Inquiry as a reference on the conceptualization of unaccompanied minors as particular subjects. In the Government Bill it is not expressed as explicitly, although it is stated that *the unaccompanied minors as a general rule lack identity documents upon their arrival* (Prop. 2004/05:136 p. 41). As I will show in chapter 9 concerning age estimations, the doubt planted regarding the accounts of unaccompanied minors will be made relevant for reform decades later. Thinking of the two illustrations in the methods chapter with the nodal maps, this is an example of how a discursive expression can be present, yet not dominant, at a certain moment. At a future moment of dislocation, when norms are challenged and change is made possible, this articulation of unaccompanied minors as potential adult frauds will gain strength and become hegemonic. But we are not there yet. Consequently, already at this early stage, the particular childhood is constructed as a subject position associated with doubt and fraud. Citizen children generally do not need to go through the same rituals with institutionalized disbelief in their accounts, and even medical examinations, to pass as children. There is thus a differentiation between the concept of the “child” and the “unaccompanied child” in this regard.

To summarize what has been argued so far, the problem representation is thus not only an absence of legal framework but a question of belonging and defining unaccompanied minors as not belonging to the universal welfare system as long as they do not hold a residence permit. Furthermore, the phenomenon of unaccompanied minors that disappear from residential units and the risk that is associated with this is brought up as a problem in need of a solution. This problem representation is further underpinned by the idea that uncontrolled and othered youth is a risk to society, and that migrant youth in particular forms a threat and thus must be controlled. The need to protect children thus goes hand in hand with a will to control the young part of the population which, in its particular case of intersection with border thinking, creates a specific expression of protection and control: a separate institution for custodianship. In the following, I will focus the analysis on the political context that enabled this vision to become hegemonic.

### **6.3. How this proposal became the solution**

The Custodian Bill suggests a separate institution for unaccompanied minors while they are in the asylum process, in order for them to be eligible for adult representation. In line with how Swedish policy responses to integration of migrants have been organized, differentiation is an inherent outcome of this policy. I have presented the motives and reasons why it cannot be assumed that unaccompanied minors are eligible for the universal welfare service of legal guardianship. In this section, I will unpack the political processes which enabled the Custodian Bill to become the one solution put forward. Throughout the process, almost no contestations or conflicts can be identified – all stakeholders, from NGOs to authorities to political parties, seem to agree that this is a necessary and positive reform to strengthen the position of unaccompanied minors – which makes it even more interesting to dismantle the political logics, the ideology that seems invisible due to this lack of antagonist struggle.

#### *International criticism and the fantasy of goodness*

The children who “disappear” are re-occurring as a case of particular vulnerability, which emphasizes the urgency of this reform. The Government Bill raises international criticism of the phenomenon and the Swedish way of handling these children. The Commissioner for Human Rights of the Council of Europe had expressed criticism of the Swedish “problem” of unaccompanied minors disappearing (Prop. 2004/05:136 p.22). Providing care and including the figure of the unaccompanied minor in services aimed at children in general thus functioned as a way of “doing good” or at least avoiding international criticism in the arena of children’s rights.

The United Nations Committee on the Rights of the Child has also drawn attention to the issue of disappearances from the Swedish Migration Agency’s facilities. In connection with its review, in January 2005, of Sweden’s third report on implementation of the Convention on the Rights of the Child, the Committee recommended that an arrangement involving unaccompanied minors be considered where they can be provided with a custodian within 24 hours of arrival in Sweden (Prop. 2004/05: 136 p.23).

The need for a new law of custodianship and its relevance to the implementation of the Child Convention is made visible through this criticism and how it is presented in the Government Bill, the notion of children who disappear. That way, unaccompaniedness is constructed as a particular and hyper-vulnerable state of childhood with an inherent risk of victimhood but also crime. As such, the unaccompanied minor, if not well monitored, embodies risks and fears. The unaccompanied minor is made a subject external to what is associated with “Swedishness”. Upon his/her arrival in the territory of the nation, these risks are brought here. Thus the presence of this child is a problem that must be addressed, not only for the sake of the child, but also for the sake of the collective self-understanding

of a nation. Granting the rights of this particular child enables Swedish society to rest assured in the self-image of a nation where children are safe – where abuse and violence against children can be reduced to the foreign/external. The concept of *jouissance* fits well into this context: the enjoyment of Swedish exceptionalism and the sense of a lost enjoyment due to failure in protecting/controlling children (Hook 2017, Laclau 2003). By entering the territory unprotected, the figure of the unaccompanied minor thus challenges the idea of Sweden as a nation where children are protected. Within the community of social work, it is of course no secret that there are other children who suffer in Sweden but in this discursive formation those children are invisible: the lack of completeness in relation to the Convention on the Rights of the Child is symbolized by the unaccompanied minor. By incorporating unaccompanied minors into the welfare system, even if this is done in a separate institution, the lack is met and the self-understanding as a nation that does and represents good can remain intact.

### *Fear of othered youth*

One ideological drive for this proposal to become conceived can be found in the lost enjoyment of being a nation where children are safe and protected. Fears or phantasmatic logics articulated in this policy should consequently not only be understood in reference to the fact that the child may be harmed, but also to ideas about what it means for society to have children that embody risk that is uncontrolled (and in contact with other children). Underpinning this is a generalized idea of youth as a threat. This is exemplified in the Government Commission of Inquiry regarding unaccompanied minors in compulsory care (LVU). In the report, just before the quote below it is described how anxiety during the asylum process and other circumstances can lead to behavioural problems such as the use of violence, illegal substances or involvement in criminality. Therefore, the investigator argues, the Migration Agency staff or foster parents can report to the social services if they are concerned about the wellbeing of a child, because the social services can intervene with compulsory care.

Some of the Swedish Migration Agency's child and youth units state that far from all cases reported to social services lead to any action being taken under LVU. Very often, social services believe that it is better for the unaccompanied child to remain in Migration Board accommodation than for care to be provided in accordance with LVU (SOU 2003\_51 p. 78).

The investigator points out that not all young persons where there is a concern are met with compulsory interventions. It should be stated that, in all cases of concern about child welfare, an individual assessment is made by social services in the municipality and far from all cases lead to an intervention, and even fewer motivate compulsory care. For social services to consider some children better off in the care of the Migration Agency than being placed in compulsory care may be understood as a result of such assessments. It could also be understood in line with previous research where it is argued that the social services refrain from interventions in families that are undocumented (Backlund

et al 2013). Such decisions could be supported by an idea that it is better for the children to remain in stable housing compared to beginning treatment that is then interrupted by deportation (ibid). The quote above does not suggest a direction for the reason why it is deemed better to remain in Migration Agency accommodation. It may also be grounded in an idea of separation, for any reason: unaccompanied minors should not be placed where children in general are placed, but in particular units aimed at this group. This is also reflected in the description that most unaccompanied minors at the time of the report are placed in foster care with relatives. The second most common placement is within units of the Migration Agency (SOU 2003\_51 p. 67). Taking such ideas further, separation could be motivated with assumed cultural particularity or because the experiences that unaccompanied minors come with (those risks “external” to Swedish society) should not infect “Swedish” children. This taken-for-granted need for separation (social logic) could be underpinned by phantasmatic logics about a failed childhood: unaccompanied minors, through their experiences, being associated with the darkness of the adult world, with war, human trafficking and other acts that are assumed to ruin the childhood innocence of these children in irreparable ways. They must be controlled so as not to spread the evil further into society (Brown 2014). The claim that the child is at risk of harm *regardless of the reasons* for its disappearance imply that it is the child, not the context, that is the risk (SOU 2003\_51 p. 115).

The figure of the unaccompanied minor intersects with phantasmatic logics about child victims, youth at risk and about fear of the “other”, creating a particular position that is different both from adolescents in general and migrants in general. Unaccompanied minors and the sub-category of children who “disappear” trigger anxieties and what-ifs. At the same time as the authorities needing to know their whereabouts, there seems to be an unwillingness to treat this group as other youth at risk. The response to unaccompaniedness is driven by a phantasmatic logic of failed childhood, which differs from the normative childhood because it disrupts the self-image of Swedish exceptionalism. When unaccompanied minors engage in substance abuse, criminality or violence, it is thus not seen as “normal youth behaviour” which is met with the institutionalized interventions. It is rather conceptualized as an inherent part of the unaccompanied identity to be this youth at risk. This particular position is thus a child that – regardless of actions – should be protected, controlled and integrated by the state, in order to prevent spreading the risk he/she embodies.

### ***Welfare universalism and integration through differentiation***

For the individual defined as an unaccompanied minor the difference between having an adult representative and not is complex, in terms of rights, access to residence permit and welfare services. As described by Daniel Hedlund, ambiguities in the role of the custodian allow for different treatment and different interpretations of the mission – how engaged a custodian should be in the life of the child and in what ways (Hedlund 2019). Subsequently, stating that the new legislation strengthened the position of those defined as unaccompanied minors, and remaining so, would be to overlook those silenced experiences of unaccompanied minors being badly treated by their custodians, the othering

and differentiation necessary to construct this new institution and the potential risk of increased deportability inherent in the increased authority of the custodian. The Custodian Bill is a policy about which there was almost consensus. Looking at the parliamentary debate and the comments during the referral process, there was broad agreement on the problem representation and the suggested solution. The anxiety over children who disappeared from residential units and the fact that the custodianship, as designed at the time before the reform, had little influence on the situation of the child, functioned as a phantasmatic logic fuelling the policy process. The solution of increasing the authority of the custodian for unaccompanied minors so as to be similar to that of a legal guardian thus had broad support among political parties and other stakeholders. Rather than debating against each other, the members of parliament competed to show who was most in favour of protection. Some minor details of legal definitions were debated, such as a time limit for the chief guardian to appoint a custodian but, as I read the material, the main rhetoric is about including those defined as unaccompanied minors in a system of protection. When we ask *what is the problem represented to be*, one answer is that unaccompanied minors, due to their status as asylum seekers, are not eligible for universal welfare services such as legal guardians. This is a problem because they, as grievable subjects, are considered deserving of access to this universal service. Instead of finding ways of incorporating the new member of society into the existing system, separate legislation is constructed. I wish to argue that this very policy process is a key moment in Swedish welfare history, in how certain individuals came to be conceptualized as unaccompanied minors and at once deserving of Swedish welfare universalism and yet not fully living up to the requirements of nationality that limit this universalism. What I mean is that by writing separate legislation, the categorization of unaccompanied minors as a particular kind of children was made explicit in a way that it had not been before. Now there was a differentiated legal practice for unaccompanied minors compared to other children. The differentiation of “unaccompanied minors” from children in general is taken for granted as the best solution to such an extent that this division is seen as the natural state of things and therefore not contested.

#### **6.4. Discursive effects of the policy**

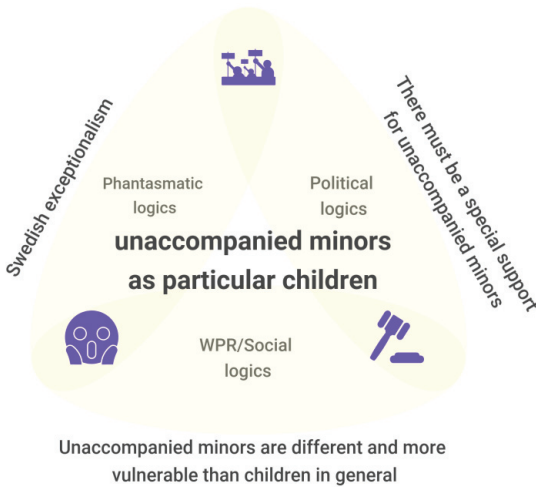
In this final section, I will discuss the discursive effects of the reform, in terms of what (new) subject positions were made available through this policy. As a point of departure, it can be stated that the categorization of unaccompanied minors was reinforced, since this was the first policy that targeted this category. As shown by Hedlund (2016), the media hardly used the term unaccompanied minors before this legislation was passed. This reform can thus be seen as one of the first processes in constructing unaccompanied minors as a specific category, within law in general and social work, through the organizational connections between the chief guardian and social services. As with all categorization, the inherent risk of discrimination followed.



**Differentiated normalization**

The double-binding of differentiation and inclusion, which is inherent in the way “integration” has been conceptualized in Swedish policy, becomes articulated in a particular way in the custodian reform (de los Reyes 2016). Here, it is not an issue of integration as an intervention against a “cultural other”, but rather of integrating non-citizen children into a normative framework of protection. Nevertheless, this integration, or rather normalization, requires unaccompanied minors to be defined as particular subjects. In terms of discursive effects, the custodian reform means a new discourse where unaccompanied minors are no longer understood as refugee children, asylum seekers, children in general or any other category, but as unaccompanied minors. Particular aspects of the discourses on childhood dominant in society are intersected with particular bordering practices in producing this new “single story”. Those defined as unaccompanied minors are associated with vulnerability due to their age and absence of adult supervision and therefore deemed in need of protection. It is not as refugee migrants but as child migrants that their lives are made grievable, and thus the age aspect creates a temporality for the protection. At the same time, unaccompaniedness is associated with a number of risks.

*Figure 9. Articulation of the concept of unaccompaniedness in the custodian reform*



Above, the discursive formation constructed through this policy process is illustrated. The base of the triangle represents the taken-for-granted “truths” about unaccompanied minors, ideas about who they are and what they need. These understandings are constructed through binaries such as vulnerability

and risk and dependence and agency. A phantasmatic logic is articulated, grounded in Swedish exceptionalism and the fear of lost enjoyment in relation to this position of pride: unaccompanied minors embody a failure and a lack of completeness in the status of child protection. In the political debate there is almost consensus on the statement that unaccompanied minors must be protected and incorporated into the welfare system and children's rights. Nevertheless, this is done through differentiation which constitutes a position of particularity for the figure of the unaccompanied minor.

In terms of subject positions this means a role in which the individual must fit, through expectations from the environment, through medical examinations and bureaucratic processes. The individual is questioned and doubted but also defined as so vulnerable and in need of protection that the authorities must control its whereabouts. Those defined as unaccompanied minors are expected to comply with decisions made by their custodian and the authorities, even when this means separation from siblings, deportation or remaining in a foster home with maltreatment (Barnombudsmannen 2017). The subject position of the unaccompanied minor is bordered and controlled, not only at the borders of the nation and not only as a migrant, but also as a child migrant without accompanying adults within the territory of the nation. The symbolic borders of childhood, marked by birthdays, physical maturity or any sign of adulthood, are brought to our attention as it is claimed that some applicants state a lower age to gain benefits in the asylum process. The idea of residency as equal to residence permit further limits the possibility of belonging to the broader category of children. However, through the custodian reform, unaccompanied minors were in the main included in the welfare system in a way that was unique to this category among infinite sub-categories of asylum seekers. Turning to the concept of stolen enjoyment or *jouissance*, I see this as an example of sustaining *jouissance*. Sustaining in the sense that the government and the proponents of the reform consider there to be enough resources in society to share with all unaccompanied minors. They must be included in the welfare system to mask the lack of completeness in the ability to protect children from harm – be it children who “disappear” or children in the legal procedure of asylum. The function of the custodian is to represent the child and ensure that the best interests of the child are respected. Hence, although there is a fear of the risks embodied by the figure of the unaccompanied minor, the policy solution suggested has an ideological drive in sustaining *jouissance*, in the sense of enjoyment through inclusion.

In terms of lived experience, such as access to rights, this new legislation produced a new institution solely for those categorized as unaccompanied minors. Services were supposedly tailored to their needs. Guidelines were written, courses were provided for custodians to learn how to best support their protégés. As Hedlund (2019) argues, ambiguities remain within the institution of the custodian and these cause differences in how children are treated, what services they receive and what rights they access. But what I find more interesting, from a critical point of view, is the demands made for this figure and why it was (and still is) unimaginable to consider inclusion of non-citizen children in the same institutions as for children in general. What this action tells is that the migratory status of the child is what constitutes its access to support or protection and that a distinction is made between children in general and asylum-seeking children.

### *Marginalized accounts: silenced maltreatment and deportability overlooked*

In every chapter, my ambition is to reflect on alternatives to the proposals that were presented but marginalized along with the structuration of this one solution as hegemonic. With regard to the Custodian Bill, this has been a difficult task because there is very little contestation of this proposal. The antagonist position that I take when stating that residence could be defined at any given moment after the child's arrival is not something discussed in the policy process. Neither is the concern over increased deportability brought up. In this section, I will therefore expand on the issue of children who disappear, with support from the literature and thus momentarily move away from policy as the empirical centre for the analysis.

The “need” for unaccompanied minors to remain in foster homes or institutions should be seen in the light of discourses on childhood that construct a natural state for children in the arena of the family (Sallnäs 2000, Makrinioti 1994). It is a well-established norm in the Swedish welfare model that it is in the best interest of the child to be cared for within the family, or family-like environments such as foster care (Sallnäs 2000). As the authority of the custodian is increased, it is the authority over the child that is affected, and subsequently the child will lose some of its freedom. Nevertheless, compared to the “universal child”, perhaps the unaccompanied child prior to this reform was free in a sense that left him or her unprotected. There is therefore a dichotomy between freedom and control in how child welfare policy is constructed in general, which is also reflected in the case of the Custodian Bill.

There seems to be a consensus on the risk of harm it entails for unaccompanied minors to be in contact with human trafficking (I also agree with this statement). What is less emphasized is how this contact is shaped by the lack of legal routes to Europe for asylum seekers. This leaves large populations of refugee migrants in the hands of individuals and networks that enable these journeys in other (illegalized) ways (Keshavarz & Snodgrass 2018). If the concern of the Government was that children and young persons came in contact with human trafficking leagues during their journey to Sweden, and thereby entered the risk zone for sexual exploitation, one alternative way of providing protection would be to open up legal travel routes for asylum seekers or at least, asylum-seeking children without accompanying adults, if this is conceived as a particularly vulnerable population.

Another issue that is largely left unmentioned is how the risk of deportation shapes the agency of the child and perhaps leaves running away as the best option. In the policy process regarding custodianship for unaccompanied minors, it was taken for granted that children who went missing were in need of protection from human trafficking leagues, but what if it was actually the Swedish state that they were running away from? It is, of course, very difficult to make any statements about this because it will always be a matter of contested accounts. At the time of the policy, the concept of unaccompaniedness had not yet become a buzzword, hence there was not yet a large literature on the experiences and accounts of this group. Later on, there would be reports where children and young persons described various motives for running away (Länsstyrelsen i Stockholm 2016, Barnombudsmannen 2017). In the report by Stockholm County Administrative Board, human

trafficking is ranked as the least relevant reason for children to run away, according to the participants who were categorized as unaccompanied minors and who had experiences of running away (Länsstyrelsen i Stockholm 2016). More common self-reported motives are related to the agency of the child, that s/he wants to be in a different municipality, fears the authorities, does not intend to apply for asylum, etc. (ibid). The Dublin Regulation and transfer to other European countries were also reported as reasons for running away (Wagner & Mickelsen 2013). While on the run, the children are exposed to violence and abuse and, more than a decade after the Custodian Bill was written, the authorities still fail to protect these children (Barnombudsmannen 2017).

Marginalized political visions and projects show the limit of what is thinkable and imaginable in a particular political moment. Imaginable alternative ways of organizing protection for children who risk sexual exploitation, as well as those who risk deportation, could include removing these very obstacles from their lives. It was anticipated that the increased authority of the new custodianship would lead to lower rates of unaccompanied minors going missing. From 2005 to 2013 numbers increased, with a peak of 10% in 2012 (Socialstyrelsen 2013). In 2013, children were granted an exemption from the Dublin Regulation after a ruling in the European Court of Justice, and the deportability of the figure of the unaccompanied minor thus decreased momentarily (CJEU case C-648/11 and European Court of Human rights case 29217/12). I argue that the relevance of deportability was underestimated in the Custodian Bill, which also overshadowed the child's own agency. By introducing a new institution of custodianship, no protection was offered in relation to the risk of deportation. For those children and young persons who ran away in order to avoid deportation, custodianship did not solve this "problem". The problem representation overlooked the migratory status and deportability of those categorized as unaccompanied minors in shaping the situation from which they went missing.

### *Chapter conclusions*

In this chapter I have looked at the policy process regarding the reform of custodianship for unaccompanied minors. In this policy process, key documents have been the Custodian Bill (2004/05:136), the Government Commission of Inquiry (SOU 2003:51) and parliamentary debate (Prot. 2004/05: 131 June 1, Strengthened protection for unaccompanied children). In my WPR-oriented reading of the material, I see a taken-for-granted exclusion of unaccompanied minors from universal welfare services and a problem representation centred around those unaccompanied minors who run away or "disappear". The phenomenon causes anxiety and fear within the policy process and in the public debate, which functions as an ideological driver for a partisan consensus that the children must be protected/controlled.

Prior to this reform (and this is still the case), unaccompanied minors were excluded from the legislation regulating legal guardianship, due to their status as asylum seekers. Suggesting a separate law, only for certain individuals based on their migratory status, required a shift from previous

exclusion based on the nationality principle to an inclusion based on the principle of residency. But since residency in this reform is equated to residence permit, a differentiation between unaccompanied minors and children with residence permits is reinforced. I refer to this turn as a *differentiated normalization*. The justifications presented for the reform are to enable unaccompanied minors access to similar support as other children. In other words, there is a universalist approach which challenges the idea of citizenship as grounds for inclusion in the welfare system. However, with a separate legal framework, unaccompaniedness inevitably is constituted through othering, separation and differentiation. The new institution of custodianship for unaccompanied minors therefore comes with the discursive effect of bordering between children with and without residence permits.

As final words for this chapter, my position is that the Custodian Bill in many ways provided an improved position for those defined as unaccompanied minors, such as strengthening the adult support they were entitled to in relation to authorities and in the asylum process. But although it strengthened the position, it also reinforced a differentiation between those defined as unaccompanied minors and children in general as well as between unaccompanied minors depending on migratory status. The new legislation also silenced experiences of maltreatment in foster care and of deportability, which in many ways were and are central to the lived experiences of those categorized as unaccompanied minors.

## 7. Reception of unaccompanied minors in municipalities

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In this chapter, I analyze two government bills that were part of reforms of the reception system for unaccompanied minors (Prop. 2005/06:46 and Prop. 2012/13:162). Prior to these reforms, asylum seekers categorized as unaccompanied minors were part of the refugee reception system, under the authority of the Migration Agency within the legislative framework of the Swedish Reception of Asylum Seekers Act (Lag (1994:137) om mottagande av asylsökande m.fl., referred to as LMA in the following). The two government bills produced in 2006 and 2013, and policy processes connected with them, from Government Commissions of Inquiry to parliamentary debates, form a shift in responsibility for reception, from the Migration Agency to social services in the municipalities. The reforms thus mark the starting point from when the category of unaccompanied minors was conceived as a client category within social services.

As I read the two bills, the second is a continuation of the same policy process, with slight shifts in perspective. I therefore present and discuss them in the same chapter. The main question at stake in these policy processes is the inclusion of unaccompanied minors in the idea of universal welfare services for children. It touches on ideas about belonging and responsibility, but also assumptions about the “needs” of unaccompanied minors. With this and the previous chapter as a snapshot of a potential “before”, I will eventually approach the question of disruption or continuity in the migration regime.

### 7.1. The reception bills and the political context

This chapter focuses on the two policy processes that reformed the reception of unaccompanied minors. The question at hand in the bills is what public institution is best qualified to meet the needs of unaccompanied minors – the Migration Agency, which is a state-run institution, or social services in each municipality? Before the first reform, social services were already responsible for unaccompanied minors who were placed in foster care and therefore not in reception housing under the authority of the Migration Agency. This exception in the LMA was now to be expanded to include all unaccompanied minors. The reform to include unaccompanied minors in the institution of the social services meant an exception, because access to welfare within the sphere of social services is generally limited to persons with residence permits, except in certain local interpretations of the Social Services Act (Socialtjänstlag (2001:453), referred to as SoL in the following). Asylum seekers receive assistance with housing and finance through LMA. But in 2006 it was decided to exempt all

unaccompanied minors and incorporate them into assistance under the Social Services Act (a shift from state to municipality)<sup>16</sup>.

The difference between the two reforms is that the first proposed organization of reception limited to a few municipalities. (Prop. 2005/06:46). The latter reform gave the state the right to place unaccompanied minors in all municipalities regardless of prior agreements (Prop. 2012/13:162). The main motives presented for these reorganizations was that it was inappropriate for the Migration Agency to have a dual role, as care provider and decision maker in the asylum process. Social services were argued to be more qualified in matters of child welfare, since other cases of children in need have traditionally been handled by this institution (Prop. 2005/06:46, see also SOU 2003\_51 p. 68). A situation with long processing times for newly arrived minors to be placed in municipalities was presented as the main motive for the second reform – to enable faster placements and shorter waiting in transit (Prop. 2012/13:162).

### *The context of migration and integration policy between 2005 and 2013*

As background knowledge for this chapter, it can be helpful to be familiar with the political landscape in terms of migration policy during this time. Two issues were on the political agenda regarding migrant children: children went missing/disappeared from housing units, and children with psychological health issues, referred to as “severe withdrawal behaviour” (in Swedish “uppgivenhetssyndrom”, also referred to as “apathetic children” in the public debate). The phenomenon of children who go missing or “disappear” was discussed in the previous chapter. Regarding children with withdrawal behaviour, the debate had been ongoing and culminated in the publication of a Government Commission Inquiry in 2006, in which sweeping generalizations and accusations of intoxication and simulation were made against asylum-seeking children and their parents (SOU 2006:49 also see Tamas 2009 and Aronson et al 2009 for criticism of these claims and Noll 2016 for further criticism of radiological age estimations in association to this debate). The fact that the report was published as a Government Commission of Inquiry says something about what it was possible to say about (refugee) migrants during this time, which connects to a more widespread

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<sup>16</sup> The geographical division of Swedish administration is between the state and 290 municipalities, which are run by local government but abide by national legislation on welfare services. A number of services such as education, care and disability services, etc. vary in practice due to local policy implementation and different political projects (Trydegård & Thorslund 2001, Ahlin & Mörk 2008). The municipalities and the welfare services they provide can thus be described as decentralized to a great extent (Minas et al 2012). The principle of municipal autonomy is defined in the constitution (Chapter 14 2§ RF). This is held as an important fundamental principle by municipalities. Although there is a legal opportunity for the state to make demands on municipalities and county councils, for instance in cases regarding equal access to welfare services, such demands should be made in accordance with a principle of proportionality (Chapter 14 3§ RF, Prop. 2009/10:80 p.211).

practice of discrediting asylum-seeking parents (Lind 2018). As I write this in 2020, the issue of asylum-seeking children with severe withdrawal behaviour is still being discussed as a matter of simulation in the media (Sandstig 2020). This phenomenon, together with age and identification, has perhaps been one of the most widespread expressions of disbelief associated with asylum-seeking children in recent decades. In opposition to this culture of disbelief, a political struggle over rights and inclusion in the arena of migration policy was seen during the “Easter Proclamation” (“påskuppropet” in Swedish). This was a campaign initiated by the Christian Council of Sweden with demands for a more humane asylum policy and an amnesty for rejected asylum seekers (SKR 2005, Karlsson 2005). The Easter Proclamation serves as another example of what political demands were envisioned during this period (SVD 2005). Against this background, it could be said that migration policy and the situation of asylum seekers was quite high on the agenda in political and public debate in and around 2005-2006. A new system for asylum procedures was put in place (Johannesson 2017). Following the demands of the Easter Proclamation, a temporary law was put in place as an opportunity for previously rejected asylum seekers to obtain residence permits. Demands were thus made from different positions and in the language of discourse theory, this was a situation of dislocation, where business as usual was destabilized. Issues taken for granted became negotiable. Furthermore, in 2010, the Sweden Democratic Party entered parliament with an anti-immigration campaign. The new position of this party, which grew out of the 1980s neo-Nazi and white power movement, meant a difference between 2006 and 2013, as racist logics became more explicitly articulated in the political and parliamentary debate, which I will show examples of with quotes from parliamentary debate.

With regard to those categorized as unaccompanied minors, the number of arrivals in Sweden increased between 2006 and 2013 from a stable number of about 300-500 persons per year before 2006 to 2657 applicants in 2011, 3578 in 2012 and a prospect of continued increase (statistics from the Migration Agency, see Appendix VI). This increase in numbers not only sparked an administrative discussion about how to handle reception, but also a broader debate on refugee reception and responsibility and ultimately about what subjects could be incorporated into the Swedish welfare system, at what cost and to what extent (Billström & Magnusson 2013). This debate took place at the same time as implementation of the UN Convention on the Rights of the Child (which was ratified as Swedish legislation in 2020). Thus, during the period when the Reception Reforms were introduced several political demands were made, leading to parallel legal processes. For example, undocumented children gained access to education and health care services, at the same time as other policies enabled the authorities to place children in detention to a greater extent than previously (Schiratzki 2013 b). In asylum procedures, the best interests of the child were generally used in decisions when asylum was rejected, so as to state that a deportation would not be in conflict with the best interest of the child (Lundberg 2007). Much more can be said about the political context of this time, as it was very dynamic/dramatic and many activist projects took shape around Sweden as well as in Europe (Söderman 2019, Zorn 2014). In relation to the two government bills regarding reception in municipalities, both increased numbers of applicants and increased tension over belonging and access



to welfare can be a background relevant to understanding the processes that will be presented in the following.

## **7.2. The problem representation**

In the 2005 Custodian Reform, one of the main problem representations was the unaccompaniedness of children, as in absence of adult supervision. In the Reception Bill from 2006, this problem representation is reinforced and articulated more explicitly. The proposal suggests that all unaccompanied minors should be managed by social services – as is the case with other children in need of support from the universal welfare system.

The Swedish Migration Agency and the National Board of Health and Welfare have further stated that the municipalities have overall responsibility for allowing children and young people to grow up in good conditions and a special responsibility for children who, for various reasons, may need interventions from the Social Committee. The responsibility is the same for all children staying in Sweden regardless of citizenship. According to the report, the starting point should also be that unaccompanied children are treated in the same way as other children staying in the municipality (Prop. 2005/06:46 p.32).

The above quote is essential to the Reception Bill, as the bill is motivated by the argument that it provides *equal rights* and opportunities for unaccompanied minors. The first sentence refers to children in general and how they are subjects of responsibility in relation to the municipalities. It is then narrowed down to children in need of special interventions for various reasons. Here, it still talks about children in general – not migrant children or unaccompanied minors. By stating that citizen children and migrant children have the same relationship to the municipality, the position of the unaccompanied child is placed within the concept of universal children and the subcategory of children with special needs, in which many categories of children can be placed. This enables inclusion in universal welfare services. The formal problem representation in the reform is thus that unaccompanied minors, as universal children, have the right to the same welfare services as other children.

### ***The problem representation critically analyzed***

So far I have introduced the shift in responsibility from the Migration Agency to social services with the explicit motives presented in the policy process. In this section I will show how the idea of unaccompanied minors, as grievable lives that deserve protection and assistance on the same terms as other children, is underpinned by assumptions about what children in general need and what unaccompanied minors need (and how these need assumptions overlap and/or negate each other). As

a point of departure, it can be argued that, in these policy processes, the needs of unaccompanied minors are constructed as similar or equal to those of the “universal child”.

The reason for the proposal is that social services, due to long experience of care and care for children, have acquired a great deal of basic competence in this area and are therefore better placed than the Migration Agency to take responsibility for the care of asylum-seeking unaccompanied minors (Prop. 2005/06:46 p. 41)

In the above quote from the Government Bill, it is argued that the shift in associating unaccompanied minors with children instead of asylum seekers is favoured. The unaccompanied minors should be cared for by social services because this authority has competence for *children*. The possibility that the Migration Agency has competence for asylum seekers does not seem relevant, as it is a child first, migrant second perspective that dominates this depiction. It is worth pointing out that the label used is “*asylum-seeking* unaccompanied minors”. At the time of the bill, this was still a common expression – nowadays the “asylum-seeking” prefix seems to have often fallen from the figure of the unaccompanied minor. This way of labelling the child constructs a subject position intersected by assumptions both about children and asylum seekers. So even if the subject is seen as a child first, the asylum-seeking aspect of the identity is not silenced.

Before the reform, when an unaccompanied child gained a residence permit social services were to take over responsibility for following up housing and care. In relation to this many ambiguities regarding division of responsibilities were reported.

However, several reports have shown that the social services in some municipalities fail to investigate the child’s needs and the suitability of the accommodation (cf. section 7.2.1 with regard to the National Board of Health and Welfare and the Swedish Migration Agency’s report section 7.4 with regard to the Riksdag’s auditors’ report). It is especially common for social services to fail to investigate when the child is placed in one of the Swedish Migration Agency’s child and youth residential units. The municipalities have stated, among other things, that children who were placed in the Swedish Migration Agency’s residential units were not considered to be the responsibility of the municipality. From the municipalities’ side it was also sometimes claimed that because there is no guardian who can consent to measures under the Social Services Act, an investigation is meaningless (Prop. 2005/06:46 p. 29).

The above quote illustrates ambiguities in division of responsibility, which is underlined by the question of belonging associated with unaccompanied minors. There seem to have been uncertainties between the different authorities regarding who is responsible for unaccompanied children. Seen as children, they become the responsibility of social services but as asylum seekers, they are the responsibility of the Migration Agency. This liminal position resulted in exclusion from being fully covered by the Social Services Act, even when it was formally enabled. A problem representation

within the first Reception Bill, and to some extent also in the latter, is hence unequal access to welfare services.

In this bill, and throughout the policy process, it is taken for granted that social services are best qualified for the task of caring for (unaccompanied) children. It is this stated *experience of providing care* that makes social services, and thus the municipalities, the suitable authority to organize the reception of unaccompanied minors. With this shift, it is argued that children categorized as unaccompanied minors should be included in the legislative framework of the Social Services Act and be treated like citizen children and children with permanent residence permits. This act of normalization came at the price that unaccompaniedness was added to the categories of “social problems” in Swedish child welfare politics. What I mean by this is that before the Reception Reform, children categorized as unaccompanied minors were not automatically directed to social services for assessments of their personal situation and needs. An assessment was supposed to be made regarding the need for housing, but this was often not done for various reasons, as stated in the above quote. Contested claims about responsibility and belonging formed a context where social services did not necessarily see this as a category of children at risk, children with social problems, children in need of protection by social services. The reform meant that a reception municipality became responsible, not only for providing housing but for assessing the needs of the child, according to the same methods of assessment that are used in child welfare cases (the most common framework for assessments is BBIC, inspired by the British model LACS, Looking After Children Systems, see Socialstyrelsen 2006). Such methods of assessment usually depart from a family context, with questions about the parents’ ability to provide care in relation to the perceived needs of the child within the social problem at hand.

When it comes to unaccompaniedness as a social problem, I had to search elsewhere in policy material that further defines what this “problem” consists of. According to a report written by the Health and Social Care Inspectorate (IVO 2013), the goal of the social intervention – the purpose of the service – in relation to those categorized as unaccompanied minors is *integration* and *becoming an adult* (IVO 2013: 13). The anomaly is therefore a perceived lack of integration (due to recent immigration) and the fact that the child is assumed to lack guidance in transition to adulthood (due to the absence of a family context). Being a child migrant outside of the institution of the family is consequently equated to a social problem that needs intervention. Although asylum policy, as an arena of human rights law, refers to protection as a right, protection in child welfare policy carries with it a different connotation, both about the type of intervention deemed necessary and about what threats the child is protected *against*. This difference creates a distinctive basis for what can be perceived as a problem and where responsibility can be placed to solve this problem.

### ***Assumption: Special needs and (cultural) otherness***

In the previous section I argued that the problem representation constitutes unaccompaniedness per se as a social problem. Equal access to child protection services is suggested as an intervention,

motivated by this problem representation. The process of categorization to define children as “unaccompanied minors” hence constructs a category and moves this populations from the governance of the Migration Agency to the arena of social work practice, where a new client is introduced. In this process demands are made to introduce staff with special qualifications to meet the assumed special needs of this “particular group” of children. One example of such accounts is made by the National Board of Health and Welfare:

The qualifications to be built up will correspond to the specific difficulties that unaccompanied foreign children without guardians have – an insight into and experience of the variety of complex difficulties and needs, reception in small and diverse housing units, methods for assessment, empowerment and support for relatives/foster homes, contact networks with other agencies, organizations and home countries, introduction services, etc. (Socialstyrelsen 2002 p. 11).

The above quote is from the report written by the Board of Health and Welfare and the Migration Agency prior to the Reception Bill. It is defined here what particular needs unaccompanied minors may have – areas where municipalities with reception should develop their capacity according to the report. To begin with, there is a need for *insight and experience of a variety of complex issues*. What these issues entail is not mentioned here, but elsewhere in the document health care and psychiatric needs are counted, as well as the need for interpreters. An undertone of “cultural competence” is present, although the exact term is not used. Through this term, which was quite popular at the time, a distinction is made between the “Swedish” culture and that of the “others”, which then calls for different treatment (Kamali 2002). In the policy documents, “competence” is referred to in many sections but not defined. For instance, during the referral process, it is suggested that the contract municipalities should be responsible for all unaccompanied minors, including those placed outside the territory of the municipality. It is argued that the contract municipalities gain specific qualifications through experience of reception, which generates a competence that other municipalities lack:

The “contract municipalities” shall have the opportunity to specialize and build a collective competence and experience in receiving and caring for unaccompanied minors. The municipalities in question must also create housing units that are specially adapted to the needs of unaccompanied children and have constant preparedness for the reception of a varied number of children with different background (Prop. 2005/06:46 p.33).

In this quote, there is a sense of novelty: a new category is conceived and there must be new capacities to meet these new needs. The construction of a category of the population as a particular type of clients with particular needs due to association with a perceived social problem is not unique to the case of unaccompanied minors. On the contrary, this is an institutionalized process within social work in relation to all “clients”: the process through which the complexities of human life and experiences

are reduced to a label and a “problem” with a specific solution (Järvinen & Mik-Meyer 2003). In the Government Bill, of which the above quote is an example, the “problem” of unaccompaniedness is described through differentiation against domestic social problems – whatever they may be. This new social problem and client category is something foreign and unknown to Sweden.

Parliamentary debate is a source of more explicit articulations on the assumptions about special needs and specific competence. Here, the particularity of unaccompanied minors is again defined through a specific experience of vulnerability in migration. In relation to the quote below, it is necessary to comment on translation between languages and transfer of processes of meaning-making. The term “exposed” (“utsatt” in Swedish) is repeated 18 times in the debate that consist of 36 speeches (Parliamentary proceedings 2005/06:82). Exposed or exposure in the context of the debate refers to vulnerability and positions of defencelessness, and is brought up mostly in relation to experiences of migration. The Centre Party MP Birgitta Carlsson stated:

The municipalities that receive unaccompanied children must ensure that there is a high level of competence among staff within the social authorities regarding the situation of unaccompanied refugee children. These children often have special needs, and the experiences the children have in their baggage must be taken into account. They need to get expert help to process their past experiences (parliamentary proceedings. 2005/06:82).

This claim was supported by the Liberal Party MP Ann-Marie Ekström, who said:

The municipal social services are the ones with the most competence to care for the children who have been maltreated (parliamentary proceedings 2005/06:82).

Similar statements were made by representatives of other parties and the general picture was that children categorized as unaccompanied minors are *particularly exposed* and thus need staff with *specific qualifications* to meet their needs. It can therefore be argued that, within the policy process, both in the Government Bill in the report by the Board of Health and Welfare and the Migration Agency and in the parliamentary debate, a subject position was constructed for unaccompanied minors based on ideas about difference and particularity.

### ***Assumption: Particular psychological traumas***

In the previous section, I argued that unaccompanied minors were constructed as a client category within social services through the first reception reform in 2006. Throughout this process the differentiation and particularity of unaccompanied minors was often described in general and taken-for-granted ways. By this, I mean that it is often only written that “they” have special needs, without defining the needs. But in some cases it is made explicit that the needs are in relation to psychological

health, behaviours or understanding of the subject. Such social logics of care, which are grounded in psychological explanations, are articulated in different policy documents, with statements about unaccompanied minors as traumatized or in need of therapy:

The children/adolescents are often traumatized before and in connection with flight, at the very least by separation from their parents, other relatives, friends and their familiar environment. Often the separation can be the most profound trauma (Socialstyrelsen 2002 p. 24).

The psychological trauma of migration is categorized as something different than other psychological problems. It can be divided into sub-categories such as the trauma of separation, the trauma of flight and perhaps the trauma of war, torture or other violence in the country of origin (which was left unmentioned in this quote). It is interesting that the Board of Health and Welfare in this context defines family separation as the most profound trauma – this reflects the strong family-oriented ideology in Swedish welfare policy. The anxiety over children who are disconnected from the institution of the family reveals a phantasmatic logic triggered by fear over what could happen (to the children and to society) if a child is not in the realm of the family. This articulation of separation as the most profound trauma can, and should, be contrasted with the restrictions in access to family reunification that were introduced through the Temporary Aliens Act a decade later.

Psychological needs as a concept that defines unaccompaniedness, and differentiating this subject's position from other children, is made relevant in policy and research, where binaries such as traumatized and resilient are central to the construction (Bilotta 2015). Special health care systems have been organized, both in Sweden and elsewhere, to meet the perceived particular psychological needs of unaccompanied minors, with particular teams for refugee or asylum-seeking children. This is supposed to increase access to health care (Barnombudsmannen 2017 and De Graeve et al 2017 regarding the Belgian context). However, it is also assumed to cause difficulties for child psychiatry in providing health care and treatment for unaccompanied minors, when there is no clear-cut adult figure to work with, as in the case of children with parents present in the country (Socialstyrelsen 2016). With this analysis, my ambition is thus not to draw conclusions on whether it is good or bad that a separate system for unaccompanied minors is constructed within the welfare system. I merely aim to point out that this is a consequence of the way unaccompanied minors are understood, as a particular and different client category with different needs compared to other children (citizen children with parents).

The contradiction between expressed ambitions of normalization on the one hand and practices of differentiation on the other is discussed in a focus group study where the experience of social workers in municipalities around Stockholm is analyzed (Backlund et al 2014: 21). In the empirical material, social workers state that unaccompanied minors are just like other children but also very different:

In the interviews it is clear that unaccompanied minors in relation to other children in placements are considered as children with special needs and children in need of special support. "...This group is really special in a particular way." Another way of looking at the children is to emphasize the similarity with other children. "They should be treated like other children... as ordinary children living in a family." Unaccompanied minors stand out in social childcare, and the social workers' way of discussing children's needs shows contradictions. On the one hand, it is emphasized that these children are special and unique in their needs, on the other hand that they should be treated like any other child (Backlund et al 2014 p. 21)

The report and the above quote pinpoint a contradiction in the ambition of normalization when it is done through the distinction and emphasis of otherness. The accounts quoted in the report give a hint of the way of speaking, the taken-for-grantedness of who unaccompanied minors are and what they need, as articulated in social work practice. It becomes an uncontested "truth" in public policy, reinforced both in the Reception Reform and in other documents as referred to above, that unaccompanied minors have particular needs in terms of care and that these needs are connected to psychological health issues which arise from migration experiences and family separation. It is such assumed needs that the policy addresses, with the solution to include unaccompanied minors in the social welfare system and system of child protection:

The system of "contract municipalities" is considered to be good by most referral organizations as it is not reasonable for all municipalities to build up the required competence. The "contract municipalities", on the other hand, will be able to build up extensive specialist expertise and experience. (Prop. 2005/06:46 p. 39).

In this quote from the Government Bill, the qualifications required to meet the perceived needs of those categorized as unaccompanied minors are described as so specific that only a few municipalities are expected to build up such an organization. That is to say, the complexity and the different nature of providing social services to unaccompanied minors, compared to children in general, is emphasized. The outcome of this process is that, although statements such as "all children should have the same standard of services" are made, differentiation is so strongly rooted in the understanding of the figure of the unaccompanied minor that it saturates the ambition of normalization. Consequently a differentiated normalization occurs where, although equal rights are offered, they are grounded in an understanding of otherness. The difference between this othering compared to the previous policy process regarding custodianship is that, while there it was explicitly about residence permit as a demarcation of belonging, in this case the differentiation is more vague. It is in relation to needs and experiences and what is assumed about the psychological reactions of children to a set of incidents which unaccompanied minors are assumed to share. The contingency in meaning is strong: the idea of special needs could be filled with basically any meaning or re-articulated in a different direction.

Compared to the materiality of a residence permit, the concept of special needs is thus more a floating signifier, which is essential to the process of meaning-making – yet not very clearly defined.

### ***Assumption: Unaccompanied minors do not “naturally” belong to a municipality***

So far, in the analysis of the Reception Reforms, I have presented assumptions from the first Government Bill (Prop. 2005/06:46) and used references from the time before and around that bill. In this section, I will show how the assumed particularity of unaccompanied minors became contradicted and blurred through the second reception bill (prop. 2012/3: 16).

In the first reform it was explicitly stated that unaccompanied minors do not belong to the municipality, thus projects for this category cannot be seen as in the interest of inhabitants or members of the municipal community. The problem representation in the first Reception Bill constructs the figure of the unaccompanied minor as a particularly vulnerable child in need of protection. The question is what institution should hold the *responsibility* for this protection. The unaccompanied minor, due to his or her migratory status, is not considered a responsibility of the municipality. Furthermore, the absence of adult representatives is considered to accentuate this lack of responsibility.

As a municipal member is considered, under Chapter 1. Section 4 KL, the person who is registered in the municipality, the one that owns real estate in the municipality or the one that is taxed for municipal income tax there. (...) As a rule, unaccompanied asylum-seeking minors are not municipality members, which is why a municipality's project of housing units for these children does not constitute a matter related to the municipality's members. (Prop. 2005/06:46 p.45)

The above quote reflects the terms for inclusion in the community of a municipality. Membership is defined either through registration (which is a Swedish administrative measure for citizens and holders of residence permits) or real estate ownership. This excludes asylum seekers and other non-citizen migrants. Excluded from membership, projects aimed at unaccompanied minors cannot be assumed to be in the *interest* of the community members. This means that the construction of residential units or reception in general in the municipalities could not be arranged unless some measures were taken to change this non-belonging of those categorized as unaccompanied minors to the community of the municipality.

The operation of housing units for asylum-seeking unaccompanied children has a very weak connection to the municipality's area, an association that arises only after an agreement has been reached and after foreigners have been assigned a place in the municipality. The general interest in the project, which cannot be expected to generate any financial gains, must be considered weak. (Prop. 2005/06:46 p.45)



In the above quote, the core of the both bills is summarized. Because it is not seen as in the national interest of the municipality, there must be agreements on reception. In 2006, when the new Reception Act was introduced, 816 people categorized as unaccompanied minors arrived in Sweden as asylum seekers. By 2010, the number had increased almost threefold to 2392 (Migration Agency statistics *Asylsökande till Sverige 2000-2017*). Due to this increase in arrivals, the system introduced in 2006 with agreements between the state and a few municipalities did not generate enough placements to meet the housing needs (Prop. 2012/13:162). A number of the children and young persons remained in the municipalities where they had first arrived, referred to as “arrival municipalities” or “transit”, in an indefinite wait to obtain a placement in a reception municipality. This situation was described as a problem because it was considered bad for the children to remain in temporary solutions:

Nevertheless, today unaccompanied minors cannot be assigned from the arrival municipalities at the rapid pace that was intended when the reform was implemented. This has had negative consequences for some of the children when they stayed longer than intended in temporary accommodation (...) This has meant that the reform from 2006 has not been fully implemented. (Prop. 2012/13:162 p. 17).

In the above quote it is explicitly expressed that the first reform from 2006 has not been fully implemented. This is conceived as a problem because children remain in temporary housing solutions. Why this is a problem – the difference between arrival municipalities and contract municipalities - is explained in the quote below:

The child may then move from the temporary accommodation in the municipality of arrival to the municipality designated by the Swedish Migration Board. The child is then considered to be staying in that municipality in the sense referred to in Chapter 2a section 1 SoL. This means that the municipality is responsible for the child receiving the support and help they need (Prop. 2012/13:162 p. 15)

In the above quote it is made clear that the unaccompanied minor can access services according to the Social Services Act after arriving in a contract municipality. The time between arrival on Swedish territory and in the contract municipality seems to form a grey area of inclusion/exclusion for welfare services. The ambiguities on how far the responsibilities of an arrival municipality stretch is a key problem that this second reception bill address. Implementing the Reception Reforms is articulated as a question of creating a bond between the child and the municipality – to construct the foreign, non-citizen child as a subject of responsibility in relation to the welfare system through the organized reception of the municipalities. Through this approach unaccompanied minors become subjects with rights, regardless of their ascribed particularity. It is thus as universal children, not as children with special needs, that they access the welfare system. But this position as a subject with rights in relation to the municipalities is contested. In the second bill from 2013, the relationship between

unaccompanied minors and the community of the municipalities was still not taken for granted or seen as “natural” – quite the opposite.

According to the current system, the Swedish Migration Agency has the opportunity to assign children to a municipality that does not have an agreement on the reception of unaccompanied children, only if there are special reasons. So far, the Swedish Migration Agency has in the main only used this opportunity in cases where the child has relatives in a municipality. Among others, the Swedish Association of Local Authorities and Regions, the Stockholm County Administrative Board and several municipalities believe that the current arrangement should be maintained. The Swedish Association of Local Authorities and Regions has emphasized that it is natural for the state to take overall responsibility for housing during the initial period. Housing can thus be spread to more arrival municipalities than today and it will be easier to plan housing capacity because the Swedish Migration Agency has access to statistics and forecasts (Prop. 2012/13: 162 p. 19).

The text segment above is in relation to how the reception should be organized and the division of responsibility between the state and the municipalities. Looking at the referral commentary by Swedish Association of Local Authorities and Regions (SALAR) above, it is claimed that the *natural responsibility* lies within the state. The unaccompanied minor being a subject of responsibility in relation to the municipality is thereby turned into something unnatural. This is only a part of a discussion within the referral process and not the words of the legislature. However, SALAR represents all the municipalities and is an organ with an influential position. To articulate exclusion from belonging to municipalities, the way it is done here, is not irrelevant to how the position of unaccompanied minors will be known and understood.

### ***Assumption: Unaccompanied minors cost too much in temporary housing***

In 2006, when the first Reception Reform took place, only a few hundred unaccompanied minors arrived per year in Sweden. Because the reception system saw progressive increases, when the numbers that arrived turned out to be much higher, there was no capacity within the new reception system. By 2010, most municipalities had signed agreements with the Migration Agency to receive unaccompanied minors, but the numbers they had agreed on were still too low and a bottleneck situation occurred in the few municipalities where transit units existed (Prop. 2012/13:162). The idea of specialized reception units in a few municipalities collapsed and the arrival municipalities turned to the private market for temporary housing solutions, with prices far above the standard costs for reception housing:

...this has meant that the arrival municipalities have had to arrange expensive housing that has entailed higher costs for the state compared with housing in a municipality that has reached

an agreement with the Swedish Migration Agency on the reception of unaccompanied children (Prop. 2012/13:162 p.19)

As the quote exemplifies, the arrival municipalities became responsible for a large number of newly arrived children, although the intention of the reform had been to spread these children among several contract municipalities. As a response, it was suggested that the state should be given the opportunity to place unaccompanied minors in municipalities regardless of prior agreements. This was the main proposal in the Government Bill on Reception from 2013 (Prop. 2012/13:162).

In the bill from 2006, the concept of *the best interest of the child* is repeatedly used as a justification for the reform, whereas the second bill from 2013 is oriented towards solving an organizational and economic challenge. Children categorized as unaccompanied minors embody the problem representation as it is their presence that costs. In the 2006 bill, the figure of the unaccompanied minor, as a vulnerable child in need of protection, is considered deserving of public spending. While coding the policy documents, I noticed that with the 2013 Reception Bill, the node of economy expanded. This means that I increasingly found rhetoric including economy as a justification for the reform. Economy is articulated through expressions implying that it is in order to lower the costs of the reception that this reform is needed.

The inquiry assesses that the proposal entail certain savings for the state but no cost increases for municipalities, county councils, companies or individuals (Prop. 2012/13:162 p. 23)

Since the costs of temporary accommodation in the arrival municipality are higher than the standard compensation for a filled placement in a contract municipality, the proposals will reduce government spending. Overall, the Government considers that the financing principle is complied with (Prop. 2012/13: 162 p. 24)

In the above quotes, it is emphasized that both the Government Commission of Inquiry and the legislature see a positive economic outcome of the proposal. The economic aspect of temporary housing seems more problematic to the Government than the social effects, such as the risk of reinforcing temporality in the position of asylum seekers. The second Reception Reform is thus, to a large extent, a project grounded in a political logic of economy. It is the ambition to cut costs that is the driver. And underlying this ambition is a question about who is allowed to cost and how much. A sliding movement in meaning-making can be identified in this bill compared to the previous Reception Reform. While unaccompaniedness was previously defined through vulnerability and particularity, the reason why unaccompanied minors should be included in the services now is cost effectiveness. But as mentioned above, the long waiting in temporary housing is not only described as costly, but also as negative for the child. As illustrated in the two quotes that will follow, two different ways of speaking about children and costs were articulated.

The proposed legislative changes are estimated to lead to increased costs for the state of approximately SEK 5 million per year compared with the current level of costs. The increase in costs is attributable to an improved quality of accommodation for the unaccompanied children (Prop. 2005/06:46 p.56).

The message from 2006 above is that it is ok if the housing costs more, as long as it is good. In the quote, improved quality motivates increased costs and the lives of unaccompanied minors are constituted as grievable to the extent that they should be provided this type of accommodation service. Unaccompaniedness becomes one of many client categories within the welfare system, and as such it is expected to cost (within a certain limit depending on the ideological position towards welfare costs in general). Anxious municipalities rest assured that they will not face increased costs, because the state will take care of those. However, seven years later, the tone is different:

Today, the lack of placements in the municipalities has resulted in children having been left in temporary accommodation in the arrival municipalities. This has led to the arrival municipalities arranging accommodation alternatives that meant higher expenditure for the state compared to housing in municipalities with agreements on reception (Prop. 2012/13:162 p. 23).

Here, a new problem representation that was not present in 2006 is visible. The expensive private alternatives and the long wait is the “problem”. While economy can be defined as a political logic – a debate about what the cost should be and who should pay, the negative impact of temporality rather stems from a social logic of care and child protection (that children need stability and continuity). Children having been left in temporary accommodation is implicitly made into a problem. This subject (as a child) is assumed to have a right to and/or a need for foreseeable planning and to break with the temporality of the position of migrants. The problem is thus constructed within the reception services for unaccompanied minors: it costs too much and causes ambiguous (unproductive) time waiting. While it is now (2013) taken for granted that unaccompanied minors should be cared for within the framework of the Social Services Act, there seems to be a limit to how much this care can cost. Through this process of meaning-making, the belonging to municipalities is conditioned with an economic contract. There is therefore a dialectic between the concepts of grievability and economy where neither vulnerability nor (too much) expenditure is more dominant in the process of defining the position of unaccompaniedness.

Since the interviews that I have conducted are much later in time, I find support in previous research to further exemplify how these economic logics came to structurate social work practice. In the interview study by Backlund et al (2014), case workers (socialsekreterare) say that they perceive economy as very dominant in their daily work with unaccompanied minors. Accounts are given that, as long as the group does not entail a “cost” to the municipality – i.e. when funds can be applied for from the Swedish Migration Agency –, the social workers find their discretionary space flexible and

they can decide on services and benefits based on individual assessments. However, when the young persons can no longer be categorized as “unaccompanied children” (because they have turned 18 or due to family reunification) and the Swedish Migration Agency thus no longer contributes resources, it is perceived as difficult to provide services and benefits on equal terms to children in general (Backlund et al 2014 p. 73).

### **7.3. How this proposal became the solution**

In the previous section I showed with examples and quotes how the concept of unaccompaniedness was given meaning through the two reception reforms: first with emphasis on particularity and then increasingly with the focus on economy. When I ask how this two-step-reform became possible, it is first relevant to expand on what I am focusing on. The material outcome of the two reforms is that since 2006, and this still the case today, it is social services that are responsible for unaccompanied minors, in terms of housing, adult supervision and care. How did it become possible for the state to forcibly place unaccompanied minors in all municipalities in 2013, and how can it be understood that this was not already happening in 2006?

Describing children as particularly vulnerable subjects is fundamental to the principle of *the best interests of the child* (Lundberg 2007). This principle draws on two main ideas: the child as an autonomous subject and holder of rights, and the idea of children as vulnerable and in need of protection (ibid). The two Reception Reforms can be considered as a step to improve state protection of children in the asylum-process. In the light of a process to incorporate the UN Convention on the Rights of the Child into Swedish legislation, equal rights for migrant children were an ongoing process of negotiation. At the time of the two Reception Reforms (and this is still the case today in 2020), there was a tension between the principle of the best interests of the child and national interest in the legal praxis – a tension or even a conflict about which children to include in access to rights and welfare services (Schiratzki 2013 b). Against this background, it can be said that the principle of *the best interests of the child* is contested and, in some legal contexts, positioned in conflict with ideas of national interest. Similar negotiations can be seen in the policy debate regarding the Reception Reforms and the *equal rights* rhetoric that is used in the policy process, where particularity forms the basis for inclusion, and thereby also creates a liminal position or a differentiation within the inclusion.

Ideas about what children (in general) need in terms of adult support, care and protection are articulated through the ambition of normalization. Such taken-for-granted ideas about care and protection (social logics) form parts of a larger contemporary discourse on childhood, where children are seen as dependent on adults, in need of correction and integration into society, preferably with support from qualified professionals. In other words, the political campaign to include unaccompanied minors in the Social Services Act is a contestation of the taken-for-granted exclusion of migrants from this part of the welfare system. In the following I will elaborate on how it became possible to include

unaccompanied minors in the universal welfare system, but also how the inclusion is conditioned by economy and by the exclusion of others through taken-for-granted norms about belonging.

### ***A strengthened position for child rights and child protection***

I argue that the reform to include unaccompanied minors in the welfare system and the Social Services Act became possible through a construction of this subject as child first and migrant second (McLaughlin 2018). To include all non-citizens, all asylum seekers, in this way was probably unthinkable during this time period (keeping in mind that the Sweden Democrats entered parliament and a new wave of far-right and racist extremism surfaced). I have argued that vulnerability functions as a master signifier in what meaning is given to the term “unaccompaniedness” and that this understanding provides a subject position for the figure of the unaccompanied minor as particularly grievable (compared to other asylum seekers) and deserving of inclusion in the welfare system to a higher extent than other non-citizens. This concept of belonging is further implemented with the 2013 Reception Bill, where it is stated that unaccompanied minors can potentially be subjects of responsibility in relation to any given municipality:

The Migration Agency should be able to assign asylum-seeking unaccompanied children to a municipality that has not reached an agreement on reception without special reasons. The Migration Agency’s decision on reception cannot be appealed (Prop. 2012/13:162 p.17).

This shift in responsibility corresponds to a shift in the understanding of unaccompanied minors as holders of rights. My interpretation of this debate is that it can be unpacked in two parallel conflicts oriented around binaries. On the one hand, what is at stake is the *sovereignty* of the municipalities, contrasted to the *rights* of unaccompanied minors as children. On the other hand, it is also a matter of *inclusion/exclusion* of foreign/non-citizen subject in contrast to the *economic* (dis-)advantage the presence of such subjects may entail. Political logics on regionalism or border thinking at local level are positioned in antagonism with political logics of universal rights. The struggle over hegemony, over the one solution that will be presented as the “natural” response, is thus a negotiation between children’s rights and nationalist ambitions to exclude foreigners. Public Service TV in 2012 ran a political debate evening show with the question: “How much immigration can Sweden take?” The rhetoric describing migrants as a cost to society was not new nor unique to that period, but it was articulated in the media (Priftis 2012). Society, in such depictions, is taken for granted as consisting of a homogenous population of “Swedes”, and “immigrants” are constructed as not belonging. As an external cost this way of singling out one group from the population, and discussing how much it can cost and where the limit for its exclusion from society is drawn, is dehumanizing and a step in constructing certain lives as non-grievable (Ahmed 2011). My understanding of the political context of 2006-2013 is that, although anti-immigrant sentiment was part of the public policy debate, unaccompanied minors were positioned not as migrants but as particularly vulnerable child migrants,

and as such, seen as grievable subjects that must be protected. As discussed in the previous chapter, it even added to the Swedish self-image to be able to provide safety and care for these particular subjects. An almost exotic position of a child in need of a saviour was created, in line with the self-understanding of being the moral conscience of the world. Furthermore, when the first reform was suggested, it was aimed at a few hundred children per year divided among several municipalities. It was not expected to increase the way it did. Thus the figure of the unaccompanied minor, as a small population of very vulnerable subjects, formed a suitable case for the Swedish welfare model to show its “goodness”.

### *Financial compensation as a key to inclusion*

In the previous section I showed that the inclusion of unaccompanied minors in the Social Services Act became possible due to the specific way in which unaccompaniedness was conceptualized, as a grievable subject in need of protection. However, there were still antagonist struggles over the ifs and hows of this inclusion. While the first reform was optional for the municipalities, the 2013 reform meant that all municipalities could be required to provide services for non-citizens. Thereby, subjects who presumably fell outside of the interest and capacity of the municipal community, embodied the contested border between inclusion and exclusion. Resistance to the 2013 bill came, perhaps not surprisingly, mainly from municipal organs and associations representing municipalities, with concern over the municipal sovereignty:

The Stockholm County Administrative Board, the Swedish Association of Local Authorities and Regions, the Swedish Association of Custodians and Trustees (GMF) and several municipalities, among them Gothenburg Municipality, Stockholm Municipality, Arvidsjaur Municipality, Karlstad Municipality and Västerås Municipality, reject the proposal and argue that reception should be based on voluntariness. They argue that the existing voluntary system is an important principle for maintaining the quality of reception and that the proposal may mean that the municipalities become less motivated to cooperate with the state and the county administrative boards (prop. 2012/13:162 p.18).

This segment of text comes from the Government Bill and is a summary made in reference to the referral process, but the message is quite explicit. In the above quote, it is argued that the suggested system, because it lacks voluntariness from the side of the municipalities, would lead to diminished *quality* in reception. The municipalities would become *less motivated* to cooperate with the state, it is argued. Such a claim would perhaps not come as a surprise if the source had been a columnist or a populist politician. But the County Administrative Board (Länsstyrelsen) and the municipalities listed are not political parties. They form administrative organs. I therefore find the comment remarkable, in how the *motivation of the municipalities* is brought up as a condition of providing service. The quote reveals a perception about the welfare system, where authorities are able provide services of different

quality depending on the motivation that a specific category of benefit receivers triggers. More than anything, this is an expression of the perceived freedom to choose members of the community and how inclusion/exclusion in the municipalities is considered a decision of the municipality – not the individual. The message is that, in the case of unaccompanied minors, membership in municipalities cannot be taken for granted and, unlike citizens and permanent residents, they cannot settle in a new municipality on their own initiative or even on the initiative of the Migration Agency<sup>17</sup>. In order to critically analyze, “knowledge” produced about unaccompanied minors forming a particularly difficult category in need of specialized services can be one way of understanding resistance to inclusion of this new subject. I would like to argue that the role of institutionalized racism and an unwillingness to include new members in the community based on their origin or racialization should not be underestimated (Eliassi 2017, Kamali 2002).

It is through an intersection of the political logics of economic and borders that opponents of the reforms claim that unaccompanied minors, by default, do not belong to the municipality as subjects of responsibility. This forms part of a political project, an ideological positioning defining at whom the services of the welfare system are aimed. The ideology dismantled is one of separation, or in the words of Balibar: European Apartheid (Balibar 2004). Financial compensation from the state to the municipalities serves to bridge this separation. Hence, even though excluded by the disposition of nationality/citizenship, the figure of the unaccompanied minor passes into the universal welfare system of the municipalities through a particular way in which social logics of care and protection (the taken-for-granted “knowledge” about the vulnerability of unaccompanied minors) becomes articulated in political logics of borders and economy (this vulnerable subject is grievable and worthy of inclusion – or not). Through the policy of state compensation, the government modulates the anxiety of the municipalities regarding costs for an (un-)grievable population. The reforms thus materialize a demand (political logic) to change the excluded position of (some) asylum seekers, not by redefining the terms for inclusion, but by giving the particular position of unaccompanied minors a new meaning in order to enable inclusion. In this political logic, vulnerability functions as a master

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17 In the Social Services Act, membership of the municipality is based on presence – not necessarily on registration or ownership of real estate. The municipality where a person is registered as a resident is, in most cases, responsible for the welfare of the person, but in various cases this can be negotiated through the concept of stay or *'vistelse'* – above all if the person does not have permanent housing (Chapter 2a Sections 1-3 SoL). This means that a person can arrive in the municipality without prior permission or agreement, perhaps stay for an indeterminate period of time with friends or sleep rough, and then apply for social benefits from the municipality. The division of responsibility between municipalities is regulated, as well as in what situations and on what terms a person who receives benefits from one municipality can have his or her case removed to another (Chapter 2a Section 10 SoL). Among the criteria are a strong relationship to the new municipality. Consequently, for citizens and persons who are not asylum seekers, the possibility of moving to a new municipality is quite open, depending on how relationship is defined.



signifier to transform an identity that is associated with exclusion. The level of vulnerability indicates the status of grievability, where the more vulnerable a child is portrayed as being the more grievable a subject he or she is and thus the more entitled he or she is to inclusion in the community of the welfare state – compared with adult asylum seekers. But ultimately, it is the economic compensation, the strengthened position of the unaccompanied subject as the one client category under the Social Services Act that brings its own budget to the municipality, that opens the border to the municipalities

It is impossible to say that the universalist child rights perspective is a pretext for economically advantageous policy or the opposite. It may be two different logics that coincidentally point in the same direction. This is especially the case with the second Reception Reform, where universalism is described as both economically preferable for the state and more suitable in terms of rights and inclusion. Regardless of motives, the subject position constructed is of unaccompanied minors as entitled to inclusion but conditioned on vulnerability and economy. It is, as will be discussed in the following section, not a matter of general and universal rights, as a human, but an exception from the general exclusion of asylum seekers, based on discourses on childhood and understandings of certain migrants as more vulnerable than others.

### *From particular children with special needs to universal children with rights*

The struggle over inclusion in the welfare system of the municipalities can be seen as a reflection of an ongoing broader debate about the responsibility for providing shelter for refugee migrants. This is another way in which these proposals became “the solution”. Should asylum seekers be received in their destination of choice, or should they be referred elsewhere, based on administrative, economic and national interests of the receiving countries? With the failure of the Dublin Regulation, there was an ongoing political debate within the EU about division of responsibility, in which the former Minister of Migration was active (as can be seen in a clip from public service TV news, SVT 2014). The minister also wrote a debate article where he stated the following:

It is therefore important that just as we, at the national level, require other EU countries to participate and share responsibility, we also share responsibilities nationally, together among the municipalities. Integration and refugee reception can never only be the responsibility of a few municipalities, but this is something that all municipalities must be responsible for and share (Billström & Magnusson 2013).

The above quote summarizes the rhetorical shift that took place between the first and the second reception bills. While in 2006, reception of unaccompanied minors was considered too specific for all municipalities to be involved in, in 2013 it was presented as the responsibility of all. This shows an example of how the social logics shifted (the taken-for-granted, assumed and unreflected “facts” about

unaccompanied minors). What enabled this shift was a moment of dislocation where the order put in place through the legislation in 2006 was no longer considered to function.

Despite criticism from municipal organizations and political parties, the second reception bill was passed by parliament in 2013. Only the Sweden Democratic Party voted against it. The debate can be described as a conflict between defining unaccompanied minors as particular children with special needs on the one hand and defining them as universal children with rights like other children on the other. But the debate can also be understood as a negotiation between ideas such as the “best interests of the child” or “equal rights for all children” on the one hand and regionalist interest to exclude migrants from the local community on the other. A third way to understand the debate is as an economical struggle of interests between state and municipality. In my reading of the material, all these tendencies are visible. The best interests of the child and the economic interest of the state are articulated as motives to pursue the bill. The way in which these logics interconnect place the figure of the unaccompanied minor in an antagonistic position in relation to both the economic interests of the municipalities as well as to the idea of who belongs “naturally” to the community. The unaccompanied minor is thus included, but conditionally and temporarily as long as s/he is defined as a child.

#### **7.4. Discursive effects of the policy**

In this chapter I have analyzed two bills that proposed reorganization of the reception of unaccompanied minors. The analysis focuses not only on the content of each bill separately, but also on a shift in discourse that took place in the time between the two bills. In short, the first reception bill from 2006 stresses differentiation based on an understanding of unaccompaniedness as an essentially different kind of childhood. The 2013 bill moves away from this understanding by emphasizing universal childhoods and unaccompanied minors as included in these concepts.

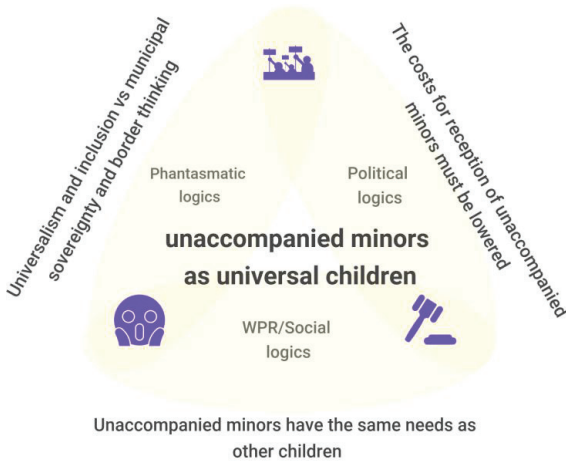
##### *Vulnerable subjects*

The reception of unaccompanied minors in municipalities has a symbolic and material meaning as a step to enable inclusion in the universal welfare system which is otherwise limited to citizens and persons with residence permits. In 2006, responsibility for reception services was transferred from the Migration Agency to the social services of specific municipalities that signed agreements with the Migration Agency on numbers of children that would be received and financial compensation. The general idea was that unaccompanied minors, because they are children, should gain access to the framework of the Social Services Act on equal terms to other children, regardless of their migratory status.

In the illustration below, the taken-for-granted ideas associated with unaccompanied minors are summarized at the bottom as “particular children” and “universal children”. That is to say a shift

took place between the first Reception Reform in 2006 and the second one in 2013. Initially, unaccompanied minors were depicted as in need of special qualifications and only a few municipalities could be expected to build such capacity. By 2013 this was disrupted with demands for generalized reception in all municipalities. Unaccompanied minors were thereby normalized in the sense that they were defined as less “particular”. The political debate was, to a large extent, focused on drawing limits between areas of responsibility, access to welfare and, ultimately, on defining who belongs to the system of welfare and who does not. This debate was driven by a fear that the municipal sovereignty was under attack and that this threatened the foundation of the state-municipality division in Sweden. The outcome of the two policy processes can be seen in a discourse where unaccompanied minors are positioned close to the subject of the universal child, in terms of access to rights and perception of needs.

Figure 10: Articulation of the concept of unaccompaniedness in the two Reception Reforms



In terms of discursive effects, the first Reception Reform treats unaccompanied minors as a social problem for social services to manage and as children who are different from other children. The differentiation is mainly articulated with concepts such as vulnerability, psychological trauma and, to some extent, difference in a more general meaning, which could refer to “cultural” or “racial” difference, although such statements are not made explicitly in the material .

In terms of subject positions, the expectations on those categorized as unaccompanied minors are coloured by understandings of this particular childhood as traumatized, vulnerable and in need of expert help. With the reform in 2013, the demands for special qualifications were toned down as it was now more important to provide placements in more municipalities. Thus universalism is stressed, rather than particularity, as grounds for inclusion.

In terms of lived experience, such as access to rights, for the figure of the unaccompanied minor the reforms enabled access to a number of welfare services that were previously reserved for children with citizenship or a residence permit. Before the reform, asylum-seeking unaccompanied minors were provided with reception services, such as housing, adult supervision and care, through the legislative framework of the Reception of Asylum Seekers Act (LMA SFS 2016:38), but now they were included in the Social Services Act, which meant formal access to welfare services such as housing and social support on equal terms to their citizen peers. In terms of rights and access to welfare, this was thus an improvement for those categorized as unaccompanied minors. The access was nevertheless conditioned by economic logics and border thinking with social logics of differentiation also in the everyday practice of social work (Backlund et al 2014).

### ***Marginalized accounts: far right and racist discourse pushed back***

In the policy processes regarding reception of unaccompanied minors, just like in the process preceding the new Custodian Act for unaccompanied minors, the concept of unaccompaniedness was newly established in Sweden and there were as yet no self-organized NGOs or lobby groups that claimed to represent this group. The voices of persons affected by the reforms not being visible in the policy processes can thus be taken as a consequence of the “newness” of the concept. The perspectives of migrant communities in general, and unaccompanied minors in particular, can thus be considered as marginalized accounts in the policy process, but since such expressions are not visible, it is difficult to say anything about what visions they may have entailed.

Instead, in this section I focus on the marginalized political vision of the opponents of the bills. So far in this chapter I have mostly focused on what enabled the two Reception Reforms, the rhetoric and motives presented in favour of the reforms. There were also contestations, which shaped the political landscape in which these policies were introduced. The unwillingness to include new members is more explicit in the parliamentary debate than in the government bills. It should be noted that 20 seats in parliament (with 5.7% of the votes in 2010) were represented by the far-right and openly racist party the Sweden Democrats. Consequently, 5.7% of the population (including policy makers), were sympathizers of a party whose vision was (and still is) that no new migrants should arrive in Sweden and that those who have come should return to their countries of origin (Åkesson et al 2019).

In a motion by the Sweden Democrat Party (SD), it is argued that the second Reception Bill undermines the whole idea of municipalities making decisions about their own refugee reception

(Motion 2012/13:Sf16). On the contrary, the Social Democratic Party, which was at this point in time in opposition to the conservative-liberal coalition government, suggested a “solidarity bonus” to those municipalities that had the largest reception of unaccompanied minors. Both suggestions were turned down by parliament. But they illustrate key conflicts: how can a refugee migrant (mainly originating from non-European, non-Christian regions) be included in the municipality and how much can this subject cost? The parliamentary debate about the proposal was in this way focused on the key question of how unaccompanied minors can become subjects of responsibility of a municipality. The following polemic between parliamentarians from the Social Democratic Party and the Sweden Democrat Party illustrates the antagonist positions:

Eva-Lena Jansson (S): Mr Chairman, I wish to ask David Lång a question based on what he said in his speech. David Lång says that municipalities do not have the preconditions to receive children. If we in the Swedish Parliament provide all of the country’s municipalities with good conditions for receiving unaccompanied children, are the Swedish Democrats prepared to support this type of proposal?

David Lång (SD): Mr Chairman, The answer is no. It is still about municipal self-government and self-determination. It still demands resources that will affect all taxpayers in Sweden. It will be a matter of state instead of a municipal money, and it will be a matter of state resources instead of a municipal ones. I see no reason why we should act that way (Parliamentary proceedings 2013/14:3)

The quote exemplifies that the Sweden Democrats, as well as other opponents of the bill, put reception of unaccompanied minors in an antagonistic relationship to municipal sovereignty. The mere presence of unaccompanied minors, according to this vision, forms a threat to the municipality. The debate is an illustration of how sustaining *jouissance* and consuming *jouissance* can be articulated in antagonism. The representative of the Social Democrats argues that unaccompanied minors can be included in the current welfare system – implicitly that this is a way forward to being the “good” Sweden. The representative from the Sweden Democrats argues that the compulsory reception of unaccompanied minors is in conflict with municipal sovereignty – implicitly that it is a threat to the enjoyment of segregation, to the choice of not including unaccompanied minors. Furthermore the presence of unaccompanied minors per se form a threat to the nation, when depicted as an economic burden that enjoys inclusion in the welfare system at the expense of Swedish tax payers. It is thus a conflict between sustaining and consuming *jouissance* – between a vision of satisfaction through inclusion and one that can only be satisfied if “the other” is excluded.

It was not only the far right that was critical for this reason. SALAR, the representative of Sweden’s municipalities, also described the inclusion of unaccompanied minors in the community of the municipalities as not *natural* (Prop. 2012/13:162 p.19) and feared that the municipalities would not be *motivated* to provide welfare services to this particular part of the population. The negotiation is thus

about to what extent the state should interfere in the politics of the municipalities, and whether this interference should be in the form of binding law or a “solidarity bonus” to encourage reception. Embedded in this struggle about municipal sovereignty lies the question of inclusion of new members – of who is to be considered a subject of responsibility for the municipality and the state. It is a struggle between political logics of economy and border thinking and logics of child protection, where the universalism of the Swedish welfare model is at stake. The figure of the unaccompanied minor represents a child excluded from protection and welfare due to his/her migratory status (and as one aspect of it – his/her nationality). The discussion is ultimately about whether Swedish welfare services should include citizens of other nations and where to draw the line. The proposal suggests that the limit should be drawn at the borderlines of childhood – it is the age and vulnerability as migrant children that makes those categorized as unaccompanied minors more grievable than other migrants.

### *Chapter conclusions*

In this chapter, I have focused on two bills regarding the reception of unaccompanied minors in municipalities. In 2006, the first Reception Reform shifted responsibility for reception services for asylum-seeking unaccompanied minors from the Migration Agency (the state) to the social services of a few municipalities with special contracts on the matter. It was argued that social services is the authority best qualified to tend to children in need of protection. Nevertheless, children categorized as unaccompanied minors were portrayed as holders of particular needs, associated with traumatic experiences, migration and lack of adult supervision. It was explicitly expressed during the policy process that not all municipalities can be expected to build up a capacity to meet these particular needs.

After a few years, as the conditions of reception changed, the second Reception Reform was introduced. It was now argued that all municipalities must be prepared for the reception of unaccompanied minors. The reform was described as financially beneficial both to the state and the municipalities at the same time as it was believed to produce care services with better quality. The best interests of the child were thus equated to the economy of the nation. Opponents of the bill argued in terms of municipal sovereignty, and underpinning the debate was a question about how much unaccompanied minors are allowed to cost Swedish society. Border thinking was thus articulated as a strong but marginalized discourse. What had happened during the time between the two bills is that the concept of unaccompaniedness shifted in meaning, from emphasis on vulnerability and particularity to a more universalist approach. When “too many” unaccompanied minors arrived, a moment of dislocation occurred, where the taken-for-granted ideas, assumptions and unreflected routines (social logics) articulated in 2006 came to be questioned. A new way of conceptualizing unaccompaniedness entailed economy as a signifier of needs. Based on the material that I have analyzed, I cannot say that the economic logic is more dominant and/or that the universalist approach to include unaccompanied minors in all municipalities is a pretext for lowering the costs. From what it seems, both logics work in parallel in constituting a new subject position for persons categorized as unaccompanied minors.

## 8. Supported housing as alternative to institutional care and foster families

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In November 2015, the government published a proposal to enable a new type of housing for young persons (Prop. 2015/16:43). I will refer to this bill as the “Supported Housing Bill”. What should be mentioned with regard to this particular bill is that it was not directed towards only unaccompanied minors – it represented broader social policy potentially aimed at all young persons placed by the social services. The chain of policy goes back to a process to reform child welfare legislation in Sweden (SOU 2015:71) and a separate demand from the government within this process to investigate the organization of housing and different options (SOU 2014:3). Although not written with only unaccompanied minors in mind, this client category is among those forefronted and repeatedly mentioned throughout the bill. The presence of unaccompaniedness in this bill is central to the problem representation. The term “unaccompanied” (ensamkommande in Swedish) is mentioned 70 times in the bill and 94 times in the Government Commission of Inquiry (Prop. 2015/16:43, SOU 2014:3).

### 8.1. The Supported Housing Bill and the political context

The content of the Supported Housing Bill is briefly to introduce a new, independent form of housing for young persons, between the ages of 16-20, who are too well adjusted to being in institutions, yet too young or dependent on adult support to be in independent housing. Children under the age of 18 should only be placed if there are “special reasons”. The units should be under the authority of social services and either run by the municipality, private companies or organizations (Socialutskottet 2015/16:SoU5).

The concept of *needs* is central to public policy debate, to defining different categories of the population and making demands about their perceived need for interventions (Fraser 1987). In this analysis I consider the concept of needs a master signifier, in the sense that it is a term crucial to the understanding and categorization of persons defined as unaccompanied minors. As I have argued in previous chapters, a representation of needs was conceptualized around nodes such as dependence, vulnerability and psychological trauma. In this chapter, I argue that the understanding was reinforced from the Custodian Bill in 2005 until this Supported Housing Bill in 2015, when the continuity was broken with a new counter-discourse. Now the term *independence* was introduced as a central quality to the identity of unaccompaniedness.

#### *The political context around the time of the bill*

The year 2015 will probably be remembered in the modern history of migration policy in Sweden as an unusual year, a year of “crisis” and polarized political demands. It was a year when refugee migration reached unprecedented levels, some 162,000 asylum applications were registered, of which 35,000

were categorized as unaccompanied minors (statistics from the Swedish Migration Agency)<sup>18</sup>. The political context during the time of this bill can thus be described as a special time, when the media coverage of migration increased (Strömbäck et al 2017) and public sentiment with regard to migrants became increasingly polarized and negative (Martinsson et al 2018). An analysis of more ideologically explicit editorials published in 2010-2015 shows that more texts had the theme of migration and integration at that time (Bolin et al 2016). They tended to write with a “balanced” or negative approach to immigration during the refugee crisis (ibid)<sup>19</sup>. The figure of the unaccompanied minor was initially portrayed as a particularly vulnerable subject, but this shifted quickly (Lems et al 2020). Unaccompanied minors were often described in negative terms in the media, as a problem associated with fraud, danger or as a threat (ibid, Mora & Christianakis 2015). Research from the USA regarding unaccompanied minors shows that the most prevalent narrative depicted this group of children as an economic burden (Huber 2016). The anthropologist Annika Lems et al (2020) argue that the figure of the unaccompanied minor, by virtue of its ascribed innocence and vulnerability, came to represent the human face of the “refugee crisis”. Yet, and paradoxically, this figure also embodied the fears and fantasies produced by the concept of the “crisis” – a particular kind of dangerous teenager out of the control of the state and society through their mobility (ibid). As unaccompanied minors were labelled with the concept of “crisis” in 2015, this group was connected with other stereotypes such as “delinquent youth” and “welfare scroungers” (Lems et al 2020).

In the media debate preceding the Supported Housing reform, there were both positive and negative voices. The proponents of the bill argued in line with the government bill, that unaccompanied minors did not have the care needs provided in HVB housing:

The unaccompanied minors are often very motivated and capable. They want to study and establish themselves in the country. Many municipalities testify that they [the unaccompanied minors] serve as inspiration for other children in school. Not everyone has the qualified need for care offered within HVB. Therefore, the government has today decided to propose a new form of housing in the Social Services Act: supported housing. The amendment to the Act is proposed to enter into force on 1 January 2016. (Regnér 2015)

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<sup>18</sup> The numbers can be compared to 84,000 asylum applications in 1992, during the Balkan War when the previous peak in applications was seen.

<sup>19</sup> I put “balanced” in quotation marks here, because I find the term problematic in relation to the topic. I wonder where the line is drawn between balancing pros and cons and not taking a stand for human rights. What historical examples of “balanced” positions in extreme conditions can be defended in retrospect? As this is a controversial question, I refrain from explicit historic comparison, but I do consider “balance” a difficult use of words that may function to legitimize harm.



In the quote above, Åsa Regnér, the Minister for Children, the Elderly and Equality, stated that unaccompanied minors are in fact very *motivated* and *capable*. In this debate article it is also stated that the municipalities need a fast solution to the increased need for housing due to the increasing numbers of unaccompanied minors (Regnér 2015). Soon after the bill was passed, a news report by the Swedish Public Service Radio gave space to expressions of concern over the absence of adult supervision in supported housing (López 2017):

In many municipalities, there is concern over increased problems with housing for unaccompanied young persons. This is due to the fact that many HVB homes are being transformed into Supported Housing.

“We will not be there in the same way to follow up when young people feel bad. There is a risk to the individual in this, of not getting immediate support, which means that this will turn out badly,” says Louise Parbring, head of the unit for unaccompanied minors in Gothenburg.

The concern expressed above by Louise Parbring, the head of the department for unaccompanied minors in social services in Gothenburg, was shared by her colleague in Malmö, who was also quoted in the article. The union Vision, with members in social work and public employment, were critical of the reform in an article about the safety of institutional units for unaccompanied minors:

“That's where it's worryingly fuzzy. The staff only having supervision is a vague directive that leaves great opportunities for interpretation by the manager, and there is a risk of principles putting staff at a minimum level, says Kristina Folkesson. (...) Vision believes that it there is a risk to both the young people and the staff if the workforce does not meet the young people's needs. (Svensson 2017)

In this quote, the focus is on safety, and supported housing is envisioned as a safety risk. What is discussed is the agency of young persons in relation to their perceived need for protection and control. It is considered a threat to society (to the safety of the children and their staff) if supervision is not at an adequate level. The need for safety has many different dimensions. During the period around 2015-2016, a number of new networks and activist groups, such as Refugees Welcome, Vi står inte ut and Stoppa utvisningarna till Afghanistan, were formed in support of a humane or generous asylum policy. At the same time violent attacks on asylum seekers and more than a hundred cases of arson on refugee reception centres were reported (Håkansson & Björk 2017). Safety was thus a concern, not only in relation to the fantasy of youth as a risk, but also through the position of asylum seekers and unaccompanied minors as victims of hate crime. Such violence was not unique to this particular period, however, it was a part of the context. My interpretation of these examples of conflict regarding migrants' right to access welfare services and different articulations of support and resistance can be taken as evidence that this was a moment of *dislocation* (Glynos & Howarth 2007 p. 104). That is to

say, a specific moment in time that changed the conditions for unity within national identity in fundamental ways and, in this case, destabilized the meanings previously given to concept of needs, protection and the content of a housing placement under the Social Services Act. In this chapter I will analyze the relationship between these tensions and articulations of borders in the public debate and the introduction of Supported Housing. How and where did the policy makers arrive at this particular solution (to minimize housing services), how was this motivated and contested and what possible other visions were marginalized in the process.

## **8.2. The problem representation**

The Supported Housing reform suggests a need for an alternative, less regulated form of housing. The point of departure for the reform is that there are children and young persons within the institutional care system who do not have a need for 24 hour adult support and guidance. For this category of youth, a new regulation is proposed in order to formalize an alternative form of housing between institutional care or foster care on the one hand and independent housing without support on the other.

Based on the target group description that the inquiry provides about Supported Housing, it can be used as aftercare for older youth after a period of institutional placement. One group that is believed to be eligible for Supported Housing is unaccompanied children and young persons, unless they need more treatment and care interventions. Supported Housing can also be an independent placement alternative, e.g. for young people who live in a conflict-filled or otherwise unsatisfactory home situation, but do not have such serious behavioural problems that indicate an institutional placement (Prop. 2015/16:43 p. 37).

As the quote above suggests, it is not only unaccompanied minors that are the targets of this reform. In this analysis, I leave the other categories aside. What is interesting to me is the difference in how unaccompanied minors are understood here compared to earlier reforms. The ambition is to understand and analyze how children categorized as unaccompanied minors were now described as independent and no longer seemed to be in need of the amount of adult supervision, treatment and support that was argued for earlier.

Another problem represented in the bill is that there already existed unregulated housing solutions referred to as “Supported Housing” and that there was a need to formalize these services to enable inspection, legal frameworks and regulations to lessen the ambiguities reported by the Board of Health and Welfare:

In a letter to the Ministry of Social Affairs (see section 4.3), the National Board of Health and Welfare has described that now there are new, partly unregulated, forms of placement for

children and young people. For example, various forms of housing, called supported housing, are used in the municipalities, which are for example. for unaccompanied children and young people. The emergence of these is, according to the government commission of inquiry, an expression of a factual need to develop and differentiate social care. The inquiry shares the National Board of Health and Welfare's view of the new, partially unregulated form of placement. In the judgement of the inquiry, it is important to highlight the forms of placement that have emerged and that have potential and give them clear legal regulation. (Prop 2015/16:43 p.36)

Before the reform there was already alternative housing called “Supported Housing” in-between institutional or foster care and more independent living in individual accommodation. The Government Bill highlights a need to bring focus to these housing solutions. The alternative housing is said to have grown out of a need in social work practice. One problem representation in the bill is thus to formalize already existing practices.

### ***The problem representation critically analyzed***

I have already discussed in relation to the previous reforms how unaccompanied minors were portrayed through the binary of vulnerable child and youth at risk (Stretmo 2014). It is a binary where the agency of the child is at stake, where the vulnerable child is considered dependent and in need of protection and therefore a subject of responsibility for the state. I argue that a shift took place with the Supported Housing Bill, transforming the way in which the concepts of vulnerability and unaccompaniedness are related to one another. As exemplified below, it is argued that unaccompanied minors have been placed in institutional care (HVB) due to lack of alternatives rather than due to their needs (Prop. 2014/15:43 p. 33). That is to say, what was previously argued about vulnerability and a need for staff with special qualifications is contradicted with a different understanding of *who* the unaccompanied minors are and therefore *what they need*.

Homes for care and housing (HVB) are designed for children and young persons who need to be placed outside the home and who have different needs than unaccompanied minors generally have. In the absence of other alternatives according to SoL, many unaccompanied children and young people have been placed in HVB (Prop. 2015/16:43 p.33).

The quote is an illustration of the problem representation in this bill. The problem is, according to this articulation, that those categorized as unaccompanied minors have been placed in the wrong type of units all along. It is stated that unaccompanied minors have *different needs* compared to the children placed outside the parental home, and that unaccompanied minors have different needs than the other children who receive assistance within that framework. Such a differentiation is based on assumptions regarding the homogenous needs of the universal child, in contrast to the equally homogenous needs

of the unaccompanied child. Whether this otherness is grounded in racialized prejudice, border thinking or other assumptions, a line is drawn through the above quote between unaccompanied and other minors in institutional care. The quote below is interesting to exemplify how the differentiation is articulated. The government responds to comments within the referral process.

Unaccompanied children and young people are also a conceivable target group for placement in Supported Housing. A large proportion of unaccompanied children and young people are currently placed in HVB. Some of them are placed there without having a specific care need. Many may need more independent living and more individualized support with a different content compared to HVB. The majority of the unaccompanied minors are placed for several years because they are aged 15-17 (or younger) when they come to Sweden and are often placed up to their 21st birthday. For these children and young persons, Supported Housing may be a more suitable form of placement (Prop 2014/15:43 p. 37).

In this quote, key nodes are *individualized support* and *independent living*. Reading the discussion above, it is not implied that the reform is grounded in a political logic of economy. It rather gives an impression of being a question of further individualization and adjustment to meet the needs of specific children. It is repeated that unaccompanied minors are placed in institutional care without having a *specific care need*. That is to say, what was claimed in policy in 2005-2006 in the Custodian Bill and Reception Bill about specific care needs as a general characteristic of all unaccompanied minors is destabilized here and fragmented to be relevant for some but not for all (Prop. 2004/05:136 p. 27, Prop 2005/06:46). It is important to note that the emergence of nodes such as *independence* and *individualization* can be seen in the Government Bill for the Supported Housing Reform. These are new characteristics associated with unaccompaniedness and emphasized as the most important aspects of the unaccompanied subject, rather than vulnerability and a need for adult supervision. What is implied is that the situation with unaccompanied minors who remain in HVB until their 21<sup>st</sup> birthday is a problem. For *these persons* Supported Housing is considered more suitable. Thus, the Supported Housing bill was written as a general reform which could include all children and young persons, but it specifically targets those categorized as unaccompanied minors as a potential recipient of the services.

Housing referred to as “Supported Housing” existed prior to this new legislation, but it was not included in the framework for institutional housing, in terms of control and statistics. There was therefore a lack of information about how these support houses functioned and met the perceived needs of children and young persons (SOU 2014:3 p. 239). This lack of insight and legal framework was one motive mentioned in favour of the reform, but I would say it is not the problem to which this policy responds. The *problem*, in the WPR sense of the term, is that unaccompanied minors are no longer perceived as dependent and in need of adult support and protection – thus no longer considered to be subjects of responsibility of the state to the same extent as before. This is a process of *responsibilization*, through which responsibility is increasingly placed on the individual (Shamir 2008, Rose 1999). Shamir argues that welfare programs in many countries have been reorganized to link

welfare entitlements to the recipients' "willingness to take responsibility for enhancing their own earning capabilities". The way this individualized act to "choose" is attributed to moral agency forms a direct condition for the access to rights, Shamir continues (Shamir 2008). In this specific case regarding unaccompanied minors, it can be noted that although this category of subjects was included in the framework of the Social Services Act and associated with social logics such as vulnerability and children's rights, a bracket opened in which those categorized as unaccompanied minors can be excluded from services and benefits that they could previously access. Furthermore, a higher level of responsibility is placed on the young person – a restructure of responsibility from the authorities to the individual as described by Rose with regard to the concept of responsabilization (Rose 1999). As Butler (2009) writes regarding France and support services for migrants, through similar processes of responsabilization, the borders become blurred regarding who is responsible for what, in relation to whom. In the case of unaccompanied minors and the Supported Housing Reform, the change is that such expectations of independence and responsibility are not usually placed upon children and young persons.

### ***Assumption: Unaccompanied minors are (particularly) independent subjects***

The Supported Housing Bill is an arena for negotiation about the needs of subjects categorized as unaccompanied minors. It is a re-defining process regarding how much adult supervision, care and treatment are deemed necessary. While in the previous bills unaccompanied minors were contrasted with children in general, or the ideal image of the "universal child", the point of reference here has shifted to children in institutional care or foster care. The needs of unaccompanied minors are thus defined through differentiation with other children and young persons who are placed outside the parental home by social services. In the previous section, I showed examples of how an image of the unaccompanied minor as independent and in need of less care and adult support is articulated in the policy on supported housing. This independence is defined in contrast to other children and young persons in institutional placements. Such claims can be contextualized with the institutional "knowledge" or taken-for-granted norms (social logics) that care services aimed at unaccompanied minors should consist of training in *becoming adult* and *integrated* in society (IVO 2013-5). Or as formulated in the Supported Housing Bill:

The purpose of the services has been described as to give the child support into adulthood and in training for independent living (Prop. 2015/16: 43 p. 31).

The main purpose is, in safe and secure forms, to train for one's own accommodation and prepare the young person for an independent adult life (SOU 2014:3 p.24).

The young persons targeted in this reform are thus believed to be more independent than their peers in institutional care – yet not fully independent and therefore in need of support in becoming an adult (i.e. coping with independent housing). Supported Housing as a service should therefore not be seen as an alternative to rehabilitation centres or treatment in an institutional setting, but as specified above, support into adulthood and independence. Which subjects lack these abilities and need this support? As stated in the previous section, it is believed to be unaccompanied minors: young people who have been in institutional care and are now ready to move on and young people with dysfunctional home environments who do not need much support in their daily life. It is young persons in the liminal position between childhood and adulthood, between dependence and independence, in need of guidance to become adults. It is not implied that all minors in HVB homes have received more support than necessary to meet their needs. When it is claimed that unaccompanied minors need less adult support or treatment, it is in comparison with assumptions about other children in institutional care. A division is made between unaccompaniedness and other social problems. When the list of hypothetical target groups is presented, space for contingency is left with regard to unaccompanied minors:

One group that is believed to be eligible for Supported Housing is unaccompanied children and young persons, unless they need more treatment and care interventions (Prop 2015/16:43 p. 37).

By stating that unaccompanied minors are eligible for this service, *unless* they have other needs, this housing alternative becomes normative and the first selection for the age group. It is the standard to be eligible to this service, unless there is an exception, an exceptional situation of needs other than those which could generally be expected for unaccompanied minors. In one sentence, what was previously the taken-for-granted level of care (social logic) is not only contested, but disrupted and replaced with a new norm. Need for care with 24 hour adult surveillance is made an exception. This image is a contradiction of the previous policy construction of unaccompaniedness (i.e. Prop 2005/06:46 s. 40). Neither does it correspond to the dominant media image of unaccompanied minors as a problem, an economic burden and a threat to society that must be controlled (Lems et al 2020, Huber 2016, Mora & Christianakis 2015). It is therefore relevant to unpack the logics that made this reform possible.

This way of defining unaccompaniedness is not new or unique to this bill. Social workers have often seen this category of unaccompanied minors through binaries such as traumatized children in need of treatment or ordinary children in need of normalization/integration into the societal framework for childhood (Kohli 2006 b). This tension between understanding unaccompaniedness as either a “failed childhood” in need of intervention or an “ordinary childhood” has thus been part of the construction of the concept of unaccompaniedness. Both these approaches (differentiation and normalization) relate to fantasies of normality; the healthy/normal childhood and the deviant youth at risk. In 2014, Ulrika Wernersjö wrote in her dissertation that the construction of unaccompanied

minors was made within the binaries of victimhood and resourcefulness, of being traumatized and being a “survivor”, and she called for a new conception where the social work research and practice moved away from the either-or way of understanding the subject (Wernersjö 2014). Unfortunately, instead of a more complex and multifaceted perception, it seems in 2015 the pendulum swung and the binary perception remained, only now the norm for understanding of unaccompanied minors became through nodes of independence and agency.

In the previous section I described the assumption that unaccompanied minors have been placed in institutional care and foster care due to lack of alternatives. Such rhetoric implies that this category of children and youth are more independent than their peers placed in housing through the Social Services Act. In this section, I compare the idea of the independent unaccompanied minor with general family norms in Sweden. I argue that the assumption about unaccompanied minors being particularly able to tend to their own needs reflects an individualization of responsibility which goes beyond what can be said to be the taken-for-granted or normative culture of families in Sweden in general. The Parental Code specifies parental responsibility for housing, economy and care until the child finishes upper secondary education or until the child turns 21 – that is to say, although it is often claimed that individualism is a dominant ideology or ideal in Sweden, it is not a general norm that young persons aged 16-18 live in independent housing with little or scarce adult supervision. It is a taken-for-granted knowledge (social logic) that children and youth need adult supervision. Children who cannot live with their parents receive such support through the provisions of the Social Services Act and, in that context, the 18-year limit forms a line for expected adulthood and independence, with flexibility up to the age of 21. What happens in the Supported Housing bill is that the need to be taken care of as a child is disrupted and the 18-year limit is blurred. Instead, the focus is on the need to become independent.

***Assumption: Newly arrived unaccompanied minors cannot/should not be independent***

The dominant way of describing unaccompanied minors in this policy process is as independent and resourceful young people who have accidentally, or for lack of options, received extensive support services. What they need is, according to this proposal, to become (more) independent. In the referral process, the main obstacle for unaccompanied minors to reach independence is described in terms of migratory status and time spent in Sweden:

The Migration Agency states that many unaccompanied children applying for asylum in Sweden are 16-17 years old. The fact that these children should be placed in their own accommodation relatively shortly after arriving in Sweden increases the risk of them being subjected to human trafficking. Against this background, the Migration Agency is positive about the proposal, but believes that the issue of human trafficking should be further investigated (Prop. 2014/15:43 p. 35).

The Migration Agency does not contradict the assumed independence of unaccompanied minors. The concern over human trafficking is considered relevant during the first period after arrival, linking such abuse to migration processes rather than domestic crime. The time spent in Sweden subsequently become significant in defining the care needs of the child. Children who are newly arrived are considered to be in need of adult supervision, as described above, in order to be protected from trafficking. Once this concern is managed, unaccompanied minors can be assumed to cope with the low level of care in Supported Housing. This is also brought up by other referral units:

The National Board of Health and Welfare considers that a Support House facility should not be the first placement for unaccompanied children. Housing should be reserved for unaccompanied children and young people with residence permits in Sweden. The National Board of Health also emphasizes the importance of stating that Supported Housing should be designed with a clear focus on the child or young person increasing his or her ability to live an independent and responsible life and being localized and designed so that the child or young person's opportunities to participate in different ways in social life are not restricted (Prop. 2014/15:43 p. 35).

The need of the child is to become independent, it is said. While independence during childhood is generally described as an independence *from adults*, in the case of unaccompanied minors it is a matter of independence *from the migratory experience and asylum process*. In the above quote migratory status explicitly functions as the mechanism of inclusion/exclusion. It is thus not (only) a matter of how *independent* the child is, but *how long s/he has been in Sweden* and if s/he has a *residence permit*. The above quote can even be understood in the sense that the child does not need to show independent abilities prior to the placement – these are qualities that s/he will gain within this housing. Time spent in Sweden and migratory status shape the perceived needs. When seen in this light, access to the Supported Housing services seem both ambiguous and conditioned by the migratory status of the benefit recipient. The function and discretionary space within social work practice thus come under the influence of migration policy. It is not necessarily or only the needs of the child/young person in question that define the service s/he is matched with, but also the status as newly arrived migrant and associations entangled with that position. The differentiation grounded in migratory status and/or time spend in Sweden can be understood as an enactment of borders which take place in the arena of social work. This understanding is further strengthened by the fact that unaccompanied minors are not the only target group for the Supported Housing services: in the case of other children/young persons, it is the previous treatment and/or family situation that becomes defining of the need, while in the case of unaccompanied minors independence is described as a general characteristic. This way, it is the specific subject position associated with unaccompanied minors that defines the care needs this client category is assumed to have, not individualized assessments.



***Assumption: Unaccompaniedness forms a particular childhood in a liminal position between children and non-children***

In the introduction to the Supported Housing Bill a survey, carried out by the Board of Health and Welfare in 2013, is referred to (Prop. 2015/16:43 p. 32). Among other things, it is stated there that there is a need to expand the services for unaccompanied minors, specifically when it comes to emotional support in everyday life and during transition from institutional care to independent living (ibid). The direction of the policy process was thus initially to increase and individualize the support, not to downsize it. In the inquiry for the Government Commission of Inquiry from 2014, a demand to investigate the different needs of unaccompanied minors, as well as the different needs of boys and girls was explicitly made (SOU 2014:3 p. 231). However, what happened in 2015, with the increased numbers of asylum seekers, including unaccompanied minors, was a change in the ways unaccompaniedness was understood and talked about (Lems 2020). As I have already mentioned, with the 2015 Supported Housing Bill, a shift can be seen where unaccompanied minors are portrayed as particularly independent young persons (compared to other children and young persons in the system of institutional and foster care). This is a new quality added to the subject position of unaccompanied minors, which to some extent contradicts previous assumptions of vulnerability. What is left from the initial discussion to expand the support during the transition process from institutional care to independent housing is an acknowledgement that, sometimes, there may be some unaccompanied minors who need more support:

The Government shares the assessment that unaccompanied minors and young persons may need special support and care. It can be about contacting various agencies and authorities in society, e.g. to ensure that the child or young person can access appropriate education or health care according to his/her needs, to reunite with parents and relatives, opportunities to communicate and obtain information in their own language (for example through interpreting support) (Prop. 2014/15:43 p. 40).

A key node in this quote is needs and how they are articulated in relation to bureaucracy. The term *may* also need to be highlighted. It signals a possibility but not a general rule. It is said that it may happen (but it does not generally do so) that unaccompanied minors need support in their contact with authorities. The support in daily life and the need of emotional support brought up by the Board of Health and Welfare in the report initiating the bill are left unmentioned here (prop. 2015/16:43 p. 32). The emphasis is on practical needs and bureaucratic aspects of life. This focus on bureaucracy rather than all aspects of life reflects a view on unaccompanied minors as mainly subjects in relation to the authorities and that it is the needs of making appointments and obtaining translations that are important. Or rather, the other aspects of life are considered unproblematic – something that the young person can cope with – and thus are left unmentioned. This way of depicting unaccompanied minors constructs a subject position where the child or young person is made into an independent person who can be expected to care for him or herself. This assumed independence, in a binary

understanding of independence-vulnerability, making this new subject a little less grievable and a little less in need of the protection of society compared to before.

The Swedish Health and Care Inspectorate (IVO) considers that the ways of thinking about special reasons need to be developed, for example with a focus on the rights of the child and the importance of an individual assessment. Jönköping County Administrative Board suggests that the government more clearly highlight the applicability of the Convention on the Rights of the Child. The County Administrative Board also emphasizes that it is of the utmost importance that the reform does not incite current difficulties, such as disappearances, human trafficking, self-harming behaviours, school problems and social exclusion. The exception rule should also be applied to unclear cases, for example where the age assessment of the child is difficult or doubtful (Prop. 2014/15: p.35).

The comments from some referral organizations are summarized in the above quote. The discussion is about individuals in the 16-18 age group, who are eligible for Supported Housing if prompted by special reasons. The doubts expressed touch upon the risk that the child's best interest is not central and/or that the child may face increased risk of social problems. The list of risks is, to some extent, activities associated with unaccompanied minors, even though this category is not mentioned explicitly here, especially children that "disappear" and human trafficking. Self-harm, school problems and social exclusion are more generalizable and perhaps not written with only unaccompanied minors in mind. At any rate, there is concern over the situation of the youngest age group eligible for Supported Housing.

Through the Supported Housing Bill, a modified subject position of independent unaccompanied minors between 16 and 21 is articulated. It reinforces assumptions about independence, agency and strategic youth: children and young persons who are believed to be different from their Swedish peers in institutional or foster care. The general image of unaccompanied minors is now that they are independent enough to live more on their own, unless they are newly arrived or display behaviour that motivates an exemption to this new norm. Unaccompaniedness is defined as a position of in-betweenness, both with regard to national borders and with regard to the dichotomy of childhood-adulthood (Sirriyeh 2010: 214). While it was recently argued that unaccompanied minors have such special needs that they must be cared for in specific institutions with specialized staff, they are now seen as more self-sufficient than their peers in institutional care. Additionally, the transition to adulthood can already begin at 16, instead of 18, which is the legal age of adulthood in Sweden. I argue that this reform meant a disruption of the previous taken-for-granted "truths" about childhood and adulthood beyond the concept of unaccompaniedness. The 18-year age limit is blurred, with the possibility of already becoming independent (in an adult-like way) at 16. This shift is not only in relation to unaccompanied minors, but to all children deemed independent enough. Unaccompanied minors are positioned in this liminal space between child and adult in a more generalized way through the assumption that children in this category generally do not need as much support as other children

who are placed outside their parental home. Although the lower age limit is discussed in the referral process, where some referral institutions and organizations claim that it is not appropriate for minors (under 18) to live in such independent housing, the government pursues the proposal and the new legislation gives an in-between position for young persons who are legally still children, but in social work practice, given the responsibility and independence generally associated with adults.

### **8.3. How this proposal became the solution**

Until now I have focused on the construction of a new subject position for unaccompanied minors, with independence and less need for adult supervision as central signifiers. It can be stated that, from 2015 onwards, the dominant discursive understanding of unaccompaniedness seems to have been grounded in such assumptions rather than the previous association with vulnerability and dependence. In this section I try to understand how it was that this shift occurred at the time that it did. I will argue that this is one explanation for how this proposal became the “solution” to the problem of the too independent unaccompanied minors. As I have already mentioned, within the policy process itself, statements made by the Board of Health and Welfare in 2013 differ significantly from the proposal in the government bill. To some extent, it is part of the policy process that reports and inquiries take different standpoints than the legislature. Nevertheless, the ideological motive for these standpoints can be seen. In this section, I will unpack the political logic of economy that underpin this reform and discuss a possible connection between budget ambitions and border thinking.

#### *Downsizing institutional care*

It is already stated in the introduction to the Government Commission of Inquiry from 2014 that the number of institutional placements is seen as a problem:

Since the 1990s the number of youth placements has increased significantly, especially in institutional care. The municipalities have invested in developing out-patient care alternatives (öppenvård) and also in replacing institutional care with foster care for young persons with behavioral problems. However, institutional care for young persons has not decreased in a national perspective. Since 2005 the number of institutional placements of young persons has increased significantly again. The increase in recent times is considered to be explained largely by the unaccompanied minors (SOU. 2014:3 p.16).

It is stated in the report that the number of children and young person placed outside the home has increased despite efforts to provide care in other settings. The last sentence points to unaccompanied minors as a potential reason for the increase. It is further stated that institutional care is highly privatized and that the municipalities are dependent on private companies to provide this care (ibid).

A part of the problem representation can thus be understood as high numbers of placements, causing high costs for the municipalities, with expenses that do not go back into the public system, but to private companies.

A fundamental assumption is that supported housing for certain children and young people will be an alternative to care in HVB. Against this background, the impact assessment is reported in a broad interval, where the effect of introducing supported housing as a new form of placement is estimated to amount to reduced annual care costs in the order of SEK 14.8–118 million. (*SOU. 2014:3 p.27*).

As suggested in the above quote, there is an assumption that when children and young persons are placed in Supported Housing, more expensive institutional placements are replaced. It is therefore assumed that the new policy can decrease public spending by up to SEK 118 million annually<sup>20</sup>. With this as a point of departure, the motive to lower costs is already explicit in the Government Commission of Inquiry. Numbers of children and their cost is central throughout the policy process. It was reported in the media that the municipalities could not meet the housing needs of unaccompanied minors (Mrad & Sallinen 2015). The term “crisis” was repeatedly used to describe the situation (Dahlgren 2016). In September 2015 IVO, the inspection authority for institutional housing, announced that it was no longer a standard requirement to have an individual room in institutional housing for unaccompanied minors (Mrad & Sallinen 2015). A downsizing of services was thus already taking place as a response to the “crisis”.

The introduction of a new form of placement contributes to improving conditions for finding a type of placement that meets the child or young person’s needs. More forms of housing contribute to increased flexibility and thus cost efficiency (Prop. 2014/15:43 p. 58).

As argued above, a process of equivalence takes place where increasing alternatives is assumed to be cost effective: if children and young persons can be placed in a range of housing options with a variety in price, presumably, some will be placed in the cheaper options, hence lowering the costs. The assessment is that this reform will reduce the cost of placement of children by SEK 27 million a year for the municipalities – that is to say, costs that do not include unaccompanied minors, since these placements are compensated for by the state as a condition for municipal reception (see chapter 7.3).

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<sup>20</sup> In order to make this number comprehensible for a reader outside the Swedish context, Swedish GDP per capita in 2015 was on SEK 474,000.

### *Drawing the line between those who can and cannot cost: constructing grievable lives*

As I have shown so far, a central motive for supported housing was to organize the institutional care of children and youth in a more cost-effective way. The idea of unaccompanied minors as a client category that costs too much or that increased expenditure was repeatedly articulated at the centre of this project. The cost calculations in relation to unaccompanied minors also pointed to this ambition to lower spending.

The introduction of assisted housing, together with the changed state compensation system for various placements of unaccompanied children, affects central government expenditure in expenditure area 8 Migration and expenditure area 13 Gender equality and the settlement of newly arrived immigrants. The changed state compensation system for different placements of unaccompanied children is regulated in separate decrees, and the financial consequences are reported for each area of expenditure in the Budget Bill for 2016 (Prop. 2015/16:43 p.59).

The economic effects of the reform are addressed in the above quote. The reform is described as part of a larger package of change in the area of migration. Tracing the statement above to the budget bill referred to, it is argued that the cost for housing unaccompanied minors is higher than for other asylum seekers (Budgetproposition 2016 utgiftsområde 8 p. 16). The costs are not proportional to the portion unaccompanied minors account for in the larger group of asylum seekers, it is argued (ibid). The previous rhetoric about how this is a hyper-vulnerable category is not visible here. Changes are mentioned in the regulation (2002:1118) on state compensation for asylum seekers already made and with plans for expansion. These changes meant that the municipalities were compensated by standardized measures instead of, as before, in relation to the actual costs of each unaccompanied child received (ibid). Regarding unaccompanied minors and housing in HVB, foster care or supported housing, it meant that the municipalities would receive a predetermined level of compensation regardless of the type of placement or actual cost to the municipality (Budgetproposition 2016, utgiftsområde 13 p. 36).

The news article referred to in the section “the political context around the time of the bill” describes how the new standardized state compensation was based on an assumption that one third of all unaccompanied minors aged 16-17 would be placed in supported housing (López 2017). The municipalities thus received less compensation than if it was taken for granted that all children (under 18) would be placed in HVB or foster care. According to the article, the consequence was that municipalities closed or rearranged their HVB for unaccompanied minors to become support houses (ibid). Ylva Johansson, the minister for Labour Market and Settlement at the time, defended the reform and stated that it was a poor use of tax money to have the previous system where the municipalities were compensated for the actual costs instead of the standardized costs (ibid).

Cost-effectiveness and a political logic of economy is, as shown so far, visible both in the Government Bill, the Government Commission of Inquiry and other policy documents where this

reform is mentioned. My reading of the Supported Housing Bill is that it is a policy program to address a situation with expensive institutional care, where persons categorized as unaccompanied minors are singled out as one of the reasons for the increased costs. The economic aspects of housing for unaccompanied minors were already raised in the 2013 Reception Bill (Prop. 2012/13:162). In the 2015 Supported Housing Bill, a line of continuity can be seen in the rhetoric, with key nodes such as costs and financial benefits articulated in logics that say “they cost too much” and that “increasing costs must be dealt with”. Although the alternative housing is represented to be an individualization, the content is inevitably also a matter of downsizing services, with fewer adults, less support and more responsibility on the individual. I argue that it is a populist strategy to forefront unaccompanied minors as a target group for this policy, instead of presenting the policy as a general solution aimed at young people within the social services. The political context during the time of the bill was shaped by political logics with an increase in negative sentiments against migrants and phantasmatic logics grounded in a fear of a “system collapse” and loss of the welfare system (Martinsson et al 2018, Strömbäck et al 2017, Bolin et al 2016). The way in which unaccompanied minors came to be the symbol of the “refugee crisis” and the way in which demands for a “respite” were made caused phantasmatic and political logics to overlap and together shape an ideological ground in which it was possible to suggest a cut in services and costs in relation to unaccompanied minors. The costs to “Swedish” taxpayers was an omnipresent rhetoric which portrayed migrants in general, and unaccompanied minors in particular, as a burden to society (Lems et al 2020, , Pérez Huber 2016, Mora & Christianakis 2015). Therefore, the suggestion of a project that would lower the costs for this particular category was largely uncontested.

The Swedish self-image, grounded in exceptionalism about an inclusive, child-friendly nation that respects human rights, was challenged with counter discourses about shortages in the welfare institutions (Dahlgren 2016). It was simply not good timing for the ruling parties to propose cuts in the welfare system, unless it was in the area of refugee reception. Perhaps if the government had proposed minimized care and less staff as a general intervention in the institutional care for children in need, public reactions would have seen more objections. It can also be noted that this Government Bill was presented to parliament on 5 November 2015. On 23 October of that year the bipartisan agreement on the Temporary Aliens Act was made and on 4 November the Prime Minister made a request to the other EU countries to take asylum seekers from Sweden. At this point in time perhaps the self-organized groups of unaccompanied minors, as well as other rights-oriented activists in civil society, prioritized focusing on these reforms, which placed the Supported Housing Bill at the periphery of the political debate. What made it possible to write the proposal the way it is written was therefore a combination of a demand to lower costs for migrants in the welfare budget and other demands to stop or reduce new immigration to Sweden. I argue that this reform is primarily a political strategy to enable housing units at a time when the capacity of the nation was considered to have reached its limit – when the government saw a need for “respite” and when the well-being of young persons who arrived in Sweden as asylum seekers was not a priority.

### *Negotiating Agency and the borders of childhood*

It may seem provocative to reduce the Supported Housing reform to a matter of downsizing social assistance. I am aware of the multitude of experiences among children in the welfare system and that individualized and varied services are necessary to meet their different needs and life situations. However, the fact is that such a reform, which would potentially greatly change access to adult support for unaccompanied minors in general, came about at the same time as the “refugee crisis”. I do not see this as coincidental. And even if there were no correlation, the way in which the reform came to be implemented is inevitably a part of the larger program of curtailing access to the welfare system for unaccompanied minors. An arena for negotiation which becomes central is thus the decision-making-process at the social services of the municipalities, where it is determined who is to receive one of the more supportive housing placements and who is independent enough for Support House service. This is where it is ultimately decided who, when and why a placement should be made.

In an evaluation published by the Swedish Board of Health and Welfare in 2019, it is stated that more than 5 000 children and young persons were placed in Supported Housing the previous year and that this was generally perceived as a positive type of placement by both the municipalities and the children/young persons (Socialstyrelsen 2019). Some critical points that were made were that the housing demands a high level of independence, which is not always taken into consideration by the social services when a child is placed there. About half of the placements were children/young persons who were not defined as unaccompanied minors. About a quarter of the municipalities stated that they would downsize or completely get rid of this type of housing, since the number of unaccompanied minors has decreased (ibid p.29). The field for “other comments” in the evaluation document provides interesting accounts from the participating municipalities:

The reduction in financial compensation regarding the target group (unaccompanied minors) has meant that the municipalities have been forced to sell various types of residence and lose staff at an all too rapid pace. It has not been beneficial for young persons (Socialstyrelsen 2019 p.29).

The comment is an account of the relationship between high numbers of asylum seekers and the perceived *need* for Supported Housing. When fewer children and young persons categorized as unaccompanied minors arrive in Sweden or in the specific municipality their presence is considered less problematic, even if it means placements in institutional care or foster homes which cost more. There is no longer a need for support houses and the units can thus be closed down. This illustrates that the “need” for such housing is a politically motivated construct, grounded in the political logic of economy but also driven by public opinion regarding immigration and how much it should be allowed to cost.

The type of placement is well thought out and necessary. It requires careful enrolment so that it does not become a dumping ground (in Swedish “slakstratt”) for young persons who cannot live/be placed elsewhere, which requires a manager who can say no to inappropriate placements (Socialstyrelsen 2019 p.29).

The second comment, about the “dumping ground”, tells us something about how unaccompanied minors can be positioned and treated during this moment in time. The support houses are thus envisioned as a possible solution for independent youth, but also a strategy to control public spending. The expression dumping ground illustrates that it is, at least in the experience of this municipal co-worker, a matter of negotiation regarding the needs of the child vs the economy of the municipality. It can ultimately be up to the manager of the support house to decide whether the child is independent enough or still in need of adult supervision – a transfer of responsibility from the social services to the service provider. The economic interest of the manager in receiving new placements can be seen in the light of privatization and new public management, where the silver lining is what is addressed below, namely that the Supported Housing as an alternative to institutions and foster homes has been experienced as useful and perhaps in the future will mainly serve as a format that enables agency and independence to young people who have been held back by the family-oriented social work tradition:

Social services have been able to use support houses that were built up when unaccompanied children and young people came to the municipality. It might otherwise have been difficult to gain advocacy for the idea (Socialstyrelsen 2019 p.29).

This quote sheds light on a process that I also touched upon under the section “Downsizing institutional care”. I argue that the reform links to a much broader political project with aims to re-organize the welfare institutions through responsabilization, increased expectations on the individual to “take responsibility” – which masks a neo-liberal project to lower costs in the welfare system in general, refugee reception being no exception (Shamir 2008, Rose 1999). The “refugee crisis” formed a mould for such political projects, but the way the bill is written, it has a general approach and a vision to lower costs for institutional care in relation to all categories, not only unaccompanied minors. Key nodes are connected to the independence of the individual, but also a chain of significance in which the figure of the unaccompanied minor is positioned as in need of less adult support than peers in placement. My position with regard to the Supported Housing Bill and the reform per se is neither for nor against, and the purpose of this analysis is not to determine if the reform was good or bad. It can certainly be positive for young people to experience autonomy and less control. My ambition has been to understand how the reform came about and what it did to the meaning associated with unaccompaniedness. As I see it, the explicit objective to lower the cost of refugee reception was a catalyst for the reform. Had it not been for the forefronting of the figure of the unaccompanied minor as a particularly independent child/young person, perhaps the content of the bill and the contestations in the policy process would have been different.



#### 8.4. Discursive effects

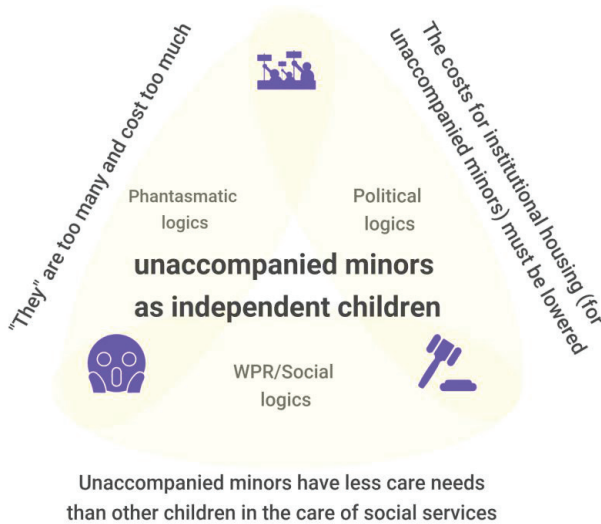
In this chapter I have argued that the dislocation of a number of norms within the Swedish welfare system made it possible to pursue the Supported Housing Reform at the time it was produced. First and foremost, this reform was the result of a policy process regarding child welfare and compulsory care, within which a demand had been made to investigate alternative housing forms. There were explicit proposals in the Government Commission of Inquiry to expand the institution for foster care and to introduce and formalize independent housing units with some adult support to fill the gap between institutional care and individual apartments (SOU 2014:3). In the Government Bill this demand became conceptualized as a need for housing units with less staff or adult supervision and no treatment or care in the sense in which it is provided in HVB homes (Prop. 2014/15:43). In this section I summarize how I see the articulation of a new subject position for unaccompanied minors take shape through this policy and what accounts and alternative visions become marginalized when this depiction of their “needs” is made hegemonic.

##### *The new “independent” unaccompanied minor*

The “refugee crisis” and anxiety over the cost of refugee reception formed the basis for new counter-discourses, both expressing anti-migrant sentiments and describing an administrative crisis with rhetoric about a “system collapse” (Dahlgren 2016). During this moment of dislocation, what was taken for granted about unaccompaniedness was renegotiated (social logics). A shift can be seen, from a vulnerability and protection-oriented childhood discourse to one of individualism and independence. This shift can be understood in the light of political logics of economy and the ambition to cut the welfare budget (Lauri 2016, Ahlbäck Öberg & Widmalm 2016, Hood 1996).

In the illustration on the next page, the social logics at the bottom of the triangle shift, from assumptions on vulnerability and special needs, to independence and less needs compared to peers in housing placements through the Social Services Act. This shift in meaning associated with the subject of the unaccompanied minor, together with the phantasmatic logics of system collapse and fear of migrants, became interconnected with the political debate that ultimately was centred around economy and costs. The outcome was a shift in discourse that constructed a new subject position for unaccompanied minors based on the key node of independence.

Figure 11: Articulation of the concept of unaccompaniedness in the supported housing reform.



In terms of subject positions, unaccompaniedness continues to be associated with childhood, but it is a particular kind of childhood which is assumed to demand less adult supervision than the normative family-oriented childhood which is hegemonic in the Swedish context. This situation destabilized a norm that had been established since at least 2005-2006, where a discursive formation was structured around the figure of the unaccompanied minor as particularly vulnerable and, as such, a grievable subject in need of care services, either through special competence or at the same level and of the same kind as citizen children. Now, unaccompaniedness was differentiated as a particular position in-between childhood and adulthood. Necessary for this process was a phantasmatic logic, a fear of what society would become, if this intervention did not happen. In the media debate, statements about a welfare system that had reached its limits and was on the brink of collapse strengthened the demand to stop spending tax money on refugee migrants. The nationalist, anti-immigrant Sweden Democrats party had a well-established tradition of positioning different groups in society in an antagonistic relationship to refugee migrants<sup>21</sup>. This rhetorical strategy, which reflects animosity over a lost nation,

<sup>21</sup> As one example of such ideological expressions, for their election campaign in 2010 the Party produced a TV advertisement which portrayed a race for tax funds between a large group of black, Muslim women against a lonely, old, fragile-looking white person.

was activated and gained increased support during this period (Hübinette & Lundström 2011). Ultimately, the reform meant downsizing the adult support and care services for unaccompanied minors as well as other children and young persons in foster homes and institutional care.

With the rhetoric of crisis, the idea of theft of enjoyment was spread beyond the far-right and anti-immigrant positions. If it was easier to promote cuts in welfare services aimed at refugee migrants compared with other benefit-receiving categories of the population (children, elderly, disabled, substance users, etc.), I argue that it was because of the sense of loss connected to the national self-understanding, fuelled by the dystopic system collapse rhetoric. There was an articulation of consuming *jouissance*, an idea that unaccompanied minors cost too much and that this must be stopped in order to avoid collapse. While previous reforms had a balance between similar positions and standpoints in the policy process representing a more sustainable *jouissance*, an enjoyment through inclusion, in this reform such expressions are less visible. The contestations against the downsizing of the reception services are mainly to be found outside the policy process, in news articles and media debate (López 2017, Svensson 2017). This suggests a strengthened position for the expressions of consuming *jouissance* – the ideological position that demand exclusion of “the others” in order for those who deserve it to enjoy the fruit of the national welfare system.

The Supported Housing reform was not written for unaccompanied minors, but I argue that this concept and category may have been foregrounded as a rhetorical strategy to avoid criticism for downsizing care services for children who are considered particularly vulnerable. Only a few years after the “refugee crisis”, it was mostly other children and young persons who were placed in these facilities – a situation that may well go on for as long as the Temporary Aliens Act is extended and the numbers of unaccompanied minors who arrive in Sweden remain low (Socialstyrelsen 2019, López 2017). An important (un-)intended outcome is thus that the reform resulted in a new regulation that enabled children aged 16-17 to be placed in more independent housing units than was the norm previously (although less regulated Supported Housing units existed prior to the reform). This meant individualization of responsibility where the transition between childhood and adulthood is questioned and the 18-year age limit is blurred.

When the figure of the unaccompanied child is understood as independent, this produces a subject position with larger agency. In terms of lived experience, this could mean having more influence, but also more responsibility over daily routines, decisions and personal relations. The evaluation from the Board of Health and Welfare produced in 2013 addresses the transition from institutional care to individual housing as a difficult stage for many young persons (Socialstyrelsen 2013). The conceptualization of unaccompaniedness as signified by or a signifier of independence and the agency produced through this discourse can be contingent in the sense that freedom and responsibility may as well be empowering as a mechanism of exclusion. The liminal position ascribed to the figure of the unaccompanied minor, in-between childhood and adulthood, shapes access to rights as it is stated that this subject needs less support than was previously assumed. The material access to a range of services may thus become more differentiated and dependent on the individual's

ability, ambition and knowledge than when the responsibility was placed with a professional adult. In terms of discursive effects, this reform can be seen as the first of a number of policy approaches to redefine the unaccompanied minor and to position this figure in a separate space, between normalized childhood and adulthood, and between inclusion in the national welfare system and the excluded “outside”.

### ***Marginalized accounts: expansion of foster care and increased support in the transition to adulthood***

Starting with the Government Commission of Inquiry in 2014, there were proposals not only to formalize and create a legal framework for Supported Housing, but also to develop the system of foster care (SOU 2014:3). A national centre for this purpose was proposed. Development of the system of foster families was proposed, to add qualifications in order for the foster parents to provide psychological treatment within the location of a private home. A distinction between foster homes and private companies providing housing was also suggested (ibid). The government bill did include a paragraph in one section of the Supported Housing bill, stating that the Board of Health and Welfare would be given national responsibility for knowledge and data regarding foster homes (Prop. 2014/15:43 p.51-53). The foster care-related aspects of the Government Commission of Inquiry were not brought up in detail in the same way as the Supported Housing was. The reform could have focused more on expansion of the foster care system and/or the support provided during the transition between institutional care and independent accommodation. This can be seen as an example of marginalization of alternative political projects during the policy process.

The way in which meaning was given to “the need for support” marginalized such alternative understandings. In the Government Commission of Inquiry, findings such as the need for *homelike* facilities, small units and emotional support in everyday life present a different picture than that of one third of all unaccompanied minors aged 16-17 being prepared for the independence of Supported Housing. This contradiction between how needs are articulated in the Government Commission of Inquiry and the Government Bill reflects the different ideological standpoints but also the shift that took place between 2014, when the inquiry was written, and late 2015 when the bill was presented. The way in which “needs” are articulated in the inquiry resonates with the demands in the Parental Code (Föräldrabalken, Chapter 6, Section 1) and reflects the family-oriented, or adult-centred, view of ideal childhoods in contemporary society. Prior to 2015, unaccompanied minors were considered in *need* of this adult supervision. The dislocutory event that the migration debate that year brought about meant a re-construction, both of the figure of the unaccompanied minor and the perceived needs of this figure.

As I mentioned in the introduction to this chapter, the public debate at this time can be described as polarized, media interest covering issues related to immigration was increasing and the writing was often in negative terms. But at the same time, movements other than the growing, racist

Sweden Democratic Party were making rights claims and participating in the public debate as well as the policy process. Dahlgren divides the media discourses during the summer and autumn of 2015 into three phases, where the first is characterized by solidarity, the second by a sense of crisis and the third by resolution (Dahlgren 2016). During this first phase, social initiatives were taken, individuals opened their homes and gave of their time and resources to include the newly arrived asylum seekers in Swedish society (ibid). Had it not been for the following two phases, perhaps a different solution would also have been presented in the case of housing, building more on the ideas of specialized foster families, maybe even by including the new engagement of the civil society in movements such as Refugees Welcome. On this note, there can only be speculation.

Essential to this reform are fantasies about migrant youth as a different and particular kind of young people who, due to their experiences of migration, are used to caring for themselves. This is articulated as both a threat to society and something positive, since the figure of the unaccompanied minor in a way fulfils the ideal of an independent citizen through this non-dependency. At some point the government requests an investigation into alternative housing for children and young people placed outside their family home, and in this request, the needs of unaccompanied minors are underscored as a particular problem which should be addressed in the report. Tracing this process, it becomes apparent that alternative understandings of the figure of the unaccompanied minor, as a young person in need of support in transition to adulthood or as a vulnerable subject in need of specialized professional care, become marginalized. The hegemonic struggle is about the meaning given to the term *needs* fixated as a characteristic of the subject, who in this process is turned into a particular kind of object, an unaccompanied minor. What do they need, this particular breed, the policy-makers seem to wonder. The idea of independence gains hegemonic status. The idea of vulnerability and need for more support is marginalized, almost non-existent. The bill is voted for in the parliament and becomes a new law. It shapes new social practices, new housing units are constructed, new guidelines and ways to approach young persons are introduced, new knowledge about this is produced. And so the circle goes on, in a never-ending process of making (up) new subjects/objects and places.

### *Chapter conclusions*

In this chapter I have focused on the Supported Housing reform that was presented with a Government Bill during the autumn of 2015. The reform mainly draws on the problem representation that certain children and young persons in institutional care, among which unaccompanied minors are foregrounded, do not need the care and adult supervision provided in institutional care or foster care. They are depicted as far more independent than their peers who are in the care of social services. Grounded in these assumptions and intersecting with an ambition to minimize public spending, it is a political project aimed at lowering the costs of the institutional care with a focus on unaccompanied minors. Institutional care for young people is described as increasingly expensive, and unaccompanied minors are singled out as a sub-category of youth that have caused this increase. Subjects categorized

as unaccompanied minors are foregrounded as the target group for this reform. Other categories are mentioned, based on their behaviours and situation, not based on identity and migratory status. The shift in how unaccompanied minors are described, from vulnerable victims in need of adult protection, to semi-adults, independent and less vulnerable than their citizen peers, was part of a larger reconstruction of the meaning associated with unaccompaniedness. This change in meaning-making processes also entailed images of threat and fraud, which will be further analyzed in the following chapter. With regard to the Supported Housing reform, the key node is independence. A new subject position was produced of the unaccompanied minor as independent and able to fend for himself or herself. This made it possible to pursue a reform that downsized care services for a wider category. I argue that the way unaccompanied minors were foregrounded as a target group for the reform facilitated the process and resulted in fewer protests than perhaps would have been triggered if it had been suggested more explicitly that 16-17 year old Swedes be placed under the care of social services in homes with minimum adult supervision. The new depiction of unaccompanied minors as independent, which I will return to in the remaining empirical chapters, would be relevant in the reforms that followed.

## 9. Age estimations earlier in the asylum process

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Different practices of age-estimation are a long-running policy debate with regard to migrant children and have been associated with the asylum process for decades (Socialstyrelsen 1993). In the asylum process, age, preferably proven through written identification documents, is made highly relevant to what rights an individual can be entitled to (Migrationsverket SR 35/2015). Being under 18 reduces the risk of deportation, since the applicant can be protected by definitions about the “best interests of the child” (Socialstyrelsen 2016-5-28 p. 10). Furthermore, low age can function as a protection against deportation when there is no “arranged reception” and against transfer according to the Dublin Regulation. The Migration Agency can only check for fingerprints in the European database of bi-data if the applicant is over 14 (*ibid*). Furthermore, the family reunification laws in Sweden (prior to the Temporary Aliens Act) were limited to spouse and children under 18. Consequently, being a child has certain advantages in the asylum process and with regard to family unification. Determining who should be entitled to these advantages has been a field of negotiation since at least the early 1990s.

In this chapter, I focus on the Age Estimation Bill that was introduced in 2016 (Prop. 2016/17:121). Not long before, in 2012, a new routine had been put in place which placed the process of age estimation at the end of the asylum procedure (Migrationsverket RCI 19/2012). This meant that the applicant would be treated according to stated age during the asylum process and, if the age were to be changed, this would become a part of the decision in the asylum case, with the possibility of appeal. Only if it was “obvious” that the stated age was wrong could it be changed earlier in the process. Less than four years later, through the reform suggested in the Age Estimation Bill, this routine was changed and the assessment of age was instead placed at the beginning of the asylum process. The main focus in this chapter is on understanding and analyzing this change, how it was motivated and what it meant in terms of discursive effects.

This chapter has a structure that differs from the previous three. In the section below (9.1) I summarize relevant events in the political landscape around 2016-2017. In section 9.2 I discuss how the problem is represented in the government bill but, unlike in the previous three chapters, I have added interview material to the empirical body of this and the following chapter. In section 9.3 accounts given in the interview study that I conducted during 2018 are presented. This empirical material provides access to subjective reflections on the discursive effects of the new legislation. Furthermore, it enables a discussion about alternative visions and adds lived experiences to the analysis. As discussed in the methods and ethics sections, lived experience is not valued as more “true”, or a strategic essentialization of positions, but rather as an insurrection of “subjugated knowledges” as a methodological strategy to make unmentioned perspectives imaginable (Bacchi & Goodwin 2016). The chapter then follows the structure of previous chapters, with a discussion about how this proposal became the solution to the “problem” in 9.4, followed by summarizing comments on the discursive effects and chapter conclusions in 9.5.

## 9.1. The Age Estimation Bill and the political context

In October 2015, the so-called Temporary Aliens Act (Law 2016:472) was introduced to control and minimize the number of asylum seekers arriving in Sweden (Löfvén 2015). Shortly after, a bill was passed which made it possible to conduct age estimations earlier in the asylum process – immediately upon arrival if considered necessary by the asylum case officer (Prop. 2016/17:121).

The content of the reform was to give the migration authorities an opportunity to re-register the age of an applicant during the asylum process, not after a decision was made. Several referral units, among which the Committee of Health and Insurance, responded positively to the proposal and parliament voted in favour of it (committee report 2016/17: Sfu18).

The main change is that, while previously the applicant would have been treated according to the stated age during the waiting time, now a re-registration could (and did) take place immediately after the application was made. This meant that an asylum-seeking young person who claimed to be a child could be placed in a centre for adults and treated in the asylum process according to standards for adult applicants.

### *The political context around the time of the bill*

Medical age assessments were integral to the policy debate regarding child refugees long before the migratory turn in 2015. The Board for Health and Welfare already published guidelines for the Migration Agency on the matter in the 1990s (Socialstyrelsen 1993). The culture of disbelief regarding migrants and the stated age of children is thus not a new phenomenon. It is something deeply rooted in the way this population is treated in Sweden, and perhaps it can also be considered as a social logic – a “fact” that is not questioned. Doubt regarding age and practices to frame unaccompanied minors as potentially fraudulent asylum seekers without “real” protection needs is a discourse that has been reinforced both in policy and the media and is not limited to this period or the context of Sweden (Lems et al 2020, Pérez Huber 2016, Mora & Christianakis 2015, Stretmo 2014, Wernesjö 2014). In many of the policy documents that have been analyzed in the previous chapters, the construction of age as a matter of fraud is present as a marginal discourse (SOU 2003:51 p.52, Prop. 2005/06:46 p.28, Prop. 2013/13:162 p.16). Such articulations of disbelief in the verbal accounts of the child are contrasted with a general trust in medical examinations and the professional capacity of the field of medicine. Hedlund (2016) describes how this creates an inferior position for asylum seekers in relation to the state and forms an imbalance in the asylum process.

The Government Bill regarding age estimations was published in February 2017m and the proposal was to implement the law in May the same year (Prop. 2016/17:121). In a press release the Minister of Justice stated:



The proposal that an age estimation should be made earlier in the asylum process is important from both a children's rights perspective and an economic perspective (The Swedish Government 2017)

This statement should be read in the light of the political debate that dominated Sweden and Europe following the events of 2015 and 2016. In the previous chapter, I described the atmosphere in society and the media as polarized with increasing anti-immigrant expression (Martinsson et al 2018, Strömbäck et al 2017, Bolin et al 2016). The increased numbers of asylum seekers triggered anxiety (phantasmatic logic) about system collapse and the welfare system being under threat, or in the words of media analyst Peter Dahlgren, it invoked a sense of loss: the people's home is no more (Dahlgren 2016). I refer to this period in time as a moment of dislocation when norms and standards in asylum policy and child welfare were destabilized. In this moment, the matter of age became central. In this chapter I will expand on how age estimations were made into a matter of child protection – that is to say, that it was with the purpose of protecting children that the estimations were important (Kazemi 2016).

One specific event that gained a large amount of media coverage, and led to a massive debate, was the New Year's Eve of 2015/16 and alleged assaults on women during festivities in the German city of Cologne. This sparked a debate in Sweden about migrant men, sexual violence and fraud in the asylum process (Khayati 2017). In this debate, statements were made about cultural difference and even the cultural inferiority of people (particularly men) from the Middle East and North Africa (Avci et al 2016, DN 2016, Bieler 2016, Helmersson 2016, Heberlein 2016, , Liberman et al 2016, Wierup 2016, Öner 2016). It can even be said, in the words of Tesfahuney (1998) that the nation was constituted as a feminine body in need of protection from the penetration of racialized "other(s)". This threat is perceived as not only symbolic or cultural, but a sexual threat against "white masculinity". This way of associating sexual violence with migration formed one motive to increase border control and restrict the right to access the nation's territory (Ticktin 2008). The fantasy of migrants as a threat of sexual violence can further be interpreted in terms of a larger discourse on the struggle between "the west and the rest" or the "clash of civilizations" (El Tayeb 2008). Such ideas and the anxiety they invoke have been intertwined with the discourse on the war on terror, and together constitute important components of the process of creating Western unity and of defining what is not European (ibid).

Around 2016 there was therefore a strong and growing discourse where migrant men in general were positioned as perpetrators and a threat to Swedish society. The demands for age estimation earlier in the asylum process were expressed within this debate, as a means to protect "real" children from potential perpetrators but also as a way to protect the nation from violent foreign men (Mörnstad & Zeba 2016, Lyrheden 2016). In the debate, age estimations were also seen as a measure that the state could take in order to expose the fraud that unaccompanied minors were accused of (Kjöller 2016). There was broad agreement on the need for age assessments and the negotiation was rather on the technical procedures (Bårtås et al 2016). In *Dagens Nyheter*, an independent liberal

newspaper, it was stated, in an editorial in January 2016, that children and adults must be separated in order to protect children:

But there is also a human and societal price for the inability to act when confronted with the difficulties in making age estimations. This is shown, not least, by the case involving a rape at Fäffången in Stockholm (DN Editorial 2016).

The chain of equivalence that occurs in this and similar statements produces a figure that is at once a fraud and a threat – a person who lies about his age is constructed as a criminal and can, it is implied, thus commit other, more violent crimes. Further assumptions are that children cannot commit such acts of violence. A person who is 17 and a half years old is considered safe but as soon as he turns 18 a threat is created. The theme of rape as a culture of foreign men was elaborated on in the editorial of Göteborgsposten around the same time with the headline *Culture explains sexual abuse* (Cwejman 2016). Such statements are grounded in biologically determinist “knowledge”, which activates phantasmatic logics concerning the “oriental man” as a threat to white European women (Said 1978: 324-325). According to such an orientalist gaze, for a white woman to be raped by a man of colour is worse than any act of violence imaginable where the perpetrator is a “Swede”. The practice of age estimation is thus articulated as a policy to provide protection by disenfranchising potential threats.

In the public debate, other perspectives and attempts to provide a counter-discourse were also published, among others written by the journalist Fahl (2016) and the activist Mahmoudi (2016). In two separate articles they attempted to explain sexual violence as a consequence of sexism rather than as specific to certain cultures. But these statements were peripheral to the debate (Mahmoudi 2016, Fahl 2016). Two representatives of the Liberal Party published a debate article in 2017 where they argued against the fantasy that migrant men lack grounds for asylum (Metso & Örnebjär 2017). They argued that young asylum-seeking men often have a great need for protection, since it is they who are forcibly recruited to armies and rebel groups (Metso & Örnebjär 2017). This too remained a statement at the periphery. Said (1978) writes that the tradition of orientalism, as a scientific field and a discourse, has an inherent superior position in relation to what is constructed as “the orient” (Said 1978 p. 71). In the same way, I argue that when the Swedish media describes “the culture” or the life of refugee migrants, it does so from a position of credibility and power. The figure of the unaccompanied minor, already discredited and constructed as less reliable and moreover lacking access to platforms of the same magnitude as a daily newspaper, is in no position to produce a counter-discourse or to challenge the statements that are made. This is a point of departure for this chapter (and this thesis), and a reason why extracts from my interview study will be added to the policy material – to provide accounts that I found to be silenced in the policy process.

## 9.2. The problem representation

The Age Estimation Bill (Prop. 2016/17:121) suggests a need to change the process for how and when age estimation is carried out during the asylum process. The way this need is motivated in this policy process is based on an understanding of children and adults as having fundamentally different needs and rights. It is taken for granted that such a division exists and that asylum seekers must be categorized and receive services according to this division:

In cases where an asylum-seeking alien states that he or she is an unaccompanied child, but where the question of age is unclear, the Swedish Migration Agency usually takes a position on the question of age in connection with the final asylum decision. This means that even asylum seekers who are later judged to be adults are treated as children, which can, for example, change the living environment for unaccompanied children in a negative way. It also means that resources set aside for children go to adult asylum seekers (Prop. 2016/17:121 p.1)

The above quote comes from the introduction to the Age Estimation Bill. It is explicitly stated that there are two main reasons for this reform. The first is that it is believed to have a negative impact on the living conditions of children if adults are placed in the same residential units. The second is one of economy as resources aimed at children should not be used for adults. The problem is therefore that those other than the target group receive benefits aimed at asylum-seeking children.

### *The problem representation critically analyzed*

For asylum seekers categorized as unaccompanied minors, age is particularly important because as a result of age categorization they may receive more lenient treatment in the asylum process. In the age assessment reform, the problem representation is that adult migrants, without need for protection, take advantage of this system and present themselves as children in order to obtain residence permits and access to welfare resources from which they would otherwise have been excluded. In this policy process the distinction is between adults and children but it is important to keep in mind that it is child and adult *asylum seekers*. When it comes to economy, it is explicit in the policy process that this is one of the aims with the reform:

The average processing time for asylum cases, including cases of unaccompanied children, is expected in 2017 to be twelve months. By bringing the age assessments forward, it should be possible to significantly shorten the time that an adult asylum seeker is in the reception system for unaccompanied children. The proposals are thus judged to lead to savings for the state (Prop. 2016/17:121 p.30).

In the quote above, it is argued that the high numbers of asylum seekers in 2015 have led to increasingly longer processing times: a problem that can be solved with this reform. But the bill continues along these lines with statements that, regardless of processing times, the situation where unaccompanied minors live together with adult migrants in the same housing units is, per se, unsuitable. It is repeatedly described as a problem, both in terms of access rights and benefits, but also a safety problem for the “real” children:

The Government considers that it is not appropriate for adult asylum seekers to live together with unaccompanied minors in accommodation adapted for children. Resources set aside for children should also not go to adult asylum seekers. From both a child rights perspective and an economic perspective, the current system is therefore unsatisfactory (Prop. 2016/17:121 p 12).

This is particularly important in light of the fact that these adults are often placed in housing together with unaccompanied asylum seekers under the age of 18, a fact which changes the living environment that these children need and are entitled to. By treating certain adults as children, the situation for those who are children deteriorate. Regardless of the processing times, there is a need to address this problem (Prop. 2016/17:121 p 13).

These statements are an example of how childhood is given meaning through nodes such as innocence and a need for protection – protection from “bad” adults who are dangerous and a threat to the innocence of the child (Garlen 2018). With the above quotes, it is made quite explicit that the presence of young migrants who are over 18 is articulated as a threat to the safety and wellbeing of those who are under 18. This rhetoric should be seen in contrast to statements, that were made only some years earlier, about including persons up to the age of 21 in the reception services for unaccompanied minors, because, to paraphrase the Board of Health and Welfare and a number of municipalities and NGOs, unaccompanied minors need long-term planning and cannot be expected to be independent at 21 (Prop. 2005/06:43 p. 40).

It is interesting to note not only what is said, but also how it is said. In the second section of the bill, it is stated that “these adults are often...”, assuming that it is already determined that it is in fact adult subjects who are in question. The performance of age estimations thus functions as a check for fraud, rather than a service to investigate a physical matter where there may be some doubt. I argue that age estimations thereby become an expression of everyday bordering, a social routine that determines belonging and the right to access both the territory of the nation, the system of welfare and inclusion in the concept of childhood.

### *Assumption: the grievable (very young) child*

The problem representation in this bill, as presented so far, is that “fraudulent” asylum seekers take advantage of the refugee reception system and present themselves as children. With the suggested solution in the bill, this will be stopped, granting children protection from dangerous adults and lowering the cost of refugee reception. Through this articulation, men from the Middle East and North Africa are conceptualized as inferior and a threat to European civilization (Said 1978). The assumption underlying the problem representation is that certain subjects are less reliable in relation to the welfare system but also more or less grievable. It is not a matter of testing all young persons, or even all migrants, but specifically the asylum-seeking unaccompanied minors. Age is central, but not all asylum seeking children are to be systematically age-tested. Children in families are not forefronted in this policy. My interpretation is that children in families are deportable, regardless of their age, because they can be sent back to their country of origin together with their guardians/parents. They do not cost as much as unaccompanied minors because they are not, by default, provided with housing and care through the Social Services Act. Children in families are furthermore less stigmatized or subjected to pathologization as deviant from the societal norm of family life – both in relation to childhood discourses (Sjöblom 2002) and in relation to negative stereotypes (Lems et al 2020).

What constitutes reliability, and thus access to asylum rights and welfare benefits, is taken-for-granted “truths” (social logics) about the figure of the unaccompanied minor, constituted through the binary of vulnerable-strategic (Stretmo 2014). Within the realm of the asylum process, this understanding is shaped by a culture of disbelief and furthermore intersected with the otherness and particular distrust in the figure of the unaccompanied minor, grounded in fantasies such as “they lie about their age”, and “they arrive as so-called anchor children” (Wernesjö 2014 p. 11, Khosravi 2010). This assumption about the fraudulent adult migrant is a symbol, not unique to the Swedish policy debate but recurring in scapegoating discourses at different times and places. It links to other discourses that intersect the figure of the unaccompanied minor, about youth, about recipients of social benefits, about persons of colour and persons seen as Muslim. As argued by Wyness (2006), fear of young people being out of control is an integral part of how western society constructs its ideas about adolescence. In this context, the “fraudulent migrant” was constituted in contrast to “real” children, referring to small, pre-adolescent children. Only such subjects could be defined as vulnerable, on account of their perceived innocence and dependence on adults.

The most widespread image of a vulnerable refugee child may have been that of Alan Kurdi, a 3-year old whose body was washed up on the shores of Greece after he and his family had tried to cross the border to seek asylum (Elgot 2015). The small child in the most passive of states, lifeless on the beach, gained sympathy among the public in Europe and all over the world in what has been described as “ecstatic humanitarianism” (Armbruster 2019, Georgiou & Zabrowski 2017). This death was grievable. But the incident, which was only different from thousands of deaths on the Mediterranean by the fact that it was caught on camera and broadcast around the world, did not lead to a re-evaluation of the borders per se. Death in this way makes the abstract policies and bureaucratic

understandings on borders concrete (Tsimouris et al 2018). The lives of remaining refugees were continuously constituted as a threat to society and stripped of rights in an embodiment of the bare life that Agamben describes (Agamben 1998). The father of Alan Kurdi, who had lost his wife and two sons fleeing the war in Syria, was accused of being a smuggler (Meers & McCellan 2015). The dominant European discourse on migrants at the time was illustrated in the French satirical/cartoon magazine Charlie Hebdo, where Alan Kurdi was portrayed as having grown older and become a sex offender (McLaughlin 2018). This underlines the idea about childhood innocence as the characteristic which enables grievability: children, as long as very young, are constituted as grievable lives and, as such, deserving of care, inclusion and access to welfare services. Those who do not live up to these childlike features, the disqualified non-children, are excluded from the right to such rights (McLaughlin 2018). This example of how grievability is constructed around what is perceived as passive, innocent and perhaps preferably dead, children structures the way in which childhood is positioned in border securitization. The grievable small child is positioned in contrast to adults and adolescence, creating a border regime which provides protection to some lives by excluding others. This form of governance has been referred to as “humanitarian securitization” – that is to say, a border regime that at once draws on the political logics of humanitarianism and nationalist border protection (Holzberg et al 2018, Chouliaraki & Georgiou 2017, Fassin 2012, Malkki 2006). With the expansion of this discourse, the space to include unaccompanied minors in the universal welfare system for children shrank. This subject, who has already been defined as unusually independent and positioned in between childhood and adulthood, does not meet the expectations of an ideal, grievable child. To build on the concept of failed citizenship, this position of exclusion can be seen as a state of failed childhood (Andersen 2014). McLaughlin (2018) criticizes the situation where the right to protection for child refugees is dependent on the assumed universality of childhood, when, in practice, it is merely very young children and those who fulfil the ideal of innocence and dependence who qualify for this position. The exclusion of young asylum-seeking boys/men from the notion of who can be vulnerable and/or in need of protection, creates a new, invisible precariat constructed as unworthy of humanitarian assistance in similar ways that other populations have been and are being marginalized (McLaughlin 2018).

### ***Assumption: “obvious” cases of childhood and adulthood***

Age estimations form part of the institutionalized practice of migration policy. In 2015 the government decided to introduce stricter asylum regulations placing Sweden at the EU minimum level in terms of refugee reception. It was, however, decided that children (in families and unaccompanied) would be exempt from these rules if they had registered their asylum application before 24 November 2015. Age in this context put the entire asylum process at stake. As much as it was in the interest of the applicant to prove himself or herself to be under-age, the political logics of bordering and economy pushed by the government aimed to minimize refugee reception. The function of the new age estimation policy was therefore to change the age of as many applicants as possible, making them

deportable and excluded from both the institution of asylum and reception within the framework of the Social Services Act (see Chapter 7). In this process trust in the medical age estimations, as a reliable basis for the administrative decisions, was a central assumption.

Accounts that describe ambiguities in test results, appeals and second opinions which have led to new age estimations are examples of how the age determined as “true” through medical or ocular estimations, is still contingent (FARR 2017). Netz (2019) argues that unaccompanied minors do not become minors due to their teeth or bone, but as the result of an institutionalized relationship between the forensic centre, the methodical choices of the physician in charge, the X-ray technology, the selection of study samples and classification schemes (Netz 2019). I see two parallel discourses articulated which are in line with dominant discourses in the medical and political debate. The first is about *physical features*, with statements that declare that it is “obvious” to “everyone” that the subject is a child. In the Swedish Aliens Act, the addition after the reform is as follows:

If a person applying for a residence permit as a refugee in accordance with Chapter 4 Section 1 or as a person in need of protection according to Chapter 4. Section 2 or 2a, states that he or she is an unaccompanied minor, the Swedish Migration Agency shall, if there is reason to question that the applicant is under 18 years of age, make an age estimation as soon as possible and make a temporary decision on the applicant's age. However, if it is obvious that the applicant is 18 years of age or older, no such age assessment or decision is required (Utl Chapter 13 Section 17).

As the quote above illustrates, there is a subject position which is considered “obviously” adult and a liminal position which is believed to be determined through medical examination. There is a certitude that the age of an individual can be determined through either ocular or medical assessments.

The provision further states that no age assessment is to be made and no temporary decision made if it is obvious that the applicant is 18 years or older. The prerequisite obviously means that there must be unequivocally clear cases where there is no room for an assessment other than that the applicant is an adult, either because it is clear to everyone that it is an adult or because it there is evidence that undoubtedly clarifies the applicant's age. The Swedish Migration Agency's practice is, in obvious cases, to directly register the applicant as an adult (Prop. 2016/17:121 p.17-18).

In this attempt to clarify what is meant by obvious cases, the text explains the meaning of the term obvious – that it is an assessment, considered as unequivocal, on which “everyone” agrees. By everyone, it is assumed that the applicant does not count. This subject most probably has a different opinion, since s/he has stated a different age. The term “obvious” is used in policy documents, and several referral bodies ask for clarification on how to interpret it (Prop. 2016/17:121 p.16-17), committee report 2016/17:SfU18 p. 8, Migrationsverket SR 30/2015). It is not, however, clarified

how an obvious adult can be distinguished from a child. In the constitutional commentary, the department of justice states:

This can be the case either if everyone can see that it is an adult or if there is evidence that clarifies the applicant's age. The requisite obviously means that these must be cases where it can be ascertained without further consideration that the applicant has reached the age of 18. (Constitutional commentary, Justitiedepartementet 2016 a, p.35).

It is again repeated that “everyone” can see the adulthood in certain bodies. Here, the biological body and how it is read overshadow other experiences and become the most important characteristic in defining age and thus grievability. Regardless of whether it is the decision maker at the Migration Agency or a volunteer making statements about the “obvious”, the body and how it is read becomes the ground for inclusion. When analyzing approaches towards undocumented migrants in France, Fassin (2001) found that there were two different, and sometimes contradictory discourses: a humanitarian discourse when faced with physical suffering of “the other”, making it a legitimate body for inclusion, as opposed to a discourse of racialization, constructing “the other” as a body legitimate to discriminate against (Fassin 2001). As I argued in the previous section, through the European gaze and the discourse of humanitarian securitization, the suffering of migrants is only comprehensible if the subject can pass as a (very young) child. The practice of age estimations thus produces either a body of a child, which can suffer and be included, or an adult “other”, which can be discriminated against.

### ***Assumption: the supremacy of the clinical gaze***

In the previous section, I gave examples of how the ability to pass as a child forms the border of inclusion/exclusion to asylum and access to welfare. What constitutes this ability to pass as a child in terms of physical features is contingent and ambiguous. I argue that the practice of age estimations as an enactment of borders and a way of policing the “refugee crisis”, should be seen in light of the Swedish history of medical interventions against ethnic and racialized minorities (Lundberg 2017 b, Runcis 1998). Age estimations is an institutionalized practice that requires the “client” to be dehumanized to the extent that the authorities, and the professionals representing them, become indifferent to policy outcomes, such as homelessness and rightslessness (Elsrud 2020). This requires a conviction in the accuracy and legitimacy of the estimations. During the policy process, several referral bodies, among them Uppsala University and the Swedish National Council on Medical Ethics (SMER), suggested that age assessments should only be used as one of several methods to prove the stated age, and that verbal accounts and other evidence should also be taken into consideration:

A number of consultative bodies, including Uppsala University and the Swedish Medical Ethics Council (SMER), request further clarification that medical age estimations should be



used with caution and that they should not be used if the applicant can otherwise make their age probable, for example through oral information or documentation other than valid ID documents. The UNHCR's regional offices for the Baltic and Nordic countries (UNHCR) and SMER believe that this should also be stated in the legal text. Many consultative bodies, such as the Swedish Bar Association and UNHCR emphasize the importance of the authority taking into account the scientific uncertainty in the methods for medical age assessment and stress that the principle of benefit of the doubt should apply in the event of continued doubt (Prop. 2016/17:121 p.20).

As the above quote illustrates, there were several oppositions to the reform. The antagonism between verbal accounts and medical examinations is also made explicit. The lack of identity documents, and thus the inability to prove stated age, has been articulated as a “problem” associated with unaccompanied minors, as well as other categories of refugee migrants in previous policy processes (SOU 2003:51 p.52, Prop. 2005/06:46 p. 28, Prop. 2013/13:162 p.16). What is stated above can thus be seen as a continuity of previous discourse. Other referral bodies, such as the Swedish Paediatric Society, emphasized the ambiguities of the test results and that the principle of the benefit of the doubt should be practised (ibid). The government's response was to allocate responsibility for the age assessments to the National Board of Forensic Medicine (Rättsmedicinalverket), in order to ensure that scientific standards, rule of law and children's rights were respected:

The Government notes that the National Board of Forensic Medicine has been commissioned by the Government to carry out medical age estimations. The National Board of Forensic Medicine's analysis and assessments are based on science, and there is vast experience within the authority to handle different degrees of uncertainty in the assessments. As described in section 4.3, it appears from the National Board of Forensic Medicine's feedback that the authority in its forensic medical statements about age will never express itself with greater certainty than the scientific methods allow. The principle of benefit of the doubt also constitutes the point of departure for the National Board of Forensic Medicine's assessment of medical age. In carrying out the assignment, the National Board of Forensic Medicine has also taken into account requirements for scientific work, professional experience and legal certainty, and placed special emphasis on ethical aspects and child rights perspectives (Prop. 2016/17:121 p.22).

With the statement above, doubt over the ambiguities in methods and results are cleared up (or at least, this appears to be the aim of the statement). It is emphasized that age estimations will be made with the principle of benefit of the doubt as a point of departure. The scientific and professional aspects of the tests are also emphasized to legitimize the practice. With such confirmation from the side of the government, the main concerns of opponents are disarmed. What else can be said when it is promised that the test results will not be used beyond their certainty? The fundamental problem representation, that it is a problem when adults use resources aimed at children, is uncontested in the

policy process. There was thus not much debate over the assumed need for age estimations – the negotiation was rather about the extent and implications of the new policy.

In post-structural tradition, the idea of domination through “looking at the subject” instead of “seeing the subject” is described – an objectifying practice through which a subject is reduced to a problem that should be solved (Said 178 p. 324). Foucault wrote about the clinical gaze, through which an institution or professional learns to only look at a person as a patient, a body or a set of organs rather than a complete and complex person (Foucault 1989). In the case of age estimations regarding unaccompanied minors, the clinical gaze is biased by an orientalist discourse which constructs the “patient” as unreliable and a threatening “other” (Said 1978). Furthermore, it is a practice implemented within a larger political project aimed at stopping immigration, thus politically biased by an anti-immigration agenda. Age estimations demonstrate the performativity of borders, an example of what borders do rather than what they are (Balibar 2012). As Djampour (2018) writes, unaccompanied minors embody borders through experiences of being stopped, being subjected to racism and practices of differentiation (Djampour 2018 p.138). In the case of age estimations, it is in the flesh and bones that the negotiation on inclusion/exclusion takes place. The (verbal) accounts of the subjects are systematically dismissed as inferior in factuality compared to the clinical methods used to determine the “true” age. Not unlike other historical cases of physical examinations, the results legitimize racialized exclusion, with scientific and medical methods that give the impression of certainty.

### ***Assumption: social work practice must comply with migration policy***

So far, I have argued that, through the age estimation reform, the figure of the unaccompanied minor was constructed as a rightsless subject outside the welfare support system and that the new age estimation paragraph in the Aliens Act served to make this sub-category of migrants increasingly deportable. In view of that, this section will focus on the role of social work practice. In social work, unaccompanied minors were placed in municipalities through contract or dialogue with the Migration Agency. It could then happen that, days or weeks later, the Migration Agency changed the age of the child. If deemed to be over 18, the municipality would not be compensated for costs associated with the young person.

As a brief background to the policy landscape, the changes in policy in 2015-2017 were not limited to age estimations. Changes in financial agreements between the Migration Agency (the state) and the municipalities and changes in the LMA regarding access to housing and financial aid were implemented. Rejected asylum seekers no longer had the right to housing and financial assistance. Furthermore, bilateral agreements on return of rejected asylum seekers were signed with war-torn countries and the EU-Turkey agreement further set out responsibility for keeping asylum seekers away from Europe. (Swedish Government 2016 c, Council of the European Union 2016).

Within this policy landscape aimed at deportation, social work practice was (and still is) bound by law to cooperate with the Migration Agency and the border police in executing deportations, i.e.

by giving information about the whereabouts of a client. In the Public Access to Information and Secrecy Act, it is stated that authorities must provide information necessary for other authorities to fulfil their task (Offentlighets- och sekretesslag §10:28). As an example of this, in November 2016, the border police sent a request to social services in Malmö Municipality to provide addresses and contact details for 200 named persons with deportation decisions (Justitieombudsmannen 565-2017). Malmö Municipality had the requested information on 32 of these persons, and this information was handed over. A complaint was filed to the Parliamentary Ombudsmen (JO), arguing that the action had severe consequences for the persons involved. JO confirmed that it is indeed the duty of social services to provide such information to the border police (JO 565-2017). It was taken for granted that the way in which social work and migration policies co-function in practices of everyday bordering would remain stable throughout the reforms within the area of migration policy. These policies demanded that social work practice and its professionals comply with the new rules, participating in policies aimed at deportation, and subsequently triggered a sense of loss and a contradiction between the humanitarian ideals and border thinking within these institutions (Peterson 2020). In the political debate that preceded the age estimation bill, the notion that this was the only and natural solution to the problem representation made the proposal hegemonic. But when passed by parliament and sent to the welfare institutions for implementation - the process of structuration (where the new hegemonic ideas are turned into new social practices), it was met with protests and social disobedience. In the report *Civilsamhällets Röst* (the Voice of Civil Society), local members of the activist network *Vi står inte ut* in one municipality are quoted:

With the Restriction Act [The Temporary Aliens Act, my comment] a new rhetoric and a changed view of children as well as a new kind of systematics around who has the right to what and who has not was introduced. The municipality's way of caring for children changed for the worse. Härryda Municipality began, in its eagerness to renounce responsibility for children, to violate children's rights and their commitment to the convention in the autumn of 2016 and onwards. This happened despite the fact that the costs for the children could still be calculated afterwards. Those who were registered upward in age were put in a position where safety, care and security were put out of play, even if, according to teachers, custodians, youth workers, sports coaches and social workers, they were obviously minors. The social services had to take part in this inhumane view of children. Over one night, children became homeless, and lost their custodians, their social workers and their context (*Vi står inte ut* 2019)

In the above quote, an expressed frustration with the change can be noted. The central node in this quote is a changed view or the sense of a shift. At this point in the analysis, it is not important to define the policy changes as continuation of previous bordering policy or a disruption (I will address this in the discussion in chapter 11). The relevant information is that within social work practice, there was an institutionalized demand, structured through legislation, to take part in the border regime. These expectations can be understood as social logics – taken-for-granted norms about how social workers should behave in relation to clients and other authorities. But within social work practice,

there were objections to these norms. These objections were formulated in social movements with demands for change – a political logic to strengthen the position of social work. I see this as an articulation of a counter-discourse. In this struggle over hegemony, what is at stake is the role of social work within a border regime. Two positions can be seen: defenders of the status quo that demand social work should comply with migration policy and critics of this, who demand that social work should be grounded in its own professional ethics.

It can be noted that, in the quote above, the grievable subject is described as *obviously minor*. In other words, while it is claimed that some subjects can be determined as “obviously adult” and thereby stripped of rights, the social work activists argue that the same subjects are “obviously children” and thus entitled to rights. The only thing that is obvious is the contingency of how bodies pass as children or adults. What is interesting about this counter-discourse is that it is at once antagonistic, yet echoes the language of policy. When unpacking what is at stake, there is investment in the defense of unaccompanied minors as grievable subjects, but also a defence of the social work profession. This has been expressed in books such as *They Who Remained* (De som stod kvar, Eriksson 2019) and *The Afghan Sons* (De afghanska sönerna, Persson 2020) where the frustration of social workers and other welfare professionals are portrayed. In both these books, the suffering of unaccompanied minors is told through the voice of professionals who have turned to activism. It is a story about how, when confronted with bare life, an unknown number of welfare professionals acted beyond the legal and normative limits of the profession, by allowing young people into their lives, outside of institutionalized expectations. These counter-discursive acts thus formed an alternative basis for inclusion, in alternative communities, like air pockets within the increasingly suffocating legal framework that minimized the discursive space for young migrants. For the young people, this meant an opportunity to be re-imagined, as subjects with agency and holders of rights. The activities of informal foster homes, schools taking in students in conflict with general decisions, crowd funding for basic financial assistance, activists providing legal advice, social relations and friendships formed grounds for an enactment of rights, through which some unaccompanied minors ultimately also gained formal rights through the upper secondary education bills (Saward 2013).

### **9.3. Subjective reflections: Illegalized subjects and the compassion of strangers**

In this section, empirical material from my interview study will illustrate the situation during and after the age estimation reform. In the summer of 2018, I interviewed four young persons whose age had been changed, from what they had stated to a new number, which resulted in them no longer being categorized as unaccompanied minors. I also interviewed a number of professionals and activists who were in contact with young persons in such situations. In the first section, I give examples of how the policy shaped the lives of young persons. In the second section, I discuss the solidarity expressed through activism, but also the limits of compassion.

### *Non-children stripped of rights*

In the previous chapters, I described how the subject position of unaccompanied minors was constituted around ideas of vulnerability, trauma, the need for (specialized) adult supervision and the right to welfare services equal to other children through the assumed universalism of childhood. When a subject is not, or is no longer, defined as a child, all these assumptions are removed. I asked Anna, who was a custodian for two young persons and informally helped several more, what she had seen, as a consequence of the new age estimation policy. Right away, she began to tell me about the minimized access to welfare services and benefits, from housing to economy to health care, and how this caused stress and psychological ill-health among the young persons she met:

Yes, well, one can [go to the hospital, my comment], there are plenty who have been at the hospital. They are admitted to hospital with anything from medical overdoses to having cut themselves, tried to hang themselves, you know, everything. And they are sent away, because they are adults, so they only receive the minimal assistance at the hospital and then they are sent out again, and then it depends completely on civil society to, by any means, save their lives.

This quote touches upon several relevant points. First, it is the topic of distress as a result of the policy, the stress that can push a subject to extreme actions. Second, it is the minimized access to welfare. The hospitals “send them away”, even when suicidal, because, as adult asylum seekers or rejected asylum seekers, the only health care one can access is interventions that cannot be postponed. The third important point in the above quote is in relation to civil society and the passing on of responsibility from public institutions to the new social movements (Shamir 2008, Rose 1999). The theme of responsabilization is brought up in several ways in the interviews; that persons categorized as unaccompanied minors are no longer considered to be subjects of responsibility in relation to the state. It points to the fact that, as argued by Lundberg (2020), there has been a shift in responsibility regarding who is expected to provide for the basic needs of persons categorized as unaccompanied minors.

Navid, whom I wrote about in the prologue, is one of many young people who had his age changed. He was then quickly transferred to a reception centre for adult asylum seekers, after which his asylum application was soon rejected. Due to a number of regulations, he then found himself without access to any welfare benefits. He remained in the adult reception centre where Migration Agency officers and the border police came searching for him on a regular basis. I asked how he had the courage to remain:

Navid: Where should I go? Where should I go, I don't have any place you see. It's better here than going to Afghanistan.

Me: I mean, do you have any friends or relatives anywhere else in Sweden?

Navid: In the previous town there are some, but well, they don't have a place of their own where I could stay either. They are under age. One day, two days, three days, what should I do on the fourth day? First of all, to go to another town, I need to buy a ticket, a bus ticket, and I don't have the money. Then, the rest of my friends who were in that town are now spread out, just like me. They were rejected and were sent to [name of town] and they went there. One or two of them were accepted and well, we can't all go there and stay all year. You have to think of something. Even now, if I went to [name of town], it's further away from other countries. Because if I wanted to go to France for example, it's closer from here. I planned on going to a church in [town] a while ago. A lady made a post about it, but in these past three days, during the festivities, she wrote those without a residence permit card should be cautious, as police in plain clothes would come and get them. She said they had taken a boy and he was in Kabul the next day. She said it's better not to go out at all. But like this, at home, you go crazy.

In the above quote, Navid bears witness to how the increased deportability shapes what he can and cannot do in his daily life. My question seems naïve when confronted with his answer. The privilege of mobility and choosing to stay or go is strongly dependent on financial resources but also concrete bordering practices. In our encounter, Navid reflected on his position and what he could have done differently. He told me he had struggled with his school results and had teachers engaged in keeping him in school, but in the new municipality where he moved after he had his age changed, he was not allowed to enrol in a school. Initially he managed to go by long bus trips to the former municipality, but this was no longer an option, since he did not have money for the bus ticket. He had no support from the state for housing, economy or food and he was (as an adult) not included in the municipality reception for children and young persons, where he would have had access to education, health care and adult supervision or support. What he had was the possibility of going to the local gym, because the owner was informed about his situation and allowed him to work out for free. He had friends who let him stay in their rooms at the centre and the Red Cross provided him with food packs on a monthly basis. That is to say, all of what made his daily life function, was based on the solidarity of friends and civil society. In terms of rights, he was stripped of most rights connected to the welfare state. Through his act of defiance against the deportation decision, an enactment of rights took place. He remained, at least at the time of the interview, and he continued to envision a future.

Anna described young persons in a situation similar to that of Navid, but who had not dared to stay in the adult centres where he had been sent. Her account in this quote is focused on young persons from the ethnic minority group of Hazare:

Anna: So if they have lived in Afghanistan, they have lived with the risk of being killed. And they are the ones who, to a greater extent, have been victims of sexual abuse.

Me: Hmm

Anna: So they are visible.

Me: Hmm

Anna: Because they have different features. As soon as they end up there, together with Syrian or Afghan adult men, they feel fear, regardless of whether these men might perhaps be nice.

Me: Yes

Anna: But they don't have the experience that they are nice. So many, really a lot of them, run away from the Migration Agency's housing units to live undocumented, or without... to begin with only homeless, not undocumented.

Me: No

Anna: Even if they haven't had their case rejected yet.

Me: Oh, ok.

Anna: They choose to live on the streets over staying at these units.

Me: Yes:

Anna: And that means that they have nobody. They have their financial assistance [daggersättning, my comment], but they have nowhere to live, they sleep in the park, they sleep in public toilets, ok. So it's such a misery that they have been forced into. And then we know that we, who try to take hold of them, can only reach a few of them.

The situation described above can be seen as an illegalization that precedes the actual legal process of defining migrants as deportable through rejected asylum applications. The young people place themselves in the position of undocumented migrants before they have that legal position, because the alternative of staying in the reception centres run by the Migration Agency is perceived as worse. In terms of enactment of citizenship rights, it is the opposite that occurs. Migrants who are formally within the legal framework that includes them in the welfare system take a step aside and enact the position of undocumentedness. What this says about the kind of "inclusion" provided by the state is

that it is perceived as dehumanizing, or as Elsrud puts it, as a social death, which is avoided by life as undocumented in Sweden or elsewhere in Europe (Elsrud 2020). Anna, who is quoted above, underscores the meaning given to ethnical categorization and how it reinforces the already stigmatized position of unaccompaniedness. Through racialization, the young persons she talks about become hyper-visible, faced with racism both as migrants in Sweden and as an ethnic minority in relation to their “countrymen”. The colour-blind inability (or unwillingness) of the authorities to address racism with political measures and a sensitivity to what the needs of the subject may be, by listening to the many accounts provided or taking into consideration existing country information about Afghanistan in this case, results in a policy of refugee reception which reproduces racial inequalities.

### *Being a “real” child and becoming a “good immigrant”*

So far, I have shown how the age estimation reform was based on an assumption about unaccompanied minors as fraudulent migrants and as such, undeserving of inclusion in the universal welfare system. The policy outcome, that thousands of unaccompanied minors were positioned outside all welfare systems and thus stripped of rights to housing, financial assistance, education and health care, was seen as natural and right through a discourse of humanitarian securitization. This meant that certain subjects (very young children) were seen as grievable and deserving of inclusion, granted that all “others” were excluded. Although a dominant discourse, this was not accepted by everyone. Social workers, teachers, custodians and others organized protests in what came to be articulated as a counter-discourse of humanitarianism. The social mobilization was, in most cases, in my interview study grounded in personal relations such as student-teacher or child-custodian, where the activist had been shaken by the treatment of the children in the asylum process and therefore decided to go beyond his/her formal role to offer help. The teacher Emma, for instance, was undoubtedly proud of her informal foster child, who had managed to obtain good grades even though the surrounding situation was anything but encouraging for his studies. She described the age estimation as traumatic. It was an ocular estimation by the case officer and no medical examination was performed:

But something like that was never offered [medical examination, my comment]. Because his custodian didn't think he should have any. And so he didn't book a time even though the boy wanted it. And at school, everyone thought he was quite age-appropriate, so he got to stay in grade nine where he was placed. And succeeded so well that he actually got a grade on all subjects.

In the above quote, it can be sensed how frustrated she was with the custodian who did not listen to the child. It can be seen as an example of the two discourses, where the first takes for granted the legitimacy of the authorities and the other highlights the account of the child. Like Emma, other social workers and custodians I interviewed reported that they perceived the young person as under 18 years



of age and they were both surprised and disappointed that Swedish authorities could handle legal matters in such an arbitrary way. The compassion was thus invoked by a sense that these young persons were in fact “real” children and, as such, had been badly treated by the Migration Agency. The emphasis on “being good” in the meaning of obtaining good grades, showing willingness to adjust and become a productive member of society reappeared in many of the descriptions. Young persons themselves also related to this idea of a “good immigrant” by distancing themselves from others, who did “bad” things. Said, who had his age changed and was moved to a reception centre for adults, told me about how he had first been in a residential unit for children, where he felt like he had the same rights and was cared for in the same way as other/citizen children.

Me: So first you were in a centre for minors?

Said: Yes, a centre for minors. Then, when I turned 18, or they changed my birthdate at the Migration Agency by 3 months, and it wasn't my fault, it was their own mistake. According to them, I would have turned in July last year, but I became 18 in October, so they changed it by 3 months and sent me to the adult centre. And the people who lived there were very different. They were 28, 29, 30 years old, people I couldn't live with. I actually tried to work in an internship, so I had to sleep at night (...) The guys came at midnight and started smoking, and I couldn't sleep with the smell of smoke, or with the noise. They would watch television at night, smoke water pipes.

Most people who want to sleep would feel bothered by groups of people who were loud and smoking, but the central line of thought in the quote above is differentiation, where Said positions himself in the category of “good immigrants” and the others as “bad”. He also expressed frustration over the way housing and reception was organized, that he had his bed in the living room and that he had to live with others. But embedded in this frustration is an idea about the mistake, that he is in the wrong place, because he is not like the others. This way of relating to the discourse of “good immigrants” implies that this is a subject position which could be available for Said, with some negotiation and struggle. As described by Frantz Fanon, this is a process where the racialized subject sees himself through the white gaze, defining himself according to the stereotypes created of him (Fanon 1968). In the context of Sweden, whiteness is embedded in the history of the nation through different trajectories than in the context from which Fanon found his examples. However, Said did not invent the position of a “good immigrant”. It is a discursive construction that defines who he is and can be because of his migratory status – a “Swedish” gaze that he then directs at himself. In connection with the idea of the “good immigrant”, I found several expressions where professionals and activists emphasize that those young persons who have been in Sweden for a *long time*, who have learnt the *language* and *integrated* by making friendships and established themselves in athletic and social communities, deserve to stay more for these reasons. These characteristics reflect norms in society about healthy childhood and family life (Wasshede 2016). To conclude, the subject positions available

for young persons like Said and Navid were either as failed childhoods outside the welfare system or, with some struggle and negotiation, a position intersected by discourses about healthy childhoods and good immigrants. In order to access this position, they had to distinguish themselves from other “bad” immigrants.

Most participants in my interview study described the young persons they met as high achieving, resourceful, polite and in some cases, depressed and self-harming due to the current asylum policy. Or as Emma put it:

He has an outstanding ability to set his needs aside and go all in for what he needs to do.

The tendency to describe the young persons as super-human makes me wonder what became of the young persons who were angry, socially awkward, using substances or showing other behaviour that does not fall into the category of the “good immigrant”. I cannot answer that, but when I posed the question directly to the participants, they confirmed my concerns. In the next section I describe these accounts of encounters with young boys who failed to live up to expectations for healthy childhoods and good immigrants.

### *Failed childhoods and “bad” immigrants*

One of the political debates that followed the so-called “refugee crisis” was that of alleged “street children” – minors who came to Sweden without legal guardians and who, according to authorities and news media alike, were engaged in delinquency (Björk 2016, Pettersson 2016, DN 2016). When I write this in 2021, the debate feels distant. This was something that became politically relevant at that moment and then was erased from the political agenda. Since I conducted the interviews close to these headlines, I asked some of the participants about their experiences with this sub-category of unaccompanied minors. Most agreed that the young persons who came from Morocco, Algeria and Libya were treated differently by the social authorities. In this section, I argue that a differentiation took place where the country of origin became relevant for how unaccompanied minors were understood by care staff and case workers. This differentiation is not visible in the policy text, which makes how it came up in the interview material even more interesting. The social worker Marie described how they were not included in the long-term calculations when the municipality set budgets, because they were not expected to stay. They were assumed to leave the residential unit.

Me: What do the social services do when they leave? Does it become compulsory care or do they close the case?

Marie: No, it will be a police report and then they’ve disappeared. Afterwards, their cases will be kept open, or on hold so to speak. But there are no active interventions.

Me: But is it also not a demand by the police that they are handed in [polishandräckning, my comment], that they should be placed in a SiS institution, or, that if someone runs into them, they should be in compulsory care?

Marie: No, as far as I know it has not been done anyway. If it has not been the way you say, that is, if you have taken them into compulsory care before they have been able to run away. But if they have left first, no one looks for them.

Marie's experience is an example of how certain children are met with measures different than those called for within the universal welfare system. What is described in the quote above is social work practice, which resonates with a larger discourse about unaccompanied minors as vagabonds and survivors for whom the authorities do not need to take responsibility (Stretmo 2019). Here, the pain or suffering of the children is unmentioned. What Marie said about the social services "not counting" unaccompanied minors that originated from North Africa can be understood as the consequence of institutionalized expectations on these children to eventually run away, but also, which she explained, an economic calculation:

Many residential units are closed, and there are many coming from Morocco. But a choice is made [by the municipality, my comment] to overcrowd the housing that exists, rather than to keep more units open, because a business cannot be used on children from Morocco. Because they're just here and turning. And so there is no continuous income from those children.

As expressed above, the municipality knew that they would not receive compensation from the state for the children who ran away. They therefore did not count the children from Morocco in the budget for the residential units for unaccompanied minors. This position of "not counting" puts the children from North Africa in a different position compared to their peers. It gives a hint that these, and other, children who did not live up to the ideals of childhood and family life were excluded not only from the community of the welfare state, but also the alternative communities created by activism. The psychologist Johan touched on this topic when interviewed:

It is completely voluntary. They have fixed days when you can find them in the city centre. If you are a young person who lives here in [municipality] and has nowhere to go, they have a centre where people can always get a roof over their heads. They try to help with everything the young persons may need, to keep track of the asylum case and stay enrolled in school. Then there are many foster families that have had youth placed with them and from one day to the next no longer received assistance from the social services, but who let the children stay. Then there are a lot of former custodians who take on these young persons and try to help them. So people who are around these young persons and have been affected by them try to help in many cases. But not in all cases. It is also important to have the mental health and the

ability to make these contacts with people who then become willing to help. Some individuals, the ones I meet, do not have that ability. They have felt so bad about themselves and rather pushed people away during the time they have lived in HVB homes and have a very small network, and they have suffered very badly. There are several young persons that I have had with whom I have also lost contact. I have no idea where they are today.

Johan reflects on the organization of voluntary efforts that filled the gap created through the new policies after the migratory turn. He describes how professionals in different relation to unaccompanied minors feel *affected* by their situation and therefore choose to help them on a voluntary basis. The children who are perceived as less likable, or less easy to grow attached to, risk falling through such support networks, he argues. Linking this back to Marie's account of the children from North Africa, there can be tangible issues such as spending time with "Swedes" as a basis for building network and becoming grievable through the "Swedish gaze". Johan does not distinguish between children based on origin but the description of children who *push people away* can be relevant, both in relation to children who run away from residential units and children who stay but do not interact with staff. It is seen as deviant behaviour and is taken as grounds for differentiation within the concept of unaccompanied minors, where some subjects are deemed grievable and worth fighting with and for, whereas others are not. Johan continues:

Johan: I am most concerned about the Social Democrats. They are quite smart, now that they think of special assembly housing for people who are newly arrived in Sweden. They are terrified. Do you know about the "We cannot stand it" network?

Me: Yes

Johan: They have appeared only because these people who seek asylum in Sweden get an opportunity to live with the Swedes. Because then they create contacts with us. And then we protest when they are no longer allowed to stay in Sweden. And so it is obvious that the Social Democrats do not want it to happen ever again. So it's much smarter to have them in a centre where they cannot connect with any of us. And then they can do more or less whatever they want with those people before they have even entered Sweden. So that it feels sly.

Johan is convinced that the new social movements emerged as a result of the personal relations created between asylum-seeking unaccompanied minors and "Swedes" in different positions, such as teachers, social workers, foster families and custodians. The suffering of the unaccompanied minors became meaningful and sensible to the "Swedes" through these contacts. I have tried to find a number for how many voluntary foster families appeared in Sweden from 2016 onwards but I have not been able to find any number. I asked on a Facebook group set up for voluntary foster families. The administrator of the group had made a calculation in 2019, estimating about 8,000-10,000 families in

Sweden in total. With a total population on about 10 million inhabitants, this would mean one per thousand households were involved in this movement. The number is highly approximate, but indicates that it was a widespread solidarity movement through which the disqualified unaccompanied minor was re-imagined as a grievable subject. This topic was brought up in the parliamentary debate regarding the second Upper Secondary Education Bill. During the debate parliamentarian Christina Örnebjär from the Liberal Party stated the following:

There are many people who have made heroic efforts and opened their homes. I am absolutely convinced that it has played a crucial role in preventing an even larger shadow community with homeless youth whose only opportunity to survive is to commit crime or prostitute. (...) At the same time, this needs to be problematized. If it had been about the same number of young girls, I think society would have looked at this differently. I find it hard to believe that, for example, the municipalities would have acted in the same way and moved young girls to accommodation for adults or just let them fend for themselves. The vulnerability was viewed differently. Not many think that young men and young boys can be just as vulnerable (Parliamentary Proceedings 2017/18:125).

In the above quote, the liberal parliamentarian emphasizes experiences of pain and suffering as grounds for vulnerability. It is one of few accounts in the material that I have, where a case is made for the, unmentioned but taken-for-granted, preunderstanding that children, if they are boys, are less vulnerable than girls. What the above quote illustrates more than anything is the contingency in the concept of vulnerability and how it is shaped by other relationships in a process of giving an identity and a position to a subject. I argue, in line with Woodward, that the risk with informal and voluntary “solutions”, which are not grounded in political demands for justice, is that they reinforce relationships of power (Woodward 2004). In this case, the relationships between volunteers and asylum seekers that resemble those of social workers and clients, foster parents and children etc. In the UK social initiatives, driven by media narratives about the “refugee crisis”, constructed asylum seekers from Syria as “real” refugees while others were left unmentioned or excluded from support (Armbruster 2019). As I have exemplified above, there were, in the Swedish context, also narratives that invoked more passion and empathy and which constituted subject positions through binaries such as “good” and “bad” immigrants and “healthy” and “failed” childhoods. These binaries hooked onto gendered and racialized pre-understandings which gave boys from North Africa a different position than other unaccompanied minors.

Compassion as the core of activism is ineffective in addressing inequalities since it, to some extent, builds on the privileged position of the “helper” to have resources and the wish to provide help (Woodward 2004). In Sweden, compassion-driven social mobilization in response to how age estimations were made was, nevertheless, life-saving for many children and young persons and still is so in 2021. Even if it was shaped by the same ambiguities that are inherent in every attempt at defining vulnerability, it was a counter-discourse through which citizenship enactment could take place. With

the concept of *sustainable jouissance*, the position of volunteers can be seen as counter-discourse to the nationalist claims of exclusion and ethnic purity. This counter-discourse provides a vision of being satisfied by sharing resources and a notion that there is enough for everyone. Simply put, a sense of enjoyment in “doing good”. Nevertheless, the new activist networks such as “*Vi står inte ut*” were making political demands for changes in legislation – not (only) performing charity. In that sense, the compassion-driven social activism in Sweden was, to a large extent, also acknowledging the legal injustice with the long-term vision of a return to the situation before 2015, so that the network could eliminate itself.

#### **9.4. How did this proposal become the solution?**

The urgency with which the age estimation reform was implemented tells us something about the political relevance it was considered to have. The longer it was in place, the more asylum seekers would be granted residence permits as children. On the contrary, the sooner the Migration Agency and the National Board of Forensic Medicine were able to exclude asylum seekers from the concept of unaccompanied minors, the faster the deportations could be executed. This urgency drew on a discourse of crisis, but I argue that the “crisis” merely had the function of a catalyst in a border regime that build on decades of European anti-immigrant tradition. In the following section, I explain what I mean by giving examples of how this reform was produced in dialectic with anti-immigrant sentiments.

##### *European anti-immigrant discourse*

The practice of age estimations is a bureaucratization of a culture of disbelief, through which the accounts of migrants are delegitimized. The very need for such policy draws on the assumption that unaccompanied minors lie about their age, that only very young subjects can be grievable, that the test results are superior to the accounts of the individual and that all access to social services can be determined through the age limit. The bottom line is that there is a truth and that the migrant subject is not telling it. Furthermore, it is articulated that there are “too many” asylum seekers and that Sweden as a nation must choose between the applicants, to provide protection to the most vulnerable and exclude the rest through a discourse of humanitarian securitization. In 2015 the Swedish Prime Minister from the Social Democratic party, Stefan Löfvén, asked for “respite” from refugee immigration, not unlike how Margaret Thatcher described immigration to the UK as “swamping” in 1979 (Löfvén 2015 B, Thatcher 1979). Thatcher said:

So, if you want good race relations, you have got to allay peoples' fears on numbers (Thatcher 1979).

In the quote, Thatcher speaks of race relations. This is an expression that a social democratic leader in Sweden would most probably not make in 2015, because race is not a concept used in the political discourse on migration or at all. Sweden is, very much like what Fassin describes about France, a nation which does not see itself discriminating based on racialization, but possibly based on legal categories such as nationality or migratory status (Fassin 2001). Hence, in 2015, instead of stating that there were too many black or brown people arriving in Sweden, a case was made about administrative limits of the welfare system (Dahlgren 2016). Nevertheless, the demand for a “respite” constructs the presence of refugee migrants as a crisis. My explanation for the passivity of the Swedish government, when faced with the policy outcome and thousands of young persons made homeless in the midst of the Scandinavian winter, is that the political logic that dominated the whole project of restrictions was grounded in an understanding of these subjects as non-belonging, non-grievable subjects for which the Swedish state had no responsibility – not even with regard to basic survival. It was a project drawing on fantasies about Swedish naivety and the need to close the borders to refugee migrants in order to protect the nation (Ericson 2018). There was thus a political logic of bordering that was underpinned by a fantasy about “others” forming a threat to the welfare system. Using the concept of *jouissance* to analyze this policy process, a sense of loss was invoked with the idea of migrants stealing the enjoyment of being part of the “people’s home”. At the core of the debate was a question about who can and cannot belong to the territory as well as to the welfare state. It is a case of *consuming jouissance*, in the meaning that it triggers a sense of loss which will not be satisfied if provided more welfare services, more borders, a growth in the GDP or other indicators of national wealth (Hansen 2019). The anxiety is directed towards the other – as long as migrants are here “enjoying” the welfare system, there cannot be satisfaction, thus the ideological drive to push nationalist policy programs is enforced. The statements of Löfvén and Thatcher thus stem from the same nationalist logic which constitutes migrants as an excluded “other”. Both statements are also made in order to meet an increasingly racist, animated public opinion, rather than to manage the “crisis”. In the words of Agamben, state intervention in times of crisis does not seek to impose order but to manage the anxiety of the public, and to do so by exposing the already precarious lives to further distress (Agamben 1998).

The far-reaching reforms of 2015, which reduced access to both residence permits and welfare, were somehow seen as the only natural response to the “crisis”. To find out more about how this motivation was articulated during the policy process I interviewed Kim, who reflected on how these restrictions, both the Temporary Aliens Act in general and the age estimation reform in relation to unaccompanied minors, were defended. Kim was working in government at the time and took part in the negotiations that are not visible in the text material. This relatively long quote exemplifies this experience:

Me: I have seen when I have done interviews with professionals who have worked in the field, that many resigned. Like, I cannot work under this.

Kim: Hmm.

Me: Was there something like that in the Government Offices as well, that people chose to leave?

Kim: Some left. But there were not that many who did so.

Me: No.

Kim: But there were some that went. One thing, which, most people do not know, was that, in the discussions, in the conversation, this was packaged partly as something temporary and partly as something that would happen at the same time as we scaled up the reception capacity, which would then mean that Sweden could receive more [refugees] in the long run. And we would improve settlement for new arrivals. So if you weigh this up, then the overall picture was different for the individual who had to decide, can I get behind this? And then also with the addition that there was never an alternative of doing nothing.

Me: No. And so, I look at unaccompanied minors and how they have been specifically handled. Was it something that came up at that stage, that is to say, unaccompanied as a category?

Kim: There was a lot of talk about young persons from Afghanistan. And then it was like, I know that it was said that we can't save all the young persons in Afghanistan. Not all young persons in Afghanistan can come here. It is not sustainable. It is not sustainable for Afghanistan. And it does not work for Sweden either. And there was an article about that statement, as there was still such a strong trend for young persons from Afghanistan to come here. It could have actually been an even larger number if it had continued. There are an infinite number of young persons in Afghanistan who could go to Sweden. So I think when they changed the rules for unaccompanied minors, they were thinking of young people from Afghanistan. That was the picture. In the conversation.

Me: And the picture was that...? Like all young people in Afghanistan want to come here and it's not possible, a little bit like that?

Kim: Well, it was a little like that. That it does not work for so many to come, because it is so obvious. A situation in a specific country that is not sustainable. This is how it is with migration. But in part, there are rules. But then, as I also pointed out at the time, it is also a notion of people not wanting the reputation of Sweden to be bad. Yes, because then clearly fewer would come here (laughs). No, but like this, if you are serious about fewer people



coming to Sweden, then you need to worsen the reputation of Sweden. That people should not have a positive image of what kind of country it is.

In the conversation with Kim, it seemed to me that two parallel processes of positioning took place. On one hand, the reforms were described as something necessary. Kim repeatedly used terms such as “obvious” and “clearly” to express that the government had no choice - *there was never an alternative that we do nothing*. By this, Kim states that the alternatives on the table were either the compromise of restrictions that were made, or a government crisis and new elections. In such case, the parties that held government positions feared not only loose those positions but also losing them to the explicitly anti-migrant opposition that was increasing in popularity. But the dialogue above also provide material for a different explanation. Kim says that the reason many stayed on in their positions although this new policy was in conflict with their ideals and ethical standards, was a promise on amendments and a scaling-up of refugee reception. The combination of a problem representation grounded in a discourse of crisis and a vision of a humanitarian revival in the foreseeable future, made this proposal seem reasonable and like the right and responsible thing to do. With these explanations, the subject position of the humanitarian politician did not need to be redefined. This becomes particularly noticeable when Kim speaks of unaccompanied minors and there is an echo of the discourse dominant in the political debate at the time: all young persons from Afghanistan cannot come to Sweden. Whatever the situation in Afghanistan is, it is not the responsibility of Sweden/Swedes. It is not *sustainable!* So what happens is a chain of significance, where meaning is transferred from one “truth” to another? The first statement (all young persons from Afghanistan cannot come here) thus is directed to a specific “solution” (strengthened borders).

The subject position and Kim’s on self-reflection, with all the expressions about what is obvious and possible, serve as an example of how the imaginable options were perceived to be reduced during this moment of dislocation. What remained was ultimately two political positions. One that wanted to strengthen the border regime and one that wanted to do so even more. Because Sweden has signed a number of international conventions which made it impossible to deport children to countries at war, the solution was to not define these subjects as children. That way, Sweden could pursue a vision of EU minimum standards, yet uphold its national self-image as a country that respects human rights and where children have a particularly strong position as holders of rights. What was at stake with the age estimation reform was obviously the right to asylum, but also the matter of defining age, defining childhood and what rights a non-citizen child can have. Age is contingent, and as the accounts provided in this chapter exemplify, the assessment of medical experts were in many cases to be contested by social workers and other professions. In this context, the conceived inferiority of social work as a profession and a scientific discipline in relation to medicine as “real science” reflect positivist standards and hierarchies, which not only make the account of the asylum seeker inferior to that of the Migration Agency (Johannesson 2017, Hedlund 2016), but which places any other perspective in a subordinate position.

### *The magic of an age-limit*

So far, I have argued that the age estimation reform was made possible through racialized and gendered understandings about what lives are grievable, where unaccompanied boys and young men originating from Asia and Africa are repeatedly positioned as deceitful, more independent, less vulnerable and therefore less grievable subjects compared to universal children. There is, however, another contextual circumstance which was essential for this particular reform to be implemented, and that had more to do with the meaning given to the 18-year age limit in Swedish culture and law, regardless of migration and racialization. Johan, whom I interviewed, brought this up as a response to my last question of whether he had something to add that I had not asked about:

What I have thought about a lot is that, here in Sweden, we are very bureaucratic and bureaucratic is somehow beautiful, it is a medicine against corruption and it is great. But there are a lot of Kafkaesque situations you end up in in this bureaucratic system. And the 18-year age limit is so damn important. If you are under 18 you can get a lot, but if you are over 18 it is as if something magical happens and then you cannot get anything. It's really embarrassing when you think about it. I do not understand why we are so obsessed with that age. And it also applies to some extent to Swedish young people. We become of age when we turn 18 and then even if other factors apply, if a person needs the same things they will no longer get them. And the social services are built on that. You have a group of people sitting in another building taking care of the same individuals and it's so damn tricky. That's something I've been thinking about. And these young people pinpoint this problem that we have and that I do not understand why we do not talk more about it.

What Johan argues is that the 18-year age limit is a problem in how Swedish society is organized, that individuals gain different access to welfare services and rights depending on which side of the age limit they are positioned. Had it not been for this fierce social logic that marks the dichotomy of childhood and adulthood through this number, the whole idea of age estimations would have been meaningless. The age estimations thus gain meaning in a system where age define access to rights. In relation to unaccompanied minors, this magic line, as he calls it, becomes a border not only between childhood and adulthood but also between inclusion and exclusion in the nation. The practice to define age thus becomes an enactment of national borders. The different professions are expected to partake in this act of bordering, through medical examinations, but also by excluding this subject from services and rights based on the age estimation.

A central aim of this thesis is to explain how the policies at hand could be realized at a specific point in time. In the case of age estimations, I argue that the meaning given to age as defining the rights and needs of subjects was an important precondition which shaped the political landscape where the policy was produced. The temporal position as a rights holder for unaccompanied minors as children, not as asylum seekers, accentuated this. This assumption about age was intersected and infused with European anti-migrant tradition, through which migrants in general, and unaccompanied

minors in particular, were constructed as fraudulent and a threat to society unless they could be categorized as vulnerable (very young) children. Through social logics about what is “obvious” with regard to childhood and adulthood and political logics, which disqualify certain subjects from belonging and inclusion in the nation, it became possible to pursue a restrictive migration policy which excluded thousands of unaccompanied minors and placed them in a peripheral position of rightslessness, dependent on the compassion of volunteers.

## **9.5. Discursive effects**

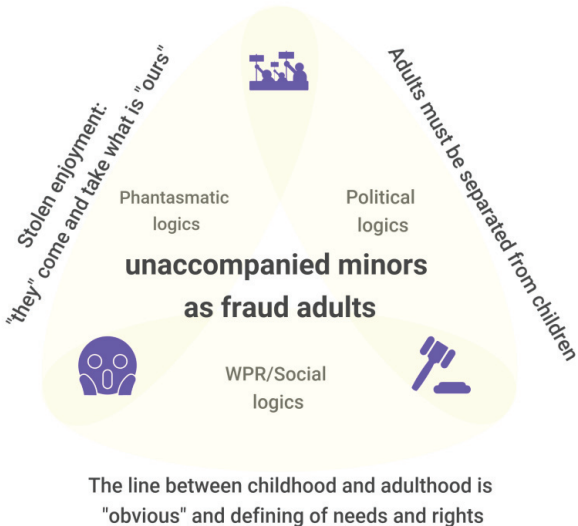
In this chapter I have presented the Age Estimation Reform as a policy connected to the Temporary Aliens Act and these reforms, together with a number of other changes in legislation, form what I refer to as the migratory turn. These changes became possible through a moment of dislocation: when the number of asylum seekers who arrived in Sweden was larger than usual, the norms and standards for refugee reception were set aside. However, I argue that the Age Estimation Reform was made possible through an intersection of anti-migrant discourses and a child-adult dichotomy which made the 18-year age limit exceptionally important. These discourses had been articulated in Sweden long before the “refugee crisis”, but the polarized political debate functioned as a catalyst which strengthened them (Martinsson et al 2018). The limits for what could be said and done in relation to migrants in general, and unaccompanied minors in particular, was pushed by the strengthened anti-immigrant discourse. Introducing age assessments and redefining people from the category of unaccompanied minors as adults can thus be understood both as strategic, to fulfil the project of “respite”, but also as a way to soothe political anti-immigration demands that were expressed in the aftermath of the “refugee crisis”.

### *Positioning “real” child in antagonist relation to unaccompanied minors*

In terms of discursive effects, I have identified two parallel and contradictory ways of describing unaccompaniedness that were at play in the Age Estimation Reform: one that defined unaccompaniedness through vulnerability connected with physical features, providing those deemed as “obvious” children a path for inclusion. The other, less dominant, discourse draws on ideals about the “good immigrant” with nodal points such as integration, productivity and ambition as keys for inclusion. These discourses are articulated both in policy and in the interviews that I have conducted. The practice of age estimation put not only the subject position of unaccompanied minors as children at stake but challenged the entire welfare system surrounding this figure. As examples, schools were faced with decisions to expel motivated students, social workers were instructed to close cases and put clients on the street and custodians were no longer appointed to support young persons for whom they had been responsible. As I see it, the professional discontent exemplifies the struggle over political ethics and the role of welfare professionals in the execution of the border regime. The enactment of borders was spread to a number of professions, but not all accepted this order. What

had become (almost) hegemonic through the policy process and supposedly introduced new law, new routines and new norms (social logics) was not taken for granted by a large number of welfare professionals. The process of structuration of the new discourse was rather met with protests and civil disobedience (Glynos & Howarth 2007: 105). The contestations of the new routines led to a continuous political struggle over hegemony, and what was at stake in many ways was the relationship between migration policy and border enactment on the one hand and the professional ethics of welfare workers on the other. In this chapter, I have argued that even though the Age Estimation Reform was met with criticism, the main assumption, that childhood is signified by and a signifier of vulnerability, is not questioned.

Figure 12: Articulations of the concept of unaccompaniedness in the Earlier Age Estimation reform



The illustration above indicates the relationship between the taken-for-granted social logics about age, childhood and the binary position of child and adult, which makes the transition period just around the 18-year age limit loaded with specific meaning. In the case of unaccompanied minors, due to the legislative frameworks of the Aliens Act, the Social Services Act and the LMA, before or after the age of 18, could mean the difference between inclusion in the welfare system on (almost) equal terms as citizen children or exclusion from all rights, including housing and basic financial assistance. These routines (social logics) were infused with phantasmatic logics where fear of the other based in negative stereotypes about unaccompanied minors produced a new young adult role which was not only seen

as a threat to the assumed Swedishness in an east-west dichotomy, but also positioned in opposition to other, younger unaccompanied minors. The government thus presented this political project as a strategy to provide safety and care for the “real” children by excluding the young adults. The political logic of economy was already present on the first page of the government bill, but the logic of protection was emphasized continuously. I argue that this way of providing protection for some (very young) children while, at the same time, making other (older) children and young persons completely rightsless, is an example of humanitarian securitization (Fassin 2012, Malkki 2006). It is a political strategy to at once fulfil the fantasy of Swedish Exceptionalism, as the nation where children are protected, and to protect the national borders against an influx of unwanted “others”. Although race is not made relevant anywhere in the bill, I have argued that racialized and gendered understandings of what subjects can be vulnerable and thus have grievable lives underlies the political logic of this project.

The age estimation reform had devastating consequences for asylum-seeking children who had their age changed and thereby lost access to rights and support overnight. As I have presented in this chapter, the reform caused outrage among welfare professions, which is an expression of how these lives remained grievable in the eyes of large parts of the Swedish population, in contrast to government policy. In terms of subject positions made possible, a new relationship between clients-social workers, students-teachers, etc. took form in new activist networks. The new relationship of volunteers-asylum seekers may have blurred some of the categorizations through the proximity and new ways of seeing the subject, not merely through frames of vulnerability but as individuals with various identities and experiences (Armbruster 2019). Nevertheless, the exclusion from welfare services, which placed thousands of young persons in a rightsless position and dependent on the help of individuals and NGOs, eradicated the access to rights severely. The compassion-driven social initiatives that were formed in reaction to this situation, articulated a counter-discourse in which unaccompanied minors were indeed grievable lives but, intersected with discourses of the body and of integration, the limits of compassion may have excluded young migrants who did not fit the ideal of the “good immigrant” or had bodies that could not “obviously” pass as children.

### ***Marginalized accounts: criticism against age estimations***

Age estimations have been brought to the table in different time periods and as an expression of doubt against the accounts of asylum-seeking children. The different medical examinations that have been used have been criticized, both within the field of medicine and in the broader political debate. This time too, the age estimation reform and the Board of Forensic Medicine were met with massive criticism for the lack of precision in their results (SVD 2018, Efendic 2017, SVT 2018 a&b). Medical doctors at the Centre for Forensic Medicine in Uppsala were so critical they threatened to resign from their positions (Nilsson 2017). The PhD candidate and forensic physician Fredrik Tamsen wrote in an article that it was common for the knee was estimated to be “mature” at the same time as the teeth were estimated as “immature”, creating an ambiguous basis for decision making (Tamsen 2017).

Sweden received criticism from the Council of Europe Commissioner for Human Rights regarding the use of age estimations (CommDH 2018:4). The Commissioner expressed concern over the purely medical character of the process and stressed the impact of the margin of error. Furthermore, the Commissioner expressed particular concern over the deportations to Afghanistan:

More than half of the unaccompanied minors who arrived in Europe in 2015 were Afghan nationals and half of all Afghan minors who applied for asylum in Europe in 2015 did so in Sweden. Sweden thus received 23,480 Afghan minors that year, a figure which represents two-thirds of the total number of unaccompanied minors who applied for asylum in Sweden in 2015 (Comm DH 2018:4 p. 11).

About 40% of the unaccompanied minors from Afghanistan have been denied asylum in Sweden in 2016 and therefore face possible forced return to Afghanistan. Given the long processing time, a number of them also turned 18 while waiting for a response to their asylum application, meaning that the requirement of support upon return was no longer applicable. Moreover, the rejection rate of young Afghans who have just turned 18 or whose age has been changed following an age assessment is very high (ibid).

The interlocutors of the Commissioner have stressed that this context has negative effects on the children concerned and that an increase in psychological distress and suicide attempts among Afghan minors had been observed. According to recent figures, there have been 68 registered suicide attempts and three actual suicides since 2015 (ibid).

The Commissioner for Human Rights of the Council of Europe is explicit in his criticism of the Swedish practice of age estimations but also of the practice of deportation against children under 18 as well as young persons who have just turned 18 or had their age changed. The criticism of deportations is relevant to this chapter on age estimations because the material consequence of the age estimations and the strict child-adult dichotomy concentrated on the 18-year age limit is not only exclusion from welfare services, but also an increased risk of deportation. But, as the Commissioner emphasizes, children who were under-age also risked deportation. In the report's recommendations, it is stated that states should not return a child to a country where there are substantial grounds for believing that he or she is at real risk of irreparable harm. Any decisions on return should be based strictly on individual circumstances, such as the demonstrable existence of a family network or a secure environment upon return (CommDH 2018:4 p. 14). And, as argued by Lundberg and Jansson-Keshavarz (2019), the Swedish Migration Agency made an interpretation of the legislation which enabled deportations of children under 18 to Afghanistan. Although it was stated during the introduction of the Temporary Aliens Act that children would be exempt, the Migration Agency soon began to issue decisions on deportation of minors and wait for the 18<sup>th</sup> birthday to pursue the deportation (ibid). Furthermore, a new approach to the idea of organized reception and support in

the country of citizenship was practised, where deportations of minors took place based on the assumption that such reception did exist because the opposite had not been proven (ibid). The Age Estimation Reform should therefore be understood as part of a larger political project to minimize the number of asylum seekers accepted in Sweden. In this race to the bottom, the figure of the unaccompanied minor came to symbolize the crisis, the border and the humanitarian face of Sweden, all at once (Lems et al 2020, Peterson 2020).

The assumptions that unaccompanied minors lie about their age and about the existence of safety upon return to the country of citizenship are examples of the same discourse of disbelief in the accounts of migrants. In the policy debate regarding age estimations, criticism was focused on the accuracy and margins of error. The practice of age estimations was thus hotly debated, but what was at stake in the debate was rather methodological differences. As I showed in section 9.1, referral bodies were also mainly concerned about the risk of making wrong assessments based on ambiguous test results during the policy process. A more fundamental criticism of the problem representation, a contestation of the idea that unaccompanied minors are deceitful and must be tested this way, remained peripheral, if present at all. A criticism of the institutionalized disbelief of migrants is not something that I have identified in the material that I have read. This does not mean that such acts or expression were not made during this period. In some of the interviews that I conducted, glimpses of such critical perspectives can be seen, for instance when Johan refers to the bureaucratic obsession with the 18-year age limit as Kafkaesque. In the public debate and the policy process, the idea of not having such tests at all was not a visible standpoint. This can be analyzed as meaning that both the dominant discourse and the counter-discourse reinforced an image of grievable lives as very young children, and that the struggle was over what subjects to include in that category, rather than disrupting the category altogether.

### *Chapter conclusions*

In this chapter, I have presented the policy of age estimations introduced in early 2017. The Age Estimation Reform came as a continuation of the Temporary Aliens Act and the new package of restrictions which aimed to place Sweden at EU minimum levels in terms of standards for refugee reception. With the introduction of age estimations, thousands of unaccompanied minors had their age changed and were thereby removed from the reception for minors to adult centres run by the Migration Agency. If rejected in the asylum process (which was the case for many due to the Temporary Aliens Act and the removal of the humanitarian clause), they were also denied basic rights such as housing and financial assistance through new amendments to the LMA. Subjects who had been included in the Social Services Act with access to the welfare system on (almost) equal terms to citizen children were, from one day to the next, stripped of (almost) all rights and excluded from the welfare system. Placed in a position of deportability, this new subject was neither considered vulnerable nor as a life worth grieving.

I argue that the new, intensified practice of age estimations should be seen as a part of a larger political program aimed at dramatically reducing the number of asylum seekers in Sweden. The problem representation in the government bill is an assumption that adult men give false testimony and lie about their age in order to “enjoy” welfare resources at the expense of the nation and its population. In the Government Bill it is argued that it is both wrong that “real” children are placed in housing with adult men and that the state should pay for services aimed at children if the subject is not a “real” child. There are assumptions about how children and adults can be distinguished through physical features and that the difference is, in some cases, “obvious”. In other cases, medical examinations are trusted to provide clarification. The problem representation is grounded in fantasies about immigrants “swamping” Europe (Thatcher 1979). In that sense, this new and restrictive policy is a continuation of previous anti-immigrant discourse, which has been dominant in the construction of Fortress Europe in recent decades. Yet, the different way of constructing unaccompanied minors as potentially fraudulent adults rather than vulnerable children differs from previous policy documents. Accounts provided in my interview study and the dramatic turn in public opinion from sympathy to antipathy provide reason to discuss the introduction of this age estimation policy and the political program it was part of as a different way of giving meaning to the concept of unaccompaniedness (Lems et al 2020, Dahlgren 2016). Furthermore, the reactions to the reform were not uniform. Both the participants in my interviews and accounts provided in scholarly work about humanitarian border work identify increased engagement from a large part of the population that had previously not been involved in the political debate about migration (Peterson 2020). Voluntary foster homes, NGOs that provided housing and food and other services that had been withdrawn by the state formed a movement where the enactment of borders was blurred through acts of solidarity and re-imagined communities. The Age Estimation Reform thus shed light on the lines of conflict drawn with the migratory turn and formed the basis for new constellations for political action.



## 10. The upper secondary education bills

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With the migratory turn in 2015 and the reforms that followed in 2016 and 2017, the position for unaccompanied minors was increasingly precarious. Subjects previously defined as children were excluded from rights through age estimations and amendments to the LMA, and were increasingly deportable through new practices of the Migration Agency (Peterson 2020, Lundberg & Jansson-Keshavarz 2019, CommDH 2018:4). As a response to the austerity, new social movements were formed with demands for a moratorium on the age estimations and a halting of deportations to Afghanistan (Peterson 2020). The government's response to these protests, which were also echoed among certain parliamentary parties, was to introduce an exception rule to the Temporary Aliens Act. First the Upper Secondary Education Bill (Prop. 2017/18:252 p. 36) and then the New Upper Secondary Education Bill (Prop. 2016/17:133) were presented as a strategy to mitigate some of the consequences of the migratory turn for unaccompanied minors. The proposals function as a renegotiation of the restrictions. It is once again a matter of defining who is eligible for a residence permit, on what grounds and to what extent that residence permit should give access to other welfare services. When the government responded to the "refugee crisis" with restrictions on the right to asylum in November 2015, this had a series of consequences. The removal of humanitarian grounds for asylum and the introduction of age estimations earlier in the asylum process had consequences for many applicants registered as unaccompanied minors (CommDH 2018:4). The new policy created a situation where many young persons, who would have previously been granted residence permit on humanitarian grounds as unaccompanied minors, were now denied both residence permits and inclusion in the concept of unaccompaniedness. Long processing times combined with the new restrictions meant that many who were registered as unaccompanied minors in 2015 turned 18 or had their age changed before they received a decision. In other cases, the temporary residence permits would run out while the young persons were still in upper secondary education. With the age estimations, some applicants were defined as being 16, 17, 18, 19 years old or, as in the case of Said whom I interviewed – the birthdate was changed by three months.

The way the Temporary Aliens Act was formulated, a temporary residence permit could be prolonged if the protection grounds remained or if the applicant could prove labour market participation according under certain conditions. Productivity and economic self-sufficiency were thus integral to the Temporary Aliens Act from the start. However, the likelihood that potentially thousands of teenagers would drop out of secondary education in search of work in order to increase their chances of staying, came to be a concern for the government (Department of Justice press release 5 March 2017). These were young persons who, at the time of arrival, were registered as unaccompanied minors but who had grown older during the processing time, had their age changed through the new routines or, in some cases, were still under age. A new category of young persons with indeterminate age, previously defined as unaccompanied minors, was consequently situated at the centre of the policy debate in 2017 and 2018, when the government suggested that they should be exempt from the Temporary Aliens Act (SVD 2017).

In this last empirical chapter, I analyze the two upper secondary education bills, which were produced as a response to the perceived problem of asylum-seeking youth formerly defined as unaccompanied minors who remained in the country despite rejection decisions. I begin by introducing the bills, followed by a descriptive commentary on the political context around 2017-2018. The text follows the same structure as in the previous chapters with an analysis of the problem representation and the assumptions that it is based on. As in Chapter 9, in Section 10.3 material from my interview study is presented to support the analysis of the discursive effects of the bills. Throughout the chapter, both upper secondary education bills are discussed parallel with emphasis on the latter, as this was the bill that had more impact (Prop. 2017/18:252).

### **10.1 The Upper Secondary Education bills and the political context**

The concern in the upper secondary education reforms can be summarized as a struggle over grounds for residence permits. It was already discussed in the government bill preceding the Temporary Aliens Act whether or not persons under the age of 25 should be granted permanent residence permits based on labour (Prop. 2015/16:174 p. 55-56). The fact that permanent residence permits could only be achieved through labour market participation in the Temporary Aliens Act was an incentive for work over education:

A number of consultative bodies, for example the Children's Ombudsman, the Swedish Employers' Agency, the Swedish Public Employment Service, SALAR, the National Confederation of Swedish Trade Unions (LO), the Red Cross, SACO and The Swedish Confederation of Professional Employees (TCO), state that the proposal will lead to a worsening of establishment in the labour market and weakened integration. The risk of young people starting work instead of going to school is highlighted in particular (Prop. 2015/16:174 p.56).

In the Temporary Aliens Act, the government responded to the concern by adding the requirement of completed upper secondary education for young persons under the age of 25. This new age limit targeted the large group of asylum seekers who had arrived in 2015 as unaccompanied minors. It meant that even if they obtained a temporary residence permit, based on protection grounds, they had no prospect of a temporary residence permit for the coming years, due to their age. For persons over 25, there was no similar demand to have completed upper secondary education. As described in Chapter 9, with the increased practice of age estimations and changes in the agreements of compensation between the state and the municipalities, as well as changes in LMA, many young persons found themselves in a legal vacuum with almost no rights. Consequently, quite soon after the introduction of these reforms, concern was expressed among professionals and activists regarding the young persons who fell between areas of responsibility: persons who were depicted as particularly vulnerable and yet excluded from protection (Vi står inte ut 2016a, Vi står inte ut 2016b).

The first of the two upper secondary education bills address the situation of a small category of applicants – not only unaccompanied minors but also young persons in asylum-seeking families – who were excluded from residence permit (Prop. 2016/17:133). It is suggested that they should be granted an exception from the Temporary Aliens Act. The young age and long wait are mentioned in the Government Bill as mitigating circumstances. The bill suggests that an exception rule should be introduced to make it possible to grant a prolonged temporary residence permit to these particular individuals. But eligibility is defined through complicated rules. The applicant should be between 17 and 25 years old, study in upper secondary education and not have completed this level of education previously. The applicant must also have arrived in Sweden before 24 November 2015, have a temporary residence permit that cannot be prolonged (due to the 18-year age limit being passed) or have a deportation decision that cannot be carried out (due to absence of arranged reception in the country of origin). The applicant must have been under 18 when the first decision in the asylum process was made. This condition alone disqualified many, since the Migration Agency had performed age estimations more or less en masse. For those who did fulfil these list conditions, a temporary residence permit for the period of studies (maximum four years) and six months afterwards could be granted. The bill was criticized for its complicated requirements and it soon became obvious that very few people were eligible. The teachers' unions criticized the bill, since their profession became central to the process of determining the right to residence permits (Lärarnas yrkesetiska råd 2017, Nilsson 2017).

In 2018, the New Upper Secondary Education Bill was introduced as a solution for young people who had not been eligible for the first exception rule (Prop. 2017/18:252). This time, the conditions to be fulfilled were still very complicated, but included a wider range of applicants. Among other changes were that the 18-year age limit was graduated and the demands for identification were relaxed. The person's first application for a residence permit should have been registered with the Migration Agency before 24 November 2015. A municipality must have been assigned to arrange the reception. A rejection of the asylum application must have been decided 15 months or later from the registration date, but no earlier than 20 July 2016. The decision must have been made after the person turned 18. The applicant must be in Sweden, studying or intending to study in upper secondary school. The rephrasing to "intending to study" meant less pressure on the teaching profession, although the question of how a person could prove his or her intention remained, at least in part, a matter for schools to verify.

The Council on Legislation (lagrådet), a government body that provides legal expertise to the government on policy processes, commented on the proposal with the words "the limit has been reached for what is acceptable", referring to how legislation could or should be constructed. The law was considered to jeopardize legal justice and the rights of the applicants due to its complexity and the many unclear points. This statement fuelled the already intensive debate in the media about this law (Heidbrink 2018). It is an unusually harsh statement from an important institution, which is generally adhered to. It becomes particularly interesting in view of the fact that the Swedish policy

process is generally characterized by consensus and minimal changes take place during the referral process (Lundberg 2012). For the Council on Legislation to express such criticism is thus uncommon.

I will not go into details with the legal debates about the bills, because that would take attention away from the main issue, which is how the concept of unaccompaniedness takes new shape in these policy processes. One note on legal practices should, however, be made as this was relevant in shaping the political context: the debate over requirements for identification documents. Regarding the demand for identification, in asylum processes, it is not a requirement for the applicant to prove his or her identification with a passport or national identification documents. As long as an applicant can show good cause, the lack of documents on entry or the use of forged documents should not, per se, entail an automatic recourse to border or accelerated procedures (European Parliament directive 2013/32/EU, article 21). In other cases of residence permit, such as student visas or labour migration, the demands for identification are higher and it is necessary to provide a passport (Prop. 2007/08:147). When the upper secondary education bills were passed, the requirements for the applicant to prove his or her identification were formulated in a similar way to asylum cases. Showing a passport was not required: *a residence permit may be granted even if the alien's identity is unclear and he or she cannot make his or her stated identity probable* (Prop. 2017/18:252, p.9). This deviation from the general rule in labour and student migration had already been criticized by several institutions during the referral process (Prop. 2017/18:252 p.29, 36-37, prop. 2016/17:133 p. 38). As soon as the law was passed in the summer of 2018, the administrative courts of Malmö and Stockholm refused to issue rulings under it because the law was considered insufficient on the issue of identification (Aftonbladet 2018, UM-14195-17). As a response, the Migration Agency also stopped handling cases according to the new law, awaiting a ruling from a higher administrative court (Dagens Nyheter 2018). The way the law was handled added to its political controversy and social activists claimed that the courts and the Migration Agency did not apply the law for political reasons (Heidbrink 2018, Dane et al 2018). A group of applicants filed a complaint to the Justice Ombudsman (JO), which was dismissed, as it was not deemed to be in conflict with the constitution for the Migration Agency to stop handling cases the way it did (Justitieombudsmannen 2019). The upper secondary education bills and the legal exception they provided from the Temporary Aliens Act were thus disputed, both in the political debate and through legal action. These processes came to be relevant in shaping the situation and the political context, which I will continue to describe in the following section.

To summarize the content of the two bills, they aimed to provide a path to residence permits for young persons who had been rejected asylum after the introduction of the Temporary Aliens Act or who did not have a prospect of a prolonged residence permit due to their young age. The grounds for residence permits through these bills are more similar to a student visa than to refugee protection, but the only category eligible to apply were rejected asylum seekers in certain age groups.

### *The political context around the time of the bill*

To contextualize the two upper secondary education bills, I wish to expand more on the political context than I have in the previous chapters, because the role of social movements was central to this bill in a way that it perhaps was not in the previous ones. I argue that the upper secondary education reforms, and especially the latter reform, divided the nation and came to be crucial in the election campaign of 2018. Among the parliamentary parties, when the parliament voted on the New Upper Secondary Education Bill on 7 June 2018, the Social Democratic Party, the Green Party, The Centre Party and the Left Party were in favour of the reform, while the Moderate Party, the Christian Democratic Party, the Liberal Party and the Sweden Democrat Party voted against it (parliamentary vote 2018-06-07 in regards to prop. ). The division reflects the broader division in the nation, between supporters of the newly arrived asylum seekers and their opponents. Along these lines, this section is divided into two sub-sections: demands from NGOs and social movements and anti-immigration demands. I summarize the social activism and political debate beginning in 2016 in the aftermath of the restrictions and up to 2018 when the second Upper Secondary Education Bill was passed. For the sake of space and to remain focused on the purpose of this thesis, debate about legal standards is not included. The two upper secondary education bills were devised between 2016 and 2018, during a time when migration policy was being debated on a daily basis in the public media (Martinsson et al 2018, Strömbäck et al 2017, Dahlgren 2016). 2018 was an election year and the antagonistic positions between supporters of asylum seekers rights on the one hand and the anti-migrant movements on the other were accentuated (Dahlgren in Nord et al 2018). During the summer of 2018, news articles regarding immigration were dominant among news shared in the social media (ibid). The far right anti-migrant online platforms grew during the same period (ibid). At the same time, Facebook and other social media came to function as a platform for both self-organized groups and solidarity movements in support of the newly arrived migrants (Peterson 2020).

### *Demands from NGOs and social movements*

Soon after the new restrictions of the Temporary Aliens Act were put in place, amendments to the Swedish Law on Reception of Asylum Seekers and Others (LMA 1994:137) followed. This meant that asylum seekers who had been rejected were no longer eligible for housing or financial assistance through the system of reception organized by the Migration Agency (Barnrättsbyrån 2018.). In the winter of 2015/2016, news media reported on numerous young persons who were without both shelter and food (Björk 2016, Pettersson 2016). Although there had been continuous concern among policy makers and NGOs regarding migrant youth that went missing from assigned residential units, in 2016 the numbers were higher than ever before: 800 migrant children and young persons were living on the streets in Sweden, of which 200 were in central Gothenburg (ibid). The situation was described as a humanitarian disaster by the child rights lawyer Babak Behdjou (Pettersson 2016). The Council of Europe Commissioner for Human Rights stated the following:

Between 2013 and May 2016, 256 unaccompanied minors disappeared in the County of Stockholm, and 1,829 were officially reported as missing nationwide. These children who often disappeared due to fear of being sent back to their country of origin are at risk of trafficking, abuse and violence (CommDH 2018:4 p.11).

The Commissioner associates the increase in disappearances with the increased deportability of unaccompanied minors (due to recent reforms). A shift can be seen from how children who “disappeared” were described in 2005-2006, when deportability was unmentioned (see Chapter 6). Aside from the risk of children running away, in several reports it was claimed that, due to increased vulnerability, those categorized as unaccompanied minors now ran a higher risk of developing psychological health issues and substance abuse (Folkhälsomyndigheten 2017, Mind 2017, Beroendecentrum 2017). As a response to this austerity, several initiatives were taken, both in new social movements and traditional, well-established NGOs (Peterson 2020). The reactions among Swedish NGOs and new social movements can be divided into three categories:

- Rights claims in relation to the asylum process and access to residence permits (Ung i Sverige 2017, Stoppa utvisningarna till Afghanistan 2017, Vi står inte ut 2016 a&b)
- Rights claims in relation to welfare services in Sweden regardless of migratory status, such as access to housing and basic living standards. Examples can be found in the alternative cultural centre Kontrapunkt in Malmö, the association Agape in Gothenburg and the project BABA in Stockholm (Svenska Kyrkan 2017, Göteborgsposten 2017, Svensson 2016, Mikkelsen 2016)
- Actions to provide psychosocial services with the objective of alleviating stress and strengthening psychological health among unaccompanied minors (Mind 2017, Médecins Sans Frontières 2016).

This outline is conceptual and, in practice, the lines between such categories of action were most certainly fluid. Psychological health issues were, for instance, emphasized, not only among NGOs. The Board of Health and Welfare also stated that suicides among unaccompanied minors and young persons were connected to the asylum process (Socialstyrelsen 2017). Within academia, scholars have both argued that unaccompanied minors had better potential for integration compared to other refugee migrants (Darvishpour et al 2018) and that they were increasingly excluded from the Swedish community (Elsrud 2020). Grounded in claims about increased vulnerability and higher potential for integration, the figure of the unaccompanied minor soon became the fulcrum around which activism for asylum seekers was organized. In this section, I will focus on rights claims in the first category, in relation to access to residence permits, as these are the most relevant social movements in relation to the Upper Secondary Education bills.

In the summer of 2016, a new social movement called *Vi står inte ut men slutar aldrig att kämpa* (“We cannot bear it but we will never stop fighting”) was formed. In the following, it will be referred to as *Vi står inte ut*. Based online and in social media under the hashtag #vistärinteut, they called for

teachers, social workers, health workers, psychologists and other welfare professionals to support their demand for a moratorium on age estimations and cancellation of previously made age re-registrations (*Vi står inte ut* 2016a, *Vi står inte ut* 2016b). They organized mass responses to the proposals in the upper secondary education laws (Justitiedepartementet 2016 a&b). It should not go unnoticed when reading the list of participating organizations in the referral process that when the government received the comments, the list had grown by another 93 responses, out of which two were individuals, two represented institutions that had not been included in the process and 89 were local activist groups connected through the *Vi står inte ut* network. According to the network's website, 11,000 professionals were associated with them.

A different network of professionals and asylum seekers called *Stoppa utvisningarna av afghanska ungdomar* (Stop the deportations of Afghan youth) was formed some months later in 2016. This network also used social media platforms and called for a halt to deportations to Afghanistan (Mellquist et al 2017). The difference between the two networks is that the latter also encourages young migrant themselves to organize. From this platform, a sub-body was founded called *Stöttepelaren* (the Support Pillar), where financial aid to the young persons was organized through fundraising (Fridell Anter 2016).

Both *Vi står inte ut* and *Stoppa deportationerna* expressed public support for a long-running strike by young migrants organized by yet another network called *Ung i Sverige* (Young in Sweden). This group of self-organized asylum-seeking youth organized an almost three month long sit-in protest in Stockholm, which spread to other towns around Sweden (Fridell Anter 2016). Their demands were a halt to deportations to Afghanistan and an amnesty for rejected asylum seekers in Sweden. *Ung i Sverige* was rooted in the lived experience of young migrants and articulated demands in a way that can be defined as citizenship enactment in the sense that young persons excluded from rights participated in the political debate and made themselves visible as political subjects (Saward 2013, Isin 2008). This act of citizenship meant disruption to the status of unaccompanied minors as undocumented migrants and asylum seekers. As such, they were not seen as political subjects and excluded from the policy debate and whose suffering was not visible or comprehensible to large parts of the population. The proponents of these three social movements themselves believed that their role in the process leading to the upper secondary education bills should not be underestimated (Expressen 2018). It can be noted that the efforts of these social movements were mentioned in the parliamentary debate on several occasions, thus their voice reached all the way to the chamber of decision making (Parliamentary debate, Prot. 2017/18:125).

To summarize this section, in response to the increasingly precarious situation of asylum-seeking unaccompanied minors in Sweden in 2016, traditional NGOs such as Save the Children and Mind addressed the need for individualized, psychological health support with a new help line for unaccompanied minors and young persons (Mind 2017). Meanwhile, a number of new social movements emerged in the aftermath of the Temporary Aliens Act: *Vi står inte ut*, *Stoppa utvisningarna* and *Ung i Sverige* are three examples presented in this section. These networks were organized around public protests and social media activities and in response to the increased deportability of young

persons mainly to Afghanistan. Although organized in different ways, their demands were similar: to change the new process of early age estimations and stop the deportations.

### *Anti-immigration demands*

While the rights based social movements worked on claims and enactment of citizenship, anti-immigrant agents increased their rhetoric about the welfare system being at near collapse (Dahlgren 2016). At the same time as the new social movements organized support, there were other movements organized with the aim of stopping immigrants from accessing the Swedish nation and the welfare system, from the white supremacist “Soldiers of Odin” to unnamed groups that used violence against what they perceived as (newly arrived) migrants (Peterson 2020). Racist groups organized physical attacks on homeless children and young persons who were reportedly living in and around the central square of Stockholm (Ahlborg et al 2016). The independent Social Democratic newspaper Aftonbladet reported on 29 January:

The police’s external commander at the Central Station states that these are groups who perpetrate violence (våldsvärkare). A police source told Aftonbladet that the police had received tips that hundreds of football hooligans were coming to the Central Station to “clean up”. During the day flyers, showing that 200 Swedish men were going to gather to demonstrate against street children at the Central Station, were distributed in central Stockholm (Ahlborg et al 2016)

The event described in the news article quoted above serves as an example of the political atmosphere at that time. In the far right anti-immigrant networks, it was considered to be “cleaning up” when adult men attacked children and young persons in the precarious position of undocumented life on the streets. Political analysts have argued that the events of 2015, the so-called “refugee crisis”, fueled support for the far-right anti-immigrant parties (Steinmayer 2017). The idea presented is that increased exposure to refugee migrants, through personal contact or media discourse, increases negative sentiment among voters (Dinas et al 2017).

In the Swedish context, voter support for the explicitly racist Sweden Democrat Party began to increase long before 2015. Their support in the parliamentary elections rose from 5.7% of the votes in 2010, when they entered the parliament for the first time, to 12.8% in 2014. According to polls in January 2016, the party had increased its support to 22% and was estimated to be the second largest party at the time (Aftonbladet 2016). While general opinion in society was increasingly



polarized, the party stood firm in its anti-migrant position<sup>22</sup>. Explicit expressions of anti-migrant logics were however not limited to the party. In some arenas, both formal representatives of the party and other actors united in their criticism of refugee reception. As one example, when the city of Stockholm attempted to hold meetings about plans to construct new reception housing, anti-migrant mobs disrupted the meetings:

The atmosphere sometimes became aggressive. Fredrik Andersson and the other heads of administration were accused, among other things, of trying to deceive and obscure facts about unaccompanied refugee children and the fact that the housing was not temporary at all.

“At one point, they shouted at us straight across the room that we were traitors,” says Fredrik Andersson.

He thinks that the atmosphere is something completely different to anything he has previously experienced (Arkitekten 2016).

What is described in the above quote is that when the government presented the first Upper Secondary Education Bill in March 2017 in this political landscape, it was with the explicit ambition of encouraging young asylum seekers to remain in upper secondary education (Justice Department press release, Justitiedepartementet 2017). This was believed to increase the chances of those eligible in law to establish themselves in the labour market later on (ibid). The proposal, which was an exception to the Temporary Aliens Act, was soon severely criticized. The criticism can be divided into two categories: the political logics of anti-immigration, which resonated within the political landscape described in this section, and the criticism of legal technicalities, which I presented briefly in the introduction. The Moderate Party in Gothenburg rhetorically asked “how many more unaccompanied minors can Gothenburg take?” in a debate article opposing the law (Magnusson 2018). The Sweden Democrats in the town of Uddevalla wrote in a debate article that the Upper Secondary Education Act is a burden on the welfare system and erodes the rule of law in migration policy (Pettersson 2018).

To summarize the political context at the time of the two bills, on the one hand there were demands from new social movements which supported asylum seekers and made demands on

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<sup>22</sup> As examples of anti-immigrant policy suggested by the party was confiscation of material belongings of asylum seekers, such as cellphones, watches and personal artefacts of value (Motion 2016/17:789). Furthermore, they demanded the right for municipalities to say no to refugee reception (Motion 2016/17:1349), the right for anybody – not only close neighbours – to appeal against construction permits for refugee reception centres (Motion 2016/17:785) and a referendum regarding the migration policy of the nation (Motion 2016/17:762)

inclusion-based rights claims. In these demands, the figure of the unaccompanied minor was articulated as particularly deserving of staying in Sweden. On the other hand, there were far-right anti-migrant movements making demands for even more restrictions leading to a complete halt to immigration.

## 10.2. The problem representation

From the introduction of the Aliens Act in 2005 (Utlänningslagen 2005:716) until the introduction of the Temporary Aliens Act (Prop 2015/16: 174), persons categorized as unaccompanied minors had a legal position as particularly vulnerable and therefore were faced with lower demands in the asylum process in order to access protection. Persons registered as unaccompanied minors could be granted residence permits based on the humanitarian clause of *particularly distressing circumstances*, even if they did not fulfil the requirement for asylum protection (UtlL 5:6). Many of the young persons who arrived in Sweden around 2015 would have received permanent residence permits had not it been for the Temporary Aliens Act:

Unaccompanied children are a particularly vulnerable group. For an unaccompanied child who lacks organized reception in the home country, a permanent residence permit was previously granted as a rule under Chapter 5 Section 6 UtlL because there were considered to be particularly distressing circumstances. The Swedish Migration Agency now grants a temporary residence permit pursuant to Chapter 5 Section 11 UtlL to unaccompanied children who are between 16 and 17 and a half years old, and who lack arranged reception in the home country (Prop. 2016/17: 133 p. 45).

There is reason to assume that many of these young people would have been granted a residence permit in Sweden if their asylum application had been examined when they were still children, either with the support of the Aliens Act (2005: 716) or the provisions on residence permits for upper secondary school studies in the temporary law. Instead, they have received, or may receive, a removal order which means that they must leave the country (Prop. 2017/18:252 p.30).

As the two quotes above illustrate, there is an acknowledgement both of the shift in meaning given to the term unaccompaniedness and of the shift in access to rights this involves. Defined as less vulnerable than previously, unaccompanied minors are also more deportable than before the migratory turn. It can be assumed that many of the young persons who found themselves in precarious, illegalized and deportable positions after reforms such as the Temporary Aliens Act and the age estimations would have gained permanent residence permits before these reforms. The Government recognizes that this presents the precarious position of these subjects as a motivation for the Upper

Secondary Education Bills (Prop. 2016/17:133 p. 44-45, Prop. 2017/18:252 p. 36).

With the Temporary Aliens Act, the *particularly distressing circumstances* (UtlL 5:6) that could have been grounds for a residence permit were (temporarily) removed from the legislation. In combination with the earlier age estimations, a practice was introduced that led to a large number of unaccompanied minors and young persons over 18 remaining in the country without the prospect of a residence permit. It should also be noted that among asylum seekers during these years, the majority of applicants in Sweden who were not registered as unaccompanied minors were citizens of countries such as Syria and Eritrea, to which refugee protection was mostly also granted under the Temporary Aliens Act (statistics from the Migration Agency). Unaccompanied minors however, were most commonly citizens of Afghanistan – a country where the Swedish Migration Agency country guideline stated that internal migration and safe areas were an alternative (Migrationsverket SR 31/2017). The unaccompanied minors thus became increasingly deportable, both due to the Temporary Aliens Act and to the country assessment. The problem, as described in the policy process, is thus that thousands of young persons were rejected in the asylum process, yet remained in the country.

### ***The problem representation critically analyzed***

So far I have focused on the descriptive aspects of the policy, the background and the content of the bill. The government saw a need for exception rules because thousands of young persons, formerly defined as unaccompanied minors, were in a legal vacuum without access to rights and without the prospect of residence permits in the future. The proposal thus aims to provide a way for this particular category of rejected asylum seekers to obtain a new pathway to legal residence in Sweden. However, the increase in numbers of rejections was the intention of the Temporary Aliens Act. It is therefore a paradox that the government just one year after the bill wanted to introduce an exemption from it. This contradiction is discussed in the policy process, where the Migration Agency, as a referral unit, questions the consistency of the bill with the previous aim of increasing the numbers of returns:

*The Swedish Migration Agency calls for clarification of how the proposal correlates with the Temporary Aliens Act and a clarification of how the proposal affects the commitment to increase the numbers of return. The Government considers that an effective repatriation policy is important, but it is also important to provide proper safety for the children and young persons who are in the country and studying. The incentive to help locate relatives is not expected to be lower with this proposal than it was when a permanent residence permit was granted if there was no organized reception in the home country. The proposal does not affect the directives received by the Migration Agency (Prop. 2016/17:133 p.51).*

What is stated above is that the Migration Agency sees a contradiction between the aim of the Temporary Aliens Act and the introduction of an exception rule. It is interesting to stop and reflect on the position of the Migration Agency as an authority here – what is the concern? Why is the Migration Agency concerned about the numbers of asylum seekers who are returned? The authority should effectively only focus on following the law, not position itself in an ambition to minimize

migration. However, it is stated in the bill that the exception rule still imposes a demand to locate relatives – similar to when a permanent residence permit was granted (before the migratory turn). Thus, the Migration Agency can rest assured that deportations will remain the priority. In the above quote, I find the term safety particularly interesting. Although there seems to be broad agreement on the importance of an *effective repatriation policy*, deportation is positioned in a binary relationship to the safety of children and young persons who are *here in the country and studying*. The expression carries associations of summer language courses rather than children who have travelled in unsafe vessels to escape war. It is because they are *here*, and because they are *studying*, that their safety must be granted. One aspect of the problem representation can thus be understood through a discourse of childhood and state ambition to control and/or protect its young population (Wasshede 2016, Hendrick 1990). Here, through a chain of signification, children and young adults are placed in the same position of needs. The new age category, stretched to 25 years of age, can be seen as an extension of support and control in relation to children and youth (see Parental Code, FB, Chapter 7 Section 1). However, the new and flexible age categorization in the New Upper Secondary Education reform is not about prolonging childhood or seeing subjects up to 25 as vulnerable – rather it is a process of responsabilization where increased responsibility is placed on the subject to obtain a residence permit and housing. The problem is not one of only age or only unaccompaniedness, but that a group of young persons are *here* and they have already begun *learning the language and establishing roots* – therefore they should stay. In the following I will discuss what these assumptions represent and how different logics of childhood, belonging, productivity and deservingness are activated in this policy process.

### ***Assumption: Grievability constructed through presence in Sweden***

Judith Butler (2006) writes that all bodies are vulnerable in the sense that mere presence in a social context, in a community, entails the risk of being exposed to harm by others. But this vulnerability becomes exacerbated under certain political and social conditions (Butler 2006 p.29). With this conceptual framework it is relevant to ask what lives become grievable in the problem representation concerned. In Afghanistan, the civilian death rate reportedly reached a record high in 2018 – the same year as the second Upper Secondary Education law was discussed (BBC 2019). The concern of the Swedish policy makers was not for the lives lost in the war. Nor was it part of the problem representation that young boys of Afghan descent were said to be recruited as child soldiers by the Iranian army to fight in the war in Syria (Hamidi-Nia & Ekman 2015). These lives were invisible and the deaths not grievable. Sweden was the centre of the policy process, the position of unaccompanied minors *in Sweden* was presented as the problem. This is central to how this exception rule is constructed. It can also be noted that, although only focused on the lives of unaccompanied minors in Sweden, the precarity of this position, the lack of safety under which many young persons lived and still do as a consequence of the migratory turn, was only briefly mentioned and responsibility was not taken for this. This is exemplified in the government bill for the second Upper Secondary Education Bill:

These young persons have lived in Sweden for a long time without their family and during that time have gone to school and established roots here. The long wait for a decision by the Swedish Migration Agency and the uncertainty over whether a decision would be made before the 18th birthday has, in many cases, caused the period of residence in Sweden to be characterized by great anxiety and uncertainty in a way that has made this group particularly vulnerable. It is therefore important to make legislative changes which mean that as many as possible in this group of young adults, who came to Sweden as unaccompanied children by 24 November 2015, who have waited a long time for the Migration Agency's decision in their asylum case and who have studied, can be granted a residence permit for upper secondary education studies (Prop. 2017/18:252 p. 37).

In the above quote, the focus is on the subject of the unaccompanied minor, not the policies that created this difficult situation. The grievable position of young migrants is articulated through key expressions, such as the *long wait*, *establish roots*, the *anxiety* augmented through the Temporary Aliens Act, as well as the circumstance that they were *under-age* when they arrived. All of these experiences add to an understanding that these individuals have been treated wrongly, and this motivates an exception rule. The result is that it is only subjects who are already here who are eligible to remain (if you are not here, you cannot remain). Although deportation is articulated as a safety risk, thus addressing the risk of suffering upon return to the country of origin, the focus of the policy process is not on providing protection from war. The aim is rather seen to be a reduction in harm caused through the Temporary Aliens Act and the long delay – although it is never stated explicitly that the Temporary Aliens Act was harmful, not necessary or anything along those lines. That way, the violence and death of the “others” in Afghanistan or elsewhere is unmentioned, which is necessary in order to justify a continuation of the restrictive asylum policies. The exception rule can be understood as an expression of humanitarian securitization, where the lives defined as grievable (here) are included in the nation, with hope for future permanent residence permits, whereas the lives of “the others” (there) remain excluded (Fassin 2012, Malkki 2006). In short, it is young subjects who are present in Sweden and who have been excluded from refugee protection due to the migratory turn that are deemed grievable enough for this “chance” (to paraphrase the Minister of Justice). The “problem” that is solved by this intervention is thus that certain individuals with these particular experiences can be granted prolonged temporary residence permits with the prospect of permanent residence permits in the future.

### ***Assumption: Unaccompanied minors are able to “integrate”***

In the processes leading up to the Upper Secondary Education bills, the way unaccompanied minors were depicted as *the* category of asylum seekers deserving of this “chance” was underpinned by a number of assumptions. This became evident both in the policy process and the political landscape at large. In the previous section, I mentioned how lives first became grievable when visible to the Swedish gaze. But what I find to be a key issue in these two policy process, a master signifier in how the figure

of the unaccompanied minor is portrayed and understood, is the assumed *ability to integrate*. By this, I refer to statements about young persons as particularly able to “root”, to “establish” and to “integrate”, and the meaning that is given to such terms. In this section, I will present some examples both from the government bills and the parliamentary debate where the assumed ability to integrate is used as motive to provide this particular subject exception from the Temporary Aliens Act.

The concept of integration in Sweden is often used in policy making towards “the others”, as in the migrant minorities (SOU 2006:73 p. 342). In this discourse, the population is divided into two categories, “Swedes” and “immigrants”, where the Swedes are imagined to be integrated by default and the immigrants need to integrate into this community, with the guidance of appointed integration agents from among the Swedes (ibid). Labour market participation and the Swedish language are signifiers of integration and have been so over time. In a Government Commission of Inquiry from the 1990s, the following is stated:

A common point of view is that some of the obstacles are about the immigrants themselves. Many employers bring up the job-seeking immigrants’ poor Swedish skills and also their lack of specific Swedish social skills. (...) Projects aimed at utilizing the highly educated have achieved some success. It is worse with the poorly educated. If these are also women, middle-aged or older, the obstacles seem to be insurmountable (SOU 1995:76 p.46).

The quote is almost shocking for a reader today – that an inquiry within a policy process written by a bipartisan committee could speak so bluntly and in such explicit negative terms about migrant minorities. The feeling of shock perhaps tells us something about a change in the ways we speak today. The dominant discourse on integration is still focused on labour market participation and language skills, but the way it is expressed is slightly different. In the first Upper Secondary Education Bill, the following is stated:

From an integration point of view, it is of great value that young, newly arrived people (nyanlända) participate in education at upper secondary level. It is positive if young persons complete their education, both for the individual’s opportunity to obtain a job and for the Swedish labour market, where the need for upper secondary school-qualified labour is great, for example in elderly care and the construction industry. In the preparatory work for the temporary law, it is stated that the government, in order to encourage education at upper secondary level, will return with a proposal which means that longer residence permits can be granted to young persons who study at upper secondary level and manage their studies (Prop. 2016/17:133 p.30).

The above quote can be read in different ways. One reading renders an analysis with emphasis on political logics of economy: there is a need for qualified labour in Sweden and it is a solution to encourage newly arrived asylum seekers to fulfil this need by pursuing the right educational programs.

The upper secondary education reform is an opportunity *given* to the target group of this bill as an intervention. What is intervened against is not only the explicit consequences of the Temporary Aliens Act mentioned in the introduction to the bill. Rather than protecting youth from the precarious position shaped by the migratory turn, the law intervenes against future exclusion from the labour market. In this intersection of economy and bordering, a phantasmatic logic is articulated, one which is unspoken yet implicit in the idea of upper secondary education as grounds for exception. The fantasy is about migrants who do not want to “integrate”, a fear of “others” who intentionally arrive here to enjoy the welfare benefits without paying taxes. This fear also touches on another fantasy, of “failed citizens” who do not fulfil the ideal of labour market participation (Andersen 2014). The upper secondary education amendment is thus proposed in order to get such subjects on what is perceived as the right track for integration.

The concept of unaccompaniedness and how it is associated with an assumed detachment from the institution of the family is, in this fantasy, seen as the category of migrants with the greatest potential to be “integrated”. In the parliamentary debate, Maria Ferm, a parliamentarian from the Green Party, made the following statement about the consequences of the Temporary Aliens Act and why she considered the exception rule justified:

The result was that many thousands of young persons had their asylum applications rejected. These young persons had lived in Sweden for several years and made friends, lived in foster families, become part of Swedish families, gone to school here for several years, learned Swedish and become involved in organizations and sports. In addition, they were not allowed to stay in their homes when they turned 18, but they were uprooted and sent to a Swedish Migration Agency accommodation facility in another part of the country, where they may not have known anyone, and had to start at a completely new school. (...) We saw the risk of widespread mental illness and homelessness and already made the changes we could in the autumn budget to make it easier for young persons during this time. We also started fighting for a change in the law, which would mean that they would also have a new opportunity for a residence permit. In November last year, the government was finally able to present the agreement on the New Upper Secondary Education Act. Up to 9,000 young persons are covered by the bill. (Parliament prot. 2017/18: 125)

In this speech, the figure of the unaccompanied minor is vague and the central figure is a young person who is perhaps not, or is no longer, a minor. This reflects a shift that took place due to the intensified age estimations. The young persons previously known as unaccompanied minors were in this policy defined in an age category of up to 25. Instead of age, the central assumption on why these lives are grievable, can be found in their activities and relationships to “Swedes”. The parliamentarian quoted above provided a long list of activities that signify a “good immigrant” – participating in education, sports and family life. Being rooted and uprooted, engaged in “Swedish families” and having learned the Swedish language are listed as reasons why the pain of this subject should be felt. All of these are implicitly seen as characteristics that improve the integration process. It can parenthetically be noted

that the Green Party were in government together with the Social Democratic Party when the Temporary Aliens Act was introduced. When the parliamentarian Maria Ferm states that the party has been “fighting” for a change, it is a fight against their own policy. Nevertheless, the “fight” is for a limited number of well-behaved young persons. This is also made explicit in the bill:

This is a temporary arrangement for a clearly defined group of young adults who, when the law changes come into force, will have lived in Sweden without their family for almost three years or longer and who have gone to school and settled here. The long wait for a decision from the Swedish Migration Agency and the uncertainty about whether a decision will be made before their 18th birthday has, in many cases, meant that their stay in Sweden has been characterized by great concern and uncertainty in a way that has made this group particularly vulnerable. As several consultative bodies, such as the Swedish Red Cross, emphasize it is very important that these persons are given an opportunity to continue their studies and secure their existence here in Sweden (Prop. 2017/18:252 p.37)

In this quote it is stated that the reform only applies to a limited group of individuals. They are perceived as particularly vulnerable due to the suffering they have experienced through the migratory turn. And they are deemed particularly deserving because they have gone to school and settled in the country. It is thus an assumed vulnerability which is specific to this context and different from the vulnerability associated with unaccompanied minors in 2005-2006 and the reforms discussed in chapters 6 and 7. This new way of depicting vulnerability is individualized and generated through the efforts of the subject: to go to school, create a network, establish and learn the language.

Ideas about the ability to “integrate” have historically been constructed through the notion of “cultural closeness” (Andersson 2003). In the material that I have analyzed, expressions such as in the above quote can be taken as examples of how such “cultural closeness” is constructed through *personal contact*. Unaccompanied minors and young persons are, due to their physical proximity to the “Swedish” population in the form of foster families and friends at school, seen as *closer* and thus *less abnormal* than other refugee migrants. Andersson (2003) writes that normality is strongly linked to national identity. There is an idea that the more similar to “us” (as in the vague category of Swedes or Norwegians) migrants are, the more normal and the greater potential for “integration” they have (Andersson 2003). Applying the concept of *jouissance* to this, the “culturally close” migrant can be interpreted as a less of a threat (to the nation, to the traditions, to the political ambitions). His/her presence is consequently not as provocative as that of the adult or family migrant. In Andersson’s study, it is geographic proximity that is discussed, but in the case of unaccompanied minors, the specific relationship to the Swedish population can be seen as a form of proximity. It is an underlying assumption throughout the policy process that, because they are young and live in close contact with “Swedes”, they will easily learn the language and “Swedish values”, thus become successfully integrated. The perceived ability of integration and/or assimilation is thus a reassuring feature in the ascribed identity of unaccompanied minors. Seen in the light of the literature on anti-racism and access



to rights, a difference can be noted between a rights claim that would include the greater category of illegalized migrants and only allowing certain high achieving individuals within the discriminated category to move closer to the rights of citizens (Bhandaru 2013:118). Moreover, I argue that the emphasis on the relationship to “Swedes” or using the fact that a person has learned the Swedish language as grounds for a residence permit, is an individualization of what could be collective acts of resistance against this border regime.

### ***Assumption: Unaccompanied minors as independent subjects***

In the previous section emphasis on adaptation to Swedish society as a key node in defining the grievability of the subject was described: building a network, participation in athletic clubs, learning the language and, obviously, going to school were acts that gave unaccompanied minors a position as vulnerable and grievable subjects. The conceptualization of unaccompaniedness in the upper secondary education policy debate was in part centred around age at time of arrival. However, compared to previous bills, the subject position made possible through this legislation is much less organized around age as a signifier and more around the characteristics and individual actions of the subject. As a consequence of the political logic of integration, a master signifier is *productivity*:

This can then lead to the opportunity to look for work, establish themselves in the labour market and be granted permanent residence permits by supporting themselves. Therefore, the possibility of a temporary residence permit for upper secondary education should be introduced in certain cases (Prop. 2017/18:252 p 30).

In the above quote, it is made clear that labour market participation is a condition for a residence permit. While many previous policy processes have been centred around the concept of vulnerability as a grounds for specific interventions or more support, in the Upper Secondary Education bills, a subject who is *capable, independent* and *productive* is constructed. This understanding is conceived in continuity with the image of the independent unaccompanied minor conceptualized through the Supported Housing Bill (Prop. 2014/15: 43 p. 37, see Chapter 8). In the Supported Housing Bill, unaccompaniedness is described as an experience that shapes particularly independent young subjects. In the Upper Secondary Education bills, a specific way of being independent is emphasized: *being able to support oneself* (economically). Productivity and prospects of labour market participation with temporality at their centre form both the basis for a residence permit and the rhetorical motives presented in the policy debate:

The Government does not consider that the proposal entails any new commitments and the municipalities, through the state compensation system, are compensated for the part of the reception for which the municipalities are responsible (...). The persons covered by the new proposal offering the possibility of residence permits are not covered by the Swedish Act on

Reception of Asylum Seekers and Others for residence. In the first place, they must arrange their accommodation after they have been granted a residence permit (Prop. 2017/18:252 p. 56).

The above quote is in response to criticism of the proposal where the question of housing is raised. If the young persons were to remain in the educational system, they would be expected to continue living in the municipality where they had been transferred initially as part of the reception of unaccompanied minors (Prop. 2005/06:46). The “problem” brought up by opponents is that the upper secondary education law does not suggest any solution to the housing situation. As I have described, the migratory turn meant a high number of rejections in asylum cases for unaccompanied minors, meaning that they were no longer entitled to housing or financial assistance. Many were living on the streets or in voluntary housing arranged by NGOs, others in informal, voluntary foster families. This situation is not addressed in the Government Bill. When it is said that *they must arrange for their accommodation after being granted residence permit* what this actually means is that housing for this category of migrants is not the responsibility of the state, nor of the municipality. This process of responsabilization, effectively shifts responsibility for housing from the public institutions to the individual or to civil society (Butler 2009, Rose 1999).

Comparing the situation to how housing is regulated in the Reception Reform from 2006 or even the Supported Housing reform in 2014, the right to housing now becomes a matter of individual resources to an extent that it has not been before. The young migrant is at the same time described as vulnerable and highly competent – at the same time deserving of a chance to remain in Sweden and expected to tend to his/her needs. What is expected of the individual is to be or become independent to an extent that goes beyond expectations of other young persons, other newly arrived migrants and other citizens. However, the municipal responsibility in relation to residents remains. This leads to an ambiguous relationship between the welfare system and the young persons who have received residence permits due to the Upper Secondary Education Act. The case of inclusion/exclusion can be compared to the situation for adult asylum seekers who, upon receiving residence permits, are eligible for two years of support for “settlement”. During this period, they are provided with housing, language training and labour market support programs according to the law on responsibility for settlement services for certain newly arrived migrants (SFS 2017:584). The way unaccompaniedness forms a specific relationship with the municipality in terms of rights claims can also be contrasted to the position of young persons in general. For young persons in Sweden, parents are responsible for providing housing and basic care, food and finance until they turn 18 or finish upper secondary education, which can be stretched until they turn 21 (see Parental Code, FB, Chapter 7 Section 1). But as shown above, unaccompanied minors are expected to fend for themselves and arrange their own housing while they are still in upper secondary education. They are neither entitled to rights as universal children (and young persons), nor as accepted asylum seekers – they are assumed to be more independent than both these categories.

As a reflection on this new subject position, it can be relevant to ask if the important issue is independence or independence from welfare services. That is to say, whether the central alteration in

the subject position is in relation to the state/municipality or to the subjects itself. In the policy process, unaccompanied minors are still described as particularly vulnerable subjects. However, in terms of the responsibility of the state, the position of unaccompanied minor is loaded with a different meaning. Responsibility is associated only with residence permits and not reception services such as housing or social care. I argue that this is a discursive shift, not only in terms of refugee reception but in the organization of welfare at large, where the principle of universalism is abandoned. It is not a matter of young migrant non-citizens being excluded from access to support under the LMA Act. It is a matter of young persons with residence permits (temporary but still residents of a municipality) being excluded from the Social Services Act. This construction of a path to residence permits for young persons disconnects them from access to welfare services generic to other residents, and is thus a break from the inclusion that was made possible in 2006 through the Reception Bill. The way of offering residence permits for studies without offering housing and limited financial assistance is tangible to how student visas function: a temporary inclusion limited to productivity and conditioned by individual responsibility for basic welfare. While citizens in upper secondary education are assumed to be supported by their parents or the municipality up to the age of 21, for this new category of young migrants, the assumption is that they should manage on their own from their 18<sup>th</sup> birthday. Consequently, a shift takes place on what can be expected of a young person in terms of individualized responsibility.

### **10.3. Subjective reflections: articulations of the new unaccompanied position**

One of the purposes of writing this thesis has been to analyze and show how shifts in the way of portraying the figure of the unaccompanied minor are shaped by and constitutive of policy. When vulnerability and dependency on adults were articulated as the main reason for seeing unaccompanied minors as a grievable subject, the subject position was close to that of the “universal child”. Unaccompanied minors were constructed as different, more vulnerable than the norm and requiring specialize staff but the differentiation nevertheless had an element of normalization and was underpinned by the idea that this figure was a child first and a migrant second (McLaughlin 2018). Through the dislocating event of the “refugee crisis” new processes of meaning-making occurred, where the figure of the unaccompanied minor was instead portrayed as independent and positioned in liminality between childhood and adulthood. The grievable life was that of a productive subject with ability to integrate – overshadowing needs of protection or the vulnerability that was previously emphasized. How did subjects (un-)defined as unaccompanied minors relate to this new position and how did activists/volunteers reinforce or challenge this position? In this section, I use material from my interview study to reflect on these relationships.

### *Young persons reflecting on their position and alternative actions*

In August 2018, I visited a reception centre for asylum-seeking adults and families. There, I met with Navid, Said and Ali, who had all been transferred there after initially being placed in residential units for unaccompanied minors. All three had received rejections but were in different positions of deportability, Navid was to be deported whereas the other two still had appeals in process. The second Upper Secondary Education Bill was debated in the media and the parliamentary elections were a few weeks ahead. What they described, in different ways, was the experience of withdrawal of rights. The three young persons had different ways of dealing with their situation. Navid said he went crazy in isolation and tried to go to the gym or be around friends. Said said that he felt broken, tired and that he was ashamed of not having anything. Therefore, he did not feel like going out to meet people. Ali said there was no one to help him but the Red Cross, where he occasionally received food and legal aid. He said the politicians were playing with the destiny of the young persons and that, because of the elections, even if they wanted to, they could not pursue migrant-friendly policies due to pressure from anti-immigrant parties.

Now there are elections coming and the question of asylum and migration is central. The 9,000 people who have been waiting for this law now have to wait more, to see what happens in the election. In the election, maybe the government will change, maybe new decisions will be made, maybe a new law will come. It's the young people who suffer, every day, just waiting.

Ali reflects on the political debate and positions himself and other young migrants at the centre of the debate but also as political subjects entitled to make rights claims in relation to the Swedish state. There is an underlying political demand in his comment, that the Swedish government should stop their delaying and finally include them in the community. The anthropologist Khosravi (2017), among others, writes about waiting as a process of marginalization practised through state institutions. For young persons like Said, Navid and Ali remaining in Sweden means not submitting to what is expected of them in the migration regime. That way, disruption of the hegemonic, taken-for-granted division of roles takes place (Fassin 2013). This enactment of rights means that they, on the one hand, remain present (if not included) in the national territory and with individual agency to participate in political protests, social activities and, for some of them, with access to education and health care. On the other hand, and as a consequence of this act of rights claims, they are punished by waiting in a liminal position and with obscured potential for future change.

Me: So this upper secondary education law, are you eligible for it?

Ali: Yes, I am eligible for it. I have sent my application. So now I'm waiting to see what happens. Aside from that, I also have my own asylum case. It's my asylum case that the court is working on at the moment. Next month there will be a court meeting where I will be present.

Me: So it's a separate case from the upper secondary education law?

Ali: Yes, it's my asylum case. To tell you the truth, even when I was in my own country, I didn't know much about the laws of Islam. My parents told me I'm a Muslim and that I had to go to the mosque and pray. It was something compulsory. I had no information, only my own experience, on how the religion was used for violence against women, how our religious leaders were hypocrites. (...) So when I came here, I thought to myself that if this is Islam, if it encourages killing, I do not accept this religion, even if it means breaking from my parents and family. So I went to a church in the town where I lived and I received help from the people there, they were very friendly. I just wanted some information but then I joined a course and had my confirmation.

In the above quote, I asked Ali to tell me about the upper secondary education law, but he had something else he wanted to share. I see the connection between the two stories in that the two applications symbolize two visions for the future. One where he may be allowed to stay as a student and another where he may finally have his grounds for protection recognized. For Ali, the second seemed far more important and he spoke with joy about his conversion to Christianity and the community he had found through church. The upper secondary education law was something that he had also applied for, but it did not seem to invoke the same excitement or hope. Contrary to what I had imagined, at the reception centre, there were no expressions of hope or victory with regard to the Upper Secondary Education Law. The prolonged process of first one law, then another, which was then disqualified by the courts and stopped by the Migration Agency, all contributed to a sense of no hope. As Said put it:

I know the law, when you are under 18, they give you opportunities, they receive you in a way so you won't miss anything, you just go to school, come home, eat your food, do your homework, that's it. But when you turn 18, they leave you like by the edge of the road, to die, and no one will hear your voice. And so they didn't hear my voice and things lead to me getting ill, I went insane.

Said was placed in an apartment with a group of much older men who stayed up all night. He felt unsafe in this "home" and made several complaints to his case officer without any result. The quote above reflects on the experience of trying to make his voice heard, and not succeeding. After his health deteriorated, he collapsed one day and was taken to a psychiatric clinic, after which the Migration Agency agreed to change his housing. He still had not received his last rejection and had a small hope of remaining in Sweden, although his image of Sweden as a place for him had changed:

But the only thing that I have learned during this last period of time is that, before I didn't feel that they made a difference between us. When there is shouting about human rights in Swedish society, they make differences between people

In the above quote Said refers to the hypocrisy of *shouting about human rights* and, at the same time, differentiating between people. What he means by making a difference is that he was treated completely differently after having his age changed. This made him disillusioned with what he had expected from Sweden. Navid was also disappointed:

When I received my second rejection and they said I couldn't appeal, well it was obvious then that I wouldn't get a fourth and fifth rejection. For whom should I go to school, for what? When they don't want, it means they don't want. There have been those that went to school and they came to school and got them there.

Navid sees his situation as the result of "them" not wanting him and the likes of him in Sweden. They being the policy makers and he and the likes of him being immigrants. He is convinced that he is not wanted. This makes him ask why he should study, *who for?* The question implies that he could imagine studying for someone else, for "them", if it would change his situation, but he does not believe it will. Moreover, he is worried that if he goes to school, the police will come there to get him. So I ask him what he feels about the whole situation.

Me: What do you feel now? Are you scared? Angry?

Navid: My anger is exhausted. I was angry when I got a negative decision. When I got the second rejection, then it was like, I knew I would get the third rejection too, so I was both angry and really upset. So I prepared myself for the third rejection. But I didn't know it would come so soon. Suddenly my financial assistance dropped and I had no savings. And now, I'm over anger and sadness. Sadness lasts for a while. Then it is more fear than sadness. The police. Anytime I go outside and I see police or someone from the Migration Agency, then I have to do like I did today, jump out of the window or balcony. I threw something out of the window and told my friend to throw down my bag so I could run. (...) So that's it, the fear more than anything. First I slept in my own room. Imagine sleeping at night and they come at two in the morning to take you to Kabul.

What Navid describes in the quote above is both the precarity of his situation and how, despite his lack of hope, he finds ways to oppose the rejection decision. He remains in the reception centre from where he can see the Migration Agency and the border police patrol the area on a daily basis. He remains because, according to himself, he has no money to buy a ticket to somewhere else. But at the time of the interview, he was thinking of ways to change his situation:

Navid: I have ruled out Sweden. They say I should go, I shouldn't go. I'm tired of them demanding gratitude from me. Just no, I tried. Not that I didn't, I really tried.

Me: How do you mean they demand gratitude?

Navid: You know, maybe not gratitude, but they won't give me a permit (laughs). Now what's the difference between me and the one who got accepted? We both have the same case but he got accepted and I didn't. They know there's a war in Afghanistan. But well, they don't want us to stay. Maybe not gratitude, but if they didn't want to give us residence permits, they should have rejected us with the first application. But they gave the first rejection, one year and eight months, almost two years they kept me here. It is as if they want to make me suffer, make me grateful, give me the permit with such difficulty, do you know what I mean?

Navid and the other young persons that I met all talked about the long processing times and how the long waiting had made them lose ambition and hope of ever becoming established in Sweden. But also paradoxically, that because there was no foreseeable end to the situation, for Navid who were still in the asylum process, more than the others, the situation forced him to continue the acts of disobedience, to remain, to find ways to survive and move forward. He said:

I'm not saying that I'm not sad now, I am. That I'm going to leave this country, what will happen and all that. But back then, I thought a lot about this. Now I feel regret when I see myself and I think what's the point, regardless if you think about it or not, if something is going to happen, it will happen. Thinking is good, but think about what will happen afterwards not about whether they will catch you and oh, for now, I have to think about what will happen then. I have just begun to think about the future. Where I should go and not. Back then, I only thought about what if they caught me. But now I try to think, what is the way forward?

In Navid's reflections, Swedish migration policy has the characteristics of a maze. He has come to terms with the fact that he must leave the country to be able to have a life where he is not forced to jump out of windows and eat others' leftovers. But he does not seem to have found a way out. Without money and a network of volunteers providing him with basic welfare, he is dependent on finding a solution himself, so he thinks about this, hoping to find a strategy.

The concepts of waiting, time and hope for the future are inter-connected (Elsrud 2020). While the precarious position of waiting meant both physical suffering in terms of hunger and psychological distress in terms of not knowing what will happen, Navid and Ali expressed hope. Navid said things like "I have to come up with something" and implied that he was planning to continue his migration journey to France or Germany. Ali was waiting for the election, hoping for new legislation that would improve his position. Said did not express such hope. He repeatedly said "nobody cares about our suffering," referring both to government officials and to other citizens. This reflects how grievability

is constructed in relation to subjects through reactions to their suffering (Butler 2009). When reactions cease, or are marginalized to the extent that they are silenced, suffering becomes uncontested, making the precarity of certain subjects a normalized situation. At the time of the second Upper Secondary Education Act in the summer of 2018, although the debate over this policy was loud, the central issues in question were legal technicalities – not the precarious position in which young persons remained, some waiting and hoping for an exception rule, others more or less without hope.

### *Activists and professionals reflecting on hope*

The migratory turn with the package of restrictions aimed at asylum seekers in general, and unaccompanied minors in particular, created a moment of dislocation. While Swedish migration policy has always had its limits, the port of entry was now so narrow that almost nobody was included – even then inclusion was temporary and conditional. The dislocation of norms and standards in how asylum seekers are treated triggered reactions among welfare professionals. In this section, I present some accounts, which may provide a better understanding of the interaction between social movements and policy makers.

In the previous section, the young people Navid, Said and Ali expressed how they felt disillusioned, how going to school and learning the Swedish language now felt pointless. Navid was focused on finding a way out, to another country. Said and Ali were still hoping to stay, Ali with slightly more motivation while Said was depressed, but could not access the psychiatric health system apart from emergency care after he had collapsed. Although these three individuals were re-registered as adults, I imagined similar experiences among young persons in the care of social services. I wondered how social work practice approached the lack of hope. The case worker Johanna was responsible for several unaccompanied minors in a municipality.

Johanna: It's hard for them at school. Why should they go to school and learn Swedish? That's not useful to them in Afghanistan. Why should I get attached to my foster family? Why should I become attached to the staff at my HVB housing?

Me: And how do you answer then, as a social worker?

Johanna: The usual answer is that you should take hold of what you get. You'll always learn something and you never know. You will probably get an opportunity to stay. We have tried to motivate them. You know, the Upper Secondary Education Act. You never know. There will be better times. Keep fighting. That's what we say. There is nothing else to say.

Johanna tried to motivate the children and young persons by looking to the future and insisting that better times will come. With the exception rule on the horizon, she had something concrete to point



to. The Upper Secondary Education Acts therefore had the function of instigating hope for change, hope that the migratory turn would eventually be reversed.

The social worker Lisa met many young persons in the residential unit for unaccompanied minors where she worked. She described a situation where her workplace did not have that many new clients, since most young persons had their age re-registered and were consequently transferred to adult reception centres or remained in the town through the support of friends. I asked her to reflect on the second Upper Secondary Education Bill, which was due to be voted on in parliament at the very moment that we met:

Me: Can you ... now it is, today, in about twenty minutes, they will be voting on this upper secondary education law.

Lisa: Yes! It's very exciting.

Me: Is it something that you have talked about at work or that the young people are informed about or think about or anything like that?

Lisa: Oh, they are very well informed. They, well I think I have never met such educated (*allmänbildade*) and politically interested Swedish young people as these. They keep a close eye on the situation. But they mostly just say that it is not worth hoping. They are very pessimistic.

In the above quote, Lisa expresses hope: it is exciting that the parliament will vote on the bill. She anticipates a change and sees a possible solution to the situation. When she shifts to reflecting on the perspective of the young persons she works with, there is less hope. They are informed, but not hopeful. Becoming pessimistic, as Lisa puts it, can be understood as a way of relating to the constantly changing policy landscape. Lisa's account is one of many descriptions of losing hope or not daring to hope. In Djampour's dissertation from 2018, a number of young people emerge as subjects in relation to the migration regime of that time. Djampour draws on conceptual work on the principle of hope:

...while current migration policies and regulations upheld by nation states and unions serve to control and stop people who migrate through borders, the act of moving forward with the body through spaces that are not intended for it, as well as moving forward in one's mind by planning for a future, can be understood as acts of not agreeing to be stopped in the movement (Djampour 2018 p. 268).

As I described in the previous section (Young persons reflecting on their position and alternative actions), the three young people I spoke to related to hope in different ways, as a way of thinking about the future, but also as something that had been taken away from them. Meanwhile, in the

interviews with the professionals/activists, I noticed greater trust in the acts of resistance and the hope that it would lead to change. Like Lisa, other activists also expressed excitement or optimism in relation to the coming reforms. If hope and acts of anticipation can be ways of articulating contestation against policy and the political logic that underpins it, how can lack of hope be understood? Lisa had much to say about this, and what I find to the essence of the quote below is the use of the term *love* and how it can be connected to the practice of hope.

Yes, the only thing they have seen from the time when they arrived has been that. When they arrived, in the autumn of 2015, they were so well received, so welcomed, like people stood at the town centre and gave them coffee and clothes and they were so welcome. And when they came to the residential units, well, (...) it was chaos in many ways, but they felt welcome. They felt loved. But then they have somehow seen how things have only been tightened more and more. (...) Activities that we had resources for before, from the beginning, going out and doing things together, it has been narrowed down more and more and more and more so they get to hear much more about that, that it costs money, we cannot afford, and...

The above quote is an example of the complex web of relationships in constructing a subject position and the agency of subjects within this process. Lisa related the possibility of a subject feeling belonging and hope to the way s/he is treated in society. If met with compassion and love, the subject can also feel valuable. Being treated as an obstacle, a cost, a problem, affects the self-understanding of the subject in that context. As shown by Lems et al (2020), the perception of unaccompanied minors as grievable subjects changed over the course of the “refugee crisis”. What Lisa refers to is this shift, from embracing unaccompanied minors as particularly vulnerable, to exclusion from almost all social communities, the formal welfare system as well as informal activities that require enrolment in a school, a personal identification number, an address, etc. Lisa’s statement implies that when the young persons felt welcomed and loved there was also space for hope. She went on to clarify how she made this connection:

So I can understand that they lose hope when they somehow get to follow that journey from feeling really welcome and wow, now opportunities open up for us, to seeing that they just become more and more defined as problems. And they say, many of them say, that they also encounter more and more racism out on the town when they travel by train, bus, to school, which was not at all the case from the beginning. Instead, at the beginning they might be met with curiosity: “hello, where are you from?”, “who are you?”, and “can you speak Swedish?” Yes, it’s sad.

What the above quote exemplifies is the lived experience of social exclusion, how the political logic of economy and belonging (who is allowed to cost in society) is interwoven with border thinking (stop the mobility of migrants) and racism (the “others” do not belong here). The effect, in terms of subject

position for the figure of the unaccompanied minor, is not only exclusion from welfare institutions and residence permits, but also limitations in what becomes imaginable for the future. Having a future to work towards indicates the presence of hope, a sense of potential (Brun 2015). Hope is thus a prerequisite for subject agency as well as collective mobility (Elsrud 2020, Djampour 2018 p. 222).

I had a conversation with Anna, an activist, a custodian and “grandmother” to a number of unaccompanied minors, as she put it herself. She had met with many young persons in the aftermath of the migratory turn. At the time of our conversation, the second Upper Secondary Education Act was about to be implemented. She said young persons who had had their age changed, who remained under-age in the eyes of the authorities, were not eligible for the exception rule and risked deportation with the new processes and stretched definitions of arranged reception in the country of origin (as discussed by Lundberg & Jansson Keshavarz 2019). She mentioned a case of two teenage brothers and their nine-year-old nephew who were to be deported together. The teenagers had their age changed to over 18 and thus formed an arranged reception in Afghanistan for the nine-year-old. The father of the nephew, the older brother of the two teenagers, had been killed and this was why the small child had been sent with his young uncles. Anna mentioned a similar situation with two brothers where the 18-year-old was considered to form the arranged reception of his younger brother. But the deportation was not executed, because the older brother committed suicide. Anna was both sad and angry when we spoke. She said the border police were working intensely to find and deport young persons before the New Upper Secondary Act was put in place and that many of the young persons she was in touch with were not eligible for it, because they had arrived on different dates or received their rejection decisions within 13 months instead of 15 months. I asked her to describe how the young persons she met related to this situation, and we had a conversation as follows:

Me: What do you think happens to the image of Sweden held by the young persons you meet?  
Or of their place in Sweden?

Anna: Aah. Well, it's varied. I know, they all react in very different ways. Some, those who are more politically conscious or the analytical kind.

Me: Yeah

Anna: They look at Swedish people and think that they are like me, we are kind. The Swedish Government, and the Swedish Migration Agency, is doing everything to prevent them. So, they still want to enter the Sweden they feel that they have been welcomed by.

Me: Hmm.

Anna: That welcomed them. But then there are some others, they just become hateful towards everything and everyone.

Me: Hm. I think about how the self-image is affected by being stopped all the time, not being allowed in, not being allowed to join.

Anna: Yes, sure. One of the boys I've discussed this a lot with. He says like, "What have I done wrong? What is it that makes no one want me?" Something along those lines.

Me: Hm

Anna: And I'm trying to tell him it's not you who's done wrong.

In the conversation with Anna, the notion of hope and inclusion are addressed in a slightly different way than in the previous example. Like Lisa, Anna also points to the contrast between welcoming and hostile reactions towards refugee migrants, but she identifies herself and her activist network as a continuation of the acts of welcoming, forming what she refers to as a "parachute" for those who have fallen between the areas of responsibility within the new policies. It is through them that it remains possible to hope. Anna is also cautious when portraying the young persons she meets. She begins almost every answer to my questions by emphasizing that unaccompanied minors are not a homogenous group. The image given by her is one where, although a disheartening situation, there were still acts of resistance and hope within the community of young persons she was in contact with. The teacher Emma describes the acts of resistance that also took place within the institutionalized setting of the school where she worked:

Emma: My municipality and some other municipalities had decided that the young persons without residence permits were not allowed to enrol in national programs in upper secondary education. I can understand it if they don't let a 19-year-old start, because it will be an uncertain future and you don't know if they will be able to finish the program. But if you're 18 you have the same chance as Swedish young persons to do it. So my school made an attempt to get them in anyway. So I think it works well that the school does what it can to enable these kids to continue studying.

Me: Do you know if it is like that in other places too? Or is it something special about your municipality?

Emma: As I have understood it, there are several municipalities that have had similar rules. It seems to depend on the principals, the school leadership. And I think, it depends on if you

have gotten to know somebody. Like we got to know [name], and several other young persons who were in the same situation. So they have seen these kids in person. Their children go to school with them. Then it becomes a different thing, when you have a connection, you see it at close range, then the school leaders work more for everybody's rights, rather than for the one that has no relevance to the school.

Emma describes how the leadership of her school had an explicit ambition to help the unaccompanied minors to enrol in upper secondary education so that they could remain in the education system and find hope of residence permits. The municipality had decided that children and young persons who did not have a residence permit were not (no longer) eligible to study in national programs at the upper secondary level. The principal of the school where Emma worked, however, did not share this position, and consequently, the school leadership pushed for their students to access upper secondary education. What the example touches upon is the idea of proximity as a basis for perceiving lives as vulnerable and thus grievable (Armbruster 2019). Emma, who had taken one of her pupils home as an informal foster son, describes how she found support in her principal and colleagues during the time when she fought with the bureaucracy to obtain a residence permit for the young student.

Emma: I have told myself that I will never again be involved in a case the way I have been for him, because it has been at a cost. It has been a cost to the family. Although we all agreed, me, my husband and my adult children, that this is something we are doing together, I would not go through it again. However, to help as many as I can in school and to share the knowledge I have gained over the past year, to make sure that as many as possible get a legally just process, to help them write documents, applications, whatever is possible, that I will continue doing.

Me: How has it been at a cost? Do you mean emotionally or has it been time-consuming?

Emma: No, the time does not matter that much, it's more the psychological pressure, not knowing from one day to the next if the border police will be outside school or if we will succeed with this. It was black as night. He was going to his fourth meeting for return (återvändandesamål) in February and we had managed to get this process started and finally we got the new review. If I hadn't had the financial resources, we wouldn't have been able to do this either. There are no unaccompanied minors who can afford all that. (...) I don't regret it for a second. It was worth all of it. Now I have at least saved one. I will try to help the others to save more.

Me: And it sounds as if you have inspired your colleagues to do the same?

Emma: Yes, it feels a bit that way. There was no hesitancy from their side. They took on the young persons.

The accounts provided by Emma shed light on the complexity of acts of resistance in the grey area between professional welfare work and social activism. Emma, a teacher by profession, found herself in a position where she became a foster parent, an attorney, a custodian and a lobbyist for the cause of unaccompanied minors. She says the time and energy she put into these activities is not important but the psychological stress costs too much and makes her hesitant to get involved in the same way in the future. Anna, the “grandmother” said:

Anna: I'm totally broken. I have my husband take care of everything at home, to support me so I can do this.

Me: Yes

Anna: I get up and I chat with suicidal kids in the middle of the night. And there are so many of us who have been doing this for several years now, who feel so bad. So it is huge. Suddenly there will be a large group of old ladies that someone has to take care of.

Me: Yes, yes, but then...

Anna: And they do not understand either (gets teary-eyed, close to crying).

What Anna and Emma express is the position where they as adults/helpers/Swedes are expected to provide hope and solutions for the young persons, but at the cost of their own psychological well-being. The role as a political activist was for many of the welfare workers not something that they sought or planned for, but rather a spontaneous reaction to a situation that they experienced as unjust. In 2018, when I conducted the interviews, the hope invoked by the New Upper Secondary Education Act was limited and, to some extent, more a symbolic promise of change around the corner than an actual expectation. I got the feeling that, for activists like Emma and Anna, there was no way out, no way to leave the young persons who trusted them and saw them as their lifeboats. Like the young persons, they too were waiting for a change, not knowing if it would ever come. Connecting to the concepts of hope and waiting, Elsrud writes:

In this time-space of (near-) hopelessness, many negotiate between endless waiting and continuous escaping from Sweden and some actually do embark on a search for asylum and a new chance of a life with increased self-control and dignity (Elsrud 2020).

Leaving Sweden was indeed an option that many young persons planned and pursued. However, through acts of resistance, remaining despite the deportation call, re-imagining family constellations and building networks for solidarity beyond the binaries of refugee-helper, at least a minimum of hope

has been instigated. Participation in the new social movements that made demands for the right to rights was one way for the welfare professionals to remain in their workplace and to activate the professional ethics marginalized by the migration policy. As the examples in this and the previous section show, through acts of citizenship and solidarity, borders were disrupted and a new collective basis for hope was constructed.

#### **10.4. How did this proposal become the solution?**

After the migratory turn, a number of new social movements demanded a moratorium on age estimations and a halt to deportations to Afghanistan. The concern over the precarious situation of unaccompanied minors also led to political demands being made in parliament. The Upper Secondary Education Bills were debated both in the media during 2017-2018 and in parliament before it voted to pass the bill (Parliamentary Proceedings 2017/18:125 and 2016/17:104 2017-05-04). The debates are at times focused on legal details, but what I find was ultimately at stake boils down to who should be allowed to stay on the national territory and on what grounds. In this sense, there was not much new about the bills – these questions have been ongoing in political debate for decades. However, some aspects of these reforms meant a disruption of previously taken-for-granted norms. I have mentioned the right to housing, and in the following, I will also discuss the right to asylum on protection grounds. In order to understand how it became possible to pursue such shifts, I will return to the political landscape described at the start of this chapter.

##### *Compromise in a polarized political landscape*

On 24 November 2015, Åsa Romson, leader of the Green Party and Deputy Prime Minister, shed tears when she and the prime minister announced a new and restrictive policy on asylum (Löfvén 2015b). Three years later, Maria Ferm, the Green Party member of parliament profiled as an asylum rights defender, made the case for her party being at the front line in the struggle over rights for unaccompanied minors. In a debate article in the tabloid newspaper *Expressen* she wrote:

There are many who have doubted our ability or been against our persistent struggle. In times when the winds are raging, the Green Party has still managed to stand on its own two feet and push through a bill that will make a big difference and make life safer for thousands of young people who, in recent years, have lived in constant worry and fear of being deported to one of the world's most dangerous countries. Now they get the opportunity for a residence permit via upper secondary school studies and, within a few years, we have thousands of young people entering the Swedish labour market with great desire and faith in the future (Ferm 2018).

This debate article is interesting both in its tone and rhetoric, and in the political shift it represents for the Green Party. From being the front line of closed borders to the front line of activism. Maria Ferm

writes that many have doubted the party's ability. My understanding is that the many that she refers to are people like Emma, Anna, Said and Ali, whom I wrote about in the previous section. They felt disillusioned with the political parties and their ability to handle the consequences of the migratory turn. Maria Ferm's statement could also be a reference to the anti-migrant movements. With the first interpretations, she acknowledges the position of the party in government, as responsible for the migratory turn, the Temporary Aliens Act and everything that followed. In the second interpretation, she positions herself and the party alongside activists such as Emma and Anna and creates an equivalence between their struggle over inclusion of individual lives and her political campaign to create a pathway for 9 000 lives. Ferm further emphasizes the connection between her party's political vision and the new social movements:

We want to thank all those who together with us have stood up for humanity, who choose to look hopefully to the future and understand that the battle for human rights and solidarity with people living in vulnerability is something we must continue to fight every day, especially in times when the wind is raging. Special thanks to all the non-profit organizations, bonus parents and siblings, teachers, custodians and asylum lawyers who have made enormous contributions to the young persons involved. Big thanks to all the young persons who fought and bravely endured a long wait for the law to come into force (Ferm 2018).

The language is of struggle. She speaks of bravery, endurance, solidarity and a fight for rights. Regardless of whether she positions the party in a shift or in continuity, her conclusion is that it is thanks to the efforts of the Green Party that the exception rule can now be pushed through. In this, she points to something important in explaining how these bills were possible. There were indeed strong anti-immigrant winds blowing in Swedish society (Dahlgren 2016). For the government to first go through with the far-reaching restrictions of the migratory turn and to explicitly express an ambition to reach EU minimum levels in asylum policy and then, only three years later, make a U-turn again and provide this pathway for inclusion can be understood as a compromise between the anti-immigrant "strong winds" that demanded closed borders and the solidarity movements that demanded a moratorium and amnesty for rejected asylum seekers. The role of the Green Party as a stake holder with a government position, yet connected to the asylum rights movement, both traditionally and through the new social movements, should not be underestimated. I do not think it was a coincidence that, of all politicians, it was Maria Ferm who visited the refugee reception centre while I was there during the summer of 2018. Proximity, meeting and thus feeling the suffering of the unaccompanied minors, and thereby stopping seeing them as "others", is not a phenomenon limited to volunteers, but equally relevant for political activists and politicians (Armbruster 2019). Her position, and that of the Green Party, can be compared to that of the conservative-liberal Moderate Party in the parliamentary debate:



A yes must be a yes, and a no should be a no. If Sweden, as a country governed by rule of law, budges from this, it will have a legally insecure asylum system where legitimacy is undermined (Parliamentary Proceedings 2017/18:125, Svantesson, E.).

A no must be a no. This was repeated throughout the political debate at this time (Helsingborgs Dagblad 2016, Wirdemo & Alvdén 2018, Arpi 2019). The rhetoric says that the legal safety and legitimacy of the system is under attack with this exception rule. A phantasmatic logic about what may happen if this attack goes on is implicit in the statement. If this exception is allowed, perhaps others will follow. There is a latent fear of uncontrolled immigration, a lack of legal certainty and rule of law, all of which are founded on assumptions about the asylum procedure as unambiguous and legitimate. Elisabeth Svantesson continues her speech by making comparisons with other groups that are not included in this exception rule, arguing that the exception is unfair as it does not cover everyone who has been waiting for a long time:

I can understand how it feels to all those who have been waiting during that time. I have met people and know that this is an incredibly complex situation. But there are many who have had to wait far too long to have their case examined. There are families and single women with children. They do not get another chance. This makes this legislation even worse. The proposal is also deeply unfair to the unaccompanied young people who have spoken the truth about their age and had their asylum application rejected and have returned home. They have followed the rules. It is unfair (Parliamentary Proceedings 2017/18:125, Svantesson, E.).

There are many claims in this statement, but a central idea is about framing those who deserve *a second chance*, with *justice* being a key node. It is also interesting how groups are positioned in an antagonistic relationship to one another - single parent households against unaccompanied minors. What I find crucial is the comment about following rules at the end of the quote. The exception rule is unjust because the families have *followed the rules*. The rule that is supposed to be followed refers to unaccompanied minors who have received a rejection decision but remained in the country, thus not “following the rules” of deportation. In this statement, deservingness is defined by conformity and following rules. The statement should be seen against the background that the proposal in itself includes an exception rule regarding applicants with a criminal record or who, for other reasons, are considered a threat to order and security (Prop. 2017/18:525 section 5.2.). Persons who have been convicted are consequentially excluded, which underscores a panning-for-gold allegory. What Svantesson talks about is young persons who remain in the country despite rejected asylum claims – which is not a criminal offence. Here she stretches the understanding of who is to be considered a “good immigrant”; somebody who not only follows laws but also does as he or she is told by authorities. Her move reinforces the illegalization of undocumented migrants by giving them the label of those who “do not follow rules”. It also makes it acceptable to make such demands on people, asylum seekers and others. Following rules becomes a requirement for deserving inclusion in the

community of the nation.

Svantesson's position exemplifies an articulation of stolen enjoyment, theft of *jouissance*. The idea is that the unaccompanied minors have arrived here with lies and fraud, to steal the enjoyment of inclusion in "our" national community and welfare system. The enjoyment that must be taken back is hence the belonging. To disconnect the position of the unaccompanied child from the welfare system and thus make this a subject without rights. There is a pleasure in excluding the unwanted others, those who do not follow rules. Through these acts of bordering, the national(ist) self-image can be strengthened. This consuming enjoyment has not been satisfied, neither with temporary residence permits, nor with age estimations. Svantesson wants a no to be a no. The "others" must simply leave the territory of the nation for her to feel safe and satisfied. But because there will always be an "other", be it national minorities, "second generation" migrants or other racialized communities, there will also always be a reason to demand securitization of the borders and exclusion of "others". The consuming of imaginable space by chasing the figure of the unaccompanied minor out to the margins is thus a continuous process of re-inventing a self and an other. This articulation was a dominant conceptualization of unaccompaniedness at the time of the bills, but it did not remain uncontested.

Consequently, the Custodian Bills emerged as a compromise in a deeply polarized political landscape. One side, represented by the likes of Elisabeth Svantesson, demanded that a no must be a no and saw unaccompanied minors as potential threats to society. The other side saw the 9,000 young persons potentially eligible for the exception rule as vulnerable subjects whose suffering had, to a great extent, been inflamed by Swedish policy. Among the advocates of the bill, the matter of national security and the risks that may be connected with the group of unaccompanied minors, was thus dealt with in different ways:

An image of these 9,000 people is that they are violent rapists. Often, such descriptions are followed by various invective about Muslims. It's a pretty rough way to describe these people. Of course, there are those who misbehaved. Some are violent, others do not want to adapt and some are on drugs. But they will not be allowed to stay. Many will get a no when they seek one last time in connection with this opportunity. Many, who meet the criteria, will receive yes (Parliamentary Proceedings 2017/18:125, Ubult, R.)

The Christian Democrat member of parliament, who voted in favour of the bill and against the party line, argued that, even though some unaccompanied minors may *misbehave*, these are not the ones that will be granted residence permits, thanks to the controlling mechanism within the law, to exclude applicants with a criminal record. The motive of this member of parliament may have been to provide nuances, to say that "most of the young persons are good". The outcome is nevertheless a statement that serves to calm anxious MPs by saying that "those who misbehave will be excluded". It reinforces the idea that unaccompanied minors indeed have problem behaviours and conditions their inclusion. This condition, although aimed at including the "good immigrants" also acts as a border against those with various problems. There is a difference between this statement about "misbehaving" compared

to the expression “following rules” used by the Moderate MP. While this quote explicitly refers to people who break the law, the Moderate Party MP defined remaining in the country despite a rejection letter as “not following the rules”. The difference is important to note. However, for the young persons, being associated with crime, drug use and difficulties in adapting – to the extent that a register check is required to rule out bad behaviour – continues to shape their subject position.

A topic that recurs in parliamentary debate to discredit unaccompanied minors is that of a lack of identification and a way of proving their stated age. The potential of false age claims is associated with danger and a threat. An MP from the Centre Party agrees that it may be uncertain who was a minor and who was not at the time of arrival, but instead of focusing on those who were not and who actively made false claims, she turns the argument around to focus attention on those who were minors:

Let me address this about people not having been minors when they arrived. We both know that some were minors but others were not. What you have to decide here is if you protect those who were actually minors, which we do, or if, at the expense of those who were minors, you want to punish those who stated a wrong age. There we have different positions, simply. You can't say anything else. (...) I think we've landed right. I think that society has a special responsibility for children and minors, even though long processing times have made them grow older. That this will mean that some who have lied will be able to keep the advantage, I think it is unfortunate, but there is no method to clearly distinguish these two groups. (Parliamentary Proceedings 2017/18:125, Jönsson J.).

It is remarkable that both this speech and Maria Ferm's debate article quoted earlier, leave the age estimations unmentioned. The unaccompanied minors were minors and have grown older due to long handling times at the Migration Agency. People like Said who had his age changed by three months are not mentioned, nor are the kids I met at the adult centre, who had not grown a beard and who got me thinking along the lines of a dominant childhood discourse on what is “obvious”. My understanding of this avoidance is that the practice of age estimations, the intensity with which it was performed and the consequences it had, was a failure of such deep impact for the political standing the national self-understanding, that it was too soon or too difficult to speak of without becoming entangled in guilt. Instead of addressing this policy and the Swedish failure to live up to basic human rights concepts, the politicians spoke of long waiting and put the responsibility on the bureaucracy of the Migration Agency. A key term in the speech by Johanna Jönsson is *protection*. Who do you want to protect, the MP asks rhetorically. Would it be possible for a representative of any party to stand up in parliament and state that he or she was against the protection of children? My impression is that this was not possible, and even if age estimations and time had disqualified the applicants from the label of childhood, the idea that they should have been protected at the time of arrival, and thus deserve to remain in the country now, was common among the supporters of the bill. The above quote gives a clear example of what is negotiated in this bill. The question at hand is an exception to the Temporary Aliens Act and who is to be eligible for this exception and on what grounds. Centre Party MPs

emphasized the need for minors to be included, because, *as children*, they are particularly vulnerable.

What is interesting about the Upper Secondary Education law is that it offers this protection of vulnerable children in retrospect, when they have ceased to be minors. What becomes central, as emphasized by the MP in the above quote, is to have been minors at the time of arrival. Jönsson uses the term to *punish*. The opponents of the bill want to penalize those who have made false claims about being children, she says. This idea of penalizing can be linked back to previous discussions about following rules. Those who have broken rules must be penalized in order for justice to remain. What is said in the above quote is the opposite. It is a bracketing of potential fraud in order to protect children and minors *even if they have grown older*. So while the opponents of the bill do not want to see an exception to the Temporary Aliens Act because the group in question are not or are no longer minors, this statement claims the opposite. It is ultimately a negotiation of what lives are considered as grievable and to what extent the ungrievable lives of the others can be accepted within society as a price for protecting the vulnerable subjects.

### ***“Change of track” from asylum to labour migration***

In the previous section I described how the polarized political landscape made the upper secondary education bills possible as a compromise between anti-immigrant positions and solidarity movements. However, I argue that, although the political landscape with regard to the “refugee crisis” was polarized, the ideological proximity between the left-green minority government and the right-liberal opposition infused a change in migratory regimes through these bills, which was a continuation of a process initiated by the right-liberal coalition government in 2008. In this section I will present how I see the upper secondary education reforms as a shift from refugee protection to labour migration.

Before the introduction of the Temporary Aliens Act, the grounds for a residence permit relevant to asylum seekers were refugee status and humanitarian grounds as regulated in the 2005 Aliens Act (Utlänningslagen 2005:761 Chapters 4 & 5). With the Temporary Aliens Act, the humanitarian grounds were removed. The unaccompanied minors who applied for asylum were, in many cases, rejected due to this or other policy changes. With the Upper Secondary Education reforms, they were provided an opportunity to apply for residence permits based on studies. The prospect of refugee protection was thus replaced by a temporary student visa. The question was debated in parliament, where the representative of the Social Democratic Party first claimed that this was not a shift in discourse:

I also think it is necessary to be clear and upfront on some points that come up in the debate. This is not a change in either the right to asylum or the principle of regulated immigration in Sweden. It is a question of how politics should relate to reality and take responsibility for a situation that has arisen because of the situation in 2015 (Parliamentary Proceedings 2017/18:125, Lundh Sammeli, F.).

In the above quote, the MP Lundh Sammeli distances himself and/or the bill from being a move away from the right to asylum. This is rather a way of *taking responsibility*, which is a term repeated throughout the debate on both sides. Lundh Sammeli states that the policy is a response to the *reality* that arose after 2015. The reality seems to simply have emerged naturally, from nowhere in particular. He does not claim responsibility for the “reality” being a consequence of his government’s policies. There is a tendency to describe the situation of the unaccompanied minors as a consequence of the “refugee crisis” rather than as shaped in very concrete form by the new restrictions introduced after 2015. In polemic discussion with an opponent later in the same debate he said:

Furthermore, I think it is surprising that the Moderates are attacking this bill so hard. It is about unauthorized persons who have had their reasons for asylum tested. For a long time they have grown to become adults and are affected by the temporary law in a worse way and thus end up in a much worse position. But basically there is a very clear similarity to the change of track that the Moderates themselves stand for, that asylum seekers can be rejected but still have the opportunity to have their case examined in relation to the labour market. Here, the individual opportunity to have one’s case examined is linked to studies. It’s a good policy (Parliamentary Proceedings 2017/18:125, Lundh Sammeli, F.).

Sammeli emphasizes the similarities between his party and the opposing Moderate Party. The change of track referred to in the above quote was a reform put in place in 2008 by the right-liberal coalition government of the time. The reform enabled rejected asylum seekers to remain in the country with temporary residence permits based on labour market participation. In this polemic debate in parliament, the Social Democratic MP explicitly compares the Upper Secondary Education Act with the right-liberal labour migration reform a decade earlier. I consider the comparison spot-on. The main similarity is the withdrawal of access to welfare resources as a consequence of residence permits based on labour/study as opposed to asylum. The Upper Secondary Education exception rule is, in effect, a temporary student visa with specific regulations adjusted for the specific situation that was created after the Temporary Aliens Act. It has lower demands for identification documents and, unlike international students, the unaccompanied minors are not required to bring with them health insurance from the country of origin. Neither are they eligible for this residence permit to study at university level. With these differences in content, the exception rule redefines humanitarian asylum as a student visa. I argue that this meant a slide in migration regimes, from refugee protection to labour migration. This defines not only what kind of visa or residence permit a person holds, but what services s/he can access, what spaces, relations, activities and ultimately, who this subject can become.

In the referral processes, two separate, yet inter-connected, aspects of rights are negotiated. First, it is a matter of eligibility and who is to be included in the exception rule. Second, it is matters of legal principles, such as how the matter of identification is dealt with. The essential idea of the law is that studies at the level of upper secondary education should form grounds for temporary residence permits during a limited period. Several referral units suggest that elementary school or

university studies should also count. To this, the Government answers:

Including in this proposal or through other changes in the law university studies, for example, would mean deviating too much from the main purpose of the temporary law. As the Swedish Public Employment Service notes, labour market growth today takes place in the occupations that require at least upper secondary school qualifications. It is therefore important to take measures aimed at encouraging studies at upper secondary level. Furthermore, the proposed measures are considered to lead to increased opportunities for those concerned to establish themselves in the labour market (Prop. 2016/17:133 p. 33).

In the above quote it is made clear in what arenas the unaccompanied minors are imagined. They are not needed in the universities, hence there is no reason to include these subjects in the system of higher education. There is already a framework for international students, who often must pay high tuition fees despite university being free in Sweden. The government makes no attempt to bridge these two pieces of legislation. In the above quote, it is made clear that this law serves to fulfil *a need in the labour market*. There is thus a level of the negotiation on inclusion/exclusion which is less focused on *who it is that is to be included*, and more on the political logics of economy and needs of the labour market and thus the needs of the state. The new social movements that were in favour of the inclusion of young migrants/unaccompanied minors sometimes also argued in this way. In an opinion piece published in May 2017, people associated with the network “Stoppa Utvisningarna till Afghanistan” argue in favour of the economic benefits of giving unaccompanied minors and young adults residence permits:

The investments made in these young people can be used in a growing labour market. This would benefit both industry and elderly care (Mellquist et al 2017).

In the article quoted above, members of the activist network argue that children in general are a cost to society. Until they finish upper secondary education, they can be expected to have cost three million Swedish kronor in health care, education and other welfare services. It is thus reasonable, they conclude, that young migrant children should be able to cost up to at least the same amount before there is a need to discuss their costs to society. Maria Ferm, a Green Party MP, wrote in the opinion piece mentioned in the previous section:

At the same time, we can also state that the young people who have come as unaccompanied minors in recent years are an asset which Sweden needs to meet the great challenges of the future with labour shortages and an aging population where fewer and fewer are of working-age (Ferm 2018).

The above quote, like the opinion piece cited before, depicts unaccompanied minors as a resource, an asset, a solution to the shortages in the labour market. It is not only they who need Sweden, it is implied, but also Sweden that needs them in order to remain a prosperous economy, a nation with industry and welfare (exemplified by elderly care). Although positioned differently in the larger migration policy debate, on this issue, the activist network and the government share the view that the figure of the unaccompanied minor and/or young migrant is beneficial to the Swedish labour market and economy and that this in fact is the condition for inclusion of this subject. The grounds for inclusion are thus drawn around the needs and limits of the labour market rather than assumed needs of refugee migrants. Through this process, the figure of the unaccompanied minor is re-imagined as a student, a labour migrant. This rhetoric of a financial benefit is underpinned by political logics of economy, which fits in well with what has previously been described as economic motives of downsize housing services and pursuing age estimations. The political logics of economy were perhaps a strategic way of packaging this reform during a time when it was difficult to obtain a bipartisan agreement on any proposal that served to liberalize the restrictions of the Temporary Aliens Act. Nevertheless, the consequence of such discourse is differentiation and performance-based inclusion, which is a movement away from the universalist approach of the Swedish welfare system.

What made these reforms possible during a time when the political debate on immigration was highly polarized was a rhetoric of labour market needs rather than refugee protection. It was not a matter of creating new pathways for additional migration, but of finding a compromise on how to “deal with” those who were already here. The upper secondary education bills rather resemble the action of panning for gold; among groups of excluded refugee migrants, some on the outskirts of the European Union and others in more or less undocumented situations in Sweden, the proposal chooses the most attractive subjects, given national labour market needs. That way the law creates a liminal position, between the previous Aliens Act (SFS 2005:761), according to which many of the young persons involved would have been granted asylum on humanitarian grounds, and the Temporary Aliens Act (SFS 2016:752), which excludes them. During the policy process, what was at stake was the question of who was to be eligible for the Upper Secondary Education laws and thus granted an exemption from the Temporary Aliens Act. The debate was centred around age, but not mainly age as an indicator of vulnerability and dependency, which have been common signifiers of childhood in previous policy processes. Here, age was rather articulated in relation to the Temporary Aliens Act and the position of protection or deportability that was shaped for different subjects.

## 10.5. Discursive effects

The increasingly precarious position of unaccompanied minors and young migrants caused a reaction, both among professionals, in new social movements and in the policy process where politicians expressed the opinion that *these* young persons deserved a chance to stay in Sweden. What was at stake was for the suffering of these subjects to be palpable to the Swedish public and policy makers, for these young persons to be grieved as human beings (Butler 2009). What I have shown in this final

empirical chapter is the complexity of how grievable lives were measured against ideals about childhood innocence, vulnerability, but also ideas about belonging, proximity to “Swedes” and ultimately, being a productive “good immigrant” who “follows the rules” and does not “misbehave”. With articulation of such ideals and fantasies about who “we” are and who “others” can become, it became increasingly taken for granted for grievability to be connected with individual abilities and proficiency.

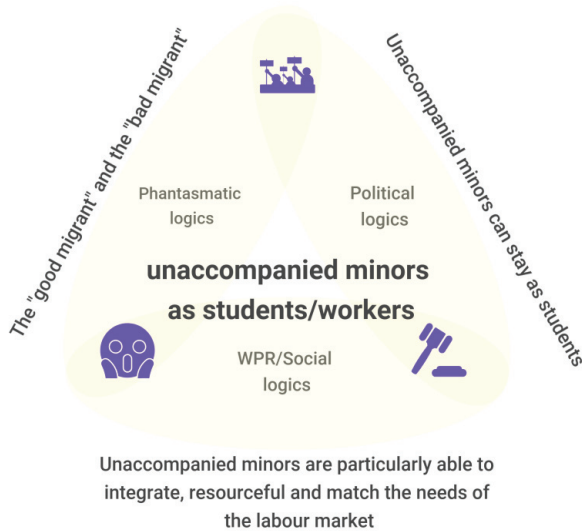
### *The productive and “Swedish” young migrant*

The Upper Secondary Education Act was an exception to the Temporary Aliens Act and granted a limited form of inclusion for otherwise excluded subjects, during a time when anti-immigrant sentiments were increasing. One condition that made it possible to produce this policy was the demands made by the new social movements: welfare professionals and young migrants who joined campaigns and challenged the increasingly negative image of unaccompanied minors reproduced in the media (Lems et al 2019). The government had decided on its restrictive “respite” with wide support among other parties, but as I have shown, this was contested with demands for a general moratorium on deportations to Afghanistan.

In terms of discursive effects, the deservingness of this new subject of young migrants was constructed around nodes such as productivity and independence. This reproduces a discourse on “employability” as a condition for the rights and responsibilities a subject should have (Dahlstedt 2015, van Oers 2013). Such ways of conditioning deservingness with labour market participation and productivity has become more mainstream, while, until not long ago, it was limited to far right anti-immigrant discourse (Schumacher & Van Kersbergen 2016). In the same way, presence in Sweden, proximity to “Swedes” and a potential or assumed ability to “integrate” are articulated in the Upper Secondary Education bill as prerequisites for the subject to be grievable. These assumptions were reinforced in a context where political logics of economy were increasingly made relevant and it was thus necessary to decide who is allowed to cost in society and why. On the flipside of such conditioned inclusion is the figure of the non-deserving “bad” immigrant (Dhaliwal 2015). When employability, the ability to integrate and to be “rooted” conditions deservingness it has certain implications. This constitutes a shift from refugee protection to labour migration. As pointed out in the parliamentary debate by a Social Democratic MP, the upper secondary education reform can be seen as a continuation of a process initiated by the right-liberal coalition in 2008, which enabled rejected asylum seekers a path to a residence permit through labour migration. Through this shift, the figure of the unaccompanied minor is re-shaped, from *being* an asylum seeker to *becoming* a student with a temporary residence permit conditioned by future employability. With this, another shift occurred in terms of individualization of responsibility. The most visible example of this responsabilization is how services for housing were reorganized from a right provided by the state/municipalities to a commodity which the subject had individual responsibility to arrange.



Figure 13: Articulation of the concept of unaccompaniedness in the Upper Secondary Education reforms.



As the illustration shows, the taken for granted “knowledge” (social logics) that enabled this articulation of the unaccompanied minor as a student, was in relation to productivity and integration. These assumptions were underpinned by phantasmatic logics about “good” migrants and “bad migrants”. The policy solution was consequently to differentiate between the two ideal types of migrants, to select the ones with the highest potential for productivity and to condition their access to the nation by labour market participation. In terms of discursive effects, this responsabilization means a dislocation of key concepts within the idea of the Swedish welfare system. Universalism and the norm of generic services have been downsized for a long time but, with the introduction of the upper secondary education exception rules, another step was taken in differentiated welfare access by the population. Before 2015, the figure of the unaccompanied minor already had a conditional belonging to the system of welfare (Wernesjö 2020). Furthermore, deservingness has, for a long time, been constructed through ideas about productivity, education and other vague elements of being a “good immigrant” (ibid, Shukla & Suleyman 2019). What is new about the upper secondary education exception rules is that certain individuals are explicitly constituted in policy as having limited access to welfare services compared to their peers. As pointed out by Navid, one of the young persons that I interviewed, he arrived with other young persons in a similar situation, with similar claims to asylum. Some of them gained protection, others became rightsless like himself, the difference being arbitrary

dates set up in policy. For Ali, the difference between obtaining asylum or a residence permit for studies is the difference between having the threats against his life as a converted Muslim recognized or not, but also being in a different position in relation to the Swedish state. Temporary residence permits, conditioned by the ambition to study, limit access to housing and carry restrictions regarding what municipalities the subject could “belong” to. That way, the subject position of unaccompanied minors and young persons became subordinate to other young persons. Economy and ideas about who is allowed to cost were at the centre of the debate, which was driven by, and reinforced fantasies about, migrant “others” as a burden on society (Lems et al 2020, Huber 2016). I argue that with these reforms, it became more acceptable to explicitly put price tags on subjects and to motivate inclusion/exclusion by productivity. Grounded in logics of independence and responsibility a shift in discourse regarding unaccompanied minors did take place in this matter. In terms of subject positions made available through this shift in discourse, the new meaning associated with the concept of the unaccompanied minor was constructed around key nodes such as independence and being a productive subject whose inclusion in society was conditioned by the ability to “integrate”. Furthermore, the inclusion was limited to residence permits and access to education. In terms of lived experience, ambiguities regarding access to welfare services placed the figure of the unaccompanied minor in a distinct position, different to that of both asylum seekers and refugee migrants and that of citizen/resident youth in upper secondary education.

### *Marginalized accounts: movements and demands in the No-Border spectrum*

In the literature overview, I described anti-racist movements and No Border activism as part of a larger rights movement in Europe and Sweden (Söderman 2019, Tsavdaroglou 2019, Zorn 2014). The ideological vision of these movements was to blur the citizen/non-citizen dichotomy, to create spaces and through personal relations and translation of experiences, create other grounds for community than those based on national(ist) belonging. Beyond such radical activism, in the 2014 parliamentary election campaign, many parties presented policy solutions regarding legal routes for asylum seekers to reach Europe (Radio Sweden 2014). These approaches to migration and refugee migrants became so peripheral during the “refugee crisis”, and in the protests against the migratory turn that followed, that I consider them silenced. This does not mean that such demands or visions did not continue to exist, but they were not visible in the policy processes or the political debate.

When I conducted interviews in the summer of 2018, the participants bore witness to a deteriorated position for young migrants - categorized as unaccompanied or not. I have tried to use the limited space in this thesis to do these accounts justice. What they provide is not (only) narratives in a general sense, but also a glimpse of what might have been. The voices of professionals, activists and asylum seekers are not a monolith. They express different experiences and ideals. They provide alternative visions. With all the variations, what is coherent in the interviews is a conviction that there is space and resources to include new members in the community of the nation and its welfare system, and that there is hope for a different order in the future. This is expressed explicitly in social logics

that the activists themselves perhaps do not emphasize: giving from one's own economy, time and to even offering housing for those stripped of such rights. The use of family language, to refer to each other as "sons" and "grandparents" is a disruption of the border regime. Conceptualization of family per se is problematic, with ideals about children under the control of adults and limited in activities according to specific ideas. Referring to somebody as a "son" thus can be seen as an expression of ownership and control. In the context of "the Afghan sons", to paraphrase the title of Elin Persson's book, these expressions can also be seen as counter-discursive acts (Persson 2020). By defining an excluded subject as a "son", this subject is not only included in the community, but also reinvented in a different subject position than before. These counter-discursive acts of solidarity, where welfare workers, activists and asylum seekers come together in a new collective, can be discussed as an example of sustainable *jouissance*. Although highly animated, emotionally and politically invested in the cause, the subjects involved seem to be content with less. It is accepted that we can provide housing and share costs for a subject – it is articulated that there is room for everybody. An alternative vision takes form, where inclusion in the nation (and its system of welfare and rights) can be enacted without the sense that "others" are enjoying at "our" expense. I argue that many social movements formed during and after 2015 had their ideological drive both in a reaction against the migratory turn (frustration, animosity, anger etc.) and a contrasting sense of solidarity, care or if we choose to call it love. It is important to keep in mind that while politicians were enabling a strengthened border regime, social workers and teachers were enacting citizenship inclusion and a reinvention of belonging together with the illegalized subjects of unaccompanied minors. However, there are also challenges and limits to solidarity and love expressed through activism. I have already discussed the limits of compassion in Chapter 9. The asymmetric power relationship between helpers and the helped will determine the limits of rights and inclusion. This means moving from a rights-based organization of welfare. It is relevant to ask what will happen when the helpers are tired of helping or their private resources run out. As the "grandmother" Anna said, if all the "old ladies" fall in a big pile as burned-out volunteers – what will happen then? She put her finger on the weak point of a system where responsibility is placed diffusely on individuals. More importantly, it is relevant to ask how selection of subjects to help and assessments take place in such private settings, and how the safety of vulnerable subjects is ensured when no system of control is in place.

To return to the initial point about No border movements and demands for legal routes, when activism is formed as a reaction to an urgent situation, the demands are shaped by the concrete material situation at hand. The demands made by the new social movements were very much "here and now" – demands to stop the deportations of a specific group and to stop the new policy of age estimations. The compromise that the upper secondary education bills represent was produced from an already compromised position of activism. The demands envisioned were far from idealism. It was a bare minimum. Along these lines, I see a limit in sustaining *jouissance* as the driver for political change, because the tendency to compromise, to be satisfied with less, may lack a quality which is sometimes necessary for fundamental change. Hence, with the new subject positions created after the migratory turn, the welfare worker turned activist and the asylum seeker turned student had limited space for

action and limited prospect of being heard. Therefore, the limited demands that were made may have been reasonable and the only imaginable strategy. However, this ideological position of the new social movements meant a reduction in ideological visions compared to what had been articulated before the migratory turn.

### *Chapter conclusions*

The two upper secondary education bills were introduced in 2017 and 2018 as a way of “dealing with” the (un-)intended outcome of the restrictions put in place in the name of “respite” from November 2015 and onward. The problem representation in the bills is that thousands of young persons, who had been registered as unaccompanied minors upon their arrival in 2015, fell between areas of responsibility through the Temporary Aliens Act and the new policy on earlier age estimation. A combination of new regulations regarding services for rejected asylum seekers, new agreements between the state and the municipalities on compensation for reception of unaccompanied minors and new ways of interpreting the concept of “organized reception” upon return, meant that the figure of the unaccompanied minor was constructed as increasingly deportable and a rightsless subject.

The experiences of migrants are as diverse and numerous as the number of subjects. It is therefore impossible to make generalized statements about who migrants are, why they come here or what they need. What is possible to say is that, through the exception rule for upper secondary education studies, a certain ideal figure is constructed: the resourceful “good immigrant” who is a productive, resourceful, healthy youngster (van Oers 2013). This became a grievable life, not because it was seen as a “real” human or because it was conceived as vulnerable but because of its economic potential and assumed ability to “integrate”. By virtue of physical proximity, through presence not only in the nation but in families and intimate relationships, some of those excluded by the Temporary Aliens Act regained human value and were re-invented as foster sons, grand-children and friends. Their suffering was acknowledged and lives became grievable. Regardless of whether they were seen as “real” children or not, the circumstances that they had “rooted” in the nation, learned the Swedish language and made friends with citizens stirred emotions of sympathy. But by making productivity the prerequisite for lives to be grievable, other lives are marginalized, dehumanized and constructed as less entitled. Aside from all the young persons excluded by means of complicated rules, age limits and dates of arrival, the solution of creating a path to a residence permit by selecting the most “resourceful” and productive subjects, contradicts the whole idea of refugee protection as a right independent of the subjects economical or professional status. It is a neo-liberal marketization of migration, where residence permits becomes a commodity that can be consumed by certain subjects but are out of reach for others. The way in which alternative social movements such as the No Border movement and more mainstream political demands for legal routes were silenced further enabled the shift from refugee protection to labour migration. That way, the Upper Secondary Education exception rules allowed the securitization of the borders to go on.

PART IV

RE-IMAGINING SOCIAL WORK ETHICS

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## *(complicity in acts of bordering)*

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I graduated with a degree in social work in January 2007 and got my first job less than a week after the graduation ceremony. The municipality was about to open a new HVB home for unaccompanied minors, due to the new regulations of reception put in place the year before (Prop. 2005/06:46). I was excited. This was exactly what I wanted to do. We were a team of mostly young, mostly inexperienced but highly engaged co-workers and we constructed the home to the best of our abilities, to provide a safe space, a place to land after a painful journey and from where dreams about the future could begin to grow. One day, I was asked to translate in a meeting with a boy who was going to be transferred to a different housing unit and then deported. I was not to tell him the truth, but only that he should go to the car that was waiting. “Otherwise he will make a scene” I was told, and in naïve confusion, I trusted that this would be for the best. I then had to pack his belongings in plastic bags and face the questions of all the other boys. It was a terrible moment, and more were to come.

The young boys who were to be returned to Italy, Greece and Malta under the Dublin Agreement soon turned to us on the staff for guidance. And we soon became two teams: those who helped and those who reported. I share this anecdote as a memory from the time before the “crisis”, to exemplify that social work practice has a tradition of policing migration but also of resisting the border regime(s). I remember how some social workers were angry with the boys from Somalia because they ate fruit together with their food. It was wrong and “this is not how we do it in Sweden”. Others were angry that the minors received new shoes and clothing. “They will be spoiled and expect to receive everything for free”, one co-worker often said in a clear voice. I wanted to ask if his kids received clothing and if that made them spoiled, but I remained silent. Sometimes I spoke up, but most of the time I did not – not for small things like bananas and shoes (although aware of the symbolic value that food can be given, as described by Kohli et al 2010). It was not only that I choose my battles. Sometimes I was worried that the colour of my hair would make the advocates for Swedish values doubt my loyalty. And maybe they should have. I did not stay long in the HVB. I could not bear the constant conflicts between the staff. But thanks to inspiring co-workers, I found my own ethical compass and learned how to navigate as a professional in a policy landscape that did not always work for me.

## 11. Social work as an arena for border enactment and resistance

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In this final chapter, I present an integrative discussion developed from the analyses in the preceding chapters. The question at the core of this policy analysis is how subjects become through policy – in this case, *how unaccompanied minors are made and unmade through shifting approaches in social policy and migration policy*. The analysis of my empirical material shows, in line with the existing literature, that the concept of unaccompaniedness has been loaded with meaning through binaries such as vulnerability and risk, trauma and resilience, dependence and independence (Bilotta 2015, Stretmo 2014, Wernesjö 2014). Individuals seen as unaccompanied minors have been met with discrimination, institutionalized racism, bordering and diminished access to rights within the realm of social work and welfare policy (Lundberg & Strange 2017, Eliassi 2019, Jönsson 2013 & 14). Ultimately, for young persons like Navid, Said and Ali, who participated in the interview study, bordering has meant to be excluded from access to rights and denied welfare services. Furthermore, the bordering practices meant exclusion from a possibility to participate in the social community in the local context where they live – if they were to be allowed to live anywhere. For them and others categorized as unaccompanied minors, the changes in policy after 2015 have affected access to housing, financial aid, education, health care as well as the possibility to go to the gym or take the bus. For other young persons, not present in my text, more violent border practices have been reported, stretching from the militarization of the EU border to physical attacks, which place the events in and after 2015 in continuity with previous border practices (Ahlborg et al 2016, Bigo 2014, Andersson in SOU 2006:73, Balibar 1998). These different kinds of bordering should be looked upon as occurring on a continuum from seemingly mundane – being looked at with suspicion – to violent as in the foregoing descriptions. The contributions from my policy analysis therefore contribute to border studies and social work, two academic fields that increasingly intersect.

### 11.1. Grievable subjects – access to rights

In the background to my study (chapter 2) I described how the construction of the Swedish welfare model had embedded political logics of racism and nationalism, through visions of racial purity, but also ideas about a culturally superior people (Lundström & Hübinette 2020, Runcis 1998)). In this final chapter, I will discuss how borders and enactments of citizenship become articulated in relation to dominant political logics in our days (Saward 2013, Isin 2002). How lives are made (un-)grievable and how these understandings shape access to welfare services and human rights. I will also shed light on the counter-discursive acts and open for a discussion about the politics of social work ethics (Reamer 2018, Banks 2008, Rossiter et al 2000, Husband 2005).

The following discussions focus on each of the main analytical concepts which have been central to the purpose of this research and to my analyses: grievability, borders, access to rights, enactment of citizenship, and social work ethics. The concept of grievability guides my thoughts

throughout the chapter, because it is tangible to all of the other concepts and because it is ultimately around humanity and how lives become (un-)grievable that I want to center this discussion.

### *Access to rights through differentiation and/or universalism*

In the analysis it is possible to discern that an ideological pendulum swing between universalism and particularity occurs. This universality-particularity pendulum becomes two alternative ways for lives to become grievable. An unaccompanied minor is seen as a grievable subject through the lens of particularity, by emphasis on vulnerability, trauma and suffering unique for this position. This particularity, the difference between the child refugee without parents and children in general, is what renders access to rights. The particular subject is seen as different, yet grievable, with requirements of specific qualifications to meet these different needs. On the other side of the pendulum, subjects are seen as grievable because they are considered to be just like anybody else. Unaccompanied minors are constructed as holders of rights due to the position *as children*. Because the contemporary discourse on childhood defines children in general as vulnerable and grievable subjects in need of protection, unaccompanied minors become included in the same system of rights and services as other children.

Universality and particularity are loaded with meaning in relation to the binaries of vulnerability and risk. If the context associated with vulnerability for the subject of unaccompanied minors is seen as the same as for children in general, this produces a position close to that of universal children. If on the contrary, unaccompanied minors are associated with vulnerabilities and/or risk behavior that are considered to differ from the experiences of other children, a position of particularity is created. It was in the tension between these concepts that the concept of unaccompaniedness was articulated in policy in 2005, as a *particularly vulnerable child* – and thereby also as a grievable subject with the right to protection (Prop. 2004/05:136). In 2006, unaccompanied minors were included in the Social Services Act, as the only sub-category of asylum seekers with such privilege of inclusion (Prop. 2005/06:46). Although provided access to welfare services through these reforms, articulations of difference were embedded in the same policy processes. Unaccompanied minors were hence included in support systems, but described as different, particularly vulnerable, in need of specific services and specialized staff.

A to and fro movement between universalism and particularity can be seen in all policy directed at unaccompanied minors included in my analysis. The reform on reception in municipalities from 2013 destabilized the assumptions of unaccompanied children as particularly vulnerable. Through a chain of significance including elements such integration, care needs and economy, unaccompanied minors became depicted as *universal children*, with similar needs as other children (Prop. 2012/13:162). In other policy processes from the same time (not included in my empirical selection), young asylum seekers and undocumented migrants were excluded from the right to education and increasingly deportable due to intensified routines by the border police (Lundberg & Strange 2017). This can be taken as an example that practices of inclusion and exclusion took place simultaneously.



While granted right to welfare according to the Social Services Act, access to education and residence permit was not seen as a universal right of asylum seeking minors. On the contrary, after inclusion in the Social Services Act in 2006 and 2013, access to rights for unaccompanied minors became increasingly diminished. The austerity of the position of unaccompanied minors increased in 2015 with an announcement of a “respite” in asylum policy and the refugee reception (Löfvén 2015b). The temporality associated with refugee migration was augmented with the introduction of temporary residence permits. Humanitarian grounds for residence permit were withdrawn, making it increasingly difficult for unaccompanied minors to obtain residence permits. During this moment, the Supported Housing Reform was introduced, through which unaccompanied minors were defined as *more independent*, thus in need of less adult support than “universal children” in institutional care (Prop. 2015/16:43). This new position was one of particularity, but not intersected with vulnerability but with risk: risk of cultural conflicts as well as a risk of “system collapse” if the costs of reception were not cut down.

In the interviews that I made, it was however the new policy on age estimations put in place in 2016, that were brought up as the most extensive change in relation to the access to rights (Prop. 2016/17:121). Through the increased age estimation paradigm, the figure of the unaccompanied minor went from having been seen as a child – a contested childhood and a differentiated childhood, but nevertheless, a childhood that granted certain rights – to a liminal position between childhood and adulthood. In some cases, it meant transformation from childhood to adulthood at a whim and a thereby a position as a non-citizen without the benefits of a child. The liminal position re-defined all (possible) unaccompanied minors as frauds, a risk and a threat, both against the nation and against “real children”. A strong emphasis on the 18 year age limit, in combination with a number of other social logics such as taken for granted ideas about who can be believed, on what grounds, and what a “real child” is, came to disqualify thousands from the label of unaccompanied minors. Since the grounds for access to the Social Services Act was to be seen as a child first and migrant second, when the label of childhood was removed, so was the understanding of this life as grievable, in need of protection and rights (McLaughlin 2018). Following the so-called refugee crisis in 2015, unaccompanied minors were constructed as a problem through dehumanizing stereotypes grounded both in European anti-immigrant tradition and neo-liberal discourse. However, counter-discursive acts came to destabilize this depiction, with the figure of the unaccompanied minor once again embodying the political struggle over national borders (Djampour 2018).

### *The construction of (un-)grievable lives*

In 2005-2006, a separate institution to offer custodians to unaccompanied minors was introduced. Unaccompanied minors were also singled out as the one category among asylum seekers to access the Social Services Act. These two reforms provided a discursive formation, an idea that became a point of departure for the following policy approaches. Through this discursive formation unaccompanied

minors became a category, a concept that was thinkable, a population in need of interventions asides from policy directed towards asylum seekers in general or children in general. In this initial articulation of unaccompaniedness, one of the care needs that was represented in policy, was that of protection. Unaccompanied minors were constructed more with *emphasis on their childhood than their migratory status*. As children, they were considered as particularly vulnerable (McLaughlin 2018). This vulnerability was signified by age, lack of adult supervision and migratory experiences specific to refugee children. When seen as children, unaccompanied minors gained a position as lives more grievable than other asylum seekers. Unaccompaniedness became a position of deservingness, of being entitled universal rights and seen more as a human than when reduced to a migrant “other”.

This position as grievable was however challenged by minor discourses already in the early reforms, where doubt was cast on the figure of the unaccompanied minor. The more associated with fraud, risk and negative orientalist stereotypes, the less the suffering of unaccompanied minors seemed to matter (Lems et al 2020, Khayati 2017). After 2015, unaccompanied minors were *no longer associated with childhood*. Re-constructed as *possible* adult migrants or as lives in a liminal position between child and adult, between asylum seeker and undocumented migrant, the affirmative association with protection needs was broken. The suffering that arose as a consequence of policy changes was left unmentioned, because this subject was no longer seen as the responsibility of the Swedish state – the suffering not seen as “our” problem, not even seen as suffering. It was in some articulations reduced to a consequence of individual choice, to “not follow the rules”. Such rhetoric about the rightslessness being a “natural” consequence of attempting to access a country without permission was reproduced both in the public debate and in the parliament (Parliamentary Proceedings 2017/18:125). Unaccompanied minors were increasingly seen as responsible for their situation.

I argue that grievability in the case of the category unaccompanied minors is signified by vulnerability and vulnerability, in turn reflecting images of ideal childhoods. As such the concept of unaccompaniedness provides an ambiguous ground for inclusion/exclusion. Not only is the boundary between childhood and adulthood contextual (Netz 2019, Mol 2002, Sallnäs 2000). The very idea of *vulnerability as a characteristic limited to childhood*, is a marginalization of all other vulnerabilities and the notion that all lives are – or ought to be – vulnerable and thus grievable (Butler 2009). Along these lines, another problematic aspect of limiting vulnerability to (very young and childlike) children, is ~~the~~ construction of boys and young men with migrant background as potential threats to society. This image is shaped and intersected by fantasies about youth ~~at~~ as a-risk and orientalist anti-immigrant discourse (Garlen 2018, Khayati 2017, Egan 2010, Said 1978). After the migratory turn and especially with the enhanced use of age estimations, this gendered position came to include a wider population, because subjects previously defined as unaccompanied minors were dissociated from the concept of vulnerability. Their lives were both constructed as ungrievable and as a dangerous threat to be “handled” through deportation (Pearson 2006).

## 11.2. Political logics of borders, neo-liberalism and anti-immigrant sentiments

In the preface of this book a poem by Persian medieval poet Sa'adi is recited. In a free interpretation, he states that when human life is stripped of humanity – when a subject is not or no longer seen as an individual whose suffering is painful also to you, then you are no longer entitled to call yourself a human being. In my interpretation of Sa'adi, to acknowledge all life as grievable is the basic ground for humanity. However, there was no consensus to this idea among his contemporaries, nor is there today. Dehumanizing practices take place all the time, all around us. What I have shown is that bordering is not an isolated event or practice, but a chain of meaning making, from the idea of who is a grievable subject, what inclusion(s) this subject deserves and where the line between individual and state responsibility can be drawn. In such processes, policy makers, media and civil servants participate in the definition and reinforcement of borders – social work practice is no exception. In the following, I discuss the role of social work in implementing the political logics of borders into everyday professional practices, the impact of neo-liberal motives and anti-immigrant sentiments in shaping the policy landscape and ultimately, the what this meant to the subject position of unaccompanied minors.

### *Bordering through social work practice*

During the so-called refugee crisis, anti-immigrant sentiments were on the rise and the media coverage of migration and migrants as a problem increased (Martinsson et al 2018, Strömbäck et al 2017, Bolin et al 2016, Dahlgren 2016). Some white Swedish citizens took it upon themselves to reinforce the national borders and show the newly arrived asylum seekers that they were not welcome. This was done through arson against refugee reception centers, violent attacks on young migrants and systematically hindering decisions to construct new refugee reception centers (Peterson 2020, Ahlborg et al 2016 Motion 2016/17:785). At the same time, policy approach to unaccompanied minors shifted from a child protection-oriented inclusion to a nation-protecting exclusion underpinned by a combination of anti-immigrant and neo-liberal political logics and responsabilization (Shamir 2008, Rose 1999). Balibar (1998) state that the borders are everywhere, not only along the territorial borderlines of a nation. With the nation's need for “respite” (from the suffering of asylum seekers) announced by the Swedish prime minister, new articulations of borders came to be practiced in a wide range of arenas, from the parliament to the streets. The borders were not necessarily visible to the majority of the population, but effectively limited the lives of young asylum seekers (Rumford 2013).

Age estimations, new regulations of state compensation to municipalities and new routines for deportation of minors came together and shaped a position of increased deportability for unaccompanied minors. Acts of bordering took place in many different arenas, not only upheld by the border police or migration agency. Medical staff conducting age estimations, HVB-housing staff that had to terminate placements due to arbitrary age estimations, social workers that had to cooperate with the Migration Agency and the border police - all welfare professions were expected to become accomplices in the complex procedures of deportation and other bordering practices. At the frontline

of these everyday practices were social workers, expected to enable a securitization of the national borders, sometimes with a humanitarian pretext such as protecting the “real” children, sometimes with economic motives. I argue that this expectation was not created through these specific policies, but is embedded in the double-edged character of social work as both state control mechanism and arena for empowerment (Sawyer & Fahlgren 2005). However, the intensity with which the reforms of age estimations, supported housing and cuts in state funding to reception came to condition social work practice made this moment in time specific. This came to highlight the role of the social work practices and its proximity, even urgency in relation to national law on migration and practices of bordering. The process accentuates a critical question about the aim of social work and who or what to be loyal to. I will return to this question in the last section of this chapter.

### *Political logics of anti-migration and neo-liberalism*

In the empirical chapters, I have attempted to show how the policy process is shaped by ideological projects, sometimes visible within the policy production, and other times in the broader context of media and political debate. What is said is reflected by what is done and vice versa. There is a difference however, between how a violent mob attacked non-white individuals in central Stockholm and how parliamentarians for the right-wing Moderate party demanded of refugee migrants to “follow the rules” of deportation (Parliamentary Proceedings 2017/18:125). The violent mob stated in a flyer that was spread the same day that they aimed to “clean up”, implying that the presence of the young migrants was dirty or a mess in need of cleaning. The parliamentarians rather directed an order to the rejected asylum seekers, to “comply with your executioner”; do what is bad for you and good for Us. The difference is the *kind of* violence in the articulation – one physical, the other bureaucratic (Arendt 1969). The similarity however, is that these expressions share an indifference in relation to the suffering of migrant bodies, because they are not considered as part of the nation (See chapter 10.1 and 10.4).

The racist mobs are explicit in their antipathy for migrants. The politicians in favor of closed borders do not use the language of race, but of economy and the protection of the nation from both costs and cultural threats associated with “the others”. I argue that these two kinds of political positions find their ideological drive in a consuming *jouissance* – a sense of loss and anger turned into enjoyment when acting out against those considered guilty for this loss. This *jouissance* is underpinned by the fantasy that this nation can only reach its full potential if the obstacle of migrants is removed. It is articulated in rhetorics about migrant “others” that invade the nation/flood over the/our borders to take what is rightfully “ours”. The metaphorical “cleaning up” made by the racist mob is a response to this. It also comes to expression with social work interventions that aim to correct the abnormal migrant, through education in “Swedish values” and in different ways wash them clean of their troublesome cultures. In these ways of understanding migrants and migration, deservingness is constructed with emphasis on “integration”, on language skills and productivity (van Oers 2013). My

discussion is not to describe if such expressions exist or not within policy or social work practice – they do and have been empirically presented by other scholars (Schütze 2019, Eliassi 2015 & 2017, Jönsson 2013 & 2014, Gruber 2013, Herz & Johansson 2012).

I argue that the way in which anti-migrant neo-liberal logics came together and dominated not only the political debate and policy production on migration as a whole, but also in the sense of diminished rights for unaccompanied minors, was not a disruption of a previously anti-racist or humanitarian discourse. Rather it should be seen as an intensification of the ideas of differentiation and (cultural) otherness as well as being part of a larger project to re-organize and downsize welfare services that were already present. The figure of the unaccompanied minor was already constructed as different and differentiating from “the universal child”. The idea of a crisis and how it was formulated gave an incentive to an already present discursive formation. The fact that children under 18 can and are being deported to countries at war, without organized reception or follow-ups on their situation, is a symptom of political logics underpinned by assumptions of difference. Likewise, the intensified border controls which have pushed asylum seekers to countries with paid agreements to secure the European border, are examples of extreme exclusion, bordering practices that make it almost impossible to even arrive here to apply for the right to asylum as defined in the Geneva Convention. When reports surface about human slavery in Libya, young Afghan boys being recruited by the Iranian army or asylum seekers being pushed back from Europe to Turkey and onward back to the war in Syria, it is difficult to grasp as being related to the everyday bordering taking place in a social services office in a small town in Sweden (Kallergis 2020, Baker 2019, Human Rights Watch 2017, 2018 and 2019). Arendt wrote:

If, in accord with traditional political thought, we identify tyranny as the government that is not held to give account of itself, rule by Nobody is clearly the most tyrannical of all, since there is no one left who could even be asked to answer for what is being done. It is this state of affairs which is among the most potent causes for the current world-wide rebellious unrest (Arendt 1969 p. 13).

I read this as a predicament of contemporary society and the bureaucratization of bordering, in which social work is included. One of the interview participants stated that bureaucracy is beautiful and a guarantee for democracy. This may be, but there is also a repressive dilemma embedded in a system of decision-making where nobody is held responsible for the violent outcome. It is through many seemingly small decisions and practices that the border regime is upheld. The separate actions are motivated with different political logics, such as a need to control the budget, new care needs associated with unaccompanied minors or claims that the securitization of the borders is needed to protect another, more deserving category of the population (white women, “real” children etc.). Either unaccompanied minors are seen as independent to the extent that they can manage tasks that would never be demanded of universal children or even adults. Or they are dehumanized to the extent that their suffering is met with indifference. Through these logics, it becomes possible for Swedish

professionals who identify as humanitarian or in favor of children's rights, to partake in the deportation machine. Because responsibility is so fragmented, nobody can be held responsible. I argue that regardless of motive, the taken for granted "truths" about these subjects are created through daily interactions which include a wide range of professions. It is through acts of age estimations, exclusion from housing for children, exclusion from financial aid and finally, exclusion from the territory, that certain bodies end up as child soldiers or struggling for survival along the shores of southern Europe. The violence of bureaucracy should therefore be underscored. And perhaps it is by demanding of the bureaucratic agents to shift gear of loyalty, from the deportation machine to humanity, that a change can be envisioned.

### *Unaccompaniedness limiting and enabling access to rights*

Although I have initially worked with the idea of a shift in discourse, what I have shown is that policy response to the so called refugee crisis, is not so much an abrupt change in discourse, but rather a slow transformation of already existing logics; a process of discursive layering (Streek & Thelen 2005). The border regime that we can call Fortress Europe, was a strong discursive formation, so well established it was seen as natural long before the "refugee crisis". Nevertheless, with the so called respite, the lives of asylum seekers in general and unaccompanied minors in particular became increasingly constructed as ungrievable and curtailed with borders.

Unaccompaniedness hence first enabled access to these rights, such as custodianship and social services. With the age estimation reform in combination with the changes in LMA, which meant that rejected asylum seekers no longer had the right to benefits, the contrast between the position of unaccompanied minors dropped from (almost) equal to universal children to rightless subjects, or what Agamben refers to as *bare life* (Agamben 1998). The concept of unaccompaniedness hence first enabled access to rights and then worked in the opposite direction. When unaccompanied minors became associated with fraud, this category was subjected to policing, controls, delegitimization, aims to limit costs or access to the national territory (or all of the aforementioned). Through this shift, unaccompanied minors were detached from the very status of being minors and made into adult asylum seekers. Hence, a new position of an independent, ungrievable young adult was constructed, sometimes including subjects that were legally minors. Both in the Supported Housing Bill and in how rejection decisions and deportations were organized, the 18 year age limit was pushed down to 16. Children between 16-18 could be expected to live without adult supervision and to return to countries of origin without organized reception (Lundberg & Jansson-Keshavarz 2019, prop. 2014/15:43). There was hence a downward flexibility for adulthood when it came to reduce access to protection and welfare service for those categorized as unaccompanied minors.

In the protests against the restrictions, which will be discussed in the next section, unaccompanied minors were by far the category that invoked the most sympathy and engagement among the Swedish social workers and activists. I argue that this was possible for two reasons. The

first is that many activist/volunteers argued within the discourse of vulnerable childhoods. They claimed that the disqualified unaccompanied minors were in fact “real children” and as such entitled to protection, welfare services and what is associated with children’s rights. However, another aspect of the new social movements and the demands that were made, is the proximity of unaccompanied minors to “Swedes”. While asylum seekers often stay in reception centers or with relatives and do not come in contact with the majority population, unaccompanied minors, by virtue of the inclusion in the Social Services Act and the right to education, can be placed in foster homes, meet peers in school, teachers, custodians, care staff etcetera. Through proximity with “Swedes” the subjects are re-made into complex beings and as such, seen as grievable lives worth defending. I argue that these connections made it possible for a broader general population to see the suffering of this category, compared to that of other asylum seekers. This separation from other asylum seekers furthermore enabled an alternative meaning associated with unaccompanied minors, as able to integrate, productive and with potential to establish on the labor market. These positive associations connected to the subject position of unaccompanied minors came to influence the policy processes, not least the Upper Secondary Education Bills, through which this particularly productive subject with ability to integrate could access certain rights.

### **11.3. Acts of citizenship and of solidarity**

At a period in time when speaking out about refugee rights publicly could mean the risk of harassment and to receive threats, an unknown number of “ordinary Swedes” not only spoke out, but also opened their homes, their wallets and their hearts to the rightsless subjects that unaccompanied minors had become before, during and after the so called refugee crisis (Arkitekten 2016, Johansson 2015). By “ordinary Swedes”, I mean persons residing in Sweden, many of whom many had not previously engaged in asylum rights activism of this kind; social workers, teachers, custodians, foster families, university employees and various volunteers who did not agree to take part in the machinery of bordering. These persons took it upon themselves to fill gaps created by policy changes. Through these acts of solidarity, they challenged the assumption that exclusion of unaccompanied minors was necessary to prevent a collapse of the welfare system. They managed to improvise solutions and reinvent both family constellations, the professional-client relation and the idea of inclusion in the nation. I see these acts of solidarity as a disruption of the border regime as well as an alternative vision to racist stereotypes. Through acts of not only solidarity, but in many cases also love, the deeply rooted line between the Swedish “us” and immigrant “other” could be challenged, so that new alliances and communities could become imaginable.

### *Social work as a platform for advocacy and change*

Social work with unaccompanied minors entails the contradictory task of acting as a state parent for asylum seeking children in a time of increased securitization of the national borders (Meloni & Humphris 2019). In this paradox, the professional discretionary space is ever more relevant (Lipsky 1983). Social work practitioners and professions in close relation to social work, such as custodians and foster families, were central to the construction of the new social movements, such as *Vi står inte ut* and *Stoppa Utvisningarna till Afghanistan*. These protests can be seen as acts of refusal to take part in the violence of the border regime (Lundberg 2017 a). Activists stretched the professional role to include support and advocacy in ways that had not been common practice before 2015. These acts can also be described as enactments of citizenship, both on behalf of the volunteers and of the unaccompanied minors themselves (Isin 2002). The acts of citizenship began with what Saward (2013) defines as assertion; actions ambiguous in direction and unclear in intention. Such acts can be a teacher that goes beyond the professional role to help a young person with something practical, an appeal to the Migration court or housing for a few weeks, without this being a thought through strategy to actually increase the student's space for social citizenship rights. As it seems from my interview material, the more politicized both unaccompanied minors and their allies/volunteers got, the more explicit demands they formulated. Through new communities and inclusion, subjects in the liminal position of unaccompanied minors – former unaccompanied minors, managed to open a pathway to be seen as political subjects, as persons who could participate in acts of resistance and to make rights claims side by side with citizens. These acts in themselves stretch the idea of citizenship from a formal right to practices that can be lived through resistance (Tsavdaroglou 2019, Zorn 2014). These enactments of citizenship and alliances between “Swedes” (social workers and persons unaffiliated with social work) “Unaccompanied minors” also came to influence the policy process. A formal extension of the contingent space where citizenship rights could be accessed came through the Upper Secondary Education Bills (Prop. 2016/17:133, 2017/18:252).

Processes of citizenship enactment are complex and can be approached from different perspectives. Focusing on the participation of unaccompanied minors in the political debate, whereby they pushed the limit for exclusion/inclusion of them as political subjects, the question of representation becomes relevant. This means to discuss who can and should partake in this political protest and how should demands be formed and expressed. Furthermore, it highlights the core of the alliance: where does the loyalty stand, with what values and which subjects? Within the broader anti-racist movement, issues about white privilege, silence versus action and to use a privileged position in solidarity with racialized minorities has been discussed (Smoot 2020, Länsstyrelsen Stockholm 2019:11). One dilemma in this discussion is how to be an ally without taking over and defining the struggle. However, this needs to be transferred to the specific context of rights claims for unaccompanied minors. The asymmetric relations created by holding different migratory status, to be subjected to different processes of racialization as well as bordering practices shape specific conditions for a social movement created in the aftermaths of 2015.



As Spivak (1988) eloquently points out, the western intellectuals (or in this case, the “Swedish” solidarity movement and social work practice) cannot abdicate from responsibility in the process of change with the assumption that the subaltern (in this case, asylum seekers/unaccompanied minors) can speak, be heard and thus do not need to be represented. And to a large extent unaccompanied or former unaccompanied also have spoken and have been heard, through protests, sit-in strikes and marches (Expressen 2018, Fridell Anter 2016). However, we should also contemplate on what impact these protests would have had without networks and alliances beyond the specific subject position of unaccompaniedness. A relevant perspective on this matter is how experiences can be translated and transferred, in order to build movements of solidarity. Söderman (2019) address this and points to the complexities of organizing political movements through alliances between persons with different migratory statuses – that this context has an inherent inequality. Söderman argues that this inequality can be approached through relationships and translation work that is not limited to language, but to experiences of life (Söderman 2019). The argument leads me back to the idea of love as a political force: friendship, kinship, care for the other that is not only grounded in ideology (universalism – everybody should be entitled to rights) but also in embodied experiences that make the suffering of others palpable. This would mean to find ways of communicating and enacting citizenship, not only in relationship to services and rights, but as in membership in an imagined community, a “we” which goes beyond hegemonic whiteness, migration status, age, national borders and fantasies of belonging to the “people’s home”. As I see it, there are efforts within the new social movements such as *Vi står inte ut*, that provide inspiring examples on this organized and collective way to re-imagine a community.

### ***Social work ethics for a profession with contradicting loyalties***

In the previous section emphasis was put on the movements of solidarity and enactments of citizenship, but also the responsibility of social workers to enable unaccompanied minors to speak, to organize and to reinforce their enactments of citizenship. The latter is linked with a broader ethical discussion about the role of the social worker in relation to the clients (Husband 2005). I want to argue, with the professional ethical codex as a point of departure, that advocacy is a central part of social work practice regardless of “client category” (SSR 2017, IFSW 2014 & 2018). However, the meaning put into advocacy can and should be discussed.

Lundberg & Strange (2017) argue that human rights should be conceptualized beyond international or national statements, as acts (re-)invented through policy implementations on local level. Drawing on this, one could argue that social workers could or even should use their discretionary space in their daily work to find ways to avoid bordering practices, age estimations and other policy that risk to minimize the rights of their clients. This brings me to a question that has been an ever present dilemma throughout this thesis: *is it not the rule of the game that an asylum seeker must return once his/her application has been rejected?* Going beyond the scope of this thesis, yet addressing something that

is at the core of it, this dilemma at the intersection of social work practice and migration policy is something left unmentioned in the policy debates that I have taken part of. I do however find it important to elucidate these implications for social work practice since I strongly urge that social work has an ethical obligation to keep its integrity. But, does the profession also have this obligation in relation to other institutions where other policy fields are activated? And how is it accomplished? If the rule of the game is that certain lives are to be ungrievable, perhaps it is also relevant to ask what kind of game this is. And maybe it is the role of social workers to ask these questions. Fredrick Reamer, a scholar that has elaborated on social work ethics, poses the following questions:

Is it acceptable for a social worker to knowingly and willingly violate a law, even if she has only noble motives involving service to clients? What consequences should there be for a social worker who does not act in a client's best interest? What legal risks – in the form of criminal penalties, ethics complaints, formal adjudication by ethics disciplinary committees or state licensing boards and lawsuits – do social workers face as a result of their actions? (Reamer 2018 p.4).

These questions are thought-provoking and necessary for a discussion on how ethical practices can be developed. I direct my gaze to what happened after 2015 with new social movements formed by welfare workers who could not fulfil their professional ethics within their formal employment. In order to remain loyal to their employers, yet also ethically responsible in relation to their clients, they formed spaces in-between social work and social activism. This can hence be one response. However, I question the sustainability of individuals working at their day jobs and doing additional tasks in unpaid work during their free time. The limits of compassion can both be anticipated in terms of energy, recourses and arbitrary assessments on who to help (Armbruster 2019). Rather, I call for reflection on how a professional code of ethics can be turned into practical action without individual social workers facing legal or institutional risks.

As argued within the post-structural ethics literature, ethical social work practice cannot be defined by a fixed position that defines the good and right approach (Rossiter et al 2000). Sarah Banks (2008) calls for a more conscious linkage between social work ethics and politics, since these are intimately connected. In this thesis and especially in this final chapter, I have made an attempt to provide a point of departure for such a linkage, to open up for a discussion within the profession about how conduct and ethical decision-making are made in relation to the political context. By simultaneously seeing the individual social worker and acts of resistance and to emphasize the political context, I hope that I have made visible the ethical aspects of issues that may be taken for granted as political. As pointed out by Banks (2008), there is a tendency to define professional ethics as limited to difficult decisions in individual cases, decontextualized from the organizational, political and social context. With such an understanding of ethics, more contextual issues related to social work are viewed as politics and therefore not seen as part of the sphere of decision-making (ibid). As an example, forced deportations, exclusion from basic human rights and violence (physical as well as bureaucratic)

are practices that should be seen within a political context. The participation of social work in such practices is inherently political. Hence, there is a need for an ethical reflection that includes the political aspect of the situation. The political-ethical division of the field can otherwise limit the space within which practitioners see an ability to act. To be critical of deportations can be dismissed as a political act that is not appropriate for civil servants, rather than being seen as professional ethics in practice. I argue that the opposite should be the norm: that when faced with complex professional dilemmas, ethics and the politics of a situation should be handled jointly.

When I started this PhD-journey, I was tired after years of activism and of not being heard – tired of shouting. Through the many encounters that I have had along this process, I am now convinced that it is through protest and more specifically, through acts of solidarity and love that the border regime can be re-imagined. That these acts can take place on the streets, within social work and other institutions and in academia as well, through *assertion of a citizenship concept that goes beyond national law*. In this debate, social work practitioners could have a central role as advocates of change. If truly invested in the ambition of a more inclusive society, the mission ought to be to re-imagine what lives are grievable and to acknowledge vulnerability as inherent to all life. Social work practice can, and I argue should, position itself more independent of migration policy, strengthening its loyalty to client categories as human beings rather than with the machinery of deportation. Grounded in a progressive political-ethical self-reflection, there can be a meeting-point between the professional, and scholarly and activist conversation, where alternative visions can be imagined. I look forward to that conversation.

## *Epilogue*

Since I have already written all I have to say, in these last paragraphs I wish to share the story of Reza. I never met Reza. He lived in the very north of Sweden. This is what I have learned through social media from his friends Jari and Bitti. Reza arrived in Sweden in 2015. He finished upper secondary education and managed the almost impossible task of obtaining a permanent work contract. He worked with the elderly, just like many policy makers had suggested was suitable, and he did so within six months of graduation. This was in accordance with the New Upper Secondary Education policy and the conditions for a permanent residence permit were fulfilled. But since the work contract had not included assessment time at the Migration Agency, the application was rejected – his employment term was three weeks too short. When his employer was prepared to adjust the contract to meet the requirements, a new problem was found. The education program which he had graduated from may have contained too little work practice: according to a decision from the administrative court in Luleå, it should contain of at least 15% practical training. The certificate he had did not clarify the percentage. Despite having a graduation diploma and permanent employment, the appeal was also rejected. In the midst of the COVID-19 pandemic, Reza received a decision on deportation to Afghanistan – a country in which he had no network since he had grown up in Iran. In a Facebook post, Reza’s friend Jari wrote that during the last week of his life, Reza felt persecuted. He was not afraid of Swedes, nor of Afghans. He was afraid of the Swedish state. He feared that the police would wake him up one morning and execute the deportation. Before this occurred, Reza was murdered on a bus in the town of Kiruna. He was stabbed by a man that had repeatedly harassed and threatened him – threats that were reported to the police authorities but not taken seriously. I came across the story of his fate when somebody shared a crowd funding initiative to pay for sending his remains back to Iran. A goal that was not fulfilled due to bureaucratic obstacles.

The fate of Reza moved me beyond the topic of the thesis. It pains me that Reza and many, many young persons have had to spend the past years searching for a path to a residence permit in a maze of complicated policies aimed at deportation. The arbitrariness of the system is illustrated when even the most ideal applicant, who is productive and able to “integrate”, is rejected. It may be that arbitrariness in itself is a mechanism of bordering. I consider this the evil of our time, and when bordering takes place for the sake of bordering, unreflected, it is the banality of our evil made visible. I am not by any means suggesting a return to any of the “golden pasts” often portrayed in the debate. However, the suicides and the other tragic deaths of young persons are not inevitable. Sometimes people are depressed, self-destructive and harm themselves. Sometimes people are in the wrong place at the wrong time. With the Temporary Aliens Act, and the circus that followed, Sweden became the wrong place at the wrong time. Being in this limbo made healthy young people clinically depressed. It took their lives away.

Reza was 20 years old and about to get married. He had a mother and younger siblings in Iran and a network of friends and co-workers in Kiruna. His life is mourned by many. His death was covered by national news media (DN 2020). This life was grievable, yet he could not find a path for inclusion. Some networks demand that age estimations are halted and others demand an end to deportations to Afghanistan. Both are very valid points. I am also convinced of the need to reintroduce permanent residence permits, humanitarian grounds for asylum, family reunification and the right to basic welfare even when asylum claims are rejected. This would be to return to the baseline of 2014. But demanding a return to 2014 is not enough. What we also need now is recognition of the pain and suffering the Swedish state has caused refugee migrants since the introduction of the Temporary Aliens Act. Compensation. From there, the Social Democratic-Green coalition have a promise to fulfil: to scale up refugee reception, to improve the support for newly arrived families, the “settlement”. Legal routes for asylum seekers to make border crossings safe are a demand that should have been on the agenda but have been completely marginalized. Moreover, an acknowledgement of the grievability of all lives, not limited by gendered and racialized expectations of childhoods. Two decades have passed since Agamben wrote that the presence of refugees breaks the continuity of human and citizen and brings light to the bare life. It is even longer since Hannah Arendt first addressed the question of the right to rights (Arendt 2017, Agamben 1998:131). The question is how long this will remain a dilemma. And perhaps the time has come to ask if refugee migrants will ever experience unconditional belonging to the community of the welfare state or if there must there first be a different organization that destabilizes the concept of the nation.

## Summary in Swedish

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Den 24 november 2015 presenterade stadsminister Löfvén en ny, restriktiv asylpolitik med den explicita målsättningen att placera Sveriges flyktingmottagande på EU:s miniminivå. En tillfällig utlänningslag begränsade rätten till asyl och familjeåterförening. Den politiska debatten som följde kretsade kring olika föreställningar om ensamkommande barn. I den här avhandlingen undersöks processer av meningsskapande i relation till begreppet ensamkommande i svensk lagstiftning, för att analysera de förändringar som ägde rum under och efter 2015.

Med en teori-metod-design som bygger på poststrukturell policy analys och diskursteori analyseras sju propositioner tillsammans med intervjuer med ungdomar och välfärdsarbetare/aktivister. Gemensamt för propositionerna är att begreppet ensamkommande är centralt. Reformerna kan placeras i intersektionen mellan socialt arbete och migrationspolitik: god man för asylsökande ensamkommande barn, kommunalt mottagande och inkludering i Socialtjänstlagen, skapandet av stödboenden riktade till denna målgrupp och andra ungdomar, åldersbedömningar i asylprocessen och Gymnasielagen, som utgjorde ett undantag från den tillfälliga begränsningslagen och en väg till uppehållstillstånd baserat på studier.

Det huvudsakliga resultatet indikerar att sättet att beskriva ensamkommande barn som annorlunda än barn i allmänhet och därmed i behov av annat stöd och andra rättigheter, har förekommit långt innan begränsningslagarna från 2015. Den diskursiva formationen som skapar en specifik position för ensamkommande barn har således inte genomgått en total transformation, utan snarare tillförts ytterligare lager av mening. I de tidigare reformerna från 2005-2006 betraktas ensamkommande barn som sörjbara liv på grund av den utsatthet som förknippas med deras specifika migrationserfarenhet och att vara utan vårdnadshavare. Genom olika politiska logiker, där ekonomi och invandringsfientliga tendenser får genomslag, blir alltfler subjekt exkluderade från den här positionen. De tillskrivs negativa associationer, misstänkliggörs och diskvalificeras från att vara både barn och utsatta. Denna gränsdragning definierar vem som kan vara ett "riktigt" barn och därmed ett sörjbart liv med rätt till skydd och rättigheter. Som ett erkännande av den utsatthet som skapats genom dessa reformer, presenterades de två Gymnasielagarna som erbjöd undantag från den tillfälliga begränsningslagen. Därmed omformulerades föreställningen om ensamkommande barn också från att ha varit ett flyktingbarn till att bli en internationell student och potentiell arbetskraftsinvandrare.

I denna avhandling argumenteras att (icke-)sörjbara liv konstrueras genom att termen utsatthet associeras till begrepp som barndom, gränser, rasifiering och nationen. I dessa meningsskapande-processer formas subjektpositioner och rätten till rättigheter definieras. Men lagstiftningen produceras i ett politiskt sammanhang och beroende av sociala praktiker. Det är alltså relevant att se den i förhållande till socialt arbete, sociala rörelser och befolkningen som berörs, som genom sina handlingar vidgar utrymmet för medborgarskap och med solidaritet utmanar den dominerande gränsregimen.

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## Legislation

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- Lagen om bistånd åt asylsökande m.fl. SFS nr: 1988:153
- Utlänningslag SFS nr: 1989:529, SFS nr: 2005:716
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- Lag om mottagande av asylsökande m.fl. SFS nr: 1994:137
- Socialtjänstlag SFS 2001:453 (SoL).
- Lag om hälso- och sjukvård till vissa utlänningar som vistas i Sverige utan nödvändiga tillstånd, SFS nr: 2013:407
- Lag om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige SFS nr: 2016:752
- Lag om ansvar för etableringsinsatser för vissa nyanlända invandrare, SFS nr: 2017:584
- Förordning (2010:1122) om statlig ersättning för insatser för vissa utlänningar, SFS nr: 2010:1122
- Förordning (2017:193) om statlig ersättning för asylsökande m.fl. SFS nr: 2017:193
- Offentlighets- och sekretesslag SFS nr: 2009:400

## Appendices

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## Appendix I: Timeline of central policy reforms

Year	Policy processes
2004	Committee of Social Insurance report (2004/05:SfU2), preceding the Government Bill
2005	The right to custodianship and legal guardianship for unaccompanied minors was defined through Government Bill 2004/05:136.
	Changes in the Swedish Reception of Asylum Seekers Act (LMA) enabled a new division of responsibility between the state and the municipalities. Reception of unaccompanied minors was allocated to Social Services according to Government Bill 2005/06:46.
2006	A new Aliens Act was introduced, based on Government Bill 2004/05:170.
2007	Education for undocumented children was discussed in the Government Commission of Inquiry SOU 2007:34.
2008	Reform regarding residence permits based on labour market participation was passed through Government Bill 2007/08:147.
2010	SOU 2010:5 addressed the right to education for all children regardless of migratory status.
2011	The reception reform from 2006 was evaluated (SOU 2011:64). Proposals to increase the powers of the state to place unaccompanied minors (Government Bill 2012/13:162).
2012	Age estimation was addressed in Migration Agency legal statements: RCI 19/2012 and the Board of Health and Welfare presented new recommendations for age estimations in 2012-06-26.
2013	The right to education for undocumented children was addressed in Government Bill 2012/13:58.
2015	Supported Housing – a new placement for children and young persons was presented in Government Bill 2015/16:43, preceded by Committee of Health and Welfare report 2015/16:SoU5.
2015	The Temporary Aliens Act is introduced (the Act 2016:752 on temporary limitations of the opportunity to be granted residence permit in Sweden). Government Bill 2015/16:174.
2016	Changes in LMA so that rejected asylum seekers are no longer eligible for financial aid or housing. Committee of Social insurance report 2015/16:SfU3y.
	Government memorandum 2016-06-21 regarding financial compensation between the state and municipalities, minimizes the level of compensation.
2017	Earlier Age Estimations in the asylum process are proposed in Ds 2016:37 and Government Bill 2016/17:121.
	The first Upper Secondary Education Bill Prop. 2016/17:133
	The Second Upper Secondary Education Bill (Prop. 2017/18:252) is presented.



## **Appendix II: Interview guides**

### *Interview guide for young persons/asylum seekers*

Short presentation on myself and the research project

Information that it is ok to ask for a break, to stop the interview and/or not answer specific questions.

I wonder if there is anything in particular that you want to speak about.

The reforms that I will look at are these:

- 2006, when Social Services were given responsibility for reception of unaccompanied minors
- The right to health care and education for undocumented children
- Processes around compulsory care and LVU
- The Temporary Aliens Act (2016:752)
- Family reunification
- Age Estimations
- The Upper Secondary Education Acts

Are any of these familiar to you?

Have you had your age changed? If yes, how did it feel? What do you think about it?

Has the temporary law affected your situation? How?

How is it to live in a reception centre for adults compared to one specifically aimed at minors?

Have you been placed under LVU? If so, would you like to tell me about it?

What is your access to school like now?

What is your access to healthcare like now?

How is your financial situation?

How are you, with all this going on?

How do you see your future?

Is there anything else that you want to add?

## *Interview guide for professionals/activists*

Short presentation on myself and the research project

Information that it is ok to ask for a break, to stop the interview and/or not answer specific questions.

Can you tell me about your work or how you come into contact with unaccompanied minors?

I wonder if there is anything in particular that you want to speak about.

The reforms that I will look at are these:

- 2006, when Social Services were given the responsibility for reception of unaccompanied minors
- The right to health care and education for undocumented children
- Processes around compulsory care and LVU
- The Temporary Aliens Act (2016:752)
- Family reunification
- Age Estimations
- The Upper Secondary Education Acts

Are any of these familiar to you?

How have they affected the daily life of the young persons you meet?

What concrete consequences do you see? Can you give examples?

How has it affected your professional role?

Is there something else that you think is important to relate?

## *Interview guide for voluntary foster families*

Short presentation on myself and the research project

Information that it is ok to ask for a break, to stop the interview and/or not answer specific questions.

Can you tell me how you got to know each other and why N (the young person) moved in with you?

I wonder if there is anything in particular that you want to talk about.

The reforms that I will look at are these:

- 2006, when Social Services were given the responsibility for reception of unaccompanied minors
- The right to healthcare and education for undocumented children
- Processes around compulsory care and LVU
- The Temporary Aliens Act (2016:752)
- Family reunification
- Age Estimations
- The Upper Secondary Education Acts

Are any of these familiar to you?

To N: How has the new law affected your daily life?

To the foster parent: What consequences do you see of the changes, in relation to N or generally.

To N: What do you think your housing situation would have been like without the recent changes in policy?

Have you had your age changed? If yes, how did you experience this? What were the consequences for you?

Has your ability to go to school been affected? If yes, how?

Do you have access to healthcare when you need it?

To the foster parent: You are a voluntary foster family. How did you come to this decision?

What was your contact with Social Services like initially, and what is it like now?

You also had another young person here who returned. What was his situation and what made him decide to go back?

Whose responsibility do you think it is, that boys like N get their basic rights, such as housing, food and access to education and care?

To both:

Is there anything else that you think is important to relate?

### **Appendix III. Information letter: Research study on the construction of unaccompanied minors in Swedish law<sup>23</sup>**

My name is Baharan Kazemi, and I am a PhD candidate in social work at the University of Gothenburg. My dissertation area is a policy analysis of legislation and guidelines regarding unaccompanied minors.

At the moment, I am particularly interested in the temporary Aliens Act and what it has meant for unaccompanied youth in terms of age assessments, social services etc. I want to interview people who have experience of this, to complement my data material which is primarily legal text, motions, bills and memoranda from the relevant authorities.

What I am looking for is the following:

- Persons who have applied for asylum in Sweden as unaccompanied children/youth and have had their age changed to 18 years.
- People who work / have worked with unaccompanied children professionally, ie they are/have been formally employed and receive a salary, for example as social workers, housing staff or teachers.
- Individuals who meet unaccompanied children on a voluntary basis, for example, as voluntary family homes to persons who have had their age changed, or asylum rights activists.

*The interview will focus on what changes you have seen since the temporary law came into force, how you think it affects your everyday life and/or the children/youth you meet as well as what strategies you and/or they have developed as a consequence of the new situation.*

Interviews are conducted individually or in groups depending on the participants' wishes and can be conducted at a location that you choose. *The interview can be conducted in Swedish, English or Persian.* If you need an interpreter, I will do my best to arrange it.

Participation in the study is voluntary. You may withdraw your participation at any time without giving reasons for this.

What you say in the interview situation will be *anonymized* - that is, names, places and other information that can be directly linked to you will be changed or deleted.

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<sup>23</sup> This document was translated into Swedish and Persian.

Interview material is stored in accordance with the 10-year archive law in locked cabinets at the university so that unauthorized people cannot access it. Responsibility for your personal information lies with the University of Gothenburg. Unidentified shorter extracts from the interview material may be published in the form of scientific articles, which are compiled into my doctoral dissertation. Extracts from the interview material may also be presented at conferences in Sweden and internationally, as well as in lectures, other publications or in popular science written work.

Contact me if you are interested in participating, or curious about the study or want to hear more.

Contact details

[email]

[telephone no]

The dissertation is conducted under the supervision of:

Lecturer Hanna Wikström, Department of Social Work, University of Gothenburg.

[contact info]

Lecturer Monica Nordenfors, Department of Social Work, University of Gothenburg.

[contact info]

**Appendix IV. Form of consent: participation in research project with policy analysis in relation to unaccompanied minors<sup>24</sup>**

ID Number \_\_\_\_\_

**I give my consent to participate in Baharan Kazemi’s study about unaccompanied minors.** This means that I wish to participate in an interview and allow my accounts to be used in a dissertation, articles and verbal presentations that have to do with the research project.

**I will be anonymous in this study.** All personal information (my name, name of the municipality where I live/work, or other information that makes it possible to guess who I am) will be removed during the transcription of the material.

**I can at any time end my participation in the study.** This means that I can interrupt in the middle of an interview or later contact Baharan Kazemi and tell her that I do not want the material to be used. I can also say that only certain parts can be used.

**The interview material (recording, transcribed text and consent forms) will be kept in a locked cabinet at the University of Gothenburg for 10 years** in accordance with Swedish law and be made available for investigation or scrutiny. In other cases the material will not be available to any person except Baharan Kazemi and her supervisors at the Department of Social Work at the University of Gothenburg.

I have been informed about the research   
and I have been informed about the content of this consent form.

My questions with regard to this have been answered.

I agree to an interview and that it is recorded

Signature .....

Date .....

Name .....

\_\_\_\_\_

<sup>24</sup> This document was in Swedish and I translated it verbally.

## Appendix V. Word count

Most common words in all 7 government bills, minimum length 4 letters.

Word	Length	Count
Residence permit (uppehållstillstånd)	18	2142
Child (barn)	4	1798
The law (lagen)	5	1035
Unaccompanied (ensamkommande)	13	834
Municipality (kommun)	6	759
The child (barnet)	6	744
Education (utbildning)	10	718
The Migration Agency (migrationsverket)	16	680
Care/treatment (vård)	4	648
Approved (beviljas)	8	587
Sweden (sverige)	7	578
Housing (boende)	6	561
Decision (beslut)	6	546
Studies (studier)	7	545
Foreigner (utlänning)	9	532
Home (hem)	3	517
The government (regeringen)	10	494
The foreigner (utlänningen)	11	461
Law (Lag)	3	443
Good (god) <sup>25</sup>	3	437
Application (ansökan)	7	416
Man (man)	3	414
Young (unga)	4	409
Particular (särskilda)	9	387
Asylum seekers (asylsökande)	11	374
The Child's (barnets)	7	372
Support (stöd)	4	363
Upper Secondary Education (gymnasieskolan)	14	350
Temporary (tillfälliga)	11	327
Foster home (familjehem)	10	319

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<sup>25</sup> The word for custodian in Swedish consists of the two words "good" and "man" (god man).



Approved (beviljats)	9	309
Supported Housing (stödboende)	10	308
2016	4	306
Social Welfare Board (socialnämnden)	13	303
2015	4	285
The government's (regeringens)	11	280
Is studying (studerar)	8	280
Right (Rätt)	4	275
Reception (mottagande)	10	274
2017	4	269
Needs (Behov)	5	268
Reasons (Skäl)	4	268
Level (nivå)	4	264
Possibility (möjlighet)	9	260
2005	4	255
Protection (skydd)	5	249
Upper secondary (gymnasial)	9	240
Assessment (bedömning)	9	239
Member States (medlemsstaterna)	15	239
Reside/stay (vistas)	6	236
Municipalities (kommuner)	8	229
Months (månader)	7	228
The education (utbildningen)	12	221
The possibility (möjligheten)	11	217
Time limited (tidsbegränsats)	14	217
Age (ålder)	5	215
Applicant (sökanden)	8	210
Legal guardian (vårdnadshavare)	14	210
Induction program ( introduktionsprogram)	20	209
Referral bodies (remissinstanser)	15	201
National (nationellt)	10	196
Needs (behöver)	7	193
Full time (heltid)	6	190
Activity (verksamhet)	10	190
Change (ändring)	7	190
Program	7	186
Professional education (yrkesutbildning)	15	186
Information/tasks (uppgifter)	9	181
Power (kraft)	5	177
Time (tid)	3	177
The Social Services Act (socialtjänstlagen)	17	175
Limitations (begränsningar)	13	174

Person	6	174
The Municipalities (kommunerna)	10	173
The Municipality (kommunen)	8	167
The Aliens Act (utlänningslagen)	15	167
The applicant (sökande)	7	162
Internationally (internationellt)	15	161
Persons (personer)	8	161
Vocational (yrkesinriktad)	13	161
The children (barnen)	6	160
Municipal (kommunala)	9	160
The Migration Agencies' (migrationsverkets)	17	160
Permit (tillstånd)	9	160
Completed (fullföljt)	9	159
Social Services Act, abbreviation (SoL)	3	157
Upper Secondary Education for students with learning disabilities (gymnasiesärskolan)	17	156
The chief guardian (överförmyndaren)	15	149
2004	4	148
The residence permit (uppehållstillståndet)	20	146
Adults (vuxna)	5	145
Age estimation (åldersbedömning)	915	145
Replacement/substitute (ersättning)	10	142
The administrative court (förvaltningsrätten)	18	139
Supervision (tillsyn)	7	138
Investigation (utredningen)	11	138
The Parental Code (föräldrabalken)	14	137

### Appendix IV: Statistics

These tables show statistics from the Swedish Migration Agency.

Table A1: Numbers of asylum applications registered per year

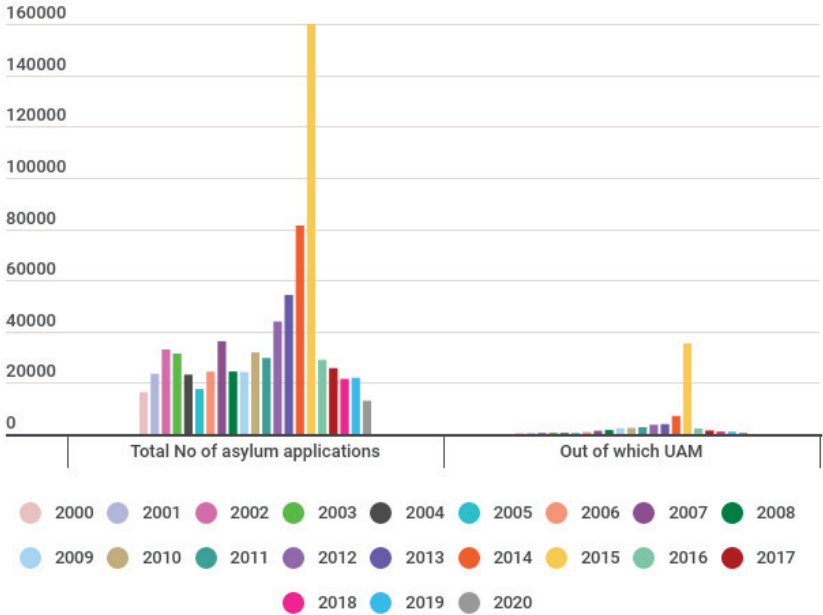


Table A2: Decisions made in asylum cases classified by year

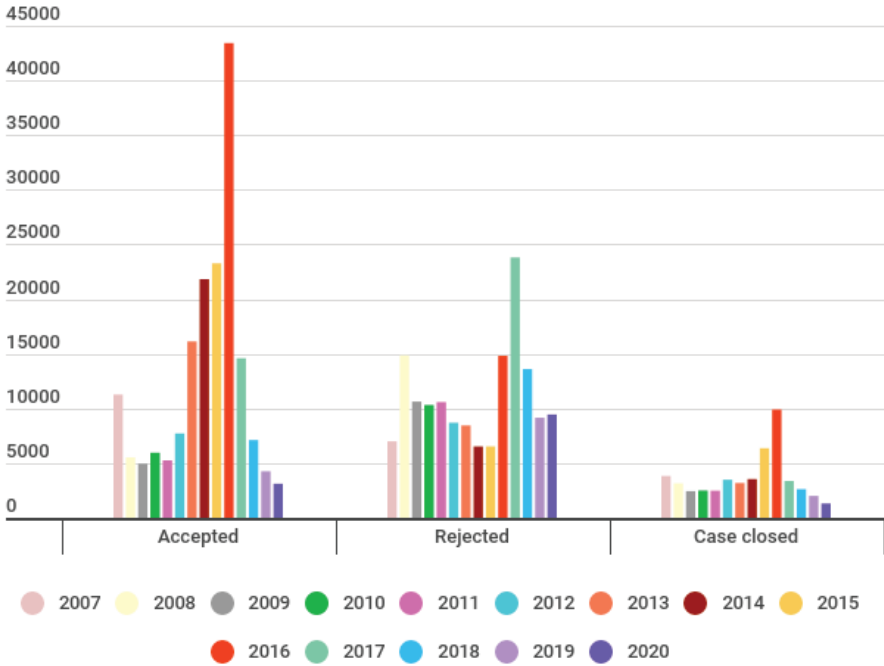


Table A3: Decisions made in asylum cases regarding unaccompanied minors

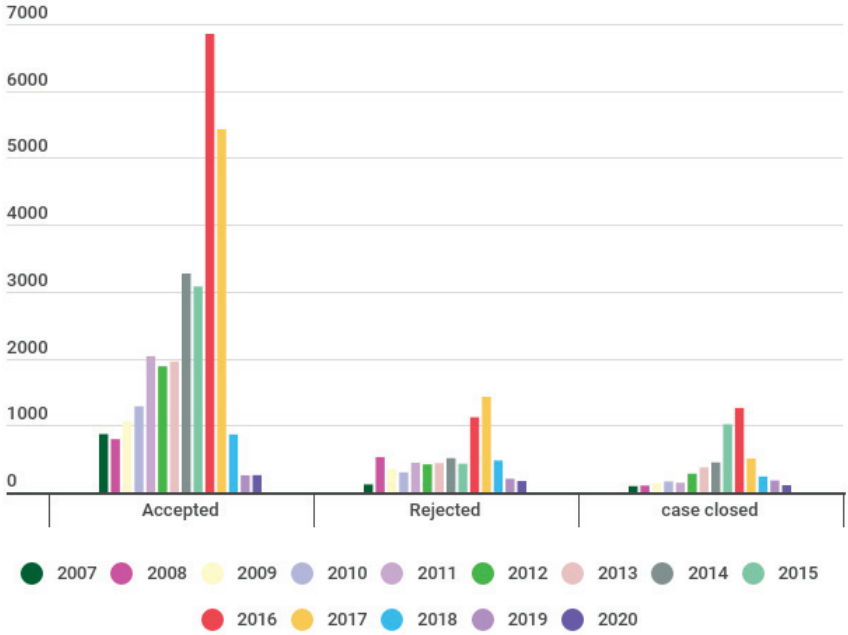


Table. A4: Unaccompanied minors reported missing categorized by age and year.

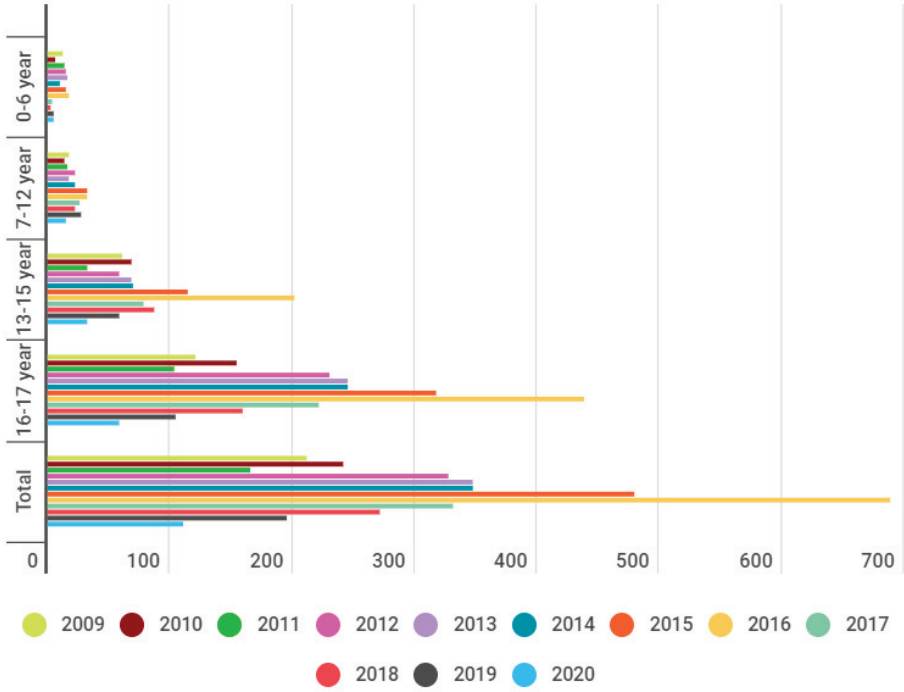


Table A5. Unaccompanied minors reported missing categorized by citizenship and year.

