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Education as Hospitality: the Politics of Access to School for Undocumented Child Migrants¹

This article considers the relationship between education and hospitality, illustrated in a case that sparked a highly politicised debate on the topic. In 2012, several schools in Malmö, Sweden's third largest city, excluded students from the regular process governing access to school as well as special support otherwise normally provided based on the students' unauthorised legal status. The controversy sparked a debate in the local media, academia, and among refugee rights organisations over the right to education as well as the everyday risks faced by persons attending school in Malmö while present in Sweden without legal authorisation.

Education is perceived as a necessity for engaging within society, as well as an effective tool for social mobility. Access to education is also a central benchmark for development indicators, and one of the central 'goods' requiring the existence of social organisation. Failure to provide access to education is, likewise, a frequently used measure of social collapse and state failure. It is for this reason that education serves as a key means by which societies interact, whether conducted through short-term exchanges of students, teaching personnel, or more long-term engagements such as where governments fund education premises outside of their own legal borders. Education is an expression of society – a *raison d'être*, and a means to expand its domain.

There are multiple rationales given to justify and support the provision of education to non-citizens, including: promoting particular policies and worldviews abroad; encouraging foreign economic and political development; attracting highly-skilled labour and, socialising the future elites of foreign countries as amicable towards one's own state. It is also a basic human right for children and young persons to be able to attend school (regardless of their legal status).

School is both a 'border' by which undocumented child migrants are excluded or included within society, but also where society can make itself felt by the individual child migrant. Child migrants' experiences of a society are directly related to their experiences from school. This is not a superficial matter but comes down to the way in which society is made visible as a physical entity with material effects, which go beyond the 'idea' of its existence. The ability of undocumented child migrants to attend school within host countries also impacts their everyday lives, as demonstrated in several studies conducted in Sweden. Getting access to the everyday routines provided by school could be a question of survival in certain situations. School also means social contacts with peers and adults.

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The undocumented migrant physically present but socially and legally absent in a society represents an emptiness in which society fails to perform itself within part of the territory that is the legally-defined basis of its existence. They personify what scholars discuss in terms of being unable to engage the states' 'welfare jurisdiction' without also 'triggering its immigration jurisdiction'. Hence, a person may be physically present, sometimes for several years, but socially and legally absent through the denial of rights or impediments to their enjoyment. This absence is one felt not only by the undocumented migrant, but is experienced by the host society as an internal 'void'.

For much of the media and political establishment, undocumented migrants are the pariah of our time – perceived as a threat to the social contract meant to sanctify the relationship between a state and its peoples, with all the mutual responsibilities and rights that this entails. An undocumented migrant's worthiness to hospitality and belonging within the social contract tends to be calculated in terms of the likely 'benefit' their presence may bring an economy – defined as either a 'burden' or 'asset'. Yet, whilst such arguments question society's *responsibility* to provide hospitality to undocumented migrants, rarely is there a question mark put against society's *right* to provide hospitality.

Hospitality – a relationship between guest and host – is a basic requirement of humanity, rooted both in all religious traditions, and made central to the standards of civilisation defined from the Enlightenment philosophers and, most notably, Immanuel Kant's writings on cosmopolitanism. Hospitality appears as something existential, part of being human. Here, we see two aspects to hospitality: the act of giving; and, the act of receiving. We should ask what hospitality means individually for both the receiver and giver.

Critics opposed to allowing undocumented migrants to societal services, like education or healthcare, focus on the act of receiving. The 'alien' without legal authority to enter the country is an active receiver, taking hospitality without obligation to give anything in return. It is then the responsibility of the giver – the society – to better regulate what it gives so as to not be unfairly 'burdened'. These calculations are commonly expressed in the way of statistics, treated as measures of the 'burden' in terms of how many undocumented migrants enter a country and the financial cost of the social services they use. Whenever the debate is limited to this 'receiving' side of hospitality, progressive arguments win only to the extent they can argue the 'deservingness' of undocumented migrants as receivers. If, however, attention shifts to the act of giving then the account of hospitality is quite different, in which the 'giving' society's agency goes beyond how much it restricts its hospitality.

The act of being hospital is not a one-sided act of kindness, but an expression – or performance – of a society's existence. To a limited extent, this understanding pervades the notion of 'Soft Power' (or even 'Smart Power') in which States compete not via military might but a more subtle battle over 'hearts and minds', fought as much via cultural products as the smooth-tongued words of diplomats. Yet, at a more basic level, hospitality demarcates the border of a society – stating the limits to its citizenship by recognising the 'other', and making itself visible to that outside itself. Put another way, the denial to be allowed to give hospitality would represent a severe constraint on a society's expression of its own existence and identity. On an individual level, accepting hospitality is frequently understood as a sign of respect to the giver. At the

societal level, to give hospitality is to receive recognition as a society equipped to provide social goods (i.e. security, education). This is both for status and for self-acknowledgement as a society. Not only is the giving of hospitality a badge that a society has 'made it' – has reached a certain level of development – but it should also be understood as important to how the society itself is maintained. To give hospitality is a means by which society can both perform and extend its own being, to encompass a wider body of humanity, but also make its existence materially felt through the lives of those individuals.

For Derrida and similar thinkers, hospitality is the foundation of ethics and the pillar upholding freedom for the self within a community. That is because, drawing on Levinas, hospitality governs all forms of human interaction negotiating relations between the Self and Other.

Wherever hospitality relies on strict conditionalities, those relations become rigid and human freedom disappears. All societies are inherently schizophrenic – serving two dichotomously opposed functions: one, to make humans free – whether from natural or man-made disasters; and, the other, to control – as in regularising human relations and access to resources. Placing conditionalities on hospitality emphasises control, placing it in the everyday of human-to-human relations. By restricting its own right to give hospitality, a society undermines its very being by denying its ability to make humans free. Community is undermined, if it becomes no more than a means to enact control; shifting the provision of freedom over to the individual. Society seems redundant, as a consequence.

An obvious response to the above might be that there is need for a 'balance', since pure and unconditional hospitality appears overly idealistic. To 'give' has significant economic costs, as right wing newspapers exclaim and Derrida himself admitted. Yet, when examining what it is to 'give' hospitality, it becomes equally apparent that to deny hospitality is also not free of cost to the society refusing its own 'right' to give. These costs are varied, as argued, since they include the society's reputation abroad but, more crucially, the relations and lives giving reality to that society – the 'glue and stuff' of its existence. These costs go beyond intangible questions of a society's economic growth and foreign image. Social relations – for which hospitality provides the 'oil' – are the 'cogs' of all industrial processes and provide the infrastructure upon which material wealth is built. Denying a society's right to give hospitality – whether imposed by another, or self-inflicted – obstructs this fundamental mechanism.

The provision of education, as argued above, is an explicit means by which society builds the social glue through which its members are linked, and in this sense it provides an ideal example by which to understand the role of hospitality as fundamental to these relations. School provides not only practical skills argued to have utility in the economy, but also more importantly, is one of the key structures establishing the social language without which economic exchange (including contemporary relations of labour) would not be possible. The case of access to education for undocumented migrants – those formally outside society – and the controversy briefly sketched above needs to be understood in terms of what hospitality means for both the 'receiver' and 'giver'.

In the city of Malmö, access to education and the question of equal treatment in schools was negotiated during a meeting in May 2012, at which one of the

authors was present. The meeting was arranged in response to several incidents involving the city's schools, where students who were undocumented migrants had been excluded from the regular routines that applied in firstly getting a place in the school, and secondly in situations where students got into troublesome situations. First, undocumented migrants experienced difficulty in accessing school due to an administrative obstacle, where children lacking residence permits were placed in a separate queue prolonging their waiting for a school place. Second, undocumented migrants were denied access to the procedures otherwise normally provided to help students in difficulty, including: low grades and under-performance; absenteeism; conflicts within the school premises; or, exceeding the standard period of attendance. According to the routines for students in these difficult situations, a so-called 'student conference' is regularly arranged where teachers participate as well as school health personnel and special education teachers. The goal of such conferences is to establish an appropriate action plan and to ensure a safe and secure school environment for affected students. However, within Malmö, undocumented youths of school age experienced that they were denied access to these remedial processes.

The meeting was convened by a refugee rights advocacy organisation – 'The Asylum Group' – and in addition to activists from the group, there were present: officials including the city council's director of education; the city's attorney; principals from the schools affected; as well as, a psychologist working with refugees; contact persons for undocumented migrant youth living within Malmö; and one of this paper's authors. One central discussion during the meeting regarded how all children in the city of Malmö should be ensured a safe and secure school attendance, another purpose was to enable youths slightly over 18 to attend school. Just as is the case with Swedish students, irregular migrant youth should, the activists argued, have access to school until the age of 19. It had happened that youth were excluded from school when turning 18. A problem for some youth living as undocumented was that as soon as they turned 18, they, unlike Swedish students, lost their place in high school and needed to instead take part in the local authority's adult education.

There were different views among the participants in the meeting on how to deal with the question of equality within the educational system. One principal (Principal A) was adamant that *all* children, no matter their legal status, should have a right to attend school. Everyone in Principal A's school was asked to work towards this goal. The principal saw for example that in some cases it was necessary that, to protect them, undocumented child migrants had to be registered in the class lists under false identities. However, another principal (Principal B) opposed such activity due to concern that it contravened legal guidance. Principal B argued that unless the rules state otherwise, children who lacked documentation to stay in Sweden should not be treated differently due to their vulnerable situation, and that there should be no hiding of students in the Malmö schools. Informal or incorrect registers were opposed by both the city's attorney and Principal B, stating that the police possess the legal authority to request information about students. The city's attorney argued that it was problematic if the municipality engaged in any lack of transparency towards national authorities. Under Swedish legislation the police have a right to ask for these papers, no matter the consequences for the persons concerned, it was stated. In response, the activists talked about the importance of school for

unaccompanied refugee children. The Asylum Group-representatives also recounted that the youth were afraid of going to school, if their safety could not be guaranteed. There was further a discussion regarding the possibility to make an analogous application of secrecy law's provisions concerning children with protected identity (for example, children who have been separated from an abusive parent). According to the city attorney, this was not possible because undocumented children were not categorised expressively in the Swedish Secrecy Legislation.

The meeting was symptomatic of a much wider public debate within not only the city of Malmö, but across Sweden, that centred on the human rights of undocumented migrant children. Within Swedish political circles, and in the media, controversy focused on the everyday dangers experienced by undocumented migrant children living within Swedish society. In particular, these dangers included the risk undocumented migrant children faced of deportation through attempting to access their right to education by attending school. Despite national legislative changes intended to enshrine the right to school for all present in Sweden, in practice this was undermined by new initiatives such as the police REVA project (legally secure and efficient enforcement work), which involved increased police surveillance to deport more persons lacking residence permits. The surveillance and security checks had far-reaching impacts beyond undocumented migrants. It 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. Concern was voiced by several figures of authority, including a Malmö city councillor, Katrin Stjernfeldt Jammeh, who stated in a radio-interview at the time:

If children in Malmö don't dare to attend school or seek medical care because they are afraid the police will take them, we don't reach the city's goal that all children have access to school.
(Sverige Radio P1, 6th April 2013, authors' translation).

In Malmö, the protection of human rights for undocumented migrants is a particularly sensitive issue. Being the third largest city in Sweden and the city closest to Denmark and the continent, Malmö receives almost half of all asylum seeking youth arriving unaccompanied – mostly boys from Afghanistan and Somalia between 15-17 years old. In Sweden as a whole, the country in Europe that receives the highest number of unaccompanied refugee children, estimates of the number of irregular migrants, children and adults, vary between 10,000 to 50,000 people, including 3,000 children. Malmö also experienced a tragedy between December 2009 and October 2010 – the so-called 'Malmö shootings' – where a string of shootings took place by one individual, targeting people who appeared 'non-Swedish'. These attacks, one of which was fatal, caused deep concern in the city, where almost half the population has an immigrant background. The attacks themselves, but also the increased police activity that followed, led to some undocumented youth staying inside and refraining from going to school.

Malmö City was ahead, when compared nationally, since it had already for several years a policy that undocumented migrant children have access to the city's schools. A cross-party agreement was adopted in 2010 providing that

"unauthorised children should be offered schooling" (Platform 2010-2014, authors' translation). The decision had also been allocated in the municipality's budget. It was only in July 2013 that legislative measures were taken at national level.

The institutionalisation of access to Swedish schools for undocumented child migrants emerged via the national debate on human rights for undocumented migrant children, which took its point of departure in the Swedish Constitution where, if nothing else is stated, 'foreigners' are equated with Swedish nationals in national legislation (see Chapter 14. 5 § TF). Furthermore, advocates for granting greater access to education for undocumented migrants referred to the international treaties to which Sweden is party, in which education for children is a basic human right. Article 28 in the Convention on the Rights of the Child (1989) manifests free and compulsory education to all *and* that measures should be undertaken to ensure that school discipline is administered in a manner consistent with the child's human dignity. In article 29 of the Convention it is further stated that education of the child shall be directed to the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations.

Sweden has been subject to criticism from the UN Children's Rights Committee several times due to the fact that children in an undocumented situation lack the same entitlement to school as children granted permanent residence. In 2009 the committee recommended the State party to pursue its efforts to ensure that all children enjoy the right to education, including children without residence permit, such as "children in hiding" and unauthorised children (CRC-committee 2009, paragraph 55). In light of this national and international criticism, the Swedish government made legislative changes so that undocumented children should have a right to school, but guidelines are yet to be developed by the *The Swedish National Agency for Education* for how a safe school environment could be secured for those children that lack a residence permit. In the new legislation no sanctuaries are to be inserted, i.e. the police can still search for undocumented persons all over Swedish territory, also in the schools. However, to make sure that every child will have a safe schooling, the government in the preparatory work states that police activities are to be monitored and if it is found that children refrain from going to school due to fear of deportation, the government is prepared to introduce further legislative changes.

What may be described as a process of cosmopolitisation is taking place in the city of Malmö, as measures that extend beyond the Swedish state's human rights commitments are taken, to safeguard the right to education for all. The situation is an expression of social transformation in a broader sense linked to migration, namely the emergence of human rights for undocumented persons in a European welfare state. An on-going struggle between the city of Malmö trying to provide for its' inhabitants' needs of services, and the nation state's interest in upholding migration control is taking place. The tensions that arise are an expression of social transformation with implications for how we understand the relationship between marginalised groups and regulatory frameworks, but also everyday processes of hospitality.

To live under the threat of deportation or detention obviously affects everyday life, whether one is within the asylum process or lives as unauthorised. States have historically more or less explicitly argued that control of foreigners is necessary to maintain an orderly life for its population. This in turn has led to a situation where the development of control systems, or the making of inequality under the law on the basis of that person's legal status, has become something natural, something unproblematic. This limitation of hospitality, whilst legitimised on the grounds that unconditional hospitality is economically 'too expensive' is itself not free for the society taking that path.

Recommended Reading:

Arendt, Hannah, (1958) *The origins of totalitarianism* (Cleveland: World Publishing Company).

Arendt, Hannah (1963) *Eichmann in Jerusalem: a report on the banality of evil* (London: Faber).

Derrida, Jacques (1999) *Adieu To Emmanuel Levinas* (trans. Pascale-Anne Brault and Michael Naas) (Stanford: Stanford University Press).

Derrida, Jacques (2000) *Of Hospitality* (trans. Rachel Bowlby) (Stanford: Stanford University Press).