<http://www.diva-portal.org>

Postprint

This is the accepted version of a paper published in *Journal of ethnic and migration studies*. This paper has been peer-reviewed but does not include the final publisher proof-corrections or journal pagination.

Citation for the original published paper (version of record):

Axelsson, L. (2016)

Living within temporally thick borders: IT professionals' experiences of Swedish immigration policy and practice.

Journal of ethnic and migration studies

<https://doi.org/10.1080/1369183X.2016.1200966>

Access to the published version may require subscription.

N.B. When citing this work, cite the original published paper.

Permanent link to this version:

<http://urn.kb.se/resolve?urn=urn:nbn:se:su:diva-132183>

Living within Temporally Thick Borders: IT Professionals’ Experiences of Swedish Immigration Policy and Practice

This paper challenges the claim that highly skilled professionals are offered almost seamless mobility and a comprehensive set of rights. Focussing on highly skilled professionals in Sweden’s information technology industry, it argues that just like the lower skilled, the highly skilled may experience a range of insecurities to do with their immigration status. It explores these insecurities by conceptualising border crossing as a temporal process that begins with the submission of a work permit application and ends with permanent status (or migrant departure) and which, consequently, spans several years. More pointedly, the paper demonstrates that some highly skilled migrants experience several moments of waiting in relation to their admission, labour market access and settlement. These moments of waiting have spatial and temporal consequences in terms of temporary losses of mobility rights, elongated pathways to citizenship, insecurity of presence and feelings of living in limbo. Importantly, the paper shows that the practices of government institutions are every bit as important as legal frameworks in producing these moments of waiting and that it is therefore necessary to extend the analysis of migration management beyond policy analysis in order to more fully appreciate the situation of the highly skilled.

Keywords: highly skilled migration; migration management; borders; time; waiting

Introduction

Selective migration policies that favour the immigration of the highly skilled are proliferating. It is widely held that governments in Europe and beyond design immigration policies to attract talented and experienced professionals, offering the highly skilled almost seamless mobility and a comprehensive set of rights including the right to family reunification, spousal access to the labour market, and privileged routes to settlement (e.g. Boeri 2012; Chaloff and Lemaitre 2009; Gabriel and Pellerin 2008; Koslowski 2014; Menz and Caviedes 2010; Ong 1999; Shachar 2006). In this paper, I draw on the case of highly skilled professionals working in the information technology

(IT) industry in Sweden – a country that introduced an employer-led labour migration policy in December 2008 which has been described as the most liberal among the OECD countries (OECD 2011) – in order to question the claim that the highly skilled are offered seamless mobility and access to labour markets and civil and social entitlements. I argue that the highly skilled may experience a range of insecurities to do with their immigration status, in particular under so called demand-driven programmes based on employer selection, which do not offer permanent status upon arrival. In such ways, while higher skilled migrants undoubtedly tend to enjoy relatively privileged mobility, employment and social rights, they can nonetheless face similar experiences to their lower skilled counterparts who are increasingly channelled into temporary migrant worker programmes that often set migrant workers onto paths of return or circular migration by rendering them ineligible to apply for permanent residence status (Castles 2006; Fudge and MacPhail 2009; Lenard and Straehle 2012; Preibisch and Otero 2014; Rajkumar et al. 2012; Ruhs 2006; Ruhs and Martin 2008; Stasiulis 2008).

The notion of temporal borders can help us to explore the insecurities that higher skilled migrants face. Mezzadra and Neilson (2012, 2013) and others (e.g. Andersson 2014; Cwerner 2001, 2004; Griffiths 2014; Papadopoulos, Stephenson and Tsianos 2008; Robertson 2014) draw attention to the role of time and the temporal in the management of migratory flows. Border regimes, Mezzadra and Neilson write, “increasingly use technologies of temporal management, whether they seek to speed border-crossing processes by using biometrics and chipped passports or to slow and even block border passages through such techniques as detention, interceptions, or ‘preemptive *refoulement*’”. In instances when the speed of migratory movements is decelerated, borders are stretched in a temporal sense, acquiring a “temporal thickness” (Mezzadra and Neilson 2013, 133) through which entry is interrupted or delayed; or

pathways to citizenship postponed or withdrawn, for example. Simply put, it takes time to fully cross borders. At the same time, this paper recognises that borders are spatial. Indeed, it is precisely the spatial and temporal consequences of living within the “waiting zones” (Mezzadra and Neilson 2012, 68) produced by temporal borders that are the focus of the paper.

I draw upon this way of thinking about borders in order to explore highly skilled professionals’ experiences of a specific time span in the migration process – from submission of an application for a work permit, via admission, to permanent status (or migrant departure). Specifically, I focus on two moments of waiting. The first takes place pre-admission. Here, the focus is on processing times – or what the Swedish Migration Board (SMB), the government agency responsible for assessing work permit applications, used to call waiting times [*sw. väntetider*] – for work permits, extensions and changes to immigration statuses, and how lengthy decision-making processes delay admission for some highly skilled professionals. I also discuss the consequences hereof in terms of a temporary loss of mobility rights for those highly skilled professionals who await their decision in Sweden and lose time when the lack of a valid work permit pushes permanent settlement further into the future. The second moment of waiting takes place after admission into the Swedish labour market. In this instance, immigration policies affect the lives of highly skilled professionals by delaying full labour market mobility and linking continued presence in Sweden to a valid work permit. More pointedly, I discuss how the perpetual threat of deportation that comes with a temporary status may lead to insecurity of presence (see e.g. Rajkumar et al. 2012) and to feelings of living in limbo even among some highly skilled professionals. I do not wish to claim that this is a condition that affects all highly skilled migrants. The purpose is rather to question current assumptions about the almost seamless mobility of

the highly skilled by focussing on a diverse group of highly skilled professionals that has received very little attention – those for whom the migration process is a time fraught with uncertainty and insecurity.

This paper demonstrates that from these highly skilled professionals' point of view, Sweden's current system for labour migration can be usefully understood as a range of temporal and spatial processes that, when they work together, produce a temporally 'thick' border that delays full labour market access, immobilises highly skilled labour and creates a range of insecurities for some highly skilled professionals. Importantly, these temporally thick borders are not only produced by immigration and settlement policies. Administrative and bureaucratic practices associated with granting or rejecting work permit applications play an equally crucial role in determining the speed of entry and pathways to citizenship. Consequently, in order to more fully appreciate the situation of the highly skilled, and labour migrants in general, further research is needed on the role of government *practices* in producing the temporal borders that shape their lives.

The paper draws on policy analysis conducted in October 2014, work permit data and fieldwork in Sweden. Semi-structured interviews with 16 professionals working in Sweden's IT industry were conducted in March and May 2015. The sample was constructed through snowballing, using multiple initial informants in order to tap into several professional and social networks. It included a range of highly skilled professionals in terms of country of origin, gender, entry channel, length of time in Sweden, and migration status. 20 interviews were also conducted with SMB officials, representatives of business organisations, trade unions, IT companies and so called relocation companies – private actors who offer their clients a fast-track through the admission process.

The interviewed highly skilled professionals come from a wide range of countries including Brazil, Canada, China, Ethiopia, India, Iran, Pakistan, South Africa and the USA. Eight of them entered Sweden through the work permit channel. Seven came to Sweden as students and later applied for a status change. One used the Youth Mobility scheme – bilateral agreements that allow young people from Australia, Canada, New Zealand and South Korea to live and work in Sweden for up to a year – to move to Sweden. The majority of the interviewees were men in their late twenties or early to mid-thirties. Two of the interviewees were women. At the time of the interview, 14 of the interviewees were still on temporary work permits, one had permanent residence in Sweden and one was awaiting the decision on his application for permanent status. The interviewees were promised anonymity and all information that could reveal their identities has therefore been removed.

The next section of the paper fleshes out the notion of temporal borders by drawing on literatures on time and migration, differential inclusion and waiting. I then set out Sweden's current labour immigration policy before turning attention to the practices of the SMB and the role of processing times in producing temporally thick borders for some highly skilled professionals. Drawing on this analysis, I explore highly skilled professionals' experiences of two moments of waiting within temporally thick borders. Finally, I present the conclusions of the paper.

Temporal Borders

As noted above, manipulation of the speed of labour migration movements across borders is one "time technology" (Cwerner 2004, 72) associated with immigration policy and practice. At times, migratory movements are accelerated; for example through the use of chipped passports and expedited crossing at points of entry (e.g.

Sparke 2006) or, from the perspective of asylum claimants, through speedy decision-making and accelerated legal processes (Cwerner 2004). In other instances, detention centres function as “speed boxes” that decelerate the speed of migratory flows (Papadopoulos, Stephenson and Tsianos 2008, 198; also Andersson 2014). Equally, skilled migration schemes may not only serve to fast-track the admission of the highly skilled (Shacher 2006) but also to “produce discrepant temporalities of waiting, withdrawal, and delay by compelling subjects to negotiate their way among different administrative and labour market statuses” (Mezzadra and Neilson 2013, 132). In this view, borders manage migratory flows not only in a spatial sense by determining who is allowed to go and/or settle where but also in a temporal sense by calibrating the speed of entry into certain territories or labour markets. Unlike previous research on the relationship between immigration policies and highly skilled migration, which predominantly has focussed on how states seek to attract highly skilled migrants through adjustments of their immigration and settlement policies (Khoo 2014; Koslowski 2014; Shacher 2006), this paper shifts the focus to highly skilled professionals’ experiences of instances of decelerated movement as they try to cross borders, enter new labour markets, and settle in the destination country. With the exception of Mavroudi and Warren’s (2013) work on highly skilled migrants in the UK’s higher education sector, highly skilled professionals’ experiences of immigration policy have received little attention. From the perspective of academic migrants, visa application processes appeared unnecessarily protracted and complicated. Furthermore, the need to present biometric residence cards in various everyday life situations, long after entry into the UK, was seen as a constant reminder of their immigration status (Warren and Mavroudi 2011). Thus, as Raghuram (2014) argues, while the notion of precariousness is generally reserved for the lower skilled, skilled migrants may also

occupy precarious positions in the host country. In order to explore this position and question the simple assumption of the seamless mobility of the highly skilled, this paper engages with literature on lower skilled and so-called ‘irregular’ migrants, which outlines migration experiences fraught with uncertainty, insecurity, and different forms of inclusion and exclusion.

There is significant scholarship on differential inclusion and differentiated citizenship that contends that inclusion in a space often comes with varying degrees of subordination and denial of certain rights (e.g. Cresswell 2009; Mezzadra and Neilson 2012, 2013; Ong 1999). Immigration policy and practice therefore continue to have an impact upon the lives of labour migrants once they have entered the host country. Indeed, they remain subject to a number of constraints, which are manifested in, for example, lengths of stay; times for renewing permits and applying for changes to immigration statuses; and temporary or indeed permanent restrictions on full access to the labour market, welfare and income support (e.g. Anderson 2010). It could be argued, then, that labour migrants, from whom permanent status and full access to the labour market are withheld for a certain length of time, are only partially admitted into the host country. Indeed, borders, as suggested by Mezzadra and Neilson (2013), are characterised by a kind of temporal ‘thickness’ and, in many cases, it consequently takes time to fully cross them.

My interest in this paper is the time spent living in such temporally ‘thick’ borders. This time – which may not necessarily be linear but, as suggested above, may be characterised by a range of interruptions and discontinuities including waiting, delays, withdrawals and unexpected diversions – spans the entire moment from submission of an application, through a period of waiting for a decision to be made, via entry and a second moment of waiting for enough time to pass to become eligible to

apply for permanent status. It also includes a third moment of waiting for citizenship status. However, this is beyond the scope of this paper since none of the respondents had been in Sweden long enough to apply for citizenship. The concept of *waiting* is thus central to exploring the experiential dimension (see Griffiths 2014; Mavroudi and Warren 2013; Warren and Mavroudi 2011) of living within such temporally thick borders. While waiting has been described, for example, both as an active practice and an experience filled with meaning (Gasparini 1995; Gray 2011; Jeffrey 2008, Mountz 2011), the kind of waiting that is explored in this paper has more in common with Gasparini's (1995, 31) conceptualisation of waiting as "blockage of action". In this view, waiting is interstitial time – a period of disruption of an individual's actions, which is experienced as costly, slow moving and through which time is potentially wasted.

Before putting this way of conceptualising border crossing into practice in order to explore the *spatial and temporal consequences* of two moments of waiting – for a decision to be made on a work permit application and for enough time to pass to earn the right to permanent status – I set out Swedish labour immigration policy and explore the practices of the government agency in charge of assessing work permit applications: the SMB.

Temporary Work Permits: Swedish Labour Immigration Policy

Following nearly a decade's political debate, Sweden has since December 2008 pursued a liberal, demand-driven labour immigration policy, which is open to all workers irrespective of their skill or educational level (for more on the 2008 policy reform; see e.g. Berg and Spehar 2013). There is no numerical limit on labour immigration from countries outside the EEA or a requirement to recruit only in shortage occupations.

Employers are free to recruit any number of workers, for any sector of the labour market, from any country outside the EEA provided that (1) they can demonstrate that the European Union's Generalised System of Preferences has been adhered to, (2) the terms of employment, including the salary, are in line with collective agreements or prevailing practice within the occupation or sector, and (3) trade unions have been given a chance to comment on the terms of employment (Government Bill 2007/08:147).

Work permit applications are assessed by the SMB based on offers of employment, which should contain information about the employer, the job, the salary and other conditions. In order to prevent salary dumping and deteriorating working conditions, trade unions are given the opportunity to submit statements on the conditions of employment (SMB 2014a).

The current policy does not set any priorities regarding the length of stay (Parusel 2013). Under the previous system a smaller number of highly specialised labour, notably specialists in information and communications technology, was granted permanent residence upon arrival (OECD 2011; SOU 2006:87), but this is no longer the case and it is not possible under the current system to issue permanent status upon arrival (SMB 2014a). Work permits are now granted only for the period of employment with the maximum grant period for the first work permit being two years. Work permits may be extended one or several times for up to another two years, making the maximum length of stay on the basis of a work permit four years (Chapter 6, section 2a of the Aliens Act [2005:716]).ⁱ This, Parusel (2013) has argued, does not imply that the Swedish government encourages return or circular labour migration. Instead, it is up to the employer to decide how long they need non-EEA labour. Moreover, if accepted, labour migrants are placed on a pathway to permanent status. After having worked in Sweden for four years during a seven-year period, non-EEA nationals are eligible to

apply for permanent residence status provided that it is possible to establish that they have held a job covered by the work permit (SMB 2014a). Non-EEA labour migrants are eligible to apply for citizenship after having held a residence permit for a period of five consecutive years. This pathway to settlement is open to both lower and highly skilled workers. Further rights associated with the work permit include: the same labour market protection as citizens (Fahlbeck and Mulder 2009) and, according to personal communication with the SMB, the right to family reunification if the work permit is valid for at least six months; full spousal access to the labour market; and, if the length of the work permit is at least twelve months, full access to social welfare.

As noted in the Introduction, the *practices* of the government agencies involved in granting or rejecting applications play an equally crucial, if less recognised, role in determining who is admitted and, more importantly, under what circumstances. In turn, government practices thus shape highly skilled professionals experiences of border crossing. Consequently, in the next section, I turn the attention to the practices of the SMB – the government agency that processes all work permit applications in Sweden – and the time it takes the SMB to do so.

Fast and Slow Routes: Practices of the Swedish Migration Board

When the OECD evaluated Sweden's new policy for labour migration in 2011, they described the decision-making process as fast. In 2009, one in four work permits was issued within seven working days (OECD 2011). In the same year, the average 'waiting time' was 40 working days. Since then, the average waiting time has increased to 99 working days in 2013, before decreasing slightly to 92 working days in 2014 (see Figure 1).

[Figure 1 about here]

The build-up of a back log and increasingly long waiting times eventually led to the development of new internal guidelines for the processing of work permit applications. In a pilot project launched in 2011, a smaller group of companies were offered a fast-track through the decision-making process. The following year, the so-called certification system was made permanent. Companies that applied for at least 25 work permits per year; that offered their non-EEA employees salaries and insurance cover that were in line with those stipulated in collective agreements or prevailing practice within the profession or sector; and that could deliver complete applications that would not require any further investigation by the SMB could apply for certified status. In exchange for complete applications the SMB pledged to deliver a decision within five working days if the application included a trade union statement and within twenty working days if the trade union statement was lacking (SMB 2012 and personal communication with the SMB in 2014 and 2015). Thus, unlike in some other countries, the Swedish certification system does not shift any responsibilities for determining who gets in and who is rejected onto certified employers. Rather, the certification system is more of a prioritised fast-track affording certain employers a guarantee that their work permit applications will be dealt with quickly.

At the time of fieldwork, twenty-seven companies were directly certified by the SMB. A number of these were so-called relocation companies; private actors that arrange the passage of foreign workers on behalf of other companies that are unable to meet the SMB's requirements for certified companies. According to personal communication with the SMB, between them these relocation companies represented 962 companies, who, by using the services of relocation companies, were able to purchase a quicker route through the migration process otherwise inaccessible to them.

Since the introduction of the certification system the waiting times for labour migrants using the fast-track have dropped significantly while the waiting times for all other labour migrants and former students applying for a status change have continued to rise. In 2014, the average waiting time was 112 working days for employees going through the regular work channel and 151 working days for former students applying for a work permit while, at the same time, the average waiting time for applicants using the privileged fast-track was only eleven working days (see Table 1). At the same time, the SMB stated in its information to applicants that the maximum waiting time could be up to ten months if the application was submitted online and 16 months if the application was submitted on paper (SMB 2014b).

[Table 1 about here]

While there was no evidence in the interview data that suggests that long processing times were a deliberate state strategy used to deter certain categories of migrants from entering Sweden, it could be argued that the practices of the SMB has resulted in the production of two channels for labour migration. One is a fast-track that is open to a small, privileged group of work permit applicants who have been offered a job by a company that either meets certain criteria or can afford to purchase the services of a relocation company. The other is a far slower route with waiting times of up to 16 months. Thus, while accelerating admission into the Swedish labour market for some, at the same time, the certification system created a temporally ‘thick’ border that placed a decision further out of reach for others.ⁱⁱ In turn, this means that the highly skilled is a very diverse group with greatly varying experiences of the Swedish migration process. Some of the highly skilled professionals interviewed for this study travelled through the work permit application process at high speed with waiting times of between four days and one month. For some, this experience was so seamless that there was not enough

time to mentally prepare for a move to Sweden. Others waited for months or even years for a decision to be made on their applications. This slower route of entry into the Swedish labour market is the focus of the next section.

Waiting to Enter

Recent research on camps (Papadopoulos, Stephenson and Tsianos 2008), the asylum process (Griffiths 2014) and retention of migrants in the Spanish enclave of Ceuta (Andersson 2014) has brought to attention the sometimes slow and stagnant time of migration governance. Migrants wait their turn, wait for court dates, for responses from government institutions, for decisions to be made on asylum claims and so forth. In a similar way, highly skilled migrants wait for decisions to be made on work permit applications and for queries to be answered, often for an undefined period of time.

Waiting, then, is a central aspect of administration and bureaucracy whether they are the outcome of state strategies of deterrence and punishment, as is the case in the literature referred to above, or the result of an administrative backlog, as in the Swedish case. In relation to waiting, the highly skilled professionals in this study talked, for instance, about the uncertainty that came with not knowing the outcome of your application for extended periods of time; about families being separated when decisions on family members' applications were delayed; and about their frustration when repeatedly being told to "wait", "be patient", and that the SMB's staff "did not know anything" about the status of their applications. When interviewee #7, who waited one year for a decision, visited the SMB in person in order to find out the status of his application he was told: "It's in the queue. And that's it. You just go home. --- It's a process, we can't do anything, you have to wait". Interviewee #9, who waited sixteen months for a decision to be made on his application, said: "when I just get this ... I stopped calling them and

said: ok, I will wait. What can I do? [laughs] I can't do anything".

In this section, the focus is on two temporal and spatial consequences of delay and postponement of decisions on work permit applications: a temporary loss of mobility rights and elongated pathways to permanent status. Before exploring this in more detail it is important to note that as a general rule, work permit applications should be submitted and granted before entry to Sweden. However, there are several exemptions from this requirement including, for example, university students who may apply for a status change in-country provided that they have a job offer and that their residence permit is still valid when the work permit application is submitted. Former university students may work while they wait for their applications to be assessed (Chapter 5, section 18 and Chapter 6, section 4 of the Aliens Act [2005:716]). This category of highly skilled professionals thus occupies a peculiar position in the Swedish labour market whereby they lack a valid work permit and yet can be fully engaged in work.

Stuck in Sweden

Temporarily suspended mobility rights were a cause for concern among highly skilled professionals who initially entered Sweden as students. Lengthy decision-making processes often meant that student permits expired leaving these highly skilled professionals without valid permits. While they could carry on working while waiting for a decision on their applications, they were unable to leave Sweden for fear of not being let back in, something which resulted in feelings of being "stuck" (interviewee #9, #15) or "stranded" (interviewee #1) in Sweden for extended periods of time. At least five of the former students and interviewee #2, who first entered Sweden under the Youth Mobility Scheme, had experiences of being without valid permits for periods

upwards of eight months. During the interview, interviewee #1, for example, repeatedly returned to the long waiting times, and to how being stuck in Sweden had made him feel imprisoned:

If you check the current waiting times [on the SMB's webpage] it says that 90 per cent of the work permit applications got answers within eighteen months. That's an unreasonable length of time. You have your life and you can't just be stranded in Sweden for about eighteen months without going out. --- It should be unreasonable. You're staying here in Sweden without papers... well, not without papers but without a valid residence permit. It feels like a prison... you have no freedom to go where you wish. (Translated from Swedish)

On a professional level, respondents were concerned about not being able to visit clients abroad if the decision on their work permit application was delayed. Interviewee #1, for example, said that he had been very "lucky" to make it back to Sweden the day before his student visa expired. For the coming eight months he was unable to undertake any further business trips due to the lack of a valid work permit. Interviewee #6 said that, given her current situation, it would be "unthinkable" for her to accept a job that required business trips overseas.

On a more personal level, having one's freedom of movement removed was seen as stressful and uncomfortable. Several of the interviewees described how they had watched friends and colleagues go on holiday, and missed out on family celebrations while being stuck in Sweden. More than anything, however, the thought of not being able to return home in case of a family emergency was experienced as deeply distressing. Interviewee #9, who had gone through a particularly challenging work permit application process that resulted in him being stuck in Sweden for sixteen months without a valid work permit and who did not see his family for three and a half

years as a consequence, described the stress of having his mobility rights removed, especially when his mother fell ill:

I was kind of stuck here; it was bad feeling actually for me. Yes, I like the country but... I don't know, maybe that I couldn't go out, I couldn't go. Because this is Europe, you know, the best thing is you just travel. I really, really like travelling. ... The best thing I can do which gives me energy is travelling. ... [My friends got visas and] could go back, visit families, ... going to other countries. ... But I couldn't go anywhere and after I get the work my [new] colleagues they had vacations, going there, the Hawaii, Bahamas [laughs], Jesus. God, like, don't tell me. Don't tell me anything, please, be quiet. Tell that you were staying at home here. So it got me homesick and depressed to be honest. --- I had already a lot of stress because of not seeing my family. I was worried about them, my mum was sick for long time. ... Fortunately she got recovered at the time but I have to say I was really worrying about her because this kind of disease can come back. --- I was thinking about all these things, I had a lot in my head.

The time it takes the SMB to process work permit applications was seen as unpredictable and highly variable, making the fear of having mobility rights temporarily removed widespread even among interviewees who hitherto had travelled through the migration process at speed. Interviewee #15, for example, said: "I personally haven't faced that yet. Touch wood [laughs]. But I've heard cases where people were actually stuck for three, four months or more than that, that's *bad*" (see Bevelander et al. 2014 for similar observations in relation to extensions of work permits).

Another concern that the interviewees raised in relation to the time that some of them had had to wait for a decision to be made on their work permit applications was how this pushed their eligibility to apply for permanent status further into the future.

Lost Time

As mentioned earlier, in order to apply for permanent residence status labour migrants

must have worked for four years in Sweden. When decisions drag on for months or, in some cases, years the route to settlement becomes even longer since only time on a valid work permit may provide the grounds for a permanent residence status claim. This was a source of frustration for highly skilled professionals who had waited a long time for decisions to be made on their applications. Interviewee #6, for example, said:

[T]here is some law, if you have been working for four years, like, two years and two years, at the end of four you can apply for permanent. So when they are giving you the [permanent residence permit], they don't count the nine months [the time that the interviewee had waited for her application to be processed] that you have been working in Sweden and you'd be in a queue [to get your work permit application approved] ... So that nine months is nothing. ... It's gone.

Former students also noted that their journey to permanent status was particularly long since time spent studying is not a ground for settlement. Interviewee #16 described his journey to permanent status, which he had recently been granted at the time of the interview, in the following way:

I came in 2009 [as a student], ... I got job in November 2010, so December, January, February, March [when I finally got the permit], nothing. This period was wasted. And the other plus two years [when I was a student] are wasted. So I came here in 2009, I got permanent residence in 2015. Even I was paying tax.

From the point of view of highly skilled professionals intending to settle in Sweden, then, time spent waiting for a decision on their work permit applications is thus experienced as costly, lost or wasted.

By focussing on the experiences of the highly skilled who, as a result of long waiting times, live within temporally thick borders for extended periods of time, this section has sought to illustrate that the nature of the border crossing process cannot simply be assumed on the basis of the categories into which migrants are sorted and the

different rights and entitlements they are granted. Rather, admission is a deeply temporal process that may extend over months or even years and which has spatial and temporal consequences, for example in terms of temporary restrictions on the mobility rights of the highly skilled and time lost when the goal to obtain permanent status is pushed further into the future.

Once the highly skilled professionals in this study have officially entered Sweden – by which I mean that they have been granted a work permit – they face a second moment of waiting within temporally thick borders and to which I now turn.

Waiting for Permanence

The security of migrants, Rajkumar et al. (2012) have suggested, rests on being present and living somewhere without fear of removal. Sweden no longer offers highly skilled professionals permanent residence status upon arrival. Thus, all labour migrants, regardless of their skill level, enter Sweden as temporary workers, and until they acquire permanent residence status their continued right of presence remains conditional upon a valid work permit (Chapter 7, section 3 of the Aliens Act [2005:716]). Furthermore, since work permits are linked to a particular employer for the first two years and to a particular profession for the first four years, only when made permanent do non-EEA labour migrants have full labour market access (Chapter 6, section 2a of the Aliens Act [2005:716]). During a period of at least four years the highly skilled professionals thus wait for permanent status and the freedom and security this brings in terms of full labour market mobility and no longer being at risk of removal. It is this moment of waiting and the temporal and spatial constraints that come with the temporary migration status that are the focus of this section.

First, however, it is relevant to recognise that, while all interviewees stated that they intended to apply for permanent residence status in Sweden, permanent settlement may not be the primary goal of all highly skilled professionals. Also, intentions may change over time. It is equally relevant to note that several of the highly skilled professionals in this study did not experience any insecurity around their presence in Sweden. Some had been headhunted by high profile companies and were confident that their qualifications and experience could get them a new job anywhere in the world. Others either felt secure in their jobs in Sweden or had already looked for, and found, new employment and consequently thought they could do so again if required. Yet others were not sure whether they wanted to stay in Sweden in the long-term. That said, I contend that it is still important to examine how work permit systems may be consequential for at least some highly skilled professionals.

Insecurity of Presence

It is increasingly recognised that deportability no longer applies only to illegal, undocumented or unauthorised migrant workers but also to legally employed temporary workers (Basok, Bélanger and Rivas 2014; Hahamovitch 2011) and that the highly skilled experience increasingly insecure positions in the labour market. Currently, many highly skilled professionals are allowed only temporary access to national labour markets (Khoo et al. 2007) – something that may impact negatively on their labour market participation (Robertson 2014) – and they are subject to visa conditions and security laws that, if violated, may transform them into deportable subjects (Rajkumar et al. 2012; Xiang 2007).

In Sweden, the right of presence is linked to continued employment. This right is revoked if non-EEA nationals who have lost or quit their jobs do not find a job with a

similar job description within three months. This, in effect, renders even highly skilled professionals deportable (Chapter 7, section 3 of the Aliens Act [2005:716]; SMB 2014a). Being temporary, even for a transitory period on the way to a permanent status may thus lead to insecurity of presence even among highly skilled professionals.

Indeed, the conversations I had with the highly skilled professionals who participated in this study were not only accounts of success and of being highly sought-after on a global labour market but also of feelings of only being temporarily associated with Sweden; thoughts about leaving Sweden in search of a country that offered a quicker and simpler route to settlement; and stories about the fear of being forced to leave Sweden rather than moving on because they chose to. Interviewee #16, who lost his first job in Sweden and consequently had first-hand experience of trying to find new employment within the required three months, for example, described his feelings of insecurity in the following way:

Before [I got permanent residence status] I always think I have three months ... because it's huge, you are starting somewhere, you are getting used [to your new environment] and then ... three months, it can happen. --- [N]ow [after I got permanence residence status] I have security but for first two years even you are paying a-kassa [unemployment benefits], you are paying union, so they can't do anything because if you can't stay here, then what they will do? Then there is no sense of security. No sense of security.

As suggested by the quote, the requirement to find a new job within three months particularly contributed to feelings of insecurity. The slow-moving Swedish recruitment process with multiple interviews being held over the course of several months meant that finding a job within the required timeframe was seen by some as unrealistic, and that there was consequently a real risk of being forced to leave Sweden. Interviewee #7, who also lost his first job in Sweden but who, unlike interviewee #16,

failed to meet the requirement to apply for a new work permit within three months and was deported, said this about the Swedish work permit system:

So they [the SMB] said: you have to leave the country, you can't stay in Sweden anymore, you just send us your tickets within two weeks and just give us green signal that you are out of country. I was like surprised like ... I have a job here [in Sweden]. You are playing with my future actually. --- I went to [country of origin] and then applied again from there but that was really hectic for me ... I had no idea either shall I come back or not. --- [The three months rule is] really weird, I mean, you have worked here, you have paid lots of tax here, ... [yet] there is no safe space ... for us immigrants. ... I mean, we have served four years for this country and there's no benefit, no value for us. It's like you just use them and throw them out [laughs]. So this is the feeling I had that time, I was really frustrated.

Due to having been sent back once, interviewee #7 remained uncertain about his presence in Sweden. He said: "right now I have a permanent job, everything is going well, the company is quite happy with me. Even then we are not very sure because if I lose the job ... after three months they are going to throw me out".

Insecurity of presence was particularly prominent among highly skilled professionals who had previously studied in – and developed professional and personal ties to – Sweden. Several of them came from countries where the IT industry was less thriving than in Sweden and consequently saw return as a step backwards. Moreover, having a passport that necessitates a visa to return for job interviews if one indeed was sent back further intensified the fear of removal because, as interviewee #9 said, "first of all it's not easy to find [a job from your country of origin] and then second of all, I think no one, not even the huge companies, wants to go through the process, the difficulties that the immigration office put in front of them". Just like lower skilled migrant workers or so-called 'irregular' migrants (see e.g. Villegas 2014), several of the

interviewees thus feared losing the lives that they had started to build in Sweden.

Interviewee #9 said:

I think, what will happen if they [the SMB] just end my career? I mean I'm building something, I'm working here, what if they end it? — You have this fear that I'm going to lose it. --- I mean, ... if they [the SMB] tell you ok, you cannot work here anymore, ... you have to start over somewhere else or you go back to your country, start from zero again. So it means before you built something yourself, you just lost it.

An insecure, temporary migration status may consequently keep highly skilled professionals from making plans about their futures and result in feelings of living in limbo.

Lives in Limbo

There has been some notable research on the relationship between migration status and the ability to plan for the future especially from the point of view of so called illegal, undocumented or unauthorised migrant workers. Villegas (2014), for example, has highlighted how the lack of permanent status serves to temporally orient illegal migrants towards the present. In the Canadian context, the permanently temporary status and uncertainties arising from the possibility of deportation place illegal migrants in what Coutin (2000, quoted in Villegas 2014, 280) has called a “temporal void” in which all decisions about the future are put on hold (see also Jeffrey 2010; De Genova 2002; Griffiths 2014). In this way, buying property, starting a family, and other long-term commitments are placed out of reach (e.g. Ahmad 2008; Villegas 2014).

While the threat of deportation may be less imminent for the highly skilled and the consequences of deportation and lives on hold less severe than for the illegal workers in Villegas' study, several of the interviewees also expressed that the lack of a

permanent status in Sweden made it more difficult to make longer-term decisions.

Interviewee #6, for example, said that:

I think in settlement, just planning, I cannot plan. Sometimes I don't feel like security, I don't feel secure, that's all. Sometimes you think, do I need a plan B? Because you don't know where you're going to end up so it makes you not to plan [and] be cautious in every daily activity. --- [If I held permanent residence status] I know I'm here in Sweden, I know I can live in Sweden. I can plan for the future but now I cannot plan like more than two years or I have to take the risk if I plan for a longer time [that I might lose what I have accomplished here]. Even though if the political parties change I don't know what's going to come up with the new rules, it might come, the four years [that you have to work in Sweden in order to become eligible to apply for permanent status] might be changed to ten years or I don't know. So you cannot plan.

When life becomes very dependent upon a range of circumstances beyond one's immediate control – such as, for example, political decisions regarding how long it takes to earn the right to permanent status – feelings of living in limbo can emerge. Consequently, in many instances even the highly skilled make plans only on a short-term basis and place all thoughts about longer-term arrangements on hold.

Furthermore, when security of presence is linked to continued employment migrant workers are at risk of becoming dependent upon their employers (Anderson (2010). While the linking of highly skilled professionals continued right of presence to a sponsoring employer does not translate into low pay and lack of predictability about when and how much work will take place, as is often the case for lower-skilled migrant workers (Axelsson, Malmberg and Zhang 2015), they share with the lower skilled this sense of dependency upon their employers. Interviewee #6, for example, said:

Even at work you have to be like very cautious because everything depends on my job so if I get fired from my job everything like... I think I have three months or something, otherwise I have to leave Sweden, like, properly. It makes you cautious with a lot of things. It makes you dependent on your job.

It is therefore hardly surprising that all interviewees but one intended to apply for a permanent residence permit as soon as they were eligible to. Knowing that whether one stays in Sweden or not is one's own choice, and the possibility of making long-term plans were seen as some of the benefits of acquiring permanent status, as was visa free travel, and no longer having to apply for extensions of the work permit.

By focussing on the transitory period between admission and obtaining permanent status, this section has sought to demonstrate how migration *policies* produce temporally thick borders that continue to govern the lives of highly skilled professionals after they have been admitted into the Swedish labour market. Specifically I have focussed on how the perpetual threat of deportation that comes with being temporary, even for a transitory period, opens up a space where insecurity of presence may emerge, and how insecurity of presence, in turn, may contribute to placing long-term life-decisions on hold even among the highly skilled.

Conclusion

Through this paper, I have sought to draw attention to a group of highly skilled professionals who are largely overlooked in the literature on migration management: those who do not experience seamless mobility. By conceptualising border crossing as a temporal process that often spans several years, I have sought to show that even if the access of the highly skilled to labour markets and pathways to permanent status is relatively privileged, it is nonetheless constrained in significant ways. Some highly skilled migrants experience several moments of waiting and delay in relation to their admission, labour market access and settlement. These moments of waiting place even the highly skilled as “neither fully included nor fully excluded from the space of citizenship and from labour markets” (Mezzadra and Neilson 2012, 62). This has spatial

and temporal consequences in terms of temporary losses of mobility rights, elongated pathways to permanent status, insecurity of presence and lives placed on hold. Indeed, contrary to the assumption in much of the literature that being on the road to permanent status is a privileged position, an appreciation of the temporal thickness of borders and the in-between space they create reveals that for some highly skilled professionals this may be a time fraught with uncertainty and insecurity. This paper thus argues that, while the consequences of a temporary status may be different for the highly skilled and the lower skilled, under certain circumstances, they share similar experiences of the border crossing process.

I have also sought to illuminate that these moments of waiting within temporally thick borders are produced through immigration policies *and* administrative and bureaucratic processes associated with granting or rejecting admission. Through an analysis of the SMB's processing times for work permit applications, this paper has illustrated how the work permit application process itself or, more specifically, the internal guidelines, practices and conventions of government institutions, serve to accelerate or decelerate admission into labour markets while stratifying highly skilled labour migrants along the lines of speed. In order to understand more fully the situation of the highly skilled, and labour migrants in general, it is therefore essential to extend the analysis beyond immigration policies to consider the role of the practices of the government agencies in charge of work permit application processes, which may be equally, if not more, important in shaping highly skilled professionals' experiences of various systems for labour migration and, by extension, their choices of where in the world to work.

References

- Ahmad, A. N. 2008. "Dead Men Working: Time and Space in London's ('Illegal') Migrant Economy." *Work, Employment and Society* 22 (2): 301–318.
- Aliens Act (2005:716).
- Anderson, B. 2010. "Migration, Immigration Controls and the Fashioning of Precarious Workers." *Work, Employment and Society* 24 (2): 300–317.
- Andersson, R. 2014. "Time and the Migrant Other: European Border Controls and the Temporal Economics of Illegality." *American Anthropologist* 116 (4): 795–809.
- Axelsson, L., B. Malmberg, and Q. Zhang. 2015. "On Waiting, Work-Time and Imagined Futures: Theorizing Temporal Precariousness among Chinese Chefs in Sweden's Restaurant Industry." *Geoforum*. doi: <http://dx.doi.org/10.1016/j.geoforum.2015.12.007>.
- Basok, T., D. Bélanger, and E. Rivas. 2014. "Reproducing Deportability: Migrant Agricultural Workers in South-Western Ontario." *Journal of Ethnic and Migration Studies* 40 (9): 1394–1413.
- Berg, L., and A. Spehar. 2013. "Swimming Against the Tide: Why Sweden Supports Increased Labour Mobility Within and From Outside the EU." *Policy Studies* 34 (2): 142–161.
- Bevelander, P., H. Emilsson, K. Magnusson, and S. O. Törngren. 2014. *Världens öppnaste land. Arbetskraftsinvandring efter reformen 2008*. Stockholm: Fores.
- Boeri, T. 2012. *Brain Drain and Brain Gain: The Global Competition to Attract High-Skilled Migrants*. Oxford: Oxford University Press.
- Castles, S. 2006. "Guestworkers in Europe: A Resurrection?" *International Migration Review* 40 (4): 741–766.
- Chaloff, J., and G. Lemaitre. 2009. *Managing Highly-Skilled Labour Migration: A Comparative Analysis of Migration Policies and Challenges in OECD Countries*. Paris: OECD Publishing.
- Cresswell, T. 2009. "The Prosthetic Citizen: New Geographies of Citizenship." In *Political Power and Social Theory*, edited by Davis, D.E., and J. Go, 259–273. Bingley: Emerald Group Publishing Limited.
- Cwerner, S. B. 2001. "The Times of Migration." *Journal of Ethnic and Migration Studies* 27 (1): 7–36.
- Cwerner, S. B. 2004. "Faster, Faster and Faster: The Time Politics of Asylum in the UK." *Time & Society* 13 (1): 71–88.

- De Genova, N. P. 2002. "Migrant 'Illegality' and Deportability in Everyday Life." *Annual Review of Anthropology* 31: 419–447.
- Fahlbeck, R., and B. J. Mulder. 2009. *Labour and Employment Law in Sweden*. Lund: Juristförlaget i Lund.
- Fudge, J., and F. MacPhail. 2009. "The Temporary Foreign Worker Program in Canada: Low-Skilled Workers as an Extreme Form of Flexible Labor." *Comparative Labor Law and Policy Journal* 31 (1): 101–141.
- Gabriel, C., and H. Pellerin, eds. 2008. *Governing International Labour Migration: Current Issues, Challenges and Dilemmas*. Abingdon: Routledge.
- Gasparini, G. 1995. "On Waiting." *Time & Society* 4 (1): 29–45.
- Government Bill 2007/08:147. *Nya regler för arbetskraftsinvandring*. Stockholm: Ministry of Justice..
- Gray, B. 2011. "Becoming Non-Migrant: Lives Worth Waiting For." *Gender, Place & Culture* 18 (3): 417–432.
- Griffiths, M. B. E. 2014. "Out of Time: The Temporal Uncertainties of Refused Asylum Seekers and Immigration Detainees." *Journal of Ethnic and Migration Studies* 40 (12): 1991–2009.
- Hahamovitch, C. 2011. *No Man's Land: Jamaican Guestworkers in America and the Global History of Deportable Labor*. Princeton: Princeton University Press.
- Jeffrey, C. 2008. "Waiting." *Environment and Planning D: Society and Space* 26 (6): 954–958.
- Jeffrey, C. 2010. "Timepass: Youth, Class, and Time Among Unemployed Young Men in India." *American Ethnologist* 37 (3): 465–481.
- Khoo, S-E. 2014. "Attracting and Retaining Globally Mobile Skilled Migrants: Policy Challenges Based on Australian Research." *International Migration* 52 (2): 20–30.
- Khoo, S-E., P. McDonald, C. Voigt-Graf, and G. Hugo. 2007. "A Global Labor Market: Factors Motivating the Sponsorship and Temporary Migration of Skilled Workers to Australia." *International Migration Review* 41 (2): 480–510.
- Koslowski, R. 2014. "Selective Migration Policy Models and Changing Realities of Implementation." *International Migration* 52 (3): 25–39.
- Lenard, P. T., and C. Straehle, eds. 2012. *Legislated Inequality: Temporary Labour Migration in Canada*. Montréal: McGill-Queen's University Press.

- Mavroudi, E., and A. Warren. 2013. "Highly Skilled Migration and the Negotiation of Immigration Policy: Non-EEA Postgraduate Students and Academic Staff at English Universities." *Geoforum* 44: 261–270
- Menz, G., and A. Caviedes, eds. 2010. *Labour Migration in Europe*. New York: Palgrave Macmillan.
- Mezzadra, S., and B. Neilson. 2012. "Between Inclusion and Exclusion: On the Topology of Global Space and Borders." *Theory, Culture & Society* 29 (4/5): 58–75.
- Mezzadra, S., and B. Neilson. 2013. *Border as Method, or, the Multiplication of Labor*. Durham: Duke University Press.
- Mountz, A. 2011. "Where Asylum-Seekers Wait: Feminist Counter-Topographies of Sites between States." *Gender, Place & Culture* 18 (3): 381–399.
- OECD (Organisation for Economic Co-operation and Development) 2011. *Recruiting Immigrant Workers. Sweden 2011*. Paris: OECD Publishing.
- Ong, A. 1999. *Flexible Citizenship: The Cultural Logics of Transnationality*. Durham, NC: Duke University Press.
- Papadopoulos, D., N. Stephenson, and V. Tsianos. 2008. *Escape Routes: Control and Subversion in the Twenty-First Century*. London: Pluto Press.
- Parusel, B. 2013. *Attracting Highly Qualified and Qualified Third-country Nationals to Sweden*. Norrköping: Swedish Migration Board.
- Preibisch, K., and G. Otero. 2014. "Does Citizenship Status Matter in Canadian Agriculture? Workplace Health and Safety for Migrant and Immigrant Laborers." *Rural Sociology* 79 (2): 174–199.
- Raghuram, P. 2014. "Brain Circulation or Precarious Labour? Conceptualising Temporariness in the UK's National Health Service." In *Liberating Temporariness?: Migration, Work and Citizenship in an Age of Insecurity*, edited by Vosko, L. F., V. Preston, and R. Latham, 177–200. Montreal: McGill-Queen's University Press.
- Rajkumar, D., L. Berkowitz, L. F. Vosko, V. Preston, and R. Latham. 2012. "At the Temporary–Permanent Divide: How Canada Produces Temporariness and Makes Citizens Through its Security, Work, and Settlement Policies." *Citizenship Studies* 16 (3-4): 483–510.

- Robertson, S. 2014. "Time and Temporary Migration: The Case of Temporary Graduate Workers and Working Holiday Makers in Australia." *Journal of Ethnic and Migration Studies* 40 (12): 1915–1933.
- Ruhs, M. 2006. "The Potential of Temporary Migration Programmes in Future International Migration Policy." *International Labour Review* 145 (1-2): 7–36.
- Ruhs, M., and P. Martin. 2008. "Numbers vs. Rights: Trade-Offs and Guest Worker Programs." *International Migration Review* 42 (1): 249–265.
- Shachar, A. 2006. "The Race for Talent: Highly Skilled Migrants and Competitive Immigration Regimes." *New York University Law Review* 81 (1): 148–206.
- SOU (Swedish Government Official Reports) 2006:87. *Arbetskraftsinvandring till Sverige: förslag och konsekvenser. Slutbetänkande*. Stockholm: Fritzes.
- Sparke, M. 2006. "A Neoliberal Nexus: Citizenship, Security and the Future of the Border." *Political Geography* 25 (2): 151–180.
- Stasiulis, D. 2008. "Revisting the Permanent-Temporary Labour Migration Dichotomy." In *Governing International Labour Migration: Current Issues, Challenges and Dilemmas*, edited by Gabriel, C., and H. Pellerin. Abingdon: Routledge.
- SMB (Swedish Migration Board). 2009-2014. Beviljade arbetstillstånd. <<http://www.migrationsverket.se/Om-Migrationsverket/Statistik.html>> (last accessed 22.09.14).
- SMB (Swedish Migration Board). 2012. Underlag för ett permanent system för certifiering av arbetsgivare. VCI 3/2012.
- SMB (Swedish Migration Board). 2014a. Handbok i migrationsärenden.
- SMB (Swedish Migration Board). 2014b. Väntetider för arbetstillstånd. <<http://www.migrationsverket.se/Privatpersoner/Arbeta-i-Sverige/Vantetider.html.printable>> (last accessed 02.10.14).
- Villegas, P. E. 2014. "I Can't Even Buy a Bed because I Don't Know if I'll Have to Leave Tomorrow: Temporal Orientations Among Mexican Precarious Status Migrants in Toronto." *Citizenship Studies* 18 (3-4): 277–291.
- Warren, A., and E. Mavroudi. 2011. "Managing Surveillance? The Impact of Biometric Residence Permits on UK migrants." *Journal of Ethnic and Migration Studies* 37 (9): 1495-1511.
- Xiang, B. 2007. *Global "Body Shopping": An Indian International Labor System in the Information Technology Industry*. Princeton: Princeton University Press.

- ⁱ On 1st July 2014, the maximum length of stay on the basis of a work permit was extended to six years.
- ⁱⁱ At the time of fieldwork, it seemed likely that the SMB would abandon the certification system.