

# Who provides the conditions for human life? Sanctuary movements in Sweden as both contesting and working with state agencies

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## Abstract

This article analyses sanctuary initiatives intended to change the situation of 'irregularised residents'. Through fieldwork, three main activities are identified: assistance for welfare services, alternatives to inaccessible services, and inventing new ways of organising togetherness in the city. The role of activists in the initiatives links to discussions within Critical Human Rights literature, which emphasise the anti-institutionalist origins of rights. Yet, a complex interplay also plays out through co-current resistance against the state's migration policing and collaboration with city-level state agencies. Understanding this complex process is important to improving knowledge of both the politics of sanctuary and human rights.

## Keywords

human rights, irregularised residents, right-ing, sanctuary, Sweden

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## Introduction

Utilising the example of activist movements in Sweden, this article traces the complex negotiations over the politics evident in contemporary forms of sanctuary. Acts of providing sanctuary – understood here as creating a place of refuge, as well as initiatives for such shelters and practices to come about, and more broadly to visualise new ways in which communities may be organised – have become increasingly common as a response to states' efforts to deter trans-border migration. Municipal institutions such as libraries, state institutions such as universities, and private actors like cultural associations, sports clubs and others invent practices for 'safe havens' for those turned into 'deportables' (De

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Genova, 2002), that is, migrants formally subject to expulsion from the state. The sanctuary initiatives discussed in this article, more specifically, involve activities with three main characteristics. First, the activities appear as a form of political resistance in that they challenge the primacy of the state in regulating conditions for acceptable life on state territory. This key component of contemporary sanctuary practices is highlighted by Hilary Cunningham ([2012] 2014) who introduces an understanding of sanctuary practices as a matter of upholding the law *in the face of* unlawful state actions, so-called ‘civil initiatives’, and Grace Yukich’s ([2012] 2014) description of these practices as ‘radical accompaniment’. Second, the activities are intended to assist persons formally lacking a residence permit to get access to their rights according to international human rights treaties. Third, the initiatives pose a more radical creation of new ways along which communities can be organised in the city, going beyond legalistic models of citizenship. Through both directly providing alternative spheres for human existence while drawing upon legal-institutionalist articulations of human rights, sanctuary becomes a site of everyday struggle over human rights, as the article shows. Bridget Anderson’s notion of a ‘community of value’ (Anderson, 2013) is relevant for our understanding of struggles as a community building exercise. While the imagined community in terms of nationalism is associated with the far right, its assumptions structure much of our daily lives and our politics also in other ways. ‘Us’ is placed in a world of homelands all the way down to sports pages (Anderson, 2013: 178). The initiatives explored in our study may be understood as an expression of what Anderson describes as a complex and open ‘us’ that has the possibility of being shaped by shared imagined futures as well as shared imagined pasts.

The persons categorised as ‘deportables’ under most Swedish circumstances are referred to as undocumented migrants, undocumented persons or ‘those without papers’ (from *sans papier*). In this text, we use the terminology ‘irregularised residents’ or ‘irregularised migrants’ interchangeably as these terms highlight the *construction* of undocumentedness as well as the long-term excluded residency that comes about when persons over time are not granted formal authorisation and are thus ‘irregularized’ (e.g. Anderson, 2013: 117f) uses the term ‘illegal’ to highlight the state constructed nature of the category of illegal immigrant).

Modern sanctuary poses several puzzles as to how we should understand the politics of human rights today, particularly in relation to irregularised migrants. As will be discussed, contemporary forms of sanctuary need to be understood not simply as acts of benevolence but, rather, much more complex processes of political negotiation between multiple actors that can include moments of resistance against the state as well as periods of collaboration with state institutions. Studying this negotiation is important for a broader understanding of both human rights in local contexts and a key issue within contemporary politics.

In developing the perspective that sanctuary can be both a form of resistance against, and collaboration with, state institutions, the article draws upon in-depth fieldwork and interviews with those involved in sanctuary initiatives – including activists and municipal representatives. Sweden is an interesting case for studies on migration given its, at least until Autumn 2015, image as one of the last safe havens for refugees within the Europe Union (Andersson, 2012; Crouch, 2015; Emilsson, 2014). In that context, are acts of sanctuary visible in Sweden a complement to its supposed comparatively ‘migrant-friendly’ rules, or is the relationship more antagonistic? In exploring the relationship between acts of sanctuary and human rights law in the Swedish context, the article brings much-needed new light on the political character of both sanctuary and human rights. Over the years,

the Swedish state has come to encourage and finance non-state actors that serve to provide support for migrants with different legal statuses. A recent example is the assistance expected to be provided by support networks for irregularised children for them to be able to attend school (Skolverket, 2015). Embedded here are several political and regulatory tensions that create uncertainty over the rights of irregularised residents – including which rights are to be protected, how, and by whom. As argued here, tensions become particularly visible in the case of sanctuary initiatives where non-state actors and, as we will discuss below, also state institutions, offer sanctuary beyond helping to get access to usual conditional and regulated rights. Currently, as will be discussed further, non-state actors and state institutions provide sanctuary for irregularised residents despite the state's ambition to keep migration numbers down.

The relationship between non-state, informal forms of sanctuary and the state's function as a primary provider of rights is complex, and in need of new research if it is to be better understood. This article is a contribution to discussions about the relationship between human rights law and sanctuary in the Swedish context, a field hitherto unexplored. With very few exceptions (Loga et al., [2012] 2014), previous research has so far explored sanctuary initiatives in the United Kingdom (Ridgley, 2008), the United States (Behrman, 2015; Schreiber, 2012) and Canada (Ellis, 2015; also see Solidarity City Network, 2013), and ignored Swedish cases of sanctuary. This is possibly because Sweden has been widely perceived as a migrant-friendly state and so not an obvious site for sanctuary practices. However, this is changing fast at the time of writing, as the government in Stockholm is currently changing its immigration laws to drastically reduce the number of refugees coming to Sweden to seek protection, to signal to other European Union (EU) states to take on a larger responsibility than they had previously (see Crouch, 2015), and to asylum seekers that they should not aim for Sweden. However, as the article shows, sanctuary practices have occurred before in Sweden and studying them provides much-needed empirical data able to help broaden our understanding on the politics of sanctuary.

The article is structured as follows. The first section reviews how existing literature has attempted to operationalise sanctuary as a political act, introducing a typology based on the extent to which sanctuary movements are acts of political resistance against the state, as well as the role of the receiver of sanctuary. Providing sanctuary has much in common with the act of stating and putting human rights into practice, both seeming to place a rights discourse above the sovereignty of nation-state borders. Yet, as the article argues, there is a distinction between acts of sanctuary and human rights, where the latter as the realisation of political goals in general has come to be characterised by a legalistic discourse (Hirschl, 2006). This leads the article to consider more critical perspectives on both legal analysis and human rights.

Second, the article presents its research strategy and empirical material – focusing on sanctuary initiatives in three Swedish cities: Malmö, Gothenburg, and Stockholm. The first initiative was taken in Malmö where one of the authors has been doing fieldwork and conducting interviews for 2 years within the framework of a larger research project on rights-claiming (see Lundberg and Söderman, 2015; Lundberg and Spång, 2016; Strange and Lundberg, 2014). The research also benefited from the experience of one of the authors over several years as an active participant within the Swedish refugee rights movement. The other two initiatives, in Gothenburg and Stockholm, began in parallel a few months later than the Malmö-initiative. The initiatives' underlying ideas as well as activities overlap significantly. Our analysis includes asking how the initiators of the

sanctuary initiatives perceive their work and the meaning of human rights within this work, so as to understand the underlying strategies at play. In this context, the research also looked at the relationship between the sanctuary initiatives and state-service providers. The sanctuary initiatives are approached as examples of a non-institutionalist approach to human rights, something that has been the focus of a growing critical turn within Human Rights literature that disregards formally authorised institutions and individuals, grounding human rights instead in the context of everyday human relations (Gregg, 2016; Wall, 2014).

The article concludes by discussing sanctuary as an act imagining alternative ways of social organisation that go beyond the problematic exclusions and deprivations evidenced in contemporary practices of border control. As we will argue, treating sanctuary as a form of what Illian Rua Wall calls ‘right-ing’, sees it as not just challenging, but also maintaining and inventing, human rights.

## The politics of sanctuary

There is no one standard model for sanctuary; the term is used to describe a broad range of initiatives and places. As already stated, the term refers broadly to the act of providing a refuge from threat. What remains context dependent is: who provides sanctuary, who should receive sanctuary, and sanctuary against what threat? It is in answering these questions that sanctuary has historically become politicised. In the past, sanctuary has been most visible where actors have offered refuge to those deemed by authorities to be ‘criminals’, ‘subversives’, ‘deserters’, and so on. Jennifer Bagelman (2015) argues that, historically, the hospitable sanctuary city has inadvertently entrenched a hostile asylum regime. Today, at the heart of sanctuary lies a series of highly complex relationships relating to the phenomenon of irregular migration, that is, migration taking place outside regulated routes and the existing regulations. Most acute is the relationship against something, since it involves framing an actor (e.g. a state) as the ‘threat’ or aggressor (see Fekete, 2005). Likewise, the receiver of sanctuary appears in that narrative as the ‘victim’ (see Kasli, 2011).

The relationship between the giver and receiver of sanctuary is thus imbued with power. In other words, what is the respective power relationship between giver and receiver of sanctuary – does the former have room for political action, with the latter left as passively grateful without acting herself? In addition, there is variance as to whether sanctuary initiatives are intended as forms of political resistance against the state, or as more private acts of benevolence to those in need of sanctuary. To help explore these issues, this section reviews how existing literature has attempted to approach sanctuary as a concept in social science. Where sanctuary serves as part of refugee rights law, or more broadly the no-border movement (Nyers and Rygiel, 2012) – as necessitating places of refuge from rights violations committed elsewhere – the review begins by considering how existing research has approached power relations within acts of sanctuary. It then turns to contemporary human rights studies where a fertile debate exists within the field regarding the role of law in human rights – whether it is of primary importance, or just one tool among many. This leads to consider what the article characterises as a ‘critical turn’ within Human Rights literature, that adopts a ‘post-legalistic’ reading of human rights. In particular, human rights are shown to exist as both something enshrined in regimes, but equally dependent upon the demand for rights that exceed those institutions. We also draw on Karen Zivi’s argumentation around rights-claiming as a performative act and its linkage to ‘acts of citizenship’ (Isin, 2008) through the element of opening up rather than shutting down the

possibility for political engagement (Zivi, 2012: 8). And, as with Engin Isin (2008) who in a similar vein discusses acts of citizenship, we understand sanctuary practices in the context of everyday acts that are ordinarily understood as politics in that they perform ways of being that others perceive as political (Nielsen and Isin, 2008: 2). More specifically, our study outlines in detail the perspective borrowed from Wall, that is, the concept of ‘right-ing’ as a means to identify the constitutive and productive role of sanctuary in re-shaping current practices in both human rights law and the management of transnational migration.

### **Power relations within acts of sanctuary**

Several scholars have tried to emphasise the ‘everyday’ aspects seen in contemporary practices of sanctuary. For example, Jonathan Darling and Vicki Squire (2012; Squire and Darling, 2013; also see Darling, 2014) highlight everyday enactments of sanctuary through their research on the Sheffield ‘city of sanctuary’ initiative. Their research provides a perspective of rights holder themselves through examples of the so-called claims to rightful presence, people helping out with practical matters understood as investment in the city, and volunteer work as a way of replacing pending asylum decisions with meaningfulness. Researching the relations between sanctuary-givers and -receivers challenges the otherwise seeming passivity of the latter. Those in need of refuge might therefore not be just passive receivers of sanctuary but also active agents in its constitution.

In collaboration with Bagelman, Squire has elsewhere argued against dominant ‘statist and pastoral renderings of sanctuary’ (Squire and Bagelman, 2012: 155). That is to say, sanctuary has traditionally been treated as something that is, however, subversive the intentions of its instigators, centred on the state. Squire and Bagelman consider the implications of sanctuary practices that are not contained within a territorially bound space and that constitute subjects which do not conform to the hierarchical distinction of protected and protector. In other words, sanctuary is not necessarily an act in which the receiver is purely passive but, instead, may be active in its creation. Drawing up a typology, sanctuary may or may not be overtly political as a means of resisting the state. Equally, the receivers of sanctuary may or may not be passive (see Table 1).

There are, of course, many more grey-zones than suggested by this typology, given that any one act of sanctuary may well involve multiple actors with the receiver of sanctuary in a position of both passivity and active creation at different points in its development. Our goal in this study is, however, to draw out the negotiation between the initiators of sanctuary acts with both the state and the receivers of sanctuary (i.e. persons in an irregular situation, in the cases considered below). To understand the politics of sanctuary, it helps to consider critical approaches towards human rights that emphasise their political constitution, as will be discussed next.

### **Human rights as political struggle**

Central in political discussions about human rights is the relationship between the state as duty-bearer and individuals as rights-holders. This influential view of human rights – described here as ‘legalistic’ – treats these rights as manifestations in treaties through which states voluntarily commit to certain things. A particularly evident case in this context is children’s rights (see Quennerstedt, 2013; also Buchanan, 2013), where there is ample work for human rights advocates focused exclusively on public international law

**Table 1.** Varying relations of power in sanctuary initiatives.

	<i>Explicit resistance against the state</i>	<i>No explicit intention to resist the state</i>
<i>Receiver of sanctuary is passive</i>	Initiatives that provide sanctuary as part of a broader political struggle against the state	Initiatives in which assistance is given with no obvious political goal, typically framed as acts of 'benevolence' or 'mercy'
<i>Receiver of sanctuary is active</i>	Initiatives that form part of a broader political struggle in which the receiver is actively engaged, assisting that project of reframing pre-requisites for human rights	Initiatives in which the receiver is active in organising the sanctuary (e.g. soup kitchens, shelter) but where that act is framed as politically neutral

and its implementation. While few would argue that purely the law defines human rights, this perspective also includes the broad literature focused on implementation struggles (Finnemore and Sikkink, 1998; Hadiprayitno, 2014). In such approaches, law is treated as central to understanding what human rights are (Freeman, 2006: 52f; Meckled-García and Çali, 2006). Yet, obviously there exists, as Baxi points to, 'many worlds of human rights' (Baxi, 2006: 190). The analysis undertaken in this article is inspired by Karen Zivi's argument that rights-claiming needs to be explored as a performative act to be fully understood (Zivi, 2008, 2012).

Alternative approaches are developed by critical legal theorists, who highlight struggles over what is a just world and how one might be formed. This, it is argued, is where we find the authors of human rights (Baxi, 2006). A fruitful contribution to this context comes from the work of Wall, and his reflections on the notion of 'right-ing'. The value of Wall's concept is in the last part of the term – the 'ing', which emphasises the active part of doing 'rights' – that rights are not made real on paper alone, but require an active and on-going struggle against forms of sovereign authority. The concept then emphasises the creative foundations of human rights, and the role of individual relations that make up that process. Right-ing, argues Wall, highlights the problems with treating human rights and human rights law as synonymous, as the traditional international human rights law frameworks 'miss the fact that historically rights were often the tools of sedition' (Wall, 2014: 113). Wall's point here is to highlight that the constitutive aspect of human rights requires a break with institutional authorisation (also, Baxi, 2006; Douzinas, 2000). Governments cannot undertake right-ing, it is not based on the decisions of any particular international treaty or comment. Rather than implementation of such legislated rights, right-ing occurs when a group gathers around claims for something (Wall, 2014: 112).

Sedition is a starting point for the questioning of human rights instruments, but more importantly, right-ing as disruptions of power structures is also a re-cognition of the struggles that lead up to the instruments of human rights. Right-ing praxis, states Wall (2014: 120), must relate to law, but law in a very specific sense. Right-ing becomes a contestation of law wherever 'law is more likely to crush the attempt to open the existing order, than to remain responsive to it' (Wall, 2014: 109). Identifying a process in today's world where political institutions increasingly withdraw from forms of political contestation through processes of technocratisation, Wall points to the need for aspiring beyond institutional settings of government. In this context, the role of human rights is twofold: on one hand, it provides contestation against political institutions, but it also takes its meaning within the political community that defines what it is to be 'human' (Wall, 2014: 112).

There are clear parallels between the duality Wall identifies and the approach developed recently by Benjamin Gregg (2016), in which he elaborates the connection between

the state as a legal-political entity and what he calls the ‘Human Rights State’. For Gregg, the promotion of human rights requires the kind of political stability only the nation-state is able to provide through its potential to enforce human rights law. However, as with Wall, Gregg warns that leaving human rights to the jurisdiction of legalistic institutions risks creating laws that not only fail to strengthen, but have the potential to undermine the liberty of individuals. For Gregg, for human rights to function, there must also exist an active *human rights state*, that is, a community based on utopian notions of what rights *should be* regardless of the legal reality, and performed as a series of social relations directed at its corresponding nation-state (Gregg, 2016: 24).

In summary, the ‘critical turn’ within Human Rights literature – *qua* Wall and Gregg – helps draw out the complex dynamic between human rights as law and human rights as a form of contestation playing out on an everyday level through rights-claiming. Importantly, moments of contestation (or sedition) are not treated as external to human rights law but rather as originary and constitutive of its political power. The article will now apply a critical human rights perspective and Wall’s concept of right-ing to the empirical case discussed below.

## **Studying sanctuary initiatives as a case of political negotiation**

This study was conducted within the framework of a larger research project about children and irregularity, including longer ethnographic fieldwork. The project recognises undocumented children and their families as both subordinated and as persons having a specific knowledge position. While putting forward their experiences is important when trying to understand sanctuary initiatives’ political dimensions and their linkages to human rights, our aim is to also understand irregularity as a social phenomenon. We focus here on the notion of sanctuary as a political act, with a special focus on sanctuary initiatives in Sweden. The article utilises a relatively narrow case of sanctuary to enable an in-depth analysis.

Within the larger research project, one of the authors (Author 1) has conducted interviews with service providers in the city of Malmö as well as with activists in Malmö among whom some have their own experiences of seeking refuge in Sweden. There is a broad refugee rights movement in Sweden involving professional groups, student organisations, and established non-governmental organisations (NGOs), as well as activists in networks whom struggle on an everyday basis over local resources, depending on the needs of irregularised residents, and to make visible the experiences of persons subject to state migration control systems whom are seldom heard themselves (see feminist scholar Maja Sager’s (2011) work for a thorough discussion on activist work in these settings). In recent years, it has become more common with irregularised residents themselves stepping forward to make claims. Especially in Malmö, a rather small city with about 350,000 inhabitants, there have been incidents of collective actions such as demonstrations. An example was a tent camp in Malmö, where families demonstrated to make the public aware of their situation (Lundberg and Spång, 2016).

Asylum rights activists in Sweden work differently depending on, among other things, the city context. In Malmö, the ‘Asylum group’ is a key node both as regards activities and in having knowledge about legislation, policy, and practical barriers for access to services. Local networks such as the asylum group are organised under an umbrella that is politically and religiously independent: ‘Swedish Network of Refugee Support Groups’ (FARR;

Flyktingar och asylsökandes riksråd). Involved in this broader movement are individuals and groups working to strengthen the right to asylum (FARR, 2016). The interviews with activists are directly relevant to this article and will be presented below, but the analysis is informed also by our longer fieldwork in Malmö. It should also be noted with regard to service provision in Sweden that the municipality is responsible for providing accommodation, help from social services, and education. The county councils, which cover larger geographical areas, hence several municipalities, are responsible for healthcare. Police work as well as courts are organised centrally through national legislation.

In Sweden's three largest cities – Gothenburg, Malmö, and Stockholm – sanctuary practices, beginning in Malmö, have continuously developed over recent years. All three initiatives have a similar approach but there is no countrywide activity in Sweden comparable to, for example, 'City of Sanctuary' in the United Kingdom (cf. Squire and Bagelman, 2012). The initiatives in Sweden have a slightly diverse focus. While Sanctuary Malmö's goal is to be a long-term growing movement of solidarity with undocumented persons and asylum seekers living clandestine, Sanctuary Gothenburg emphasises inclusion in the Swedish social security systems, and Stockholm sanctuary struggles for building a community that more consciously challenges the current distribution of power. These struggles, as will be discussed below, are a re-construction of social bonds in the city. In our study, we identified three themes that characterise the activities: (1) defying state law, (2) restructuring social bonds in the city, and (3) a low-intensity everyday struggle for these new ways of being together to come about.

## Defying the law – protection from deportation

Each of the sanctuary initiatives considered here evidenced a general goal to defy the state in respect to its management of transnational migration. Activist city-residents, both those with a migrant background and others, opposed the situation in which people are made afraid over long periods of being deported to places from where they have fled to seek refuge. In the wake of emotional debates about children with severe withdrawal syndrome (see Tamas, 2009) and the so-called Easter proclamation in 2005 when the Swedish Christian Council and other actors demanded a more humane refugee policy, the right to asylum has become a highly politicised issue in Sweden.

While a comparatively small number of Swedish residents are living as irregularised – according to the *The National Board of Health and Welfare* about 10,000–50,000 people (Social rapport, 2010) – over the last decade, scholarly and public interest in this excluded position has increased heavily (see, for example, Holgersson, 2011; Sager, 2011; Sigvardsson, 2012). Previous studies report that in Sweden, irregularised residents are either rejected asylum seekers or people who have come for other reasons such as work or study after which their visas have expired or they have never had one. It is uncertain, states Sigvardsson, what circumstances are most common, but historically rejected asylum seekers have been the largest group. Whatever the reason for irregularisation of status, it is always legally produced (Sigvardsson, 2012).

The situation in Sweden worsened successively and a growing indignation arose in 2012 leading to an increased grass-roots opposition, which paralleled the increasingly restrictive immigration policies in Sweden and Europe. Increased surveillance and spot-searches by the police had recently increased with a pilot project in Malmö called REVA (Swedish acronym, translated as 'legally secure and efficient enforcement work'), which shortly led to a rise in expulsions in Malmö in 2012. The surveillance and security checks

proved to have widespread effects beyond undocumented persons, and heavy protests followed. REVA also led to a loss of legitimacy for state and local authorities, the objective of surveillance compromising their role as providers of essential public goods. Sweden's implementation of the Schengen agreement and other EU-related policies had enabled police officers to demand papers from individuals on an everyday level on the streets and in the workplaces of Sweden (Lundberg and Strange, 2016). Appeals were made to institutions, organisations, and individuals to change that status quo. Refuge Stockholm was organised as a broad network in the city supporting undocumented persons, its aims publicly articulated as follows:

The authorities forget that people continue to be people, no matter that the Migration Board and the State determine the right of residence. They forget that a rejection does not make an applicant less like other people, who continue to have needs and dreams despite these decisions. We can remind them about it. (Refuge Stockholm, 2014)

In the sanctuary initiatives, there was neither collaboration nor negotiations with the Police regarding sanctuaries as free zones, that is, places that the Police agree not to enter to look for deportees. The prospects for achieving a formal commitment from the Police to refrain from checking and arresting people in some places were, in the eyes of the initiators, non-existent. Also, in Sweden, the Police's assignment to search for persons, to enforce expulsions, is not limited in terms of where the controls may be carried out. And, as one interview person stated, the persons affected by the state's migration management are of course scared and would feel unsafe if the Police was involved (Interview 2). The project as a whole never appeared to have an ambition to negotiate with the law but rather to offer protection from the statutory decisions in asylum cases.

Central to providing protection from the state was the idea that numerous cities and towns in Sweden should follow suit and initiate sanctuaries. This was an explicit goal when Sanctuary Malmö was initiated. In part, the idea of a broader countrywide movement included an ambition to give the critique a major impact, and in part a question of security for the persons lacking a residence permit. With a growing number of institutions, organisations and companies all over Sweden manifesting themselves as sanctuaries, the security risks for undocumented persons in terms of being exposed to the Police or migration authorities would also decrease. The low-key attention given to sanctuaries in public debates is something that is also reflected in the sanctuary initiatives' strategic discussions about protection from authorities. They did not want too much attention but rather appealed to individuals to take action in their everyday-life. Again, this was a question of security but also about changing the system from below.

## **Restructuring social bonds in the city**

An important dimension in the sanctuary initiative was strategic work to re-define ways in which city-residents were being together in the cities. An expression of this was the following slogan in the Stockholm initiative: 'Crush the borders and open up the city!' (Refuge Stockholm, 2014).

Related to the question of inclusion, one of the persons interviewed for this study talked about the importance of not having what was described as 'middlemen' in the sanctuary practices, in terms of charitable organisations or NGOs. To restructure social bonds in the city, it was central to make room for persons subject to irregularisation to live a life as normal as possible on the same conditions as other residents. This question was

actualised in Sanctuary Malmö when activists came in contact with a restaurant and a grocery store. The store and restaurant suggested to the activists to come after closing time and collect leftovers that should then be distributed to persons in need. But when the activists discussed the offer, they decided a different approach was needed: ‘The focus should be how undocumented persons could take part in the public domain, there should be no intermediary’ (Interview 1). As a response, the restaurant agreed to use clip cards that could be purchased by anybody and also be given away to people who were in an irregular situation. The result was opening up for persons who lacked the legal status to come and eat whenever they wanted. In this process of reformulating relationships in the city, the restaurant wanted other companies to follow. Companies and organisations signalling to others to do the same was an important idea of Sanctuary Malmö, as an interviewee described it: ‘Ownership should lie with the actors operating in the city. It was not a question of preaching duties, but a different kind of feeling’ (Interview 1).

Pointing to the fact that many persons staying irregularly lack money as well as a steady residence, and live under constant threat, two networks, No one is illegal (Network) and Gothenburg rights-centre, stood behind the initiative in Gothenburg under the pamphlet Gothenburg For All!. Their main aim was to make sites more accessible to persons who were undocumented and disseminate information to undocumented persons about their rights. Before starting, the initiators wanted to listen to the persons affected by the nation-state’s exclusionary practices. This was done directly via contacting undocumented persons through a clinic providing healthcare. Beginning with this survey was the closest one could get to act jointly with undocumented persons rather than on their behalf. One of the interviewees explained what had to be done at the same time as the safety aspect was taken into account:

We have always had a dialogue [with irregularised residents]. The most precarious spot in Gothenburg is the tram ... and we had thoughts of initiating dialogue with Västtrafik [the tram company]. They have their rules ... it was blocked. (Interview 2)

Combined with a strategic and informative work to include the excluded, the reach-out activities were simultaneously permeated by a lack of faith in what the state can do for someone lacking legal status. Activists opposed negotiating with the government for conditional rights, suggesting a process of right-ing:

The limited rights undocumented persons have in Sweden often do not matter. What help is the right to emergency care if your visit to the hospital is likely to get you deported? Since both the state, county councils and municipalities consistently deny people who are not Swedish citizens their basic human rights, we need to take the lead and provide information about the legal obligations for authorities, but also ourselves open up and take back the city. (Refuge Stockholm, 2015, webpage)

This quotation illustrates how critique of legal privileges was operationalised through the uncovering of exclusionary structures. This links to Wall’s description of right-ing, discussed above, as a critical interplay with the existing human rights legal framework. While the law is important in terms of providing access to welfare and other services, it never rules out the deportability of undocumented persons. This made it important in the sanctuary initiatives with practices that contested the law’s exclusionary dimensions. Nevertheless, despite the risk of being detected, information activities were conducted about what legislated rights may be claimed by persons formally excluded from the

welfare state. To conclude, this work of extending legal rights was combined with a critical stance towards the legal system.

One explicit target group for the Gothenburg initiative were local authorities providing social services to undocumented persons. This could be done in accordance with the law or on the basis of the belief that one should extend the scope of the undertakings to also include persons without legal personhood. In fact, the municipality through funds supporting a so-called 'integrated city' indirectly financed the Gothenburg initiative. Instead of asking how 'they' [immigrants] should be integrated, as an interviewee explained, the municipality asked 'what is it that they will be integrated in, who are they and who are we?' Meanwhile, no one is illegal was planning Sanctuary Gothenburg, and they came to the similar conclusion:

We saw it in the same way [as the municipality]. We wanted to make the city accessible to people who do not have the last four digits [in the social security number], undocumented. (Interview 2)

This quotation reflects a wider intention from both the activists and certain state actors at the municipal level to restructure social bonds in Gothenburg to include persons staying as undocumented despite their formal state-sanctioned exclusion. Sanctuary practices in Sweden as noted here do not take place in isolation from the state, but neither in relation to the state as a sole provider of protection. As other actors in the cities, state officials and municipal representatives were welcome, and encouraged, to join. The goal of the sanctuary initiatives was not merely to include more groups in state and municipal establishments. While the question of inclusion was central, the practices of opening up the city-spaces in themselves, whether undertaken outside or inside the polis, appeared to be equally important.

An incident where city-institutions were involved in sanctuary practices was when activists approached the city library in Malmö with the argument that undocumented persons should be allowed to borrow books. This led eventually to the Cultural Committee adopting a decision on the right of persons who live in the city without authorisation to borrow books. As a response to the decision, one Malmö resident appealed to the Administrative Court claiming that it was unfair; 'how would compensation be obtained for lost books?', he asked. The responsible librarian stated in a comment that the basic mission of libraries is to provide free and equal access to information and experiences. It is, she argued, invaluable, 'especially to the most vulnerable, to receive equal access to library services' (Mikkelsen, 2014, authors' translation). It appeared in our conversations with the city library in Malmö as well as with healthcare personnel, that there was no doubt about wanting to offer their services to all residents in Malmö, including persons who were categorised as irregular by the state. Formal decisions like this one were more difficult when it came to private institutions where there is no explicit mission to provide services for 'all', as one of the interview persons explained; 'a gym has other rules for whom is welcome. We had to work in a different way to make people want to work from the inside' (Interview 1). The example indicates that there is a radical potential in sanctuary practices but also that these must be grounded on different strategies depending on their tasks and activities. Assuming that political decisions will not be taken from above to change the system, the sanctuary initiatives, as explained above, wanted to introduce a notion that would then be operationalised by each resident who wants to create a more inclusive society. Constructive engagement with city officials complicates a simplistic

image of these sanctuary initiatives as pure defiance of the state, presenting a more negotiated character in which they could be both critical of the state's migration policies but equally working with other state-employed bodies at the city level to mitigate the negative effects of the management of migration.

## Everyday struggles from below

Access to established companies and institutions, without middlemen and regardless of whether the law provides for this or not, was central in the sanctuary initiatives. Those actors in the cities that wanted to offer a safe haven were advised to start with the question: 'What obstacles and opportunities are there to give undocumented and clandestine refugees access to our activities?' (Malmö Refuge, folder). A checklist was provided in all three initiatives for involved actors who were asked to establish separate registers that do not require personal identification, ensuring that police and immigration authorities are not informed about undocumented persons' presence, offer special discounts and free offers, plan for how to translate, for example, unofficial credits to formal ones when the person will eventually receive a residence permit, ensure that the entire personnel may act to avoid that an already socially vulnerable person ends up in difficult situations.

To become part of Refuge Stockholm, organisations and institutions were required to comply with certain listed requirements, to not demand social security numbers or to at least keep a separate record, to allow people to remain anonymous (so that the police cannot claim to get information about whom is present), to have clear routines so that persons who are undocumented are not put in danger, to have free or heavily discounted activities for undocumented persons, and to make it possible to issue official certificates after the undocumented person in question received a residence permit. Finally, moral courage by individuals or groups was encouraged, 'you can try within the staff group to support each other in questioning the rules and procedures, or show moral courage by violating them' (Refuge Stockholm, 2015). Malmö Refuge was also willing to assist if someone wanted to open up its institution or organisation and ran into trouble.

One way of working practically on an everyday level with sanctuary was through spreading the word about sanctuary places in the cities. Sports clubs, health centres, cafes, cultural associations, and others were invited to join and advertise their activities as a 'safe haven' for undocumented persons. In practical terms, this could be done by, for example, free offers or discounts or by having separate registers where identity is not requested in order to participate in activities. While there were already several non-profit organisations that offered safe havens, it was argued that the municipal and state businesses should open their doors so all inhabitants can take part in the city under the same conditions, regardless of whether they possess a Social Security number (Interview 2).

In addition to the safety aspect and aim to include persons, as well as claiming new paths for mutual interaction in public spaces, essential for all three cases were everyday opportunities, explained by one of the activists in Malmö, in the following way:

We wanted a positive spirit, to see opportunities, not obstacles. Each and everyone can contribute in the context where they are located: what can I do in my everyday life? If I work in a kindergarten, maybe we should think about how it can become a sanctuary; I exercise at 24.07 [a gym], perhaps I can suggest that people who want to exercise can register without providing an ID-personnel number. (Interview 1)

Underlying the quotation is the idea of right-ing to disregard authorities and to enact political action in the everyday. Yet, equally, the everyday and low-level character of this resistance was not targeted at the city level, choosing instead to work with city-level state employees wherever possible. Political action, as we understand it, was thus dependent on everyday-reflection and actions by individuals or groups regardless of whether these represented the state or not. The focus on everyday social relations as a means to offer sanctuary from rights abuse reflects Gregg's concept of the 'Human Right States', introduced earlier. The multiplication of small acts can be turned into a powerful radical force particularly where they occur in the context of a nation-state that denies cosmopolitan human rights (Gregg, 2016: 15). As stated on the webpage for the Stockholm sanctuary initiative,

... we ourselves have to act in order to make Stockholm a refuge for undocumented people and to show that everyone has as much right to live here. At the same time as we oppose the entire system that decides that some humans can move freely while others die at the borders, we have to create our own safe places – refuges. (Refuge Stockholm, webpage)

## Conclusion

The three initiatives of sanctuary in Sweden – Malmö Sanctuary, Refuge Stockholm and Sanctuary Gothenburg, drew on a double understanding of rights. In part, rights were conceived of as important instruments for including persons residing as undocumented in the sphere of right-bearers, and in part the activities undertaken were imbued with a critical awareness of contemporary understandings of rights as legal entitlements, which tend to reproduce inequalities. The critical stance in the initiatives discussed here was operationalised through strategic considerations on different levels. Drawing on the close linkage between policies and legislation on one hand and access to human rights on the other hand, work for inclusion in existing rights-frameworks was done. Drawing on the exclusionary character of law, this framework was simultaneously contested.

Right-ing approaches human rights as a form of resistance against the sovereign, yet at the same time human rights are expressed within state authorities. When the sanctuary initiators in Sweden talk about the importance of informing undocumented persons about their rights and simultaneously question the state system as a whole, they are simultaneously re-constituting human rights and legitimating existing rights. The potential in human rights is also linked to the city. This is facilitated if people meet through collective involvement in city activities. The closeness in city life also constitutes a need to find solutions for common projects. Rights are thus relational and spatial, and right-ing is the struggle over the in-common.

Yet, just as the Critical Human Rights literature questions a legalistic reading of human rights, the three sanctuary initiatives considered here – as cases of rights struggles – show that there are many grey-zones between those positions that either work with the law or explicitly resist the state. There is an obvious need to highlight the negotiated character of these struggles that include moments of *both* resistance *and* collaboration with state and municipal agencies. The city-level contexts considered here help to illustrate this process because it is in the local environment that activists are most likely to come up against everyday practical issues where sanctuary, for example, can be both a form of resistance but also requires engagement with local-level bureaucrats.

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