



Complex and Convolut ed Borders within EU: Free-Movers and Their Experience of Negotiating Borders to Labor Market and Social Welfare in Sweden

NJMR NORDIC JOURNAL OF
MIGRATION RESEARCH

RESEARCH

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HUP HELSINKI
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PRESS

ABSTRACT

This article explores the EU free movers' experience of borders and describes how they experience borders as complicated and complex. Although some variation exists in terms of the place of the free movers in the labor market, the advantage gained by being a corporate transferee is easily lost when individuals cease to be useful to their employers. The ambivalence – which is highlighted in past literature and experienced by Estonian migrants in Sweden also – is exploited by employers who create and also negotiate borders when they feel the need to. The article concurs with the suggestion of Wagner (2015) that free mobility within the EU functions as a sieve – i.e., there is free mobility for services, but workers' rights are often disregarded. Furthermore, due to the complex nature of borders, EU free movers themselves are often either unaware of or confused about their legal status and their rights.

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KEYWORDS:

EU free mobility; Migration industries; Transnational welfare; Borders; Migration governance

TO CITE THIS ARTICLE:

Saar, M, Fröhlig, F, Ericson, M and Kopeykina, V. 2022. Complex and Convolut ed Borders within EU: Free-Movers and Their Experience of Negotiating Borders to Labor Market and Social Welfare in Sweden. *Nordic Journal of Migration Research*, 12(2), pp. 174–189. DOI: <https://doi.org/10.33134/njmr.356>

The introduction of free mobility within the EU has resulted in new and complicated border regimes. Wagner (2015) suggests regarding the new border regime as a sieve where the objective of borders is not so much to obstruct the free flow of services across the jurisdictions in question, but rather to open them to capital while impeding the effective enforcement of workers' employment and social rights laws. Wagner and others (Lillie & Simola 2016) describe free mobility as an example of neoliberalization of labor obstructing workers' access to social welfare. Although officially workers have freedom of movement, their social rights are often connected to their homeland. This article explores two processes and two types of borders experienced by intra-EU migrants: borders in accessing the labor market and borders in accessing social benefits. We suggest that borders in Swedish context have, for EU citizens, moved away from traditional obstacles like crossing the physical border to questions such as 'how do I get access to child benefits' – namely even when an EU citizen is legally able to freely move, the obstacles might appear later in the moving process. Therefore, bordering in EU context should be seen as continuous process where.

The article is based on 20 semistructured interviews with Estonian migrants living in or commuting to Sweden. The interviews include Estonians representing a broad spectrum of educational and professional backgrounds, and speakers of both Russian and Estonian. It illustrates how the borders between the Sweden and Estonia are negotiated by multiple actors, such as big corporations, private companies, ethnic networks and the migrants themselves. Next, the article reviews critical border studies and discusses the friction between EU and national legislation with respect to free mobility. The article continues with a methodological section followed by an overview of the bordering practices in the case of Estonia and Sweden. The authors conclude by discussing the presence of two types of borders that Estonian migrants experience when entering Sweden: (i) entering a foreign labor market and (ii) accessing social welfare. Furthermore, the article illustrates the means by which migrants and other actors negotiate these borders.

FREE MOBILITY WITHIN THE EU?

The introduction of EU free mobility space has challenged the idea of borders within EU. The processes that can be detected are similar to what Balibar (2002) has described as – borders are to be found everywhere – in railway stations, at airports, in Internet cafes, along motorways and throughout city centers and shopping malls (see also van Houtum 2010). The basic premise is that state borders cannot be viewed as merely existing at the control points but borders now occupy multiple sites (Parker & Vaughan-Williams 2012). In the case of this article, even though EU free mobility exists and there are no official state controls, the borders have moved to controlling EU migrants' access to the labor market, their access to social welfare etc. These kinds of borders are related to the time aspect and can appear also later in one's migration career, for instance, at the time of trying to access social welfare as a migrant. Furthermore, as introduced in this article, there is a discursive element related to this new kind of borders as Rigo (2005) points out, the discursive aspect is largely related to the 'know how'. In the context of this article, it becomes relevant when, for instance, EU migrants were unaware that they need to register to the Employment Office before they get unemployed in Sweden. These new kind of borders are often

also more subtle and more difficult to pinpoint because they are diffuse and exist on various sites.

Applying the idea of borders on EU migrants is useful for on one hand border studies, because it follows the trend that the research has been focusing on at this point – namely, the process whereby borders are moving away from the actual control points. However, using border research is also relevant in order to understand EU migrants struggle in the field, which by definition is ‘EU free mobility space’. Understanding the obstacles that EU migrants face when entering to the other EU states as borders allow to take advantage of the rich material, which is to be found in border studies on the vernacularization of borders – the idea that state power is delegated to multiple private actors such as companies, citizens and NGOs (Cooper et al. 2014). The similar kind of trend is highlighted by our article, which points out the relevant role employers play in facilitating or denying EU migrants access to certain country. Wagner (2015) has made a point that the new borderscape in EU works as a sieve – namely, they accommodate the employers whereas labor rights are getting neglected. The flexibility, she argues, is therefore one directional – the free mobility exists when there is an economic need while free movers might run into different problems while using their right for free mobility. Shortly, several studies have argued that most states within EU are not well prepared for the admission of EU migrants (Kramer 2017; Lafleur & Mescoli 2018).

Free mobility within the EU has created a situation where borders do not actually prevent the movement of workers, but instead determine the terms of their movement and subsequent existence (Favell & Hansen 2002). A lot of the discussion on the neoliberalization of work has so far been focused on third country nationals (see Anderson 2010). The situation is slightly different for EU migrants. Namely, although there appear to be no borders for EU free movers, under these conditions, borders can be created where they are needed (Wagner 2015). As noted, this is exploited by companies that separate workers from the host country’s institutional systems and strengthen the divide between the lower-paid mobile workers and native workers in a standard employment contract. This divide has been primarily noted with respect to ‘posted workers’ (see Lillie & Simola 2016), however, as this article illustrates, the problem is much broader. In fact, MacKenzie and Forde (2009) describe how employers regard workers in lower labor market segments as ‘good workers’ mainly because they will accept lower pay and are more easily exploitable (see also McCollum & Findlay 2015). In connection to that O’Brien (2016) claims that these developments are resulting in genuine free movement and equal treatment becoming the preserve of privileged migrants in secure, regular, full-time and permanent work. This situation – as noted earlier – is being exploited by companies that take advantage of workers who are in less secure positions. This relates to the observations of Ho and Bauder (2012) and van Houtum (2010) about borders being individually experienced and subjective – meaning certain borders could be permeable for one person but almost impermeable for another.

When it comes to borders within the EU and free mobility, there has been a broad public debate on who should be given access to social rights and on what grounds. The discussions in many EU countries have, therefore, moved away from the question of who should be allowed to enter the labor market, to instead focus on who should be allowed to access social welfare and why (Guentner et al. 2016). In this case, Nordic countries provide an exception as labor unions have on a regular basis raised

questions about social dumping, especially in connection to ‘posted workers’ (see Bucken-Knapp 2009). This can be seen as a ‘double bordering’, whereby EU migrants experience difficulties in accessing social welfare as well as entering the labor market. Thus, in the Nordic countries, which are characterized by highly regulated labor markets and residence-based welfare systems, ‘in-between’ migrants become anomalous to Nordic state practices (Tervonen, Pellander & Yuval-Davis 2018). These difficulties are also described by Spehar, Hinnfors and Bucken-Knapp (2017) and are a reason for the focus in this article on how these borders to the labor market and access to social welfare are facilitated, negotiated and constrained by nonstate actors.

In this article, we will particularly focus on the access to a national personal identification number (in Swedish *personnummer*), issued by the Swedish Tax Agency (*Skatteverket*). Even though the PIN alone does not open up for entitlements, it is crucial and a *sine qua non* for accessing the Swedish welfare system. The acquisition of a PIN is very conditional and combines work and residential requirements. As a matter of fact, EU migrants have to prove both that they have at least one-year employment and that they want to stay more than one year – or have a comprehensive sickness insurance and enough means. Consequently, the regulations prevent EU free movers with working contracts shorter than a year (or unemployed EU migrants) to access a PIN.¹ This particular situation also creates an internal hierarchy of EU free movers. In this article, in line with the distinction made by Schierup and Jørgensen (2016), we focus on the institutionalization of precarity (processual aspects) rather than on precarity as a condition or precariat as an identity formation.

BORDERING EU MIGRANTS, SWEDEN AND DIFFERENT REGULATIONS

The mobility turn (Sheller & Urry 2003; Urry 2007) suggested that movement has become a central concept to the understanding of contemporary societies. This statement seems to hold true especially in the context of the EU and its free mobility space. The EU’s directive 2004/38 gives all citizens of EU and their family members the right to reside freely within the territory of all the member states for up to three months without registration. However, there are certain limitations to this free movement, and for residence over three months in other European countries registration is required and eligibility restricted to self-sufficient citizens. This means that only citizens that work, are supported by other citizen or can provide their own health insurance are free to stay in other EU country over three months (Andrejuk 2017; Carmel & Sojka 2020). Such rules demonstrate clearly that even though theoretically a free movement space exists in Europe, in practice the more important issue concerns for whom these free movement rights are accessible.

Furthermore, even though EU regulations distinguish between active, self-sufficient and inactive individuals, as Kramer (2017) demonstrates, each country has widely different ways of managing and administering internal mobility. The translation and implementation of EU regulations is especially important in the domain of social security where EU regulations do not substitute national legislations regarding welfare benefits. The fact that each member country has the final decision as to who is entitled to social security, and on what terms, has led to states implementing their

¹ According to EU regulations, unemployed EU free movers are only allowed to reside six months abroad as unemployed.

own rules for accessing the different national social security system which results in the 'bottlenecks of the system' being at different places. Based on the policy analysis and expert interviews of the project TRANSWEL (see Fröhlig, Runfors & Saar 2016), the bottleneck when entering the Swedish system occurs at access to the PIN, which presuppose a one-year working contract or a comprehensible health insurance (valid for a whole year). Migrants without a one-year working contract either only qualify for temporary PIN or stay outside the system. By having tight pre-entry borders for accessing both the labor market and the social security system, Sweden differs from Finland, which does not require migrants to have one-year working contract to gain access to the Finnish social security system. However, the bottleneck of Finnish social security system is in the application process where migrants are either unwilling to commit themselves to living in Finland or are ineligible for the benefits for other reasons (for instance, for failing to provide all the necessary paperwork on time, although additional documents were required at short notice etc.). For this article, the example shows that even though all member states still have some borders intact, even for EU movers, those borders are located in different places and hence also the negotiation strategies vary (see Saar, Fröhlig & Runfors 2018).

Although examining the particular conditions in accessing Sweden's labor market and social security system, we also need to give some attention to the particularities of the studied Estonian migrant group. Already in the 1990s, before Estonia's membership in the EU, big Swedish companies established themselves in Baltic markets (e.g., SEB and Swedbank), developing economic ties between the two countries. Genelyte (2018) suggests, when analyzing migration channels between Sweden and the Baltic states, that both professional and personal contacts have facilitated the mobility of migrants between the states. Estonian migrants in Sweden constitute a versatile group, including posted workers, circular migrants, commuters and permanent migrants (see Saar, Fröhlig & Runfors 2018). Posted workers, according to EU legislation, can legally work in another EU country for a period of maximum 24 months, whereas they pay their taxes in their country of origin and hence also receive their social benefits in that country.² According to the Nordic Council, more than half of the Estonian migrants in Sweden are either circular migrants or commuters who work in Sweden without residing in the country long term.

Estonian migrants residing in Sweden are also an ethnic versatile group, including both native-born Estonian and the Russian-speaking minority. The latest consists of three legal groups in Estonia- the owners of Russian citizenship, the owners of the stateless grey passport and finally Estonian citizens. In this project, only Russian speakers with an Estonian passport are included, because the other two groups of Russian speakers are not concerned by the EU regulations.³

The border crossing is facilitated for EU mobile citizens of Estonia and an Estonian-Swedish mobility space is created primarily through EU free regulations, but also through the economic ties between the two countries and the presence of businesses from each country in the other. This, as indicated by data from the Nordic Council, has led to increases in the numbers of commuters and circular migrants from Estonia in

2 <https://ec.europa.eu/social/main.jsp?catId=471>.

3 Their citizenship status has an impact on their mobility rights in EU as far as those not having Estonian citizenship must first apply for the status of EU resident in Estonia in order to be able to move and work in Sweden. Hence, some Russian speakers experience borders to entering Sweden before they have arrived in the country.

Sweden. However, as this article aims to show, there are considerable differences in people's ability to move freely between the two countries based on their membership of a particular group. As will be shown throughout this article, the experience of borders proves to be very subjective for Estonian migrants and determined by class and ethnicity.

METHODOLOGY

This article, in contrast to the conventional use of quantitative methods to study migration and bordering strategies, adopts a qualitative approach. As mentioned previously, the analyzed data come from 20 semi-structured interviews with both native born and Russian-speaking Estonian mobile citizens who either or both reside and work in Sweden. The interviews were conducted in either Russian or Estonian depending on the interviewees' preferences by three researchers, in a wide variety of spaces such as cafes, respondent's homes, libraries etc. Respondents were found through various means. First, on the occasion of a quantitative survey with Estonian migrants conducted for the TRANSWEL project, informants were asked if they would agree to be interviewed later on for the sake of this study. Further interviewees were found through social media as well as through snowballing. All respondents have been presented a written consent letter in either Estonian or Russian that were signed before the beginning of the interview. Interviewees have been anonymized and any information that could reveal the interviewee's identities have been removed. Respondents were encouraged to reflect upon their migration history as well as their experiences in applying for social welfare. All the interviews were recorded, transcribed verbatim and then analyzed using the software Atlas.ti.

The 20 interviews with an equal number of females and males Estonian mobile citizens, involved 7 Russian speakers and 13 Estonian speakers. These shares were calculated based on the overall population in Estonia (approximately 30% of Russian speakers). Out of migrants, at least three had an experience with illegal work and several of them had been posted workers over extended period of time. In terms of education, the sample was also quite versatile ranging from those with basic education to those with doctoral degree. Several of the migrants had to deal with de-qualification being unable to find work in the same field in Sweden. The interviews were conducted by three researchers whereas only the native Estonian speaker was an EU citizen who had immigrated for academic reasons to Sweden, the two Russian-speaking researchers were not from Estonia. The length of the face-to-face interviews varied considerably, ranging from 45 minutes to three hours.

The interviews as well as interview analysis followed the grounded theory method, which encourages the respondents to speak freely and paint broad narratives pertaining to their experience regarding any given subject (Charmaz 2011). Semi-structured interviews and grounded theory complement and enhance each other, and become a balancing act, a succinct coalescence between narrative extraction and data discovery. The interviews thus did not follow any rigid set of guidelines. Instead the interviews were steered towards certain topics by open-ended questions regarding the EU mobile citizens' cross-border mobility experiences, in order to get insights into their cultural-normative frames and their resulting coping strategies. The interview material was analyzed through several steps, from initial line-by-line coding to analytical coding. Several different key topics emerged, which became the focus of this article, e.g., the various entrance strategies, the agency of the actors in the

migration process as well as in the access of welfare benefits. We discovered that due to the particular nature of the Swedish labor market (highly unionized and protected) as well as the procedures for applying social welfare, the role of organizations was particularly important in facilitating access in the Estonian-Swedish case. The use of grounded theory enabled us to get insights in the way migrants experienced and perceived these borders and how they constructed strategies of coping with them.

THREE GROUPS OF ESTONIAN MIGRANTS IN SWEDEN

Borders in Accessing the Swedish Labor Market

It was common for our respondents to start their interviews by talking at length about potential complications pertinent not only to accessing the Swedish labor market, but also the difficulties in organizing social security in Sweden. In order to gain access to a social identity number and hence most social benefits in Sweden through work, an EU citizen needs to have at least a one-year working contract. This condition proved to be an obstacle for many respondents who either were hired as posted workers or only had temporary working contracts. The one-year working contract also has a huge impact on the particular routes that migrants take in order to enter Sweden. We can observe three routes: (i) through corporate transfer or recruitment agencies, (ii) through personal networks and (iii) through Estonian companies based in Sweden. The legal conditions have made it quite difficult for an individual migrant without any social contacts to access the Swedish labor market. Consequently, the migration flows from Estonia to Sweden are largely network based. We will next describe in a greater detail the three ways of entering the country.

The first route to Sweden – through recruitment agencies or through company transfer – proved to be the least problematic. It should be noted that migrants entering Sweden are not only faced with the difficulties in accessing the labor market, but also find it troublesome to find housing, due to the specificities of the rental market in Sweden.⁴ For corporate transferees, housing was often organized by the company so they did not have to actively search for their living space. In addition to being provided with the living space, intra-company transferees also enjoyed other kinds of benefits such as access to private kindergartens etc. Laura, an Estonian migrant, working for a large transnational company in Sweden and responsible for intra-company transferees describes her company's policies for handling corporate transferees:

In 2002 when I first came to Sweden, they did not have special procedures for intra-European migrants who transferred to the Swedish office. Then when the new countries joined the EU we started to develop policies to deal with these migrants – such as having introductory legal information, providing accommodation, paying for Swedish courses. (Laura, Estonian speaker, 34 years old)

⁴ Rental market in Sweden has a limited number of state-owned apartments that are being accessed via a waiting list. The average wait in Stockholm range from 8 to 15 years. The legal rental market outside the state provided housing is very small and is largely dominated by large companies, which have made contracts with the owners of real estate and thence rent those places out for their employees. Other than this there is a second-hand rental market, which is often times dominated by illegal practices due to the owners either not paying taxes for renting out the real estate or even not being legally allowed to rent out their property. Many migrants end up renting in the second-hand market and hence are faced with the insecurities connected to the unstable rental market as well.

As the quote shows these corporate migrants enjoy a range of benefits, such as being directed to exclusive Swedish language courses, getting access to the rental market etc. Their entry to Sweden is largely facilitated by their employer and their encounter with borders are facilitated by a higher level. Nevertheless, this type of entry usually involves only migrants employed by large transnational corporations, whereas migrants targeted by private recruiters or by smaller companies still need to do go through all or some of these procedures.

The second route to entering Sweden is through personal networks. Many Russian-speaking migrants in fact took advantage of their personal networks for finding both jobs as well as accommodation in Sweden. Olga describes her migration as follows:

As it happened, I had a third cousin who lived in Sweden at that moment [...] after a couple of months she called me and said that she has some acquaintances that work for a company where they urgently need an employee with a driver's license [...]. She [the third cousin] gave me their phone number. I called, talked to them and later that evening I bought a ticket for the ferry. (Olga, Russian speaker, 29 years old)

Olga, therefore, entered the Swedish labor market through the help of her cousin who was already living in Sweden. Such network migration was common for Russian speakers, but somewhat less manifest among Estonian speakers. There could be numerous reasons for the differences, with one being the more individualized family relations among Estonian speakers. As is visible from Olga's quote, she was recommended by a third cousin, which is a distant relation. We can also see that Olga's migration was rather sudden and consequently she had less time for planning and preparations when compared to corporate transferees. Thus, the experience of borders is also time sensitive; Olga could move quickly because she did not have any family at the time of migration and thus she could, for instance, stay at her cousin's place and did not need to organize kindergarten places and other family-oriented needs. The presence of social networks in Sweden not only granted Olga access to the Swedish labor market, but it also solved her problem with accommodation, even though temporarily. Thus, social networks allowed Olga to negotiate an array of borders, however, her position could still be considered somewhat vulnerable because of the brevity of the time allocated for her to organize the move.

It should be mentioned that in most cases the respondents who accessed the Swedish labor market through acquaintances already were in possession of a job contract before moving to Sweden or had a partner who was working in Sweden. It was quite uncommon for Estonian migrants to enter Sweden without any work contract and then stay with acquaintances until finding a job. This position was, however, experienced by one migrant and put him in a less-favorable situation. Tiit describes his experience as follows:

I was trying really hard. I sent CV's in the beginning, hundreds. No response. Called [...]. If you do not manage to reach the right person, they will never connect you with the right person. They just tell you to send your CV again. That's it. I visited companies; I took my CV and went to the office. I was looking for a job as a truck driver – I have experience in this field. Nothing complicated. Something which would be appropriate for a migrant. I said, I

do not want to have a job in my specialty (marketing), but everything was just hopeless [...]. (Tiit, Estonian speaker, 47-year-old)

Tiit, thus, experienced an entry to the Swedish labor market without any connections, which was difficult, if not impossible. He laid out various strategies, which he used in vain to surpass the borders to the labor market. One can even see that Tiit significantly lowered his standards by looking for a job that was below his qualifications, taking into account his lack of language skills. However, his inability to find job pushed Tiit to leave Sweden for Finland, where the labor market is easier to access for Estonian speakers, partly because of close linguistic and cultural affinities. Tiit's experience underlines the necessity of having connections in Sweden to gain access to the country's labor market. It further illustrates how gaining access to the local labor market was a key factor in negotiating borders between Estonia and Sweden. One reason could be that EU legislation has linked free mobility within Europe with employment. Thus, the borders are not apparent anymore in the form of visible border patrols, however, they are there in the form of labor market discrimination, and the requirement for certain length of employment.

Numerous Estonian companies in Sweden are capitalizing on the migrants' difficulties in entering the labor market individually. Thus, companies offer employment in Sweden in a variety of ways such as posted workers, temporary workers with a working contract less than a year, illegally and as workers with a longer than one-year working contract. Migrants who entered Sweden via Estonian companies constitute perhaps the most versatile of the three groups. However, it is often difficult to distinguish between the groups, as migrants move from one status to another; for instance, posted workers convince their employers to hire them with Swedish working contracts. Eduard describes this process of changing status:

I came to work on a construction site in Sweden. The company was registered in Estonia. The whole salary came in euros to the Estonian account. During the first year everything was fine, except for the fact that we had to work hard. I argued with my boss, because I wanted to go home to my family and did not want to sit in Sweden for 6 weeks and work without days off. Although I argued, but still worked I had to earn money [...]. A year later I started to communicate well with the Swedish chief, who founded the Estonian firm. I approached him and asked if it was possible to transfer me, get a Swedish contract, and start drafting the documents. He said that we'll see. (Eduard, Russian speaker, 37-year-old)

As can be seen from the quote, Eduard was originally employed as a posted worker ('my salary came to Estonian account') for an Estonian company, which was subcontracted by a Swedish company. Eduard would have probably continued as a posted worker, he had not developed a better relationship with the manager of Swedish company that subcontracted Estonian company. Eduard's experience hence illustrates clearly the hierarchy in the 'hiring and firing' process, where Estonian companies function as mediators. The role of Estonian companies in providing access to the Swedish labor market is illustrated further by Tiit:

Working illegally in an Estonian construction company is not a sustainable solution. One cannot build one's future on that. But it helps. It helps to

get to Sweden. [...] So, without those illegal companies it is practically impossible to find work here. (Tiit, Estonian speaker, 47-year-old)

Thus, both Tiit and Eduard view working for Estonian companies either illegally or as a posted worker as a necessary step, which needs to be taken in order to cross the border to the official Swedish labor market and move on to working for a Swedish company with a legal Swedish contract. This is not to say that their status is exactly comparable, but more to highlight the fact that both found accessing Swedish labor market in the conditions equal to Swedish citizens extremely difficult.

Tiit's and Eduard's positions as either an illegal or a posted worker shows the complexity and multiplicity of borders within the EU. Those borders have become fuzzier, but it's still possible to cross them partially (e.g., successful entry into the labor market but not to social welfare), and therefore migrants occupy a most vulnerable position in the labor market and the same in society. However, despite the precariousness of such partial crossing of borders, there were respondents who preferred such working arrangement because they had no interest in officially crossing the border to Swedish society. Their perception of the bureaucracy involved in paying their taxes in Sweden actually made them consider the possibility for being a posted worker as an advantage, even though that status can lead to many problems such as difficulties in healthcare provision. However, it can be seen that Estonian companies, for several migrants played an instrumental role in easing their access to the Swedish labor market. Later on, the borders related to their legal status were negotiated by either changing their employment company or contacting a Swedish subcontractor.

We have previously presented the various routes taken by Estonian migrants to enter the Swedish labor market and thus pass the border to the sphere of legality. We have also illustrated the vast differences in the levels of privilege gained from such entries. We will now discuss the potential ramifications such border crossing strategies have in terms of accessing social welfare in Sweden and will lay out how the experiences of borders do not end with having accessed the labor market but continue as migrants communicate with social institutions in Sweden.

Borders for Accessing Social Welfare

As mentioned earlier, EU regulations have facilitated a border regime where boundaries have become multidimensional and fuzzy. As illustrated with the example of Tiit, one can gain partial access to another EU country, but still experience significant impediments. In the case of Sweden, these were often connected with the inability to apply for a PIN, which at least led to a partial exclusion from social welfare such as being ineligible for unemployment benefits.⁵

Also, in regard to a migrant's experiences in accessing social welfare, we can distinguish between three aforementioned groups. To start with, for corporate migrants, the employer applied for the PIN, which significantly eased as well as sped up the process. A Russian-speaking respondent, Natalia, recalls that the application

⁵ Short-time mobile citizen without a PIN and with residency shorter than one year, can nevertheless receive care under the same terms as those who are entered in the Swedish population register, if they have applied beforehand for a certificate of residence in Sweden, which shall then be presented to the care provider. Although this certificate is issued to enable EU workers with short-term contracts to have access to healthcare, it can be perceived as a procedural hindrance.

process for the PIN did not present any difficulties. Once the Swedish Tax Agency has issued the PIN, a migrant's registration at the social security system will be automatic.

When I arrived in Sweden, the employer himself arranged everything.
 In principle, I did nothing except that I submitted photographs and my
 Estonian passport. (Natalia, Russian speaker, 30-year-old)

Natalia had very little contact with Swedish institutions, because her employer organized most of the administrative work. In fact, those people who transferred within a company hardly have any problems accessing social benefits, which furthermore accentuates their privileged position. However, they could end up facing some issues when their employment contract with their employer ended. For instance, Natalia then discovered that she had no legal rights for employment insurance, as she was supposed to be registered at an unemployment insurance fund for at least one year to gain such access.⁶ Natalia's case illustrates how employers can work as facilitators in crossing the borders (both in terms of labor market and social welfare) for the migrants. However, her case also exemplifies that when the employer no longer has a direct interest in the migrant (e.g., at the end of the work contract), corporate migrants might end up in a more vulnerable position, because of their lack of knowledge about the pertinent legal matters. This shows that the borders that are negotiated by the employers might open up only temporarily and close again when the migrant's commercial value ceases to exist.

Unlike the corporate transferees in our sample, the other interviewed migrants met 'such social realities' a little bit sooner, usually when they had to apply for the PIN by themselves. Those migrants who entered the country with an existing work contract occasionally experienced some inconveniences when applying for PIN; for instance, long queues. However, there were even strategies to avoid such inconveniences, as told by Andrus:

People think they need to wait for the letter of approval from the migration board (Migrationsverket). Even in the migration board, they tell you that you need to register and wait for the paper. The paper comes approximately in six months. However, I knew that one does not have to wait for this paper. You can just tell the tax office (Skatteverket) that you have been in migration board. If I had not heard this from a colleague, I would have to wait for the six months. (Andrus, Estonian speaker, 37-year-old)

Andrus negotiated the temporality of his access to social welfare by applying for the PIN before receiving the document from Migration Board.⁷ Thus, the system permits certain shortcuts, of which the applicants do need to be aware. In Andrus's case, he

⁶ Entitlement to unemployment insurance requires registration in a Swedish unemployment insurance fund (generally organized by trade unions). If the claimant has not been accepted by an insurance fund in Sweden (or if they do not fulfil the requirement for the earning-related benefit), the claimant will, through accumulation of their previous insured employment period, be entitled to assistance unemployment benefit (flat-rate). Thus, periods of insured employment and self-employment abroad are transportable but only if the claimant has been working in Sweden for at least a few days (one day would be enough, according to expert interviews). The difference in benefit is if it will be paid as flat-rate or earning-related.

⁷ Since 2015 migrants do not have to register at the migration board anymore to apply for PIN, but can go directly to the tax office.

was working in an international company as a highly skilled worker and thus had access to this kind of social capital. In general, the experience of regularly employed migrants when accessing the PIN was mostly positive. The difference compared to the corporate migrants is rather that the other categories needed to be in contact with Social Services themselves and their move was not facilitated by the corporations to such a large degree.

People who experienced most difficulties in accessing the PIN and as a result also accessing social welfare were migrants with either temporal working contracts, posted workers or illegal work and the unemployed.

None of the aforementioned categories of migrants are legally entitled to the PIN, and their access to social benefits is limited. However, there were multiple strategies that were mentioned by migrants as to how the system was negotiated by their employers. Helmut describes the process of applying for a PIN:

When I came to Sweden, I did not have a one year working contract. I worked for an Estonian company like everybody does in the beginning. However, the Swedish company subcontracting the Estonian company made an artificial working contract with me, so that I could apply for the PIN. (Helmut, Estonian speaker, 39-year-old)

As is common, Helmut was not wholly aware of how the process panned out legally but had doubts in the legality of all the procedures. He says that because of his pressuring the employer, his contract was revised. Eduard, a respondent mentioned earlier, had a similar experience, albeit he was originally a posted worker and then convinced his employer to hire him with a Swedish working contract. Several other respondents described how they had initially worked illegally, without any documentation, receiving salary in cash and then either being issued a false contract and continued receiving their salary unofficially or became registered as Swedish employees and were paid officially. All these trajectories, however, have one common line – the position of the employer as the gatekeeper who has the power to decide not only the migrant's access to the Swedish labor market, but also consequently their access to social welfare. Thus, the employer, usually an Estonian company, had a controversial image among the interviewed Estonian migrants. On one hand, the migrants acknowledged the employer's role in getting access to the Swedish labor market, but on the other hand, they mentioned the employer's role as a potential obstacle to becoming legally included in the Swedish welfare system.

The necessity of having Estonian companies as facilitators for gaining legal access to the Swedish social security system is exemplified by Tiit, who came to Sweden to find work. As has been described previously, Tiit struggled quite a bit to find work, and without work was ineligible for any social support. However, he also came up with a specific solution to his problems:

I had an idea that I will open my own company. I was looking for a job and bumped into the obstacle that I did not have ID-card (a PIN) and a bank account. I had an idea that I can open my own company and be my own employer. I had this clever idea. (Tiit, Estonian speaker, 47-year-old)

Even though Tiit's idea eventually did not materialize in Sweden, it is an interesting idea that an illegal migrant one can gain legality in Sweden through starting a business. Tiit's idea was to start a company and then begin offering his services

as a subcontractor for Swedish companies. He explained that often companies in construction industry are not interested in employing migrants full-time and thus were more prone to hire him as a subcontractor if he had his own company. Thus, through starting a business and becoming self-employed one can negotiate the borders in both the labor market as well as gain access to social welfare in Sweden.

CONCLUSIONS

This article explores the controversiality of free mobility within the EU, with the starting point being the notion of regarding it as a sieve – i.e., free mobility for services, but a lack of transparency with respect to EU free movers' social rights. The article draws on the research on borders, arguing that with the introduction of EU free mobility space, the nature of borders has changed. On one hand, borders have shifted away from actual geographical lines and are now existing more at the legislative level, being enforced for instance by deciding who does and does not gain access to social welfare. Therefore, EU free movers can make experiences where they have partially crossed the borders, by for instance in our case working in Sweden only with temporal working contract and therefore having accessed the labor market, but not gaining full access to social welfare. The tension between EU regulations and the role of individual states as the enforcers of EU regulation has led to the situation where many borders are becoming increasingly difficult to define. Such fuzziness, however, is also taken advantage of by different intermediaries, such as in the previous case by Estonian construction companies in Sweden, which are issuing false working contracts.

While the past literature has analyzed the free mobility of EU migrants in terms of their level of education or gender etc., our analysis diverges to some extent in this respect, in that it shows the highly significant role that employers have in the negotiation of borders. Although highly skilled migrants may find it easier to enter to the Swedish labor market, once they are no longer useful to their employer, they are likely to experience the very same borders as low-skilled face when entering to Sweden, and will have little experience in dealing with them. Thus, although this article distinguishes between three types of EU migrants, it also highlights the significant role that migrants assign to their employers in determining to what extent they are able to cross borders to both the labor market and social security.

This result diverges from the observations from critical border studies, which have mostly focused on how issues such as race, gender and class come into play. Our interpretation as to why there is such a diversion is related to the particularities of Swedish system. Namely, the system relies heavily on residence as a main criterion for being eligible for social welfare, whereas the labor market is highly regulated and furthermore has adopted one of the most liberal legislations in the world when it comes to accepting third country migrants (see Emilsson 2016). Shortly, in terms of EU migrants, Sweden has a highly work-oriented approach, where the main criterion is the one-year-long employment. This illustrates also a very neoliberal way of controlling the migration, mostly based on labor market needs. Such an approach naturally also gives more leeway to the actors other than state such as companies.

However, the article also lifts up another aspect – thus far neglected – of border management in the EU, an area where migrants have agency. Estonian migrants in Sweden use multiple strategies to overcome the potential obstacles to entering both the labor market and to accessing social security. Tiit, for example, tried starting his

own company in Sweden in order to access the legal labor market. This demonstrates that, not only is there space for companies that negotiate borders within EU, but also for individual migrants. The ambivalence of EU borders pointed out by scholars in the past should therefore not only be understood in terms of the practices of employers, but also the actions of individual migrants – often as a reaction to the strategies used by companies. Furthermore, the ambivalence with respect to various rules and borders that is experienced by migrants makes it more difficult to define the legality and illegality of the actions of both employers and the practices of the migrants themselves. Our article also demonstrates that, not only are Estonian migrants in Sweden quite often unaware of their rights, they are also unaware of their legal status (e.g., some ‘posted workers’ were unaware that they were in fact ‘posted workers’). Thus, whereas agency exists for EU free movers, it is often challenged by unclear and nontransparent rules and, in the case of Sweden, also administrative confusion around which domain EU migrants belong to.

COMPETING INTERESTS

The authors have no competing interests to declare.

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Nordic Journal of Migration Research
 DOI: <https://doi.org/10.33134/njmr.356>

TO CITE THIS ARTICLE:

Saar, M, Fröhlig, F, Ericson, M and Kopeykina, V. 2022. Complex and Convoluted Borders within EU: Free-Movers and Their Experience of Negotiating Borders to Labor Market and Social Welfare in Sweden. *Nordic Journal of Migration Research*, 12(2), pp. 174–189. DOI: <https://doi.org/10.33134/njmr.356>

Submitted: 11 June 2020

Accepted: 08 October 2021

Published: 01 June 2022

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