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Guarding the borders of the Norwegian welfare state

How NAV employees decide on social assistance for unemployed Polish migrants

Abstract:

In this article, I focus on social relations and institutional logics to explore how street-level bureaucrats in the Norwegian Labour and Welfare Administration (NAV) assess unemployed Polish migrants' entitlement to social assistance. The article draws on qualitative interviews with 12 employees in local NAV offices. Institutional theory and theoretical perspective on borderwork are used as analytical lenses.

The article responds to a growing academic interest in exclusionary practices within welfare states, which are of particular relevance for mobile EU citizens. I argue that assessments concerning social assistance for Polish migrants represent subtle borderwork in which conditionalities derived from EU/EEA regulations are reinforced.

Although formal regulations are ambiguous and seem open to discretion, the way in which these regulations are translated into practice is often not perceived as discretionary by the professionals. In this article, I suggest that the reason for this is connected to the social relations in which they participate as they assess applications as well as institutional logics, which provide meaning and understanding of situations. As a result, the street-level bureaucrats are drawn towards strict interpretations and practices of the regulation.

Key words: Social assistance; Street-level bureaucrats; Norwegian Labour and Welfare Administration; Borderwork; Mobile EU citizens

Introduction

I have to admit it. When you get an East European name on your list, then you do get suspicious. And then I get really happy when I see that it is a hard-working person who has been in Norway for a long time. So, it's not about that. It is just that there's so much about this group that makes me suspicious.

This confession comes from an experienced employee in the Norwegian Labour and Welfare Administration (NAV), who is worried about the possible consequences of the large number of East Europeans living in the district where she works. I interview her in her office, which is located close to Oslo. She tells me that the office has received a significant number of applications for welfare benefits from Polish citizens, particularly after the financial crisis some years ago. During the interview, she talks about the different challenges she has encountered in her work with Polish migrants and in handling their applications for social assistance. She suspects that many unemployed Polish migrants

stay in Norway in order to receive welfare benefits instead of trying to find a job in Norway or elsewhere. As with many of the informants in this study, the NAV employee quoted above distinguishes between those she considers to be hard working but who are currently experiencing unemployment and those she believes to be exploiting the welfare system. In this article, I argue that these concerns are shaped and reinforced in social relations and by institutional logics, which can be understood in light of neoliberal citizen regimes and bordering processes.

Using assessments of access to social assistance for unemployed Polish migrants as an example, I explore how street-level bureaucrats (Lipsky, 1980) in NAV participate in the definition and maintenance of borders when they interpret and apply legal principles. I seek to answer the following two questions in this article: How do street-level bureaucrats in NAV assess the entitlement to social assistance for unemployed Polish citizens living in Norway? Which institutional logics shape their decision-making? In other words, the article focuses on *how* decisions are made, i.e. decision-making as a social process, and *what* rationale and taken-for-granted understandings shape this decision-making.

Although not a member of the EU, Norway is part of the internal market through the European Economic Area (EEA) agreement. Polish migrants were characterised as a marginal migrant group prior to the accession of Poland to the EU in 2004. Now, they represent the largest group of foreign nationals in Norway, with over 100,000 registered residents. Research shows that Polish labour migrants tend to work in unstable industries – chiefly in construction – and often under precarious work conditions and, thus, represent a group that is vulnerable to unemployment (Bratsberg & Røed, 2015; Friberg & Eldring, 2011).

When the EU was extended eastward, the labour-related advantages for Norwegian enterprises and the national economy were highlighted. East Europeans arriving in Norway were considered to meet the needs for low-skilled labour and were portrayed as a flexible workforce. However, a fear of so-called welfare tourism soon gained political and media attention. Central to these discussions was how welfare benefits could be limited for this group (Friberg, Elgvin, & Djuve, 2013).

Mobile EU citizens are generally accepted as residents, due to the EU principle regarding freedom of movement, which is enshrined in Article 45 of the Treaty on the Functioning of the European Union. Nevertheless, they may be excluded from welfare benefits (Heindlmaier & Blauberger, 2017). In this article, I argue that these exclusionary practices should not only be understood in the contexts of national and international legal frameworks; they are also reinforced by a complex borderwork (Yuval-Davis, Wemyss, & Cassidy, 2019) in which NAV employees participate, where the Polish migrants' entitlement to social assistance is negotiated.

Research into exclusionary welfare practices, to which this article contributes, is important for better understanding the challenges that these practices may represent to the very foundation of the Nordic welfare model as a system that encompasses all citizens. Limited access to welfare benefits creates a space for social dumping, where some groups are offered lower wages and worse working conditions than others (Ministry of Finance, 2006). This may have consequences not only for the welfare budget but also for Norwegian society as we know it – which is grounded in egalitarian principles.

Significant research into mobile EU citizens points to the conditionality of access to welfare benefits (Bruzelius, Chase, & Seeleib-Kaiser, 2016; Heindlmaier & Blauberger, 2017; Kramer, 2016; Lafleur, Mescoli, Dines, Montagna, & Vacchelli, 2018), and research into the consequences of these

exclusionary policies is growing, with an emphasis on precarious living and working conditions (Burrell & Schweyher, 2019; Misje, 2019; Tervonen & Enache, 2017). However, although there is some research into these topics from the perspective of street-level bureaucrats in public welfare administration (Martinsen, Blauburger, Heindlmaier, & Thierry, 2019; Ratzmann, 2019), it remains scarce. Since street-level bureaucrats' role as gatekeepers of welfare benefits is particularly evident in relation to mobile EU citizens, research on this decision-making process is important in terms of improving our understanding of policy outcomes and consequences.

EU principles of freedom of movement and equal treatment

The mobility of EU citizens across national borders is based on EU principles of freedom of movement and the right to equal treatment as national citizens. These are not unconditional rights and are aimed primarily at EU citizens who are defined as economically active or self-sufficient (Lafleur et al., 2018). For the first five years in another EU or EEA country, mobile EU citizens have to fulfil certain requirements to maintain their right of residence, which is a precondition for accessing welfare benefits. If they are not self-supported, they must provide documents to confirm that they still fall into the *worker* category, which is the term used in EU legislation for employed and self-employed people. However, the status of *worker* is broadly interpreted in EU legislation and includes, for example, people who become involuntarily unemployed after having worked continuously for over a year. Therefore, unemployment does not necessarily imply that the person loses the right of residence; it means that assessments have to be made in each case based on, for example, the length and terms of a person's previous work and whether they can be considered as being involuntarily unemployed (Bruzelius et al., 2016).

The international and national legal frameworks regarding EU mobility are ambiguous and result from national contestations which have been met by rulings from the European Court of Justice (Blauburger & Schmidt, 2014). In practice, if a person fails to fulfil the conditions for the right of residence, there are no implications regarding the possibility of remaining in the country; however, it restricts access to public welfare. Although Directive 2004/38 declares that EU citizens cannot represent what is understood as an unreasonable burden on the social assistance system in the hosting country, it also signals that EU citizens cannot be denied such benefits (Minderhoud, 2014). In the Norwegian case, the guidelines for NAV specify that considerations of whether an applicant represents an unreasonable burden cannot be grounds for refusal of social assistance, since this is considered to imply decisions which lies outside the scope of their authority (Directorate of Labour and Welfare, 2018).

The Norwegian welfare state and access to social assistance

NAV was established in 2006 through a reform in which the employment and social insurance administration was merged with municipal offices responsible for social assistance benefits and services. Its main objective is to get people off benefits and into the workforce (Askim, Christensen, Fimreite, & Læg Reid, 2010).

The NAV reform intensified the individualized approach to welfare policy in Norway that had emerged in the 1990s. This turn in public welfare, often labelled as workfare policy, implies that citizens are increasingly held responsible for their own situation. As a consequence, welfare policies in Norway have gradually become more focused on how to stimulate people to remain in or return to

paid work, for example by reducing the duration or amount of welfare benefits provided, or imposing “activation” requirements on recipients of social assistance (Askim et al., 2010; Halvorsen & Jensen, 2004).

Social assistance is a welfare benefit that is often provided when the applicant does not qualify for other public benefits, such as unemployment benefit or sick pay, which are based on previous income. It is supposed to secure a minimum income for all residents and improve living conditions for the disadvantaged (Social Welfare Act, § 1).

In the Norwegian regulations concerning social assistance, two requirements, in particular, affect mobile EU citizens’ access to such benefits. First, they must document the right of residence according to the EU principle of freedom of movement. In 2018, NAV was given the responsibility to assess the right of residence of applicants of social assistance, and the corresponding requirements are described in guidelines provided by the Directorate of Labour and Welfare (Arbeids- og velferdsdirektoratet) (2018). Although these guidelines are presented by using concrete examples and list possible ways of documenting residence status, the requirement is that individual assessments must be made in each case on the basis of overall considerations (Directorate of Labour and Welfare, 2018). Central to these considerations is whether the applicant falls into the worker category, despite being unemployed.

If applicants fulfil the requirement for right of residence, the next step in assessing their right to social assistance is to decide on whether they have habitual residence (fast bopel) in Norway. The meaning of habitual residence is described in the circular of the Social Welfare Act in the following way:

If there are doubts as to whether a person is considered to have habitual residence, the NAV office must make an individual assessment. In this overall assessment, aspects that may be of relevance are whether the person is registered in the National Registry, has a spouse and children living in Norway, are members of the National Insurance scheme, have tax commitments in Norway, and the person’s living situation. The duration and purpose of the stay, time spent in Norway before the application for social assistance was submitted, future plans, and the purpose as it appears in the grounds for residence may also be considered. (...) It is the ties to Norway that are essential to assess whether someone has habitual residence. (Directorate of Labour and Welfare, 2012)

If the application for social assistance is refused by NAV, the applicant can appeal the decision. Appeals are addressed by the County Governor (Fylkesmannen), which has supervisory authority. The appeal must be sent by the applicant to the NAV office, which then refers the appeal to the County Governor, together with all the case documents. The County Governor then provides a statement to the NAV office, in which they consider whether the NAV office has fulfilled the minimum requirements in relation to the Social Welfare Act.

Borderwork shaped by social relations and institutional logics

In this article, I understand the work that the street-level bureaucrats perform when they assess and make decisions about social assistance for unemployed Polish migrants, as borderwork (Yuval-Davis et al., 2019). I also understand this borderwork as coordinated by social relations (Smith, 2005) and shaped by certain institutional logics (Boxenbaum & Strandgaard Pedersen, 2009).

Theories about borderwork and bordering have provided new insights into how national territorial borders are controlled, the meaning and implications of these borders and bordering as a process that produces differences among people living within these borders (Balibar, 2002; Yuval-Davis et al., 2019). According to Yuval Davis et al. (2019), borders should therefore not be considered as just the fixed lines, defining one territorial space from another. Borderwork, or bordering, involves decision regarding who is entitled to cross the border of a national state, but also the extent of the social, civil and political rights of those who do so. The significance of borders thus implies defining who is to be considered part of a belonging group and who is not, and who is considered to be deserving of public benefits and who is not.

Theories of bordering have not only contributed new perspectives on the significance and consequences of borders, but also on the ongoing reconfiguration of these, under the influence of neoliberal global ideas and policy. While border control was previously primarily performed at the defined frontiers of the national states, it now happens everywhere and at any time, and with numerous people taking part. Borderwork is, for example, being performed by hotel employees when checking the residence status of a guest, or by street-level bureaucrats when a user applies for welfare benefits. The contemporary bordering practices create grey zones in which more and more immigrants live with diffuse rights of residence and risk being denied access to welfare provisions practices (Guentner, Lukes, Stanton, Vollmer, & Wilding, 2016; Tervonen, Pellander, & Yuval-Davis, 2018; Van Houtum & Van Naerssen, 2002; Yuval-Davis et al., 2019).

The insight that this perspective on bordering provides is highly relevant to the situation of mobile EU citizens, for whom national borders within the EU/EEA area are of little significance when crossing them, but whose status as outsiders can be crucial if they apply for welfare benefits (Blauberger & Schmidt, 2014). As a consequence of the decreasing significance of territorial borders at the frontiers of the national state within the EU/EEA area, new ways of bordering are being performed. This dynamic of rebordering (Delanty, 2006) is present in all parts of society, where those considered as not belonging or deserving are excluded and denied full access to welfare benefits. In this way, the openness connected to the principle of free movement is intimately linked to dynamics of exclusion when it comes to mobile EU citizens' right to full membership in the hosting country (Delanty, 2006; Yıldız & De Genova, 2018).

The borderwork I explore in this article, is connected to the interplay of the ascribed status as outsiders and the perceived deservingness of public welfare benefits. When assessing applications for social assistance from Polish citizens, this not only involves considerations about their economic situation but also their right of residence and ties to Norwegian society, as mentioned earlier. Thus, ambiguous national and international legal principles are put into practice, and borders are continuously redefined.

In this article I use the concept of social relations – not to describe the entity of a relation between people – but as a way of exploring how my informants' borderwork is coordinated with the practices of others. As Smith (2005) puts it, “Starting in the everyday experience of people caught up or otherwise participating in an institutional process, it directs the researcher to explore how their work is articulated to and coordinated with others active in institutionalized processes.” (p. 158). I focus on the implications of some specific relations that the street-level bureaucrats take part in, and which shape their borderwork. Their relations with colleagues and managers at the office where they work, are relations between specific people here and now. The street-level bureaucrats, however, also relate to the County Governor and to possible future migrants when assessing cases of social assistance. These relations take a more indirect form but nevertheless clearly shape their borderwork.

In line with Smith, I also explore how my informants' work involving Polish unemployed migrants is shaped by socially shared beliefs and ideas that travel across time and place (Scott, 2003). I use the

term institutional logic, a term from institutional theory, for such beliefs and ideas. According to this theoretical tradition, institutional logics have clear normative dimensions as they constitute legitimate practices and provide meaning and understandings of situations. Institutional logics are produced and reproduced by social actors and are often taken for granted and embodied in practice (Thornton & Ocasio, 2008). Therefore, institutional logics function both to enable and constrain peoples' practices (March & Olsen, 2006). As an analytical tool, institutional logic provides a link between institution and action, and is therefore useful for understanding the work of street-level bureaucrats (Reay & Hinings, 2009), as I do in this article. I explore two coherent logics shaping professionals in NAV. This does not imply that these are the only logics guiding their work, as professionals are often subject to multiple logics (Dunn & Jones, 2010). However, I found these specific logics particularly useful for understanding the borderwork my informants have told me about.

Although the work of the street-level bureaucrats I have interviewed is framed both by formal regulations and shaped by social relations and institutional logics, I do not consider them as passive agents. Thus, in this article, I use the theoretical term *translation*, which is a core concept within neo-institutional theory, to describe how principles and ideas are interpreted, contextualised and modified by street-level bureaucrats (Boxenbaum & Strandgaard Pedersen, 2009).

Method and data

The empirical data for this article are based on semi-structured qualitative interviews with 12 NAV employees, carried out between February and August 2019. The informants were recruited from seven NAV offices. Five of the offices were located in or close to Oslo and the remaining two in smaller towns in Southern Norway. Although Poles have settled in most parts of Norway, almost half of registered Polish migrants live in Oslo or its surroundings (IMDi, 2020). While the informants working in or near Oslo told that their office had a considerable number of Polish applicants, this was not the case for the NAV employees working in Southern Norway.

One criterion for the selection of informants was previous experience with Polish migrants in their work as street-level bureaucrats in their local NAV offices. Ten of the informants worked as case handlers or front-line staff, while two had leadership responsibilities while performing some case processing.

All the interviews were conducted at the offices where the informants worked. Five of the interviewees were male, and nine were female, with the majority in their 30s or 40s. All the informants had several years of experience working in NAV, most of them between five and ten years. Their educational background varied, but most were educated as social workers. One of the informants had a migrant background, although not from an EU country.

As a researcher, my personal experience and preunderstandings do affect my communication with the research subjects and my interpretation of this (Brinkmann & Kvale, 2015). I have previously worked as a street-level bureaucrat in NAV, processing cases of social assistance. I was open about this experience when recruiting the informants and initiating the interviews. This could have contributed to the informants considering me as a partial insider. This might have eased the recruitment, and I believe that shared experiences as NAV employees contributed to a relaxed and open conversation. A challenge that can appear when the researcher and informant share common reference frames, however, is that some issues may remain unspoken and not described in detail. One technique I used to avoid this problem was to ask for concrete examples and actively utilise follow-up questions. A common

background may also bring some ethical challenges to the surface because the informants might have expectations about me presenting them in a favourable way (Chavez, 2008). However, the aim of this study was not to question individual suitability or personal ethics; it was to focus on the social and institutional dimensions of the street-level bureaucrats' work.

I started my analysis by exploring how the informants described their decision-making step-by-step. It soon became clear to me that these professionals did take part in various forms of social relations when deciding upon cases. Therefore, mapping the way in which the work was socially organised became central to the analysis (Smith, 2005). In this first part of the analysis, I mainly focused on the research subjects' own descriptions of their work. However, the aim was to go further than merely describing how decisions are made. I also wanted to identify the institutional logics shaping their decision-making (Boxenbaum & Strandgaard Pedersen, 2009). This analysis consisted of a careful reading of the interview transcripts and searching for the ideas and beliefs in the professionals' narratives.

The quotes used in the article were selected to illustrate central arguments of the analysis (Brinkmann & Kvale, 2015). The quotes do not necessarily represent the stories of every informant. Some are statements that can be characterised as direct, while other informants were less direct in their way of talking. However, the aim was not to focus on individual differences but to search for common sensemaking and ideas. The decision-making, as well as the sensemaking shaping and legitimising it, is multifaceted. However, in this article, I suggest that some institutional logics and features of the social organisation of the decision-making shape the experiences of the informants in varying ways and degrees.

In every research project, it is important to consider the possible negative effects of the research, and the aim is to cause as little harm as possible (Brinkmann & Kvale, 2015). By examining the topic of unemployed Polish migrants and their access to welfare benefits, I touch on sensitive and possible controversial problematics (Cappelen & Midtbø, 2016). One risk is that the research itself can contribute to the construction of Polish migrants as a problem. Nonetheless, I strive to reveal the taken-for-granted ideas behind this construction and contribute to a better understanding of bordering processes. The aim is that an increased awareness of these constructions will benefit both street-level bureaucrats at NAV and unemployed Polish migrants.

The research was approved by the Norwegian Center for Research Data (NSD). To ensure the anonymity of the research participants, I do not mention the exact location of the NAV offices where they work or other identifying information.

Empirical findings and analysis

In the first part of the analysis, I focus on the social relations that the street-level bureaucrats participate in when deciding upon unemployed Polish migrants' applications for social assistance. In the second part, I explore some of the institutional logics, traces of which are found in the stories of the street-level bureaucrats, which shape the borderwork they participate in when assessing applications.

Most of the NAV employees described that the applications for social assistance from unemployed Polish migrants are treated in what they considered to be a strict manner and that most cases were refused. They explained that the reasons mainly concerned what they perceived as a lack of ties to Norway amongst the applicants. These ties could be either labour-based and economic, and therefore

relevant to the right of residence requirement, or related to a broader perspective on ties, which could include what is considered as cultural integration and realistic plans of permanent settlement – hence relevant for habitual residence. In this way, these requirements are seen as complementing each other.

Borderwork as a social practice

When assessing and deciding upon applications of social assistance from unemployed Polish migrants, NAV employees take part in different forms of social relations. While they interact directly with management and colleagues at the local NAV office, other relations take a more indirect form. This is exemplified in how they take into account previous decisions made by the County Governor and the way they relate to other, and possible future, mobile EU citizens, when considering the signals they send through their decisions.

Communication with management and colleagues

Most of the NAV employees expressed that local office management does not intervene directly in decision-making since they often lack detailed knowledge and experience in the field. Still, several told about clear signals from management about being ‘strict’. This is done by stressing the overall budget for social assistance and appealing to NAV’s objective: more people in work and fewer recipients on benefits. I asked one of the street-level bureaucrats the following:

R: So, the regulation seems to require individual assessments, and you say that the assessments are quite strict in this office. Where do you think this comes from? Does it come from political signals or from the County Governor?

I: I think it comes from the management of the office. They want us to interpret the regulation in a strict way.

R: And limit the payments of social assistance in a way?

I: Yes, we have to tighten the budget. Lessen the payments. Fewer people on benefits and more in work.

As was the case with several of the informants, this NAV employee expressed a sense of common responsibility regarding the ‘results’ of the office. The street-level bureaucrats described how the aims and results of the office were regularly presented at staff meetings. In this way, they were held accountable for outcomes and policy goals, at the heart of which is the workfare policy. This finding corresponds with that of several studies on NAV that have demonstrated an increased use of methods of indirect control, often referred to as New Public Management (Askim et al., 2010; Fossetøl, 2018; Jessen, 2015). The indirect control of the office management shapes the borderwork of the street-level bureaucrats, committing them to be loyal to organisational goals. As described in the quote above, they strive to achieve a minimal number of recipients of social assistance.

Several of the informants described communication with colleagues at the local NAV office as important for sharing experiences and coming to a collective understanding of how to interpret specific cases and how the regulations should be applied. This happens in formal and informal meetings, where specific cases are discussed and compared, often including a team leader. They described being informed about previous decisions taken by other caseworkers as crucial for more clear-cut decision-making and in achieving equality of treatment within their local NAV office. One of the NAV employees explained that

In most cases where it is relevant to discuss residence and whether they actually have the right to financial help, we have a meeting. There, we discuss all these cases, and we talk about

residence, and we present the family situation and use all the facts to create a concrete and good decision.

Although decision-making was often talked about as teamwork, the case handler was responsible for presenting the case and what they considered to be relevant aspects to colleagues. Since this work can, to a large degree, define the outcome of a case, particularly when habitual residence is a relevant consideration, the focus of collective understandings can function to curtail the professional discretion of the street-level bureaucrats.

This finding is in line with a study conducted at the Norwegian immigration administration (UDI), showing that caseworkers considered equality of treatment to be a core principle in the determination of cases. Liodden (2015) found that decision-makers working closely together developed a ‘system of distinctions’, which guided their work and provided a sense of equality and justice.

In conclusion, street-level bureaucrats participate in social relations in their workplace, and through these relations, there is a preference for a strict interpretation of regulations and common practices amongst colleagues. The interaction with management and colleagues functions as forms of support and guidance when decisions are to be made; however, it also constrains their work. In these relations, appropriate practices are defined, and the categorisation and labels that constitute the borderwork gain legitimacy amongst them.

Testing cases at the appeals body

The interviewed street-level bureaucrats spoke about the necessity of keeping within what they considered to be the legal frames described in the national law as well as the related guidelines and circulars. However, as described above, most of them also stressed that it was important to provide financial support to as few as possible and as close to the minimum level as possible. Defining this border, where they do not provide more than is legally required, is considered an important part of their work. One of them explained this in the following way:

Although these kinds of cases are always complicated and have many nuances, you have to make a linear decision. Yes or no... If there are doubts, then in most cases, it ends up with a refusal. Because, then, we would like to test the case at the appellate to get a legal clarification.

An important strategy in delineating the border of the minimum but legally acceptable level is what several of the informants’ called ‘testing cases’, which involves the treatment of appeals at the County Governor. As this NAV employee expressed, this can involve refusing applications when ‘there are doubts’, and the decisions of appeals from the County Governor guide their further practice. Sometimes, however, the decisions made by the County Governor can vary, even in cases categorised as equal by NAV employees. One of the interviewees said that

Last time I sent in an appeal, there was a woman with a husband and children in another country, and she had just been working here and there and didn’t seem to live anywhere permanent. And for me, it was a clear case: she didn’t have rights (to social assistance). And the County Governor did agree. But, then, another (colleague) tried exactly the same thing. She (the applicant) had just worked one week more (than the other case), and she (the colleague) had to change the decision. So it is hard to know what we can base our work on.

The caseworker pointed to the difficulties encountered in trying to treat equal cases equally. This requires constant reflection and active involvement in terms of comparing cases and labelling them.

However, in order to test cases with the County Governor, they would depend on the applicants to appeal, which rarely happened, according to several of the interviewees.

Few people actually appeal. If they appealed more, it would be exciting to see which considerations the County Governor would base its decision on. I feel that we should have more feedback from the County Governor. But I can't say (to the applicant): appeal this decision, we need to get an appeal.

Summing up, this study indicates that street-level bureaucrats strive to find clear and common borders to guide their decisions regarding social assistance for unemployed Polish migrants. In this borderwork, appeals play a crucial role in considerations of whether a decision should be deemed legally acceptable. This borderwork leads NAV employees to refuse applications, although it is far from certain that the applicant will appeal the decision.

'Sending signals'

Several interviewees stressed the necessity to be strict when deciding on social assistance benefits in order to 'send clear signals' to other Polish migrants living in Norway and possible future migrants. One NAV employee said that

I think we have to be very strict when we make decisions – in a way that ensures that people can't just come and expect to get things all the time but know that they are expected to work if they want to stay. They have to make a contribution to society.

According to another,

So, I believe it is extremely important for the group not to grow, that the signals are clear. And with the practice we have now, I believe they are.

These informants, along with several others, believed that a more generous provision of welfare benefits to mobile EU citizens would lead to more people applying for social assistance instead of returning to their country of origin or that more people would choose to migrate due to the expectation of receiving welfare benefits.

The quotes above demonstrate a suspicion regarding the intentions of Polish migrants applying for welfare benefits. They reflect discourses of 'abuse of welfare', which have received much attention in public debates about EU mobility. These discourses imply a constructed image of Polish citizens as welfare tourists and a threat to national welfare (Chase & Seeleib-Kaiser, 2014; Heindlmaier & Blauberger, 2017; Schweyher, Odden, & Burrell, 2019). Based on the findings in this study, this notion of the unemployed Polish migrant seems to contribute to a perceived responsibility to protect the national welfare. By considering the decision-making as a way of sending signals and thus applying strict interpretations of regulation, the street-level bureaucrats actively participate in the rebordering of the welfare state.

Borderwork shaped by institutional logics

So far, I have analysed how NAV employees participate in different forms of social relations and both enable and constrain what are considered acceptable ways of translating regulations into practice when assessing applications for social assistance from unemployed Polish migrants. In these relations, the

NAV employees are held accountable not only to the applicant but also in relation to management and policy goals, colleagues, the County Governor and national welfare more generally. As I have argued above, what happens in these relations often leads to restrictive practices. However, to understand the borderwork of NAV employees, it is also useful to take a closer look at some of the institutional logics that they use to make sense of and legitimise their decision-making.

Not belonging to Norwegian society and not deserving of welfare benefits

One of the central ideas emanating from many of the street-level bureaucrats' descriptions of their work is that EU mobility should not be a financial burden on the Norwegian welfare state. Several of the informants explained this by referring to what they see as the intention behind the principle of freedom of movement, i.e. flexible labour migration and profitability for Norwegian enterprises and the Norwegian economy. Although according to NAV office guidelines (Directorate of Labour and Welfare, 2018) social assistance cannot be refused on the basis of preventing mobile EU citizens from becoming a financial burden, several of the NAV employees highlighted this argument when describing their assessments. One such employee said that

In many ways, Schengen is a good agreement, but it was made for a purpose. It was made because it was intended to supply something to the countries to which labour migrants would come.

As this NAV employee expressed, the perceived economic intention of the EU has become part of the sensemaking regarding access to national welfare for mobile EU citizens and is used to legitimise strict practices of social assistance to this group. However, this study indicates that the EU principles that have become part of the institutional logics of the organisation are not random. For example, the principle of EU citizenship was rarely touched upon during the interviews. The idea that mobile EU citizens should benefit the host country echoes the workfare policy and the ambition to limit the distribution of welfare benefits. Therefore, it has easily become part of the sensemaking of street-level bureaucrats.

Also, because Polish migrants are considered to have the possibility of returning to Poland, they are perceived as less deserving of Norwegian welfare benefits. One of the NAV employees stated as follows:

When they haven't learned the language and we know what we know about the labour market in Poland, where there are good opportunities and the salaries are starting to be acceptable. And they still decide to struggle around in Norway. Many of them don't have families here; they live at home in Poland. So, with this combination, I think: 'Why are they really here?'

The quote above reflects a frustration about the unrestricted mobility of this group. In a study focusing on the right to education for 'vulnerable EU citizens' represented in governments reports from Sweden, Lind and Persdotter (2017) found similar worries about mobile EU citizens. They found that 'denying them and their children access to social rights and education is proposed as a strategy to uphold their highly precarious status and to guarantee a temporary stay in Sweden' (p. 65). In similar ways, the narratives of the NAV employees in this study indicate that the restrictive practices of social assistance to unemployed Polish migrant are related to the logic that perceive Polish migrants as temporary labour.

Several interviewees expressed that what they considered to be the voluntary migrant status of the Poles made them more responsible for their own economic situation and, thus, less of a public responsibility. Two of the NAV employees expressed this as follows:

You came here on your own basis or through family, so to say, and making an effort yourself is necessary and required.

A person who has come to Norway just because of work, and has therefore gotten certain rights, he should really just manage his own situation.

By considering Poles as ‘guest workers’ and not permanent or full members of society, these NAV employees participate in maintaining and reinforcing borders. The quotes indicate that they do not consider Polish migrants as belonging to Norwegian society when they do not participate in formal labour, which makes them undeserving of public benefits. This finding echoes that of other European studies (Ferrera & Pellegata, 2018; van Oorschot, 2006) showing that migrants, especially labour migrants, are often perceived as the group least deserving of public benefits. Chauvinistic ideas, which imply that a specific group is defined as threatening and morally questionable (Guentner et al., 2016), are thus embedded in the sensemaking of many of the NAV employees interviewed in this study, making them suspicious of and restrictive towards Polish applicants.

Some are more equal than others

Although many of the informants considered it problematic that unemployed EU citizens should receive social assistance, some were regarded as more legitimate recipients than others. As one NAV employee stated,

If you have worked here for some years, then you have contributed to society, so society has to be there for you.

This finding is in line with that of previous research indicating that neoliberal value systems have redefined the notion of the ‘ideal migrant’, emphasising qualities such as self-sufficiency and a strong work ethic (Sætermo, 2016). Several of the informants emphasised that they did not consider the problem to be the presence of Poles in Norway; they simply wanted Poles to contribute to the Norwegian economy and be self-sufficient most of the time.

In addition to previous contributions through tax payments, making an effort by learning the Norwegian language was considered a sign of being hard-working and, thus, more deserving of social assistance. One NAV employee stated as follows:

Because when you sometimes meet a Polish migrant who actually tries to speak Norwegian and who is interested in settling for real and wishes to be here, then of course we have room for them. If everybody was like that, then there wouldn’t be any problem.

The NAV employee described the effort to learn the Norwegian language as an example of a quality that made ‘us’ have room for ‘them’. Several of the interviewees mentioned Norwegian language skills as a relevant aspect when considering migrants’ ties to Norway, although this was not mentioned as relevant in the circular or elsewhere in the regulations regarding the right of residence or habitual residence. One of the NAV employees explained why she saw this as relevant when assessing applicants’ ties to Norway:

If you have been in Norway for ten years and have not bothered to learn the language, then I think that it is legitimate to say that you have no real interest in actually settling here... It has something to do with the underlying reasons for you being here.

As with several of the other informants, this NAV employee interpreted poor Norwegian language skills as a lack of interest in or motivation for long-term settlement in Norway. Knowledge of

language can thus be considered as evidence that they have established solid ties to Norwegian society.

From serving as a means to integration for migrants, language policy in Norway has gradually become more characterised by requirements and a culturally acceptable means of exclusion. An example of this is the Norwegian citizenship policy. In 2017, a new condition was implemented, requiring applicants to pass a Norwegian test, in addition to a test about Norwegian society (Baba & Dahl-Jørgensen, 2013; Midtbøen et al., 2020). The idea of language knowledge as a sign of integration and dedication is, therefore, an institutional logic that has gradually become more formalised. This study indicates that it is relevant not only in the borderwork related to integration policies but also regarding access to social assistance for unemployed Polish migrants.

Concluding remarks

For Polish migrants, rights to social assistance are grounded in formal national and international legal frames that seldom provide clear grounds on how specific cases are to be categorised. Nevertheless, the NAV employees considered the possibility of applying professional discretion as narrow. My analysis shows that the reasons for this can be found in the social relations in which they participate and how specific institutional logics are used to make sense of and legitimise assessments.

As the street-level bureaucrats make decision about social assistance for unemployed Polish migrants, they participate in different forms of social relations in which they are held accountable to various actors and policy goals. This often guide them towards practices in which they provide social assistance to as few as possible, but still in a manner they consider legally acceptable.

As is the case for most organizations, different institutional logics are embedded in the regulations, routines and practices of NAV and the professionals working there (Thornton & Ocasio, 2008). This study indicates that one of the logics that guides the decision-making of the street-level bureaucrats is that Polish migrants represent a temporary labour force and should therefore not be an economic burden on Norwegian public welfare. However, I also found that some unemployed Polish migrants are considered as more deserving of public benefits than others, and this is often connected to being perceived as hard-working. I understand these logics as coherent and grounded in social protection policy and neo-liberal citizen regimes.

These findings point towards an understanding of bordering as complex work in which social relations and underlying, often taken-for-granted, understandings enable and constrain the work of street-level bureaucrats. In this article, I argue that this often leads to restrictive practices and that assessments of residence status and habitual residence function as subtle borderwork in which conditionalities derived from EU/EEA regulations are reinforced.

The question of whether the findings are transferable to decision-making in NAV in general, or are particularly relevant to Polish or mobile EU citizens, needs further exploration. Mobile EU citizens have specific characteristics that make the logics of deservingness and conditionality particularly relevant. These traits are related to expectations of temporality and the possibility of returning to the country of origin as well as to ambiguous EU regulations regarding access to welfare for this group. However, dynamics of social relations and institutional logics are also connected to a general workfare policy and perceptions about deservingness of welfare – traits that are present to varying degrees in the encounter with other groups and in decision-making in general.

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