Sweden’s unveiled asylum process
Beyond the dichotomies of citizenship and non-citizenship
Abstract

This thesis aims to bring to light the perceptions of mentalities of government through the eyes of unaccompanied asylum-seeking minors in Sweden. It also seeks to offer some insight and reflections from a custodian perspective.

Unaccompanied asylum-seeking children that come to Sweden are entitled to the same rights as the children holding citizenships in Sweden. The right to be heard and listened to is enshrined in the Convention of the Rights of the Child and holds great value during the asylum-process. Thus, the enforcement of these rights, among other rights, shows to be challenging in practice when scrutinizing the asylum process.

With a pluralistic theoretical approach, leaning on the works of Hannah Arendt and Jacques Derrida, along with the narratives shared by the informants, this study aims to uncover the probabilities of feeling helpless during the asylum process, it also seeks to explore how mechanisms of power relations and control are configured according to the informants. Most laws regarding securing rights for refugees are formed by international organizations and constituted by national politicians. These laws operate to gain control at the hand of legality, thus the restrictiveness has been at the expense of the child’s best interest.

As I believe more initiatives should be taken within the field of migration policy, by having unaccompanied asylum-seeking children as the point of departure, this study is an endeavor to help give them a voice.

Key words: Unaccompanied asylum-seeking children, Custodian, citizenship, non-citizenship, justice, hospitality, human rights, Arendt, Derrida, Sweden
Acknowledgment

I want to dedicate this study to all the unaccompanied asylum-seeking children who seek refuge in Sweden in hope of a better life. Most of all I want to thank my informants who volunteered to share their stories with me. Each unique narrative has encompassed great strength and admiration, and without your trust and openness, this study had not been achievable.

Furthermore, I’d like to thank my supervisor who has supported me throughout the course of this study. Thank you for your valuable inputs and frequent meetings.
Isn’t the question of the foreigner [l’etranger] a foreigner’s question? Coming from the foreigner, from abroad [l’etranger]?

- Jacques Derrida
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1. Introduction

Conflicts throughout the world force people to leave their homes and countries to seek refuge and safety in foreign nations. These people are vulnerable and exposed and faced with being nationless. In the search of what lies beyond the dichotomies of citizenship and non-citizenship one often lands in the world of migration policy. A battle one involuntarily has to pledge to as an asylum-seeker; the battle of the nation-state system to control borders versus refugees call for protection. This bio political\(^1\) matter results in an inevitable state of exception for the asylum-seekers as it “exposes their ambiguous position between inalienable and unforeseen rights.”\(^2\)

It can be said that a shift has emerged in Sweden and Europe where the treatment and perception of asylum seekers have changed from being perceived as brave to being associated with lying. The focus and priority has earlier been on the protection of people in need, but the focus today seems to be on securing borders and maintaining the order of the nation-state system.\(^3\) Benhabib evinces similar interpretations of discrediting the refugee as she states, “[…] most liberal democracies since September 11, 2001, and even before then, had already shifted toward criminalizing the refugee and asylum seeker either as lying to gain access to economic advantages or as a potential security threat.”\(^4\) Shahram Khosravi expresses this shift by referring to the rising public consensus “that most of today’s asylum seekers are ‘bogus’ refugees coming to Sweden only to scrounge benefits.”\(^5\)

Especially vulnerable among refugees are children forced to migrate alone. According to the Aliens Act, the Migration Board ought to pay particular attention to the child’s best interest. All children who can and want to, have a right to speak and to be heard. Child asylum claims should be examined separately. A detailed review of the

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\(^1\) Giorgio Agamben refers to influential thinkers to highlight his philosophy of the relationship between human life and political power, Foucault being one of them, describes biopolitics as “the growing inclusion of man’s natural life in the mechanisms and calculations of power.”


asylum process is provided on the Migration Board’s Web site from that a child seeks asylum to where the decision has gained legal force. This process is meant to be legally certain and gives the impression of being easy to employ. However, conventions and laws are complex and each number in the statistic represents a human being. Each case has to be evaluated separately by representatives of the Migration Board. However, they have their own beliefs and values that can affect and influence their decisions when interpreting laws with sometimes devastating affects on the child’s asylum case. To quote Jacques Derrida, “Each case is other, each decision is different and requires an absolutely unique interpretation, which no existing, coded rule can or ought to guarantee absolutely.”

In 2012 the number of asylum-seeking unaccompanied children in Sweden totaled 2,915. Over the past few years the number of unaccompanied asylum-seeking minors have increased in Sweden. Though, the percentage of granted cases have decreased from 77% in 2011 to 65% in 2012. As the statistics show, the Migration Board has become more restrictive in their decision-makings and, furthermore, the tendencies of presumption that asylum-seekers lie – the suspiciousness culture – become visible when scrutinizing the Migration Board’s methods in the asylum process. Nevertheless, “The identity of ‘we, the people’ and the boundaries between ‘us’ and ‘them’ are not static and given, they are continually negotiated and contested through public debate.” And just like Benhabib argues that these notions are questioned through public debate, it more importantly becomes essential to shed light on the preconditions and interpretations from the target group itself by elucidating their perceptions of the Migration Board.

In the light of this complex matter, this paper intends to explore further how the treatment and procedures, in other words, the mentalities of government are perceived through the eyes of the unaccompanied asylum-seeking minors during their asylum-process. It will attempt to investigate how the measures of control are configured, but more importantly, experienced by the children themselves.

Furthermore, this paper wishes to enable a reflective and fair understanding on the reflections and life-situations of unaccompanied asylum-seeking minors during

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their asylum-process; short vignettes will help illustrate the reality of what lies beyond the dichotomies of citizenship and non-citizenship and hopefully give voice to an underrepresented group in the public debate on asylum-seekers and refugees.

1.1 Problem Statement

In order to demonstrate a typical mistake that can easily occur during an asylum-process, I will shed light on the story of M.\textsuperscript{10} M was a music-interested boy from Afghanistan, yet sad at the time due to his deportation-decision. His mother told him he was born in a small village called Mohr, which was the name he mentioned to the Migration Board. The only problem was that Mohr could not be found on the map, so in the first meeting (without any company of neither a legal custodian nor a public council) the case officer at the Migration Board concluded that M was from Dai Kundi. The name of the province was the motive for M’s rejection because Dai Kundi was not regarded as an area with internal armed conflicts. M mentioned that the city Gizab was 20 minutes from his home-village. The court believed Gizab was located in Dai Kundi and therefore finalized that M was from Dai Kundi. However, there wasn’t any internal armed conflict in Dai Kundi, only difficult internal divergences so M needed personal reasons for seeking asylum, grounds he lacked. So M stubbornly browsed Afghanistan on Google Earth and found landscapes he recognized from his childhood though they were located in another province. An investigative research was made and resulted with the verification that M was from the province Uruzgan. Neither the Migration Board, nor the Migration Court had noticed that Afghanistan had adopted new province-divisions in 2004. With this new implementation, the new province Dai Kundi was established by carrying over some districts from Uruzgan, Gizab being one of these districts and M left Afghanistan before the new province Dai Kundi was made. Prior to this, Uruzgan was called Dai Kundi. In 2006, the district of Gizab was returned to Uruzgan and that is why Gizab was located within the province of Uruzgan when the Migration Court finalized their judicial decision. When M and his public counsel appealed and wrote the Board a letter of impediments to enforcement, they remitted the impediments to M’s credibility and his need of protection.

\textsuperscript{10} Michael, Williams. Thank you Google Earth!. \textit{Artikel 14}, no. 4 (2012): 17.
was subsequently approved. M fortunately received his residence permit in Sweden after six months. This was the story of M, he was however one of the lucky ones.

This story comes to the forefront in the handling of a case. It clearly illustrates that multiple external factors such as M’s curiosity and persistence, his custodian’s support and his public counsel’s assistance came to play an enormous role in M’s fate. Should one however expect this persistency from all children? And is the illustrated engagement from the custodian and the public counsel absolute in all cases? Furthermore, is the board always willing to change their decision? One should not take these multifactorial aspects for granted as this paper will show, children are vulnerable and they rely on adults.

The purpose of this thesis is to examine how unaccompanied asylum-seeking minors perceive the mentalities of government during their asylum process, that is, from the first encounter at the first meeting\(^\text{11}\) to when a decision has gained legal force. By mentalities the study intends to capture the attitudes and treatments, and the possible suspiciousness-culture within the Migration Board. Additionally, it will inevitably shed light on the positive impressions. The first meeting should in fact take place right after the registration at the application unit\(^\text{12}\), due to the Migration Board’s workload, this does however differ and sometimes the first meeting takes place one or two days after the registration.

Prior to the first meeting, the child is usually in a fragile state; tiredness, nervousness and anxiety are common factors they suffer from\(^\text{13}\), they are not familiar with their rights and furthermore, they have not been granted a custodian and a public council – this does not occur until after the first meeting and neither one of them have been assigned in order to be present until the asylum investigation, which can also be referred to as the first (official) interview. The asylum-seeking minor is alone in the first meeting together with a Swedish Migration Board staff along with an interpreter, usually not present, but on the phone. The purpose for this meeting is to determine the case, i.e. what

\(^{11}\) The first meeting is officially called (grundutredning) by the Migration Board, which can be translated as primary investigation. However, in practice, this primary investigation is usually referred to as the “first meeting” which is why I have chosen to call it the first meeting in this study. Some of the questions that are raised in the first meeting concern the asylum-seekers’ health, age, identification, family situation, heritage and reasons for how and why they came to Sweden. *This information is based on the information gathered from the interviews with the asylum-seeking minors and custodians.


\(^{13}\) This fact can be concluded from the interviews where most of my informants expressed that they did suffer from exhaustion and tiredness.
category of a case the asylum-seeker falls under. The staff enters them into the Swedish Migration Board computer database and they also attempt to assess the age of the asylum-seeker, last but most importantly, the purpose is also to inform the asylum-seeker of their rights. The information the staff gathers from the meeting has in multiple cases been used as the foundation for a decision-making later on in the asylum investigation, information that is often used against the asylum seeker.¹⁴ One of the custodians that has been interviewed for this study suitably illuminates this issue as follows:

I believe the information the case officer gathers from the first meeting is what creates the most problems in the asylum-process and that is also when the legal certainty ceases. The boys are often tired, hungry and nervous when they arrive to the first meeting. They are in a vulnerable state as they are alone, so clearly they are not in the best state to share information that will determine their future. The Migration Board uses this meeting to their advantage, sometimes the interpreters are bad, or they translate wrong. This discredits the asylum-seeker. If the information from the first meeting and the second interview is not coherent, the Migration Board can use that as the grounds for a negative in their decision-making. This only shows that what is said in the first meeting is important information, but if it is so important, they shouldn’t have to go trough it without the presence of their custodian or public counsel. –Elias¹⁵

Related to this process, this thesis will attempt to answer the following questions:

- What are the perceptions of the mentalities of government through the eyes of the unaccompanied asylum-seeking minors?
- Can one feel the absence of human rights in a legally secure system?
- How are mechanisms of power relations and control experienced by the unaccompanied asylum-seeking minors and custodians?

1.2 The Scope of the Study

In order to meet the purpose for this study, some limitations have been recognized. Due to the fact that the unaccompanied asylum-seeking minors that live in the reception units where I work are boys between the ages of 14-18, this study limits itself to boys within that age group only. Also, the whole asylum process with its concerning institutions is too complex and in-depth to scrutinize in this study, therefore the focus will mainly be on the

¹⁴ This observation has been made by several custodians that I have met within job-related environments.
¹⁵ All names in this study are fictive; necessary personal information has also been changed in order to protect the identities of the informants.
perceptions of the Migration Board. I also want to bring to light the dynamic factors of this study. The real-life situations concerning the boys are continuously changing as multiple actors such as the Social Services, the police, the Migration Board and reception unites control their life destinies from the minute they register at the Migration Board in Sweden. For example, since this study has been conducted, one of my informants has been approved to stay in Sweden and another informant has been age upgraded and moved to another town; today his case falls under the category of adult asylum-seeker. These destinies can be translated directly into Shahram Khosravi’s words, “[…] one’s life is unsettled, unpredictable and erratic. [This] means abrupt and dramatic interruptions in one’s life, interruptions such as detention, deportation or simply sudden opportunities to move.”

I do not claim that this study will provide a generic understanding representing the perceptions of mentalities of government through the eyes of all unaccompanied asylum-seeking minors in Sweden, nor does it intend to generalize or speak for all unaccompanied asylum-seeking minors in Sweden. It will however provide some insight of how my informants have depicted the treatment of the Migration Board during their asylum-process.

1.3 Previous Research

The anthology Mellan det förflutna och framtiden: Asylsökande barns välfärd, hälsa och välbefinnande voices how children’s health and wellbeing are influenced during the asylum-process. The book conveys impelling factors such as the political ambition and the children’s own initiatives and coping strategies to feel better. The results confirm that the Convention on the Rights of the Child plays a valuable role in protecting the child’s wellbeing. Nevertheless, the legal framework and praxis can have a negative impact. The wellbeing of the child is a result of a multifactorial interaction with a well-operated reception-system.

Shahram Khosravi is engaged within the issues of migration policy where he has devoted numerous works on the life situations of irregular immigrants in Sweden and how

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the nation-state system regulates their movements. In his book *The ‘Illegal’ Traveller* border narratives from his informants provide an authentic portrayal of the ‘illegal’ journey.\(^\text{18}\)

Eva Norström has in her dissertation *I väntan på asyl* engaged within the research of national policy in Sweden and the depictions of logos into praxis. She examines the distinctive factors affecting officials in their treatment and decision-makings of asylum cases.\(^\text{19}\)

In *Arendt’s Children: Do Today’s Migrant Children Have a Right to Have Rights?*\(^\text{20}\) Jacqueline Bhabha applies Arendt’s theory on migrant children’s right to have rights, which indicate that Arendt’s theory, which does not necessarily concern children in particular, can though be applied on children, something, I too, intend to do in this study. The distinct difference between Bhabha’s article and my thesis is that she proceeds from general rights of migrant children and their right to have rights in the world, while I focus on unaccompanied asylum-seeking minors and their perceptions and experiences with the Migration Board in Sweden.

Anna Lundberg and Lisa Dahlquist’s article, *Unaccompanied Children Asylum in Sweden: Living Conditions from a Child-Centered perspective* comprises interviews with 26 children. Some of the key findings within this article were that the perceptions of the asylum process were influenced to whether children were approved or rejected asylum. The article focused on the overall perceptions of asylum-seeking children’s perceptions of all the concerning actors and elements which constituted their living-conditions in Sweden, where as this thesis will only focus on the perceptions of the Migration Board.

What differentiates my topic from previous mentioned research is that the focus will lie on the unaccompanied asylum-seeking minors’ perception of the mentalities of government by examining how they have experienced the treatment from the Migration Board during their asylum process. It will also offer insight of the Migration Board’s treatment towards the minors from a custodian perspective. A custodian is a legal guardian for the unaccompanied asylum-seeker until they turn 18. Their responsibility is


to look out for the best interest of the child during the asylum-process by functioning as a parental role during this time.\textsuperscript{21}

### 1.4 Theoretical Framework

Instead of limiting myself to one theory, I will use a rather pluralistic theoretical approach. Using Hannah Arendt’s notions of criticism regarding the right to have rights, as well as Derrida’s theories on deconstruction and the possibilities of justice, and the hospitality conception – my thesis is partly theoretical.

### 1.5 First scheme – Hannah Arendt

Hannah Arendt’s work differs from the moral and legal aspects regarding the human rights concept, yet her work has been of indispensable importance as she puts an emphasis on the political impacts on human rights. Arendt proceeds from ‘rightlessness’ when discussing the human rights concept.\textsuperscript{22} Though Arendt has focused on migrants and refugees, her theories will be applied on unaccompanied asylum-seeking minors, the focus group for this thesis. Arendt’s contributions have come to play a significant role within the studies of Forced Migration. She brings to light the ‘stateless’ phenomenon that emerged in the postwar era representing minority groups’ exclusion from the law and from the ‘Rights of Man’.\textsuperscript{23}

Arendt speaks of August 4, 1914, the First World War as the days before and after an explosion. Inflation and unemployment consequently left damages beyond repair. The cause-effect of the civil wars resulted in groups of migration, they were not only homeless, but they were also stateless and rightless because they didn’t have any rights. They were perceived as “the scum of the earth”\textsuperscript{24}. Human rights had been neglected and the wars shaped a feeling of antagonism between the nation-states and the values of human rights. Nationalism came to rule the world, which resulted in severe consequences for the stateless people. Minority groups and the stateless people were not welcomed


\[\textsuperscript{24}\dagger\] ibid. p. 267.
anywhere, this resulted in their loss of the ‘Rights of Man’. Arendt defines ‘The Rights of Man’ as follows:

THE DECLARATION of the Rights of Man at the end of the eighteenth century was a turning point in history. It meant nothing more nor less than that from then on Man, and not God’s command or the customs of history should be the source of Law.  

Minority groups were not claimed by any governments so they couldn’t seek protection anywhere. Even though most countries in Europe had signed the Minority Treaties, this treaty was not acknowledged as a law, so the state of lawlessness became the only option. According to Arendt, today’s politics is paradoxical in terms of the discrepancy between the well intentions of human rights (which are only aligned to citizens from well-off countries) and the situation of the rightless people. Most laws concerning naturalization and securing rights for refugees are formed by international organizations and constituted by national politicians and they only operate to gain control of the “aliens” at the hand of legality. Arendt questions human rights and to whom they really are intended for, if they concern all human beings, or if the state is in charge of who shall be comprised. She does not believe human rights are natural; they are rather conventions created through agreements in order to recognize how people can live together. In other words, the human rights concept is a social construction, which can only be defined through political measures. She challenges the functions of human rights in practice and how they should be adopted.

1.6 Second Scheme – Derrida’s Deconstruction and possibilities of Justice and Hospitality

In order to tackle the controversial topic that concerns asylum policy, one must first clarify the relations of law and justice. I will lean on the ideas of one of the most influential thinkers, Jacques Derrida, in order to better grasp the ambiguous meanings of deconstruction and the possibility of justice. Derrida takes on the problematic relations

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25 ibid. p. 290
26 ibid. pp. 267-269
27 ibid. p. 279
29 ibid. p. 64.
between force, law, and justice and naturally ties these components together. He also offers an inspiring point of entry to the concept of hospitality. This useful approach will help illustrate some of the impediments within the asylum-process.

Derrida leans on Montaigne’s belief that “The justice of law, justice as law is not justice. Laws are not just as laws. One obeys them not because they are just but because they have authority.”

Derrida finds the idiomatic expression “to enforce the law” much valuable and attempts to deconstruct this idiom. By doing so, he aims to approximate the possibilities of justice, as he states that, “Deconstruction is justice.” He believes “enforceability” only proves that the law in itself cannot be applied without force. He states, “There is no law without enforceability.”

How can one depict the difference between the force that can be thought of as just and the force that can be thought of as unjust?

There are not any clear distinctions between justice and law. They are however correlated in forms where law can only be exercised through justice and justice is necessary in order to establish itself through an “enforced” law. Deconstruction can be found between these two pillars.

Derrida provides three emblems of aporias where as this thesis will shed light on the first; “epokhe of the rule”, states that I, in order to be just (or unjust) to practice justice or break it, must be free and responsible for my actions and decisions. A freedom or decision must follow a law or a rule. If an act or decision is fulfilled only in order to follow the law or the rule, one can say that the conformity to the law is legal in accordance with the law, however, is it not necessarily a just decision.

Just like Derrida’s work has come to influence and encourage other scholars in how to depict the “relationship between host and guest in the context of migration and welcoming and reception of migrants in practice and policies”, this study will also engage in the notions of Derrida’s conditional and unconditional hospitality in order to better grasp the complexities of hospitality and how it governs the relations between the guest and the host, the asylum-seeker and the nation-state.

31 ibid. p. 15
32 ibid. p. 6
33 ibid. p. 6
34 ibid. pp. 22-23
It is the ethical dimension of hospitality, also known as unconditional hospitality, in which Derrida seeks to apply as universal rights for “asylum seekers, refugees, and immigrants” in order to exceed the laws of any possible state authority.\textsuperscript{36} He distinguishes between unconditional and conditional hospitality as the latter falls under the political dimension of hospitality in which through legal principles and institutional actions decide “the right to welcome and to be welcomed.”\textsuperscript{37}

Injustice inevitably begins from the onset of the hosts’ right to hospitality. As Derrida deconstructs conditional hospitality he arrives at the depiction of violence and injustice. These power relations demonstrate the sovereignty of the host. Thus, the paradox stems from the interdependency where hospitality cannot exist without a home, without an invitation, unavoidably, the choice to limit the conditions to welcome are also there. In regards to this optional exclusion, he concludes that conditional hospitality cannot be considered as hospitality. Unconditional hospitality provokes and challenges the restrictions within conditional hospitality.\textsuperscript{38}

There is no precise definition for hospitality since each culture encompasses distinctive ways for the implementations of hospitality. In the act of understanding hospitality one must first tackle the nature of the arrival, a rather complex and problematic task. Why are the guests here and how are they welcomed? Are they here willingly and how long can they stay? What are their rights and obligations henceforth in regards to the host state?\textsuperscript{39} According to Avril Bell, “Relations of hospitality are power relations in which the sovereignty of the host and their possession of the national ‘homeland’ are asserted over new arrivals.”\textsuperscript{40}

Hospitality in this study will be used as a device to demonstrate the sovereignty within the host state and the power relations between the guest and the host. To quote Chathrine Brun, “Hospitality is, in Derrida’s understanding, about ethics. It is the fundamental act of ethics and of receptivity to the other.”\textsuperscript{41} Furthermore, Brun explains that the works of Derrida facilitates to better “understand the relationship between the

\textsuperscript{37}ibid. p. 341.
\textsuperscript{39}ibid. p. 240.
\textsuperscript{40}ibid. p. 236.
stranger – the other – and the host in the context of immigration, integration and cosmopolitanism.”

1.7 Methodology

Within migration research, true stories are essential material to better grasp the defects within a system. Stories of unaccompanied asylum-seeking minors provide authentic knowledge on situations that can be difficult for the surrounding world to access. Avril Bell rightly states, the individual carries the collective within, so through a single individual, the collective dreams, perceptions of the world, prejudices, patterns and traditions can therefore be revealed.

A qualitative method will be used where collected data will be based on in-depth interviews from a selected group of unaccompanied asylum-seeking minors. A group of three custodians will also be interviewed with the incentive to bring out a different perspective. This is not to undermine the unaccompanied asylum-seeking minors’ stories and experiences, rather to see if there are any possible correlations of perceptions from a group of actors that acquire attributes that play an important role in the differences of perceptions. Characteristics such as citizenship, insight of the asylum system and rights and the nation-state structure; the power relation between a custodian and a case officer is not the same as in comparison to the minor and the case officer. The custodians are not vulnerable as the unaccompanied asylum-seeking minors; their function is rather to provide support and assistance so that the minor feels safe and protected. The custodians hold more knowledge than the asylum-seeking minors regarding rights and the asylum-process; therefore, they possess enough experience to express themselves regarding the treatment towards the minors within the asylum process. The boys that will be interviewed currently live or have lived at reception units where I work and the group consists of six boys. The focus has mainly been on the way they

44 Please see attachments for the interview guides used in this study
formulate their thoughts, what they consider as problematic and good, and the aspects they are content and/or frustrated with.45

With these interviews, I hope to capture and shed light on all that is omitted within the asylum process through the minors’ perspective. I hope that “the mixed voices here [will] convey a warning for the future.”46 I also wish to highlight some claims of rights from the minors, the group on the opposite site of the struggle. The incentive for the interviews is to arrive at a deeper understanding regarding the complexities of the asylum process through the lens of the concerning actors. On the basis of the best interest of the child, this paper will also help to identify the consequences of the structural and institutional measurements being used by the Migration Board. By giving a voice to the asylum-seeking minors, one will better be able to make visible the mentalities of government and tackle any structures of power relations and control. I will attempt to generate knowledge in how the constituted practices and methods by the Migration Board are perceived by my informants in order to acquire the tools necessary to improve the asylum process.

1.7.1 Approach

Thanks to my job at different asylum units in Stockholm and Uppsala, I’ve been privileged to work with and get to know multiple unaccompanied asylum-seeking minors from all possible countries in the world. My relationship with each minor is unique – just like their stories. Thanks to my job, I’ve established enough trust with each one of the boys that have partaken in this study, so that they have been comfortable and secure when sharing their stories with me. All the informants, except for two boys, are between the ages of 16-17 due to the simple fact that the reception units where I work only take in boys and most of them are between the ages of 16-17 years old. The two other boys, Noor and Lars, are both 20 years old today. Most interviews have been in English and some Persian, and two of the interviews have been in Swedish and my interview with Noor was made possible thanks to a friend who helped me with the translation from Swedish to Somali. The participants have been a broad group of boys with origins from Afghanistan, Iran, Somalia and Georgia.

Two boys that have been granted asylum ("PUT")\textsuperscript{47}, two boys that have been rejected asylum ("negative")\textsuperscript{48}, and two boys with cases under process. The reason for selecting boys from these three categories is because one’s impressions are always influenced by the outcomes. An asylum-seeker that has been granted asylum might unconsciously only remember the asylum process as a smooth procedure, while an asylum-seeker that has been rejected asylum associate his or her negative result with a negative experience. The third group is eagerly awaiting an answer so they have not yet been influenced by a positive or a negative result, though hope and frustration explicitly characterizes their attitudes.

A group of three custodians have also partaken in this study. Though it is only three custodians, each one possesses extensive experience relating to the situation of unaccompanied asylum-seeking minors in Sweden.

1.8 Ethical Considerations

In accordance with the Swedish research council’s ethics within the humanities and social sciences research, my informants have been informed on the requirements of the Swedish research council.\textsuperscript{49} My informants have been informed of the information requirement, confidentiality obligations and utilization requirement, which means that I have informed them of the purpose of the research and that research participation is voluntary and they have the right to terminate their participation at any time. My informants have also been informed that any personal information will be handled confidentially, I did ask for their approval to mention their country of origin and the ones who wanted, got to decide their fictive names. Finally, the participants have also been informed that the interviews will only be used for the purpose of this study.

\textsuperscript{47} "PUT" is short for "permanent uppehållstillstånd" in Swedish, which means permanent residence permit. As most of the boys refer to this as PUT, this paper will also use that expression.

\textsuperscript{48} "Negative" is often used by the boys when referring to a rejected asylum application.

1.8.1 Personal Commitments

A fundamental epistemological question as I see, is whether or not it is possible to produce an objective study, as I believe one already has taken a position in the selection of the study. The fact that I have been working at different reception unites with unaccompanied asylum-seeking minors has opened up advantages as well as difficulties regarding this study. I have gained great insight of how the minors feel and of their coping strategies during the asylum process. This has inevitably led to a sense of compassion and involvement regarding their life situations. I am aware that my ties with these minors can beyond doubt color and even hamper the objectivity of this study, as the relationships can influence the analytical interpretations. Having said this, I have more or less tried to apply an objective position to reduce the subjective aspects of this study as much as possible.

1.9 Disposition

After presenting the debated opening above, along with the problem statement and the purpose for this study, I have presented the theoretical framework this study intends to lean on. Furthermore, I have introduced previous research that concerns unaccompanied asylum-seeking minors along with asylum and migration policy. Chapter two provides the main characteristics of perceptions from my informants, additionally; chapter three has aimed to display the feelings of rightlessness and helplessness within a legally secure system. Chapter four offers the understanding of power relations and mechanisms of control that have been perceived by my informants. The conclusions and findings of this study are presented in chapter five, in which I have attempted to extrapolate and reflect upon my conclusions to elaborate on any possible tools for future reference.
2. What are the perceptions of the mentalities of government through the eyes of the asylum-seeking minors?

The overall reality of unaccompanied asylum-seeking minors’ wait during their asylum process is far more complex than a clear-cut line between citizenship and non-citizenship. In the introductory chapter of *Mellan det förflutna och framtiden*, the authors have mentioned a qualitative study of refugee children’s experiences, which has discovered vast differences concerning the experiences and the coping strategies between the children that have qualified for a citizenship and the children that have not qualified. Correspondingly, the authors in the introductory chapter also mention a report on the medical caretaking of asylum-seeking children within health care where the Social Services describe the asylum-situation for children as inflicting “… worse trauma than the actual escape from the country of origin.”

This chapter will, through my informants’ stories, offer a glimpse of insight on their realities and encounters with the Migration Board. Each one of them holds special stories with different impressions, good and bad in which some of them can be correlated, and some of them cannot. Depending on the circumstances and the decisions made regarding their status, my informants’ narratives yield mixed outcomes.

2.1 The wait – beyond the dichotomies of citizenship and non-citizenship

Ahmed is 16 years old from Somalia. He has lost his family in the war and came to Sweden in November 2012 to forget about his past and to be able to start a new life.

I came here to have a better life, but I don’t see anything happening right now. I am just waiting, it is pretty stressful, like your life is on hold, everyday I am waiting to hear from the Migration Board, and at night, I can’t sleep because of the stress and the nightmares. It is weird, a boy that came here after me has already received his result, this worries me. Prior to the first meeting, I was very exhausted and scared. I don’t really think it was a pleasant way to interview me. I was alone in a foreign country, and it was my first time to sit in an office with an authority and a white person. The lady asked me for details about why I came to Sweden, of my age, I felt as if she didn’t believe me when I told her I was 16 years old because she just got quiet and stared at me for about five seconds. She asked who helped me to come to Sweden and she wanted as much information about him as possible, she even asked me to describe what he looked like. She never asked me how I was doing or if I was happy with the interpreter, frankly, I didn’t understand the interpreter, I had to say excuse me.

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a couple of times each time she addressed me. I felt like I didn’t have any power to say anything. –Ahmed

Though the Migration Board is handling his case, the duration of wait and its effects causes Ahmed to feel as if his life is “on hold.” Ahmed raises his concern regarding the wait and the fact that another boy from the same reception unite got PUT before him, even though Ahmed arrived to Sweden before that boy. This concern is very common and as a staff working at reception unites, I have often witnessed similar reactions.

The cultural scope where asylum decisions are handled is affected by how the asylum policy is generated on macro- and micro level. On the one hand is the reception of asylum-seekers –including the handling of cases –a construction, which is based upon the nation-state’s premises of control and regulations regarding its population (macro level). On the other hand is the handling and decision-making of a case a process, which takes place within the public official’s workroom (micro level). The decision-makings are thereof made by a public official, but on the nation-state’s terms and interests. Additionally, depending on the workload, the duration of time for decision-makings varies.51

“You are not 17! But you are not 18 either…” Were the words of the case officer during Noor’s interview. According to the Migration Board, Noor is 20 years old today. He however stated that he was 17 years old during his asylum-process, but after the Migration Board appointed a dental X-ray to ascertain his age, they concluded that he is 20 years old. Not only did they question and change his age, they have also questioned the country he claimed to come from. This resulted in a language analysis Noor reluctantly carried out. Today he is impatiently waiting to hear back from the Migration Board. Noor is from Somalia and has lived in Sweden for 13 months. After he got age upgraded, he was required to move to a town in the southern part of Sweden where he lives as an “adult” today.

I was told it would only be one case officer at the first meeting, but they did not explain to me why they were two. This was very stressful and it was constantly occupying my mind during the meeting. I was however too nervous and scared to ask anything. I also had a very hard time to understand the interpreter. I was so scared and nervous. I didn’t dare to express that I didn’t understand her one bit, it seemed to me as if the interpreter was in a hurry, as if she wanted to get the job done quickly. The case officers asked me twice if I had any identification, and they also asked what will happen if I would go back to Somalia. –Noor

Khosravi naturally reverberates the importance of documents by stating that “Migration without documents is a one-way road, and there is no turning back once you step onto it.” Even though these boys have documentations that would strengthen their identity, they have been told to get rid of them as soon as they touch Swedish ground and register at the Migration Board. This demand for a passport resembles John Torpey’s belief that the purpose of the passport is only for nation-states to control people’s movements.

Both Ahmed and Noor express their discontent regarding the interpreters at the first meeting, a dissatisfaction, which clearly renders the rhythm of fear. This matter has come to be a recurring issue in the interviews with my informants.

2.2 “Negative”

Dani has lived in Sweden since September 2011, he is 17 years old, and will be sent back to Afghanistan when he turns 18. After his second negative Dani attempted to commit suicide. His roommate however found him unconscious in the room and the staff immediately called the ambulance. Dani was hospitalized for two days. Today, he continuously visits a psychiatrist and he has stopped going to school. In the interview he sadly expressed “this is the end for me, I have no future.”

The first interview was more detailed than the meeting. The case officer told me that they know how we get here, how much we pay, “we know all about the way, so tell me why you are here?” When I told him my dad’s name, he cut in and asked me why I mentioned another name in the first meeting. I told him because he goes by two names and I was tired; it was after all 4 am. Sweden was good to me before I got my negative. After that, everything got really bad. When you try to be good you feel as if everything is against you. So what is the point in being good? In going to school? You know you are about to be sent home. You know, the Migration Board undermines you. They think you are useless and they are looking for the smallest reasons in order to send you home. –Dani

Dani as well as Elias, touches upon the issue that the case officer can use what you say in the first meeting against you during the interview. Furthermore, his vehement words open up for Giorgio Agamben’s reflections of Arendt’s ideas of the Rights of Man. Agamben touches the logic that a person’s free space is non-existent within the governmental order of a nation-state. “[…] even in the best of cases, the status of the refugee is always

53 This information has been given to me at different occasions by the boys themselves.
considered a temporary condition that should lead either to naturalization or to repatriation. A permanent status of man in himself is inconceivable for the law of the nation-state.\textsuperscript{55} The naturalization, in the sense of being good and going to school did not mean anything according to Dani, in his case repatriation is what awaits him.

Lars is 20 years old today; he is originally from Georgia and has been in Sweden for 3,5 years old. He got his first negative 2,5 years ago, but remarkably, hope shines through his days.

I didn’t know anything of Sweden and the expectations I had were in forms of a better life, certainly not the idea that some authorities would decide upon my life destiny. The case officer at the first interview was so cruel. He didn’t show any emotions. He never asked how I was doing, he only wanted facts. He kept asking me why I left my country. The Migration Board lacks humanity. They have forgotten it is human beings they work with. They decide upon people’s lives. They can’t just rush through things. We are all different and some cases require more resources. I noticed my case officer got tired of me, he couldn’t adjust himself to my pace. One’s life should not have to depend on one interview. They are bad, really bad.

–Lars

The fear and the stress during the asylum-process are constant factors that structure the boys’ everyday lives. Sleep deprivation and continuous visits to hospitals and psychiatrists indicate probable conditions during the asylum-process. Further emphasis on possible impediments for integration can also be found within the Official Reports of the Swedish Government. Proclamations in which comprises both Dani and Lars’ plights. They have highlighted the risks for ill health in which the asylum-process imposes. “An elongated and null wait is according to all experiences starkly negative for any possible opportunity for a successful integration in the future. A risk for ill health and human suffering, with consequences for the society, for example, growing costs for health care, complications in connections with deportations after rejections.”\textsuperscript{56}

By quoting Papastergiadis, Michalinos Zembylas says, “The human rights of […] asylum seekers are in a zone where there is no structure that can ensure them.”\textsuperscript{57} Though they are ensured a legally secure process during their asylum-process, asylum is never a guarantee even if there are legit grounds for protection.

Dani and Lars both suffer from mental illness and have been in need of great psychiatric care. Their wait has triggered a condition of helplessness and powerlessness, which has affected their health and well being. The law has determined their destiny. They have been rejected citizenship in Sweden and what awaits them both is a journey back to their countries of origin. For Lars, this decision has resulted in 3.5 years of prolonged wait. As for Dani going on 2 years. What constitutes Lars’ wait is hope, but in Dani’s case hope slowly vanished away when he got his negative.

2.3 “PUT”

Sia is from Iran and has lived in Sweden since June 2012. He is 16 years old and got his permanent residency after three months.

Prior to the meeting, I was very nervous and afraid, I thought it would be like Iran, that I would get threatened and I that they were going to beat me to death. However, the man at the first meeting greeted me and continuously told me not to feel stressed. The meeting lasted for one hour. I was alone with him and the interpreter was on the phone, I felt so safe. I was extremely tired; I had been up for several days. The case officer was so kind to me. I got a paper at the end and he said, “This is your identification now, you are exactly like a Swedish boy, entitled to the same rights.” I compared his treatment to the authorities in Iran, I couldn’t believe it; I thanked him and I was so relieved and happy. –Sia

Reflecting on the first meeting, Sia’s words started off with delight regarding the first meeting. However, the more he started to reflect the more he came to grips with underlying inclinations of the suspiciousness culture:

In the first meeting the case officer first asked me all his questions and once I had answered them he informed me of my rights. Plus the fact that he told me I looked so old, he persistently stated, “You are not 16.” I have worked almost every day since I was 8 years old. Of course I look old. I wasn’t born in a hospital, I don’t have a birth certification, I go by the age my mother told me. –Sia

Sia compares the treatment in Sweden to Iran, a country far from embracing democracy and human rights. The welcoming and the fact that the case officer notified him of his rights were a big astonishment and a relief to Sia. He associates his right to have rights to the person who informs him of his rights, so therefore the migration officer automatically becomes the good guy. Sia disregards how the information is given to him. He is too happy to hear that he has rights, fundamental rights that should already exist no matter your background or location, yet rights he could only dream of in Iran.
Sia touches upon important factors regarding his age. People from his culture usually start to work in a young age. Many people do not know their age so the weight regarding age is not as important as it is in comparison to western countries.

16-year-old Mustafa is originally from Afghanistan and has lived in Sweden since August 2012. He received his permanent residency three months after his arrival.

Prior to the interview, I was very exhausted and scared. I cried and felt unprotected. I didn’t know what was waiting, as I didn’t have any idea of Sweden. I never saw humanity in Afghanistan; I didn’t have an identity there so I expected the same treatment in Sweden. However, the lady at the first meeting introduced herself and told me she will ask me some questions. She told me I didn’t have to answer anything I didn’t want. She also asked me why I looked so sad. She was so nice; she even walked me to the taxi and helped me fasten my seatbelt!

The case officer at the first interview started with small talk and he even made me laugh. The interview only lasted for 1 hour and 10 minutes. He was nice, however, he asked me the same question three times. When I asked him why he did that he told me he forgot to write the information down. He even kept pushing me about details regarding a situation. I told him I couldn’t tell him more than what I already had.

During the wait I had continuous nightmares, I kept thinking about my family. I met with a psychologist and she prescribed medication to help me sleep better. When I finally received my PUT I felt happiness in my soul. I see humanity in Sweden. –Mustafa

Both Sia and Mustafa’s stories offer explicit patterns of indifference regarding relative deprivation; due to the fact that they both got PUT, the process was not so bad after all. Strikingly, trends of apotheosis regarding Sweden and the asylum process can be depicted where they both compare the Swedish treatment with what their experiences in Iran and Afghanistan.

Norstöm rightly brings to light the different reactions within encounters. She states that something happens when people meet, one can feel acknowledged, or accused; one can be subjected to stress or feel helpless. These elements subsequently activate reactions within the case officers, reactions such as feelings of reluctance, indulgence and compassion.\(^\text{58}\) As the stories disclose all six boys felt differently during their encounters, some of them felt stressed and some of them felt safe. Same depictions can be made regarding the case officers. Some of them met the minors with great care while some of them seemed careless and suspicious.

The minors’ need of their custodians and public counsel and their limited room for movements are all factors that convey asymmetric power relations. Furthermore, the insecurity of the ambiguous policy increases when pandering integration and repatriation.

It is hard to develop a feeling of coherency when they don’t have any control over their own situation, a situation that is characterized by their dependency and unpredictability of what will happen.\textsuperscript{59} The common denominator for all six boys is that they were all on prescribed medication during the wait (for some of them this is still current.) The stress and the nightmares were clearly unavoidable and too hard to deal with during the wait.

The living conditions and the alternative home that Sweden as a nation-state offers the asylum-seeker during the wait (whether it is the wait during the process or the wait to be sent home) can be woven into what Arendt referred the internment camps after the second world for functioning as an ‘institutionalized limbo’, or an ‘elongated homelessness.’\textsuperscript{60} Thus this notion was not static for Sia and Mustafa simply because of the fact that they got PUT, it seems to be the current reality for the other informants. A key point of departure when viewing upon these stories is stress, but also hope. Hope is what lingers all three groups together and hope has been the drive and the force in which their journeys to Sweden were even made possible.

2.4. Some Custodian Reflections

Sara has worked as a custodian for over 10 years. She has herself been a refugee so she sees herself in her children. She believes it is their right to be met with great care.

The interviews are supposed to be two hours long, but sometimes they can reach three hours. They can be very stressful, I have witnessed children suffer from anxiety-attacks; I have even had children that have fainted during the interviews. The stress is overwhelming, not only for the asylum-seeking children, but also for me. The Migration Board tends to dig deep into sensitive and private questions so the asylum-seekers feel bad and harshly scrutinized afterwards. They insist to ask the same questions over and over again and this gets exhausting. The child gets worn-out, and they need breaks. –Sara

Though Sara expresses some discontent and retells incidents where her children have had anxiety-attacks and even have fainted during some interviews; she still expresses satisfaction with the Migration Board’s overall treatment:


Out of my 60 children during the years in this field, only four have been rejected asylum. I am very pleased with the treatment from the Migration Board. They hold great diligence and work with professionalism; they highlight a human rights perspective and treat the children with care. This is a group of educated people. One can however easily depict if they believe the child or not by their facial expressions during the interviews.

In one case, the Migration Board wanted the child (who was below 10 years old) to go through a medical examination to see whether or not she was circumcised, however, they put the responsibility for a doctor’s certificate on me. I persistently called several hospitals, yet no doctor wanted to carry out this examination, as they believed it was ethically wrong and an invasion of privacy. As I informed the Migration Board of this, they met me with skepticism and harshness and asked what specific hospitals I had turned to. This explicitly demonstrates the helpless and powerless conditions the children acquire. The custodians’ engagement therefore becomes very important. These children have nobody; they are very vulnerable and in great need of support from their custodians and public counsels. –Sara

Is it ethically right to let a child below 10 years old undergo such a private examination to see whether or not she is circumcised? The hospitals Sara called evidently did not believe it was right. Ethical values seem to lose weight in the penetrating journey of finding the truth. Sadly enough it seems as if the more you have suffered, the better the grounds for PUT. Khosravi refers to Malkii when speaking of the presumptions that one’s suffering can be expressly traced on the body. As Sara’s experience regarding the little girl clearly discloses, scars function as more trustworthy proof than words.61

Elias is 31 years old and has been a custodian for five years now. As can be understood, his reflections upon the Migration Board clearly differ from Sara’s.

The Migration Board’s treatment varies, sometimes it’s good and sometimes it’s bad. Considering the fact that it is children, I believe the treatment is bad. They are supposed to take the asylum-seeker’s age into account, but they do not always do so. They can be aggressive and tough in the way they ask their questions. If they believe somebody is lying, they are sneaky and pushy with their questions to make them nervous, like they intentionally want to lead the asylum-seeker to lie or to say something that can be used against them. Also, the eye-contact method is very substantial. They intentionally do this in order to evaluate their age. I believe Sweden generally pleads for human rights and they try hard to uphold these values, sadly, the Migration Board is the authority that has drifted away from this mindset. –Elias

With reference to the best interest of the child, Elias touches upon the ethical aspects of the encounters with the minors. He seems reluctant towards the case officers mechanisms of control and methods in order to reach the truth, actions that do not support the principle of the best interest of the child, which in fact is supposed to permeate the asylum process.

61 Khosravi, Shahram. ‘Illegal’ Traveller, London: Palgrave Macmillan, 2010, p. 113
It goes without saying that the minors must feel safe in order to share their stories. They should firstly be regarded as children and secondly as asylum-seekers.62

Peter is 46 years old and has been a custodian since 2005. He confirms that the routines within the asylum-process have become stricter.

The Migration Board has changed the routines from being 2.5 hours long to 4 hours –they have become more restrictive. I believe The Migration Board is overall very kind and patient. They give the child multiple chances to answer their questions to double check that everything is correct. Some of their questions are sensitive; I make sure to stay alert, if I feel as if they cross the line I ask them to stop, which they also do.

One time I had a very sweet boy from Uganda, the case officer kept pressuring him by stating that he was not from Uganda, but from The Democratic Republic of the Congo. He was informed how he had to go about applying for a passport so they could send him back to the Congo. The boy cried, and then he reached nosebleed. I immediately demanded the case officer to end the meeting.

I’ve never felt the suspiciousness-culture, they emphasize from the beginning that they do not suspect the child, they believe everything the child tells them, but they also inform the child that they are under oath, and if the child would receive a permanent residency and the Migration Board would find out that they have lied, they are entitled to withdraw their residency. –Peter

Peter interprets the part where the Migration Board repetitively ask the minor the same questions as a way of being kind and giving the minor multiple chances to answer their questions, not as suspecting the child for lying. Most of the minors and even Elias however experienced the same methods as if the Migration Board suspected them for lying, that they were asked the same questions just to see if their stories were coherent and well balanced. Peter’s boy, still being the child in need of protection is the one who reaches nosebleed and who’s whole identity is questioned by the case officer. The fact that the Migration Board disregarded his story and planned for how he should be sent back to a country he did not even claim to come from signifies not only characteristics of the suspiciousness culture but also mechanisms of control.

Peter states that he has not sensed the suspiciousness culture, yet he refers to the phase when the Migration Board informs the child that they do not suspect them for lying, however, if they lie, they can cancel their residency. This starkly proves that if the suspiciousness culture does not exist, the orders for those sentences should not exist either.

3. Can one feel the absence of human rights in a legally secure system?

Sweden ratified the UN Convention on the Rights of the Child in 1990 without any reservations. Although Sweden has pledged to follow the CRC, there are still deficiencies in both law and praxis according to UNICEF Sweden. Some of the rights an asylum-seeking child is entitled to has been highlighted on the Migration Board’s website, stating that:

- you have the same rights as other children (Article 2).
- your best interests should always be important (Article 3).
- you have the right to live and develop (Article 6).
- you have the right to say what you think (Article 12).

Asylum-seeking children have the same rights as other children in Swedish society, for example:

- you have a right to be heard. This means that if you want, you have the right to speak and be listened to.
- you are entitled to medical and dental care if you need it.
- you have the right to go to school.

So how are these rights enforced in practice? Some of the boys expressed that they were not aware of their rights, feelings and narratives that could fall under the notions of rightlessness and helplessness. What is the function of rights if the minors are not informed of their rights? The fact that they greatly depend on their custodian and public counsel to know what rights they have clearly illustrates their vulnerability.

Lars retells his encounter with the case officer as ‘intense’. His right to be heard, by speaking and being listened to, I argue, was obviously not taken into consideration and therefore violated:

The case officer asked about my mother, it was very tough to talk about her. I was sad and I was crying. He disregarded that and continued to ask me questions even though I was crying, it was pretty intense. They intentionally provoke you. He just wanted to do his job and go home. I wanted to tell him to be more compassionate and don’t assume everybody is lying, but of course I was too scared to say so. –Lars

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3.1 The State of Helplessness

“[…] what distinguishes humans is the capacity for membership and participation that is grounded in their autonomy and intersubjectivity. […] when humans are stripped of such membership and participation, they are naked and shivering creatures, undignified, unfree, vulnerable, less than fully human.”65

When you don’t have *iqama*66 it is really problem. I don’t think I have more rights here in Sweden than what I did in Somalia. They are looking for the smallest mistake I do so they can give me negative. I have to look at where I am stepping all the time. –Ahmed

The words of Jeffrey C. Isaac can be discovered in Ahmed’s reflections, thoughts that can be decoded into forms of fear and helplessness where the ‘iqama’ or ‘membership’ represents unity and involvement, yet a non-membership inevitably constitutes itself as feeling ‘unfree’ and ‘vulnerable’.

Out of the six informants only Sia got to meet with his public counsel prior to his interview. Is this only a coincidence though it is their right? Two probable factors for why a meeting has not been held can be depicted from the interviews. The first factor regards the custodians’ lack of effort in arranging for a meeting, and the second factor regards the public counsel. Most public counsels do not in fact prioritize a meeting as they often state that they don’t have time. Noor stated that he wanted to meet with his public counsel as he was very nervous and had a few questions to ask him, but in vain, “he was too busy.”67 Lars retells his impression of his public counsel as “being the scariest, he just sat there and didn’t say anything, for a minute, I thought he was sleeping.”68 He did not either have time to meet with Lars prior to the interview, neither did Dani’s public counsel, as he too “was too busy.”69

I met my public counsel and custodian before the interview. This really helped me as I felt more comfortable and secure when I met the Migration Board. Most boys do not meet their public counsel before the interview. I don’t think that is good. –Sia

The informants expressed feelings of neglect when speaking of their public counsels and the fact that a meeting was not made possible. Dani stated that he got more nervous for

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66 ‘Iqama’ is an Arabic word for residence permit, and is along with PUT often used by the boys when they speak of residence permit.
67 Interview with Noor
68 Interview with Lars
69 Interview with Dani
not meeting his public counsel, while Sia stated he felt more safe and protected after their meeting. In fact, Sia’s confidence shone throughout his first interview, a quality that most likely was not coincidental as he defined the meeting with his public counsel as setting the grounds for his confidence. Sara states, “I always try make sure that my child will meet with their public counsel before their interview. A meeting is very important as it makes the child feel more secure and confident.” So why is it that this right has not been prioritized or taken into consideration? This can be an important indicator to some of the lacks within the asylum-system. If the Migration Board stresses further the importance of a meeting between the public counsel and the child, maybe this issue can be resolved. This matter also accentuates the asylum-seekers unawareness of their rights and their dependency of their custodian’s initiative in booking a meeting.

A public counsel’s role is to represent their client, how this becomes possible without even meeting the client beforehand remains obscure. Instead, the public counsels that have been mentioned in this study (except for one) choose to meet their clients for the first time at the interview, an interview that sets the ground for life-changing decisions concerning the asylum-seeking minor.

I lived at a reception unite for eight months. This was my home. The other boys and the staff were like my family. I attended a great school. But the Migration Board called one night at 10.30 pm and told me that I was 20 years old now so I had to move to another town four hours away, early in the morning the following day. They didn’t even give me a day to say good-bye to my friends and to my teachers or to pack. I felt like they treated me as a document, not somebody with emotions. I cried and prayed that whole night. –Noor

The Migration Board’s demand to move Noor and the way it was handled can directly be translated into helplessness, thus in Noor’s world he felt rightless. Noor was treated as a subject to the system stripped of his rights. They didn’t take into consideration that he had lived there for eight months and just like anybody else, would wish to say good-bye to his friends and teachers. Just like anybody else, could need a few days to pack and to find courage to prepare for another move. This action did not only deprive Noor the opportunity to prepare himself to say good bye, but he was also treated (if quoting his own words) as a document where any possible factors of understanding were ignored. Noteworthy, Noor’s outcome also reveals the different handling of a case when a child’s age has been assessed. The age Noor claimed was suddenly erased and replaced with a

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new age; he was no longer considered a child so therefore it was urgent to move him and the way this was done was insignificant so any demands to undergo this transfer was justified.

It is interesting to hear how the informants define the Migration Board’s mechanisms of control; methods that generate conditions where some of my informants feel powerless, methods in which differentiates them from adequate citizens. The stage where the case officer still operates according to their framework and policies, yet stretches the subtle line of the child’s best interest when pushing further with questions in order to reach the information they want, forces the asylum-seeker to feel stringed, and at the same time, abandoned to the law.\textsuperscript{71}

What most of the stories reveal is that the informants feel as if they were forced to answer, as if their life depended on it, though they are nervous and scared to speak of the truth in that very moment. Ahmed expressed this by saying “I thought I had to answer everything they asked me or they would send me home.”\textsuperscript{72} Noor’s dilemma of putting through with a dental X-ray or, as he thought, he would get a negative can also be interpreted as a rightless state. Noor had the right to say no theoretically, yet in practice he felt as if he didn’t have a choice, as if Migration Board would use that against him.

I was beyond nervous prior to the meeting; I didn’t know what was waiting. The interpreter was terrible; he was from another country so it was very hard to understand him, but I didn’t dare to say anything. I had to guess what he was saying. I didn’t know then that I had the right to say that I didn’t understand the interpreter. –Lars

Lars narrative expresses that fear and unawareness were unceasingly present in his mind. The same feelings were clearly visual in Noor, Dani and Ahmed’s stories as well. They were never asked if they were happy with the interpreters, and even if they would ask, the boys would unlikely express their discontent out of fear as they felt they were not entitled to the right to express that they did not understand the interpreter and that any form of dissatisfaction would affect their asylum process negatively. As is shown in Lars’ story, he felt that he was not in a position to raise any claims regarding the weaknesses of the interpreter. Ahmed and Noor also raised similar statements. Instead they kept quiet, fearfully persistent in trying to understand the interpreter by guessing what they said, effects which starkly reveals the fear of deportation.

\textsuperscript{72} Interview with Ahmed
Rebecka Lennartsson’s study highlights the considerable difference regarding the healthcare consumption among asylum-seekers in comparison to residents. The medical treatment they seek for their stress-related problems can be triggered in the state of unpredictability. Lennartsson notes that “the mental illness among asylum-seekers is big, so is anxiety, fear, and sleep deprivation, even an increase in attempted suicides in comparison to patients that suffer from posttraumatic stress syndrome.”

Dani did in fact try to commit suicide after he got his second negative:

I continuously have nightmares that I commit suicide again, but I wake up from the shock. I am tired of life; I have never felt like this until I got my negative. I don’t want to go to school, or play football or be with friends anymore. I just want to be alone. —Dani

The fear of being sent back to Afghanistan and having all his hopes crushed was too much to live with for Dani. Prior to his negative Dani in fact went to school everyday and he played football for a team twice a week. These central routines that Dani established as a form of coping mechanisms while waiting for his decision, abruptly changed after he received his rejection. He does however speak to a psychiatrist once a month as it makes him feel better.

3.2 The Right to have Rights

Arendt traces two characteristic losses the rightless person suffers; the first one is the loss of a home (the social structure one is born into), and the second loss is the lack of protection from the government. These who characteristic losses are obvious in the lives of the minors. They are fleeing their home countries to either seek protection against their government or seek protection against causes they believe their own government cannot or will not offer them. Arendt rightly expresses: “The Rights of Man, after all, had been defined as ‘inalienable’ because they were supposed to be independent of all governments; but it turned out that the moment human beings lacked their own government and had to fall back upon their minimum rights, no authority was left to protect them and no institution was willing to guarantee them.”

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75 ibid. pp. 291-292.
unaccompanied asylum seeking minor’s situations in Sweden as they are never guaranteed protection until they prove that they are in need of protection, and not only then is protection a guarantee. Ahmed expressed that he didn’t believe Sweden wanted to grant him asylum. I evinced similar attitudes when speaking to Dani. He wistfully said that he always felt that there weren’t any guarantees for a citizenship after his negative:

After they gave me negative I became depressed. I tried to be happy, but what was waiting for me was too hard to deal with. I stopped going to school, something that I really enjoyed. I ran away from problems in Afghanistan and came to bigger problems in Sweden. The Migration Board never believed a word I said, they never wanted to help me. –Dani

These examples also reveal feelings of powerlessness. They are constantly reliant on their custodians and their public counsels, even the interpreter. Numerous informants have substantiated explicit features of vulnerability where the importance of ‘four digits’76 is brought to light:

I got my negative 2, 5 years ago; it’s tough, like your life is on hold. They expect you to be good, go to school and be happy, but it is stressful, you are steady reminded of the four digits. You continuously get reminded that you are not a citizen. In the beginning, I didn’t understand, now I do. Even though I have rights, I don’t feel as if I have rights when it comes to a lot of things. It took me a year to get enrolled in school; it takes forever to even get a doctor’s appointment. Without four digits, you are without rights. –Lars

In *The Human Condition* Arendt leans on the ideas of Aristotle’s observation of the first separation that can be found between the plain life that the human being is born into, *zoe* and the life that inevitably enters into politics, the political involvement, *bios*.77 Arendt does not believe human rights are automatically given in the logic of *zoe*, they are rather an artifact connected with ones affiliation with a political society.78 As she notably stated: “The world found nothing sacred in the abstract nakedness of being human”.79 This notion is verified, as asylum-seekers have to prove that they need protection to the Migration Board with support of authentic and coherent stories and preferably with documents at hand.

In *The Origins of Totalitarianism* Arendt analyses the meaning when human rights are suffered by rightlessness. She concludes that it implies the loss of ones home and the feeling of security and the conversance with the social comfort one usually receives from

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76 Four digits in Sweden, ”fyra sista” is equivalent to a social security number.
birth. It also means the absent protection of the government, and the lack of a legal status, which also affect ones civil and political freedoms. Ultimately, it implies the loss of humanity, neglect and the feeling of uselessness. These exclusionary depictions come to the forefront in some of my informants’ narratives. Whether the feelings of rightlessness arose from experiences in their home countries, or during their escape to Sweden, or even in Sweden, they have been experienced and raised. Mustafa stating that he did not see humanity in Afghanistan, Sia expressing his fear from the Iranian authorities, and Noor and Dani’s feelings of neglect and uselessness from the Migration Board.

Hannah Arendt states, “The very phrase ‘human rights’ became for all concerned—victims, persecutors, and onlookers alike—the evidence of hopeless idealism or fumbling feeble-minded hypocrisy.” Lars, amongst many of my informants has raised comparable feelings during their asylum process. His mentioning of a UN event at his school released feelings of anguish and feelings that can directly be translated into what Arendt states as ‘hopeless idealism’ and ‘hypocrisy’. Another equivalent rejoinder is when he stated that he never thought Sweden would be a country where “some authorities would decide upon my life destiny.” He in fact went into details regarding the UN event:

I wanted to sign up for a UN-project after a UN representative came to our school to speak of human rights. I couldn’t even help out as a volunteer, because even the UN required four digits in order to sign up. How ironic isn’t that? You can’t even offer to help out for a humanitarian cause unless you are a citizen. – Lars

The fact that Lars has lived in Sweden for 3,5 years, is fluent in Swedish, have good grades in school and always is eager to learn, to become better, the fact that he wants to engage in humanitarian work as a volunteer does not mean anything without ‘four digits’, not even to the UN. Noor echoes a similar standpoint that can be contrasted with the hypocrisy in having rights on paper, yet feel the absence of those rights in practice:

During the interview the case officer told me very strange things such as “you are not 17, but you are not 18 either.” I got scared, worried and sad. They continued to stress the age factor, and when they suggested a dental X-ray my custodian told me I did not have to undergo the procedure, it was my right so to say, but I was scared that they would use my right to say no as an excuse to give me negative, so I didn’t have a choice but to cooperate, plus I knew my age. – Noor

82 Interview with Lars.
Arendt states, “The best criterion by which to decide whether someone has been forced outside the pale of the law is to ask if he would benefit by committing a crime. […] one may be sure he has been deprived of human rights.” Arendt uses this argument to imply that if committing a crime would improve a stateless person’s legal position that person has been deprived their human rights. The same argument can conversely prove that committing a crime can also forsake the status and legal position of a refugee, as expulsion measures become possible outcomes if committing a crime. The Swedish Aliens act (2005:716) Chapter 8 section 7a proclaims that:

An alien who has a right of residence may be expelled from Sweden out of consideration for public order and security. If the alien has a right of permanent residence at the time of the expulsion order, however, he or she may only be expelled if there are exceptional grounds for this.

An EEA national who is a child or who has stayed in Sweden during the ten immediately foregoing years may be expelled only if the decision is absolutely necessary out of consideration for public security.

Furthermore, Section 8 states:

An alien may be expelled from Sweden if he or she is convicted of an offence that is punishable by imprisonment. An alien may also be expelled if a court sets aside a suspended sentence or probation that has been imposed on an alien and imposes another penalty.

A part of the routines in the first interview is that the case officer informs the asylum-seeker that they are under oath to speak the truth and they will be held accountable if they lie. The Migration Board also points out the possibilities of expulsion and withdrawals of residency if they would find out that asylum-seeker have lied. In this regard, though they become Swedish citizens, they will never have the same rights as “Swedes.” Ironically it seems as if human rights cannot be promoted equally in practice, and they do not encompass all, not even when being granted a citizenship.

The fact that asylum-seekers do not always hold same rights as citizens do is also raised in the introduction for Mellan det förflutna och framtiden, as the authors state, “The well being of a child is not only closely associated with immediate elements such as family, school, friends etc. but should rather be seen from a migration policy perspective

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83 ibid. p. 286.
84 “EEA stands for ”A citizen of one of the member states of the European Economic Area (EEA). The EEA is made up of the EU member states […]”

where as asylum-seeking children can be excluded from certain rights in which citizens are entitled to." Related to this topic, Khosravi voices, "[…] citizenship – the right to have rights – is in itself not a right. Until so becomes the case there are two sorts of individuals; human beings and the rest."  

3.3 Justice, Rights and Legal Security

The Migration Board tries all asylum applications. If they decide to refuse an application, the asylum-seeker can either “accept or appeal against the decision. Even if you decide to appeal, you must plan to return.” The appeal will be tried at the Migration Court and their judgment can also be appealed to the Migration Court of Appeal, the final instance in the Swedish asylum system. This puts the asylum-seeker in a very complex situation. Having the right to appeal is comforting, but to know you must ‘plan to return’ while you appeal discredits those rights.

Children as right bearers generate obligations for the state in which the case officers are responsible to live up to. To be heard is therefore an underlying dimension vis-à-vis the best interest of the child. But how much rooms is there to be heard during the first meeting or the first interview? Some of the informants have expressed that they didn’t feel they got a chance to be heard, Lars expressed it as: “I can’t say I was treated as a child, I didn’t feel safe. I was never asked how I felt, I was only there to answer their questions.” Scrutinizing the legal certainty regarding claims gets rather complicated since “to be heard” can in fact simply comprise only to answer questions, and therefore, may not necessarily include to be asked ‘how you feel’ or to speak freely. However, I argue that, since these minors are under 18, questions such as asking them how they are become essential in setting the ground for how the minor answers their questions and feels during the interview. Mustafa’s encounter with his case officers can be used as a sound example

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to demonstrate this hypothesis. Mustafa described the lady at the first meeting as being very friendly, she introduced herself and made sure to let him know he didn’t have to answer questions he wasn’t comfortable with. She also asked him how he was feeling, as he seemed sad. Furthermore, he said that she even walked him out to the taxi car and helped him fasten his seatbelt. The case officer at Mustafa’s first interview started off with ‘small talk.’ He asked Mustafa how he liked Sweden and how he liked the reception unit, if he had made any friends etc. This start, Mustafa explained, made him loosen up some and feel more comfortable.

Through the idea of Montaigne, Derrida believes that a law cannot be regarded as just, only because it is legislated. Neither is a law followed because it is just, rather because it holds authority.90 (As already discussed, similar recognitions have also been made by Arendt.) Following this idea, one can conclude that the Aliens Act is not necessarily just, just because it is the law.

If we look at the cases of Dani and Lars (which both have been rejected asylum) through the lens of Derrida’s deconstruction theory, their decisions have not been made possible without ‘enforceability’ as Derrida believes that enforceability proves that the law in itself cannot be applied without force.91 Analyzing their reflections concerning their encounters with the Migration Board, one can also discover another form of force within the case officers’ treatment towards them. Thereof, two forms of forces have been discovered; one in their treatment and the other one when making a decision.

The first aporia clarifies that one must be free, responsible for ones actions and behaviors as well as ones thoughts and decisions in order to be just or unjust.92 These criterion according to Norström, become rather problematic because case officers and decision makers are responsible for a very large number of cases in an environment where there isn’t enough time and resources to investigate each case fully. There is a shared acceptance that hard cases, which do not easily fall under granted or rejected cases, are handled and decided upon with an instinctive touch in which the decision maker acquires with time. The difficulty of putting the asylum-seeker in the center and simultaneously reduce him or her to a "case" for mass management leads to a combination of requirements such as solidarity, restrictive and arbitrary decision-making power, which

does not guarantee the legal security in the individual case.\textsuperscript{93} With that said, even though case officers and decision makers follow laws and regulations, this does not mean that the decision made is just, and in accordance with the best interest of the child.

As been formerly mentioned, unaccompanied asylum-seeking children are supposed to be entitled the same rights as Swedish children.\textsuperscript{94} Lars mentioned an attention-grabbing matter stating that he does not feel as if he has the same rights as a minor that holds a citizenship in Sweden. He said that even though he has lived in Sweden for 3,5 years he can still not legally work here because he doesn’t have ‘four digits’.

Furthermore, Dani elevated the word justice during my interview with him as he stated, “Where is the justice when they stare you in the eyes and ask you the same questions over and over again and you have to explain over and over again for why you need protection? You cry and they just look at you. No, there is not justice.”\textsuperscript{95} As these experiences make clear, the question of justice in relation to the law become complex. Justice is difficult to gauge and it is a subjective concept so to further discuss whether or not the asylum-procedures can be considered just without providing the case officers reflections, would in fact be unjust.

During my interview with Sia he mentioned that he did in deed think that the asylum-process was just and he interestingly continued to reflect and came with noteworthy inputs such as:

\begin{quote}
It would be better if I could get some rest prior to the meeting and that I would get the chance to meet with my custodian and public counsel prior to meeting as well so that they could explain everything to me about the procedure, including my rights. I thought the Migration Board was the Police first. I remember wanting to finish as soon as possible. –Sia
\end{quote}

Another noteworthy reflection that can be tied with the lacks regarding the legal certainty was through the eyes of the custodian, Elias:

\begin{quote}
I rarely interfere during the interviews, just observe, but since I speak Persian, I also understand Dari, and when I hear that the interpreter do not do their job accurately, I let it be known so the right information gets translated correctly. Also, if the case officer stresses the age factor by demandingly asking the asylum-seeker of their age, I interfere and ask for a break. Some of these minors do not know their age, they come from cultures where age is insignificant, but it seems as if the Migration Board does not take that into consideration. –Elias
\end{quote}


\textsuperscript{94} Migrationsverket: What rights do you have?. 2011-10-24

\textsuperscript{95} Interview with Dani.
As Elias rightly argues, the question of age may not in fact be an obvious issue within the minors’ cultural backgrounds. So expecting them to know their exact age does therefore ignore their cultural traditions.
4. How are mechanisms of power relations and control experienced by the unaccompanied asylum-seeking minors and custodians?

Gregor Noll, believes, “sovereign authority – rather than truth – makes the laws that provide the narrative framework to that sovereign decision.” This conception can be tightly linked with Elias interesting observation from a custodian standpoint:

When one person starts to doubt an asylum-seeker it escalates and result in a very tough interview where the case officer pushes with follow-up questions and are being rude in general. At that point, I get the feeling that it wouldn’t matter what the asylum-seeker would say, it would still not be good enough. –Elias

Reflections that have been raised throughout my informants’ narratives, feelings such as being inspected and undermined, the fact that you know that you will be sent home when you turn 18, all produces feelings of anxiety and helplessness, methods utilized by the state and according to Khosravi they “function as a disciplining mechanism.”

Additionally, this can be translated to a feeling of estrangement.

I was called for a meeting when I got my first negative. The lady was friendly; she explained why I got my negative and listened to what I had to say. My public counsel told me we would appeal. To no luck, I got another negative a few months later. At this meeting the lady was not as friendly. She told me it’s game over. “You don’t have a public counsel anymore and you cannot appeal again. You need a recipient so we can send you home. If you cooperate with us, we will give you some money, if not we will send you home when you turn 18.” They must know, that once you come here alone as a child, without anything, anyone, they cannot just send you back. –Dani

This narrative offers insight of what Agamben refers to as ‘included exclusion’. Dani is still entitled to rights, therefore included within the Swedish system by being here legally, ironically he is nevertheless excluded at the same time by being a target the Migration Board plans to send home as soon as he turns 18. She explains to Dani that law is not accessible to him anymore. Furthermore, Dani’s story perfectly displays clear power relations of who is in control as the lady informs Dani it’s “game over” and in an intimidating way tells him that if he doesn’t choose to cooperate, they will send him home when he turns 18 years old. Largely, the boys are included in regards of having rights, as

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being provided of housing, daily payments, school, and health care, yet they are excluded in regards of not acquiring a citizenship, where as they fall under the threshold in between citizenship and non-citizenship.

4.1 The Eye Contact Method

The eye contact method is an interesting detection that has been coherently raised throughout the narratives, where clear culture clashes regarding the perception of the eye contact can be depicted. Lars fittingly illustrates this clash by saying that the authorities in his country “are the biggest” so people know not to look them in the eyes, as it is disrespectful. He continues, “the migration board’s eye contact proved that they wanted to show that they had the power and were in charge. It was weird that they stared so intensely.”

Harold V.B. Gilliam and Sjef Van Den Berg have in their study on the different perceptions of eye contact between black and white college students; discovered a general reluctance among Black Americans when looking another individual in the eye, especially if it is an authority. Quoting K.R. Johnson, they argue that avoiding eye contact within the Black cultural context “indicates recognition of a superior-subordinate relationship.” Failing to do so would be considered as disrespectful. Contrastingly, this norm differs within “White cultures” where as “maintaining eye contact is a nonverbal way of communicating trustworthiness […] and a dominant culture member may interpret avoidance of eye contact as indicating the absence of such qualities.” Furthermore, they astonishingly state that, intensified eye contact however, such as a stare or a gaze, ends in violent or harmful feelings. This detection is rather interesting in accordance with Mustafa’s reflections, “as I was answering the case officer’s questions his eyes ‘locked’ on me.” The way the case officer “locked” his eyes on Mustafa can be compared with

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99 Interview with Lars
101 ibid. p. 84
102 ibid. p. 84
104 Interview with Mustafa
the “stare” or “gaze” thus in Mustafa’s case it did not result in harmful feelings, rather feelings of fear as Musfata states, “He was restrictive with the eye contact, and it scared me, because you can see if someone is speaking the truth or not by looking that person in the eyes, its common sense.”¹⁰⁵ Noor’s reflections can be contrasted with Mustafa’s belief as Noor also felt nervous and stressed by the intensive stares, “the interview lasted for 2, 5 hours. The case officer sat awkwardly close to me, and during the whole interview, she stared at me intensely, in a judging way. This made me more nervous and stressed, and I even started to question myself. Now I know that they do this to see if you are lying. It is strategic.”¹⁰⁶ This leaves one to wonder how one would behave and perceive the continuous questions raised, while having an authoritative representative sitting “awkwardly” close to you asking you questions that will determine your destiny.

One gets the impression that the case officers seem to believe that avoidance of eye contact equals untrustworthiness, or that you are covering something.¹⁰⁷ Dani reverberates this hypothesis by stating that “I know why they looked me in the eyes like that, because they think if you lie, it will be hard to look them in the eye.” He continuous and says that he felt like an alien, as if they were bigger than him and that made him nervous to look them in the eyes.

Thus some cultures teach people that not looking an authority directly in the eye give an impression of respect.¹⁰⁸ Sia states that he has read in books that people who lie might look natural, “but the eyes don’t lie, that is probably why they stare so much.”¹⁰⁹

My informants rightly argue that through being stared at, they are practically already accused of lying. To answer sensitive and well-detailed questions that your life depends on under such conditions, are without doubt tough and it is understandable that the minors find this method as uncomfortable. This is a mechanism perceived as already being accused guilty. Their different outcomes aside, Lars, Noor, Dani, Sia and Mustafa all defined the eye contact method as bothersome and they all concluded that the case officers strategically use the methods of staring intensely or give away looks of skepticism to find out whether or not you are lying. Ahmed, “speaking on behalf of all boys,” claims that:

¹⁰⁵ Interview with Mustafa.
¹⁰⁶ Interview with Noor.
¹⁰⁸ ibid.
¹⁰⁹ Interview with Sia.
What the Migration Board can do better, and I speak on behalf of all the boys, is to listen more and not to look at you as if you are lying. – Ahmed

4.1.1 The Suspiciousness Culture

Highlighting concerns detected from my informants narratives can be tied with patterns of discrediting the asylum-seeker, patterns that become at most explicit when case officers insist to push the minors with follow-up questions in order to find any possible discrepancies in their stories.

In accordance with Jacqueline Bhabha, one can argue that a “climate of suspicion results in extraordinary high refusal rates for child asylum applications […] the lack of a rights-respecting framework has also led to policies of forcibly returning children to their countries of origin, even when no best interest assessment has taken place.”

They kept repeating the same questions over and over; I take this as if they wanted to see if my answers were well balanced and coherent. They told me very strange things such as “you are not 17, but you are not 18 either.” I got scared and worried. They continued to stress the age factor, and when they mentioned the dental X-ray, my custodian told me I did not have to undergo the procedure, but I was scared that the Migration Board would use that as an excuse to give me negative, so I agreed on it.

Other than suspecting my age, the Migration Board also suspected my origins because of my accent. I was informed of a language-analysis with one day’s notice. I couldn’t eat or sleep that day. I remember thinking, questioning my age is one thing, but how can they question my Somali identity? That capacity and power frightened me. – Noor

Noor’s narratives are of great importance when scrutinizing the Migration Board’s capacities of power; a capacity to deprive someone of not only protection, but also of his or her identity. Noor’s home country lacked efforts in protecting him, Sweden symbolically showed similar absent efforts when questioning his identity and using that as grounds for what feels to him as the eternal wait for a citizenship or a negative.

Noor retells his experience from the language analysis as follows:

The language-analysis was one of the most absurd experiences for me. As I greeted the analyst on the phone with “Salam Alaikum” (mind you, a very common greeting in Somalia), he snapped and replied, “You can skip that”. He asked me to reiterate a surah from the Quran since I am from the Sheikha clan, and we are supposed to be known for knowing the Quran by heart. The interpreter also asked me to name the five sub-clans of my clan. When I told him I didn’t know this, he replied in a patronizing way and said I should know this if I am really a Sheikha. – Noor

Noor continues to explain the complications of the clan-system in Somalia:

If you are not from the same clan, they don’t care about you, despite the fact that you are a countryman. This clan-system mentality is indoctrinated in Somalis and it is tarnishing Somalia. It saddens me to see that they have brought this mentality to Sweden. The analyst has to appear clan-neutral and professional. I doubt that the Migration Board knows about any of this. –Noor

Just like Noor describes the fact that the analyst is from a different clan and expresses this through his animosity towards Noor, Noor sheds to light the problematic aspects of the situation of Somalia’s clan-system. This observation is indeed important to bear in mind as the analysts and interpreters work for the Migration Board. The critical concern Noor raises leaves one to wonder whether or not the Migration Board has insight of these complexities. Following information regarding the role of the interpreter is provided for the asylum-seeking child on the Migration Board’s website:

The interpreter is neutral and will translate only what is said. The interpreter is not allowed to let his or her own private, political or religious beliefs become involved. Neither is the interpreter permitted to speak of what he or she has heard during your investigation. If you do not understand the interpreter, it is important that you say so.111

Above information is evidently not in accordance with Noor’s case. Furthermore, informants in this study were in fact informed of the importance to speak up if they didn’t understand the interpreter. This leaves one to wonder if the Migration Board assumes and takes for granted that the minor has read the information on their website prior to the first meeting, or is it that this information is supposed to be voiced prior to the meeting? With reference to the six informants in this study, it seems as this right has been left in the dark, an important yet simple to manage matter and in that sense, needs to be better taken into consideration.

Sia, which got PUT, expressed an overall satisfaction regarding the Migration Board and their treatment. However, he grippingly told me that he has realized that the age issue in Sweden is an “epidemic issue”:

The case officer asked me how old I was and I told him I will turn 17, and he replied, “Oh really? I don’t think so.” I asked “why? It is what my mother has told me.” The way he questioned and put so much pressure on my age scared me. He even had me doubting myself if I really was 16 or not. –Sia

This realization needs to be stressed further as case officers should not express personal opinions in any way. Sia’s right to be heard and listened to was clearly fulfilled, yet violated at the same time.

Another interesting observation made by Ahmed regarding his encounter with the police explicitly displays that Ahmed was at the mercy of a nation-state system:

I met the police a couple of days ago. As I was on train on my way to meet with my custodian, two police guys and one inspector approached me. They asked to see my ID card. I only had my LMA card\textsuperscript{112}, so that’s what I showed them. After looking at my LMA card they asked to see my SL-kort\textsuperscript{113}. The inspector asked me where I got this card from and who had lend me the card. I told them it was mine. They asked me this two times. I told them they could call the staff if they didn’t believe me, that’s when they understood I was valid. – Ahmed

Ahmed touches upon the police and inspector’s mechanisms rendering power relations and control. Ahmed, being a minor that has fled his country because of the civil war, is now with rightful grounds located in Sweden. He was however approached by the police and asked to show his ID and travel card. Lets nevertheless say that this could happen to anyone, he was still asked twice where he lived and who the travelling card belonged to, as if the likelihood for Ahmed to buy his own travel card was not credible. Both times Ahmed fearfully replied that his stay in Sweden was valid and told them “I am not here illegally”, he also named the reception unite where he lived and offered the police officers the number to the staff. This confrontation clearly shows the mechanisms of control and power relations that can arise between authorities and the asylum-seekers, and least to mention the suspiciousness culture. Conclusively, Ahmed’s rights were questioned in the name of REVA.

4.2 REVA

Reva is a project in Sweden that stands for (rättssäkert och effektivt verkställighetsarbete): legal and effective execution of policy, also known as racial profiling of refugees.\textsuperscript{114} This project was first launched in 2010 in Sweden and it is a

\textsuperscript{112} A LMA card stands for "lagen om mottagande för asylsökande”, an asylum-seeker card. This card functions as verification for legally staying in Sweden during an asylum process.

\textsuperscript{113} SL-kort in Swedish is a travel card in Stockholm.

collaboration project between the Border Police, Migration Board and the Swedish Prison and Probation Service, partly financed by the European Return Fund. The purpose for the project has been to track down undocumented migrants in Sweden by having the police to check ID’s at subways among other places. These methods have been extremely criticized by the public for being discriminating as majority of the controls have been on people with foreign looks.\textsuperscript{115}

What happens when projects like REVA are carried out in Sweden? Do they affect the asylum policy discourse and the mentalities of government? Can depictions similar to Arendt’s discoveries that are mentioned in, \textit{Eichmann in Jerusalem: A report on the Banality of Evil}? Be traced on the micro levels for an asylum-process?

As a journalist for the New Yorker, Arendt went to Jerusalem to write report on the trial of a former S.S. lieutenant colonel. She expected to face and write about an evil man responsible for atrocious crimes on the Jewish people, however, Arendt arrived at the shocking and unprecedented conclusion that he was ignorant of his own evil and seemed “terrifyingly normal”. He had not personally killed anybody as his actions were influenced of force. He had just accepted the grounds of the state order and partook by thinking his actions were normal. His atrocities were rather “[…] impersonal and abstract –a matter of following rules, obeying orders, arranging schedules with the utmost meticulousness and dedication.”\textsuperscript{116}

Just like Eichmann told the Israeli jailors he never felt any hatred towards the Jews\textsuperscript{117}, the case officers’ motives for their perceived procedures can simple be concluded with Sia’s reflections,

\begin{quote}
I knew I couldn’t take anything personal, I am sure they aren’t doing things to be evil, they are just doing their job by taking orders from above. –Sia.
\end{quote}

Nonetheless, The REVA project, being a project produced by the Migration Board inter alia, can also be considered as imposing feelings to become stricter on the grass root level, a justified formed of implicit clearance to exercise mechanism of control. This notion becomes clearly visual in Dani’s experience:

\textsuperscript{117} ibid. p. 470
The case officer at the first interview was not nice; I noticed that at first glance. After he introduced himself he said “I will decide whether or not you will stay in Sweden, so make sure to tell the truth today.” I got scared of him. I was sad and I cried, he was calm and careless. –Dani

The case officer’s approach in combination with the minor’s fear and need of his custodian and public counsel make visible the child’s subordinate position. These continuous examples of approaches, and methods of interrogations can be seen as coincidental cases and unfortunate formulations and treatments from particular case officers, but they can also be seen as portions of a bigger structure. The article “Det är dags att sluta sjunga” touches upon this controversial matter, stating that current research in fact substantiates that there is a comprehensive and structural discrimination in Sweden. One of the examples being raised in the article is that research shows that Sweden, having some of Europe's best educated asylum seekers and immigrants, still rank at the bottom in the proportion of who get jobs. As continuous patterns of discrimination are highlighted, the journalist deliberately touches upon whether or not the general people can avoid being affected from structures in their approach and their thinking. The journalist lands on the assumptions that it is in fact inevitable not to be influenced by the discriminating structures.118 This assumption can be tied with the relevance for this study as I argue that it is similarly inevitable for the case officers not to be influenced by those structures.

4.3 Hospitality

Mechanisms rendering the positions of the guest and the host can be seized within the narratives in this paper where Derrida’s hospitality concept becomes prominently evident. The guest within the context of hospitality embodies ”the foreigner in general, the immigrant, the exiled, the deported, the stateless or the displaced person”.119 Within the framework of this study, the guest represents the minor where as the case officer represents the host. Components such as control and ownership of a home become necessary in order to be able to offer hospitality by welcoming a guest into your home,

and elements such as power and inequality become explicit when examining the correlation of the guest and the host.\textsuperscript{120}

This was my first encounter with authorities. I expected to be met in a friendly and just manner in Sweden. I can’t say that the Migration Board treated me bad even though they have assessed my age and questioned my identity. Also, they threw looks of skepticism to each other when I was speaking. As if they did not believe me, it was so clear. –Noor

Noor’s words can also be voiced through Derrida’s terms of the guest and the host relationship. Noor, being the guest that has been wronged and stripped of his identity, still cannot bring himself to speak badly of the Migration Board. He also perceived their looks as looks of skepticism, as if they did not believe him. These depictions can be exemplified as asymmetric power relations in his encounter with the Migration Board.

Derrida explains the notion that embodies unconditional hospitality as “(to give the new arrival all of one’s home and oneself, to give him or her one’s own, our own, without asking a name, or compensation, or the fulfillment of even the smallest condition)”.\textsuperscript{121} This would not be a sustainable solution if implemented as a law. Put in practice, this notion is non-existent in the case of a refugee that wants to seek asylum in Sweden, as the asylum-seeker must have grounds in accordance with the Aliens Act in order to be granted a residence permit. Derrida acknowledges the inconvenience, as it would require great sacrifices from the host, sacrifices such as surrendering the control over one’s home.\textsuperscript{122}

Derrida’s rather complex and problematic scheme encompassing hospitality has been widely utilized for criticizing states’ asylum and migration policies.\textsuperscript{123} By exploring the words of Ahmed, the interaction of sovereignty and conditional hospitality takes form. The way he is received and treated by the case officers troubled his sense of Sweden as being a ‘good country’.

During the interview another staff came. I think she was a specialist to determine my age. She analyzed the way I was crying and speaking. They didn’t have any pity. She asked something that was really hurtful and kept going with it. I cried so much. They started whispering to one another and then they told me that they wanted to send me to the dentist for a dental X-ray to assess my age, even though I had told them I was 16 years old. They


called for a 10 min break and when I went back to the room they told me, “we believe you, you are 16.” –Ahmed

Through the lens of Derrida’s conditional theory, the procedure where the case officer that was present, only to assess Ahmed’s age, illustrates clear power relations. The sovereign role, shaping itself through the whispering and the justified authorization to determine Ahmed’s age, should be measured as unethical and unprofessional. As Derrida believes the ‘fundamental act of ethics’ and the receptiveness to the guest encompasses hospitality, more room for compassion and respect should be taken into consideration within the encounters with the asylum-seekers. Situations where the case officers whisper and do not show emotions when the child in question cries, instead keeps pushing with questions are unacceptable actions that should be taken seriously with calls for improvement.

A concern that has been raised by several informants has been the dissatisfaction regarding the interpreters as Ahmed amongst others, stated that he frankly didn’t understand the interpreter, which lead him to guessing. Not only is Ahmed foreign to the ‘legal language’, which not necessarily signifies the language per se, but also the legal structures of the asylum process as a whole. Additionally, he is dependent of the interpreter to translate his story as accurately as possible. What gets lost within the translation is also an element significant to keep in mind. These problematic issues, where communication is first and last for the asylum-process to even be made possible, illustrates what Derrida believes to be the first act of violence. “The foreigner is first of all foreign to the legal language in which the duty of hospitality is formulated, the right to asylum, its limits, norms… he has to ask for hospitality in a language which by definition is not his own, the one imposed on him by the master of the house, the host, the kind, the lord, the authorities, the nation, the State, the father, ect.”

Derrida believes some central questions should be asked in order to better understand the concept of hospitality. His first question is why the guest, the asylum-seeker, is here and is he or she here willingly? Questions such as why the minors have come to Sweden was not raised during the interviews as they are private, so therefore a personal reason for why they have sought asylum in Sweden cannot be illustrated.

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However, as Khosravi fittingly states that “the main cause of refugee migration is not poverty but corruption, inequality, class differences and unjust resource distribution”\textsuperscript{127}, I argue that these minors would most likely not seek refuge in Sweden if the causes mentioned would be intact.

The second question he raises is how the host welcomes the guests. The perceptions of the welcoming have differed in the narratives provided by my informants. Derrida speaks of the paradoxical and corrupt law as collusion between the host and the way they exercise their power by:

\[\text{[...] choosing, electing, filtering, selecting their invitees, visitors, or guests, those to whom they decide to grant asylum, the right of visiting, or hospitality. No hospitality, in the classic sense, without sovereignty of oneself over one’s home, but since there is also no hospitality without finitude, sovereignty can only be exercised by filtering, choosing, and thus by excluding and doing violence.}\textsuperscript{128}\]

In accordance with Derrida’s words, the Migration Board’s execution of power is generated in the handling of cases. Sovereignty becomes inescapable when it comes to the decision-makings of granting or rejecting an asylum-seeker residency.

5. Conclusions

This thesis has attempted to shed light on the perceptions of the mentalities of government through the lens of the unaccompanied asylum-seeking minors, but also from a group of custodians’ perspective. Though conventions and laws can give the impression of being easy to employ, the asylum procedure, and the handling of individual cases comprises contrasting complexities. In the search for what lies beyond the dichotomies of citizenship and non-citizenship, a consensus of opinion has been discovered. All minors wished the presence of their custodians in the first meeting and they all found the eye contact method as uncomfortable. They all perceived, at least one time, that the case officer asked the same question at least once, even though they had already answered the case officer that they didn’t know or couldn’t answer the question. This discovery was perceived as a method used by the Migration Board to see whether or not their stories were well balanced and coherent, or as Lars stated, “to see if you are lying.”

Nervousness, tiredness and fear upon the first meeting were shared symptoms displayed by the minors. As one minor expressed that he was treated with great care and comfort by the Migration Board staff, the rest of the narratives did not disclose any feelings of empathy from the staff. Furthermore, the wish to have their custodians present at the first meeting was also raised.

The ‘wait’ constituting the time from the moment they apply for asylum until they receive a decision, has in some cases been a long-drawn-out process. It can be comparable to a state of institutionalized limbo. Their stories illustrate how they, during the wait, are in the middle of a story without a fixed-end or early settlement, as one of the minors suitably expressed, a “life on hold.”

This study has shown that results regarding the approval or rejection of residency come to play an indispensable matter regarding their well-being. With the words of Michael Herzfeld, people tend to notice the flaws within bureaucracy and bureaucracy fails, only when those people’s own ideals are betrayed.129 By that, it seems very logical that the boys that have received their negative feel more betrayed and powerless than the boys that got PUT.

Unaccompanied asylum-seeking children in Sweden are entitled the same rights as Swedish children. Though this is the case, my informants have nonetheless revealed

patterns of helplessness. These feelings have emerged during encounters with the Migration Board where the eye contact methods as well as the suspiciousness culture were troubled factors raised. Looks of skepticism, doubts concerning ones age and repetitive questions raised by the Migration Board have been contributing factors for the absence of rights felt by the minors. Legal certainty in regards of being heard and listened to, along with a decent treatment from the Migration Board seems to depend on which case officer the minor meets, while in fact these rights should permeate the asylum process, independent of the case officer.

It seems as if the suspiciousness culture rests on the belief that one must prove and deserve to be granted asylum, sadly enough, as if the more you have suffered, the more likely it is to be granted asylum.130 This vulnerability highlights the need for a stronger understanding of what comprises an effective asylum process for children, and patterns of disbelief should not be able to trace.

Patterns of mechanisms of power relations and control within the asylum-process have been concealed within the benevolent humanitarian claims that the Migration Board holds. The stories shared, in alliance with the leanings of Derrida’s conceptions, have helped to disclose the power structures on which the refugee policy rests. A system where the Migration Board has the validations to interrogate the asylum-seeker, where as the asylum-seeker, being a child that has fled his or her country to seek protection needs to prove or win over the case officer’s trust. This automatically places the asylum-seeker in a subordinate position, and risks to place the best interest of the child in the dark.

An approach for improvement is through understanding and having insight of how the asylum-process is perceived through the targeting group. By acknowledging these recognized perceptions that have throughout the discoveries of this thesis also been recognized as a state of helplessness, a new platform for improvement may be built.

The minors’ vulnerable roles illustrate the need to give children a voice more prominent in the discussions of the impacts of the restrictive migration policy. This restrictiveness has been at the expense of the minor’s wellbeing and human rights.

What the boys in this study share in common is that they have all come to Sweden, not because of something they have done, but because of who they were in their home countries, either having the “wrong” ethnicity or religion, or by simply living in the

wrong place. This undoubtedly validates the need for stronger advocacy to help make the voices of the minors heard in any possible discussions that concern them.

The sons of Adam are limbs of each other,
Having been created of one essence.
When the calamity of time affects one limb
The other limbs cannot remain at rest.
If you have no sympathy for the troubles of others,
You are unworthy to be called by the name of a Human.

- Saadi
Interview questions: Unaccompanied asylum-seeking minors

1. Can you tell me about yourself?
   - How old are you?
   - How long have you lived in Sweden?
   - What were your expectations of Sweden before you arrived?
   - Has Sweden met your expectations? (If yes, how? If no, why?)
   - What is your experience of governments?

2. Can you tell me about the first meeting at the migration board?
   - How did you feel before the meeting?
   - What were your expectations prior to the meeting?
   - Were you satisfied with the interpreter?
   - Did the Migration Board (the interviewer) explain the purpose for the meeting?
   - What did they ask you at the meeting?
   - How did you perceive their attitude when they asked you questions?
   - Did you feel comfortable to answer their questions? (If yes why? If no, why?)
   - How did you feel after the interview?
   - How are you feeling/did you feel during the wait, from after the interview until you heard back from the Migration Board?

3. How would you describe a good/bad interview?
   - How would you describe the person that interviewed you?
   - Can you tell me a bit about the interviewer’s treatment/attitude during the interview?
   - How could the routines in the first interview improve?
   - How did you perceive their eye-contact during the interview?

4. Your rights
   - To whom or where do you turn when you want to know your rights?
   - Have you ever felt that your rights have been violated? If so, when and how?
Interview questions: Custodians

1. **Can you tell me about yourself?**
   - How long have you been a custodian and how would you describe the job?

2. **Do you always attend the visits to the Migration Board?**
   - What are your impressions of the Swedish Migration Board based on your experience as a custodian?
   - Could you tell me a bit about the questions raised in the first interview?

3. **How do you think the staff at the Migration Board treats unaccompanied asylum-seeking minors?**
   - Has it even happened that you have reacted to a particular behavior from them if so; can you tell me about that situation?
   - Have you ever felt the so-called suspiciousness culture from the Migration Board towards the unaccompanied asylum-seeking minors?
   - Have you ever felt that the Migration Board uses information gained from the first meeting against the minor? If yes, can you tell us about this?
   - Has it happened that they insist on asking the same question repeatedly?
   - Have you ever noticed their eye contact method with the asylum seekers? If so, how do you interpret it?

4. **Would you assess the asylum process as a legally secure process? If yes, how? If no, why not?**
   - What do you think about the interpreters and their skills? Have you been in any situation where there has been a misunderstanding? How has this been resolved?
   - Do you believe the questions asked are reasonable in relation to the child's best interests and the Convention on the Rights of the Child?
   - Can you retell an experience of a good and a bad encounter between the Migration Board and the minor?
   - How many children have you been a custodian for and how many of these have been granted PUT / rejected asylum / deviated?
   - Have you ever noticed any power positions throughout the asylum process?
   - Who do you believe have the power and how is it used?
   - What do you think about the situation of unaccompanied refugee children in Sweden today?
   - Do you think the human rights they are entitled to in theory are in accordance with their situation in reality?
   - Have you ever felt that the authority has violated the asylum-seeking minor’s rights?

5. **Is there anything else you feel like sharing?**
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