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Bureaucratic configuration and discretion in asylum case processing: the case of the EUAA in Greece

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Abstract

This article takes an in-depth look at caseworkers at the European Union Asylum Agency in Greece. The agency's increased role in asylum case processing and the emergence of the called "integrated European administration" is an unusual but nevertheless critical case to study for scholars of European asylum bureaucracies. Previous research into member state's national migration authorities has shown that discretionary decision-making is widely deployed by asylum caseworkers. Generally, street-level bureaucrats tend to 'reinterpret' policy and creatively make use of the legal framework of the Common European Asylum System in order to make their day-to-day operations run more smoothly and resolve ethical dilemmas. However, this article finds that in the case of the European Union Asylum Agency, the compartmentalized institutional arrangement and short-term contracts removes both the incentive and ability for caseworkers to creatively reinterpret policy and deploy discretionary practices. It is therefore argued that scholars of asylum bureaucracy in Europe must pay increased attention to how the bureaucratic configuration of migration authorities.

Keywords: EUAA, Greece, Asylum case processing, CEAS, Street-level bureaucracy, Discretion, Ethical dilemmas

Introduction

In light of the increased direct involvement of the European Union (EU) in procedural elements of asylum case processing, there is a pressing need for academic investigation in this field. In Greece, the European Union Agency for Asylum (EUAA)¹ has partly taken over responsibility for Refugee Status Determination from the Greek Asylum Service (GAS), the national Greek agency tasked with processing asylum applications. Bearing in mind the EUAA's key role in realizing the Common European Asylum System (CEAS) in practice, exclusive focus on national migration agencies is thus not

¹ The European Union Asylum Agency (EUAA) changed name from the European Asylum Support Office (EASO) in 2022. In this paper, the organisation is referred to consistently as the EUAA unless referred to as EASO in direct quotes by others.

sufficient. Therefore, this study has been following EUAA operations in Greece between 2019 and 2023, deploying a combination of street level bureaucracy (SLB) theory and neo-institutionalism. In comparison to findings from research on member state authorities' frontline staff, it seems that EUAA caseworkers have far less room for bureaucratic discretion and 'creative reinterpretation of policy'.

Previous research into ethical dilemmas in asylum bureaucracies in Europe has shown that, in line with SLB-theory (Lipsky, 2010), street-level bureaucrats tend to 'reinterpret' policy and through discretionary practices creatively make use of the complex, multi-faceted and ambiguous legal framework of CEAS in order to resolve ethical dilemmas (Borrelli, 2018; Dahlvik, 2017; Dörrenbächer, 2017; Ioannidis et al., 2021; Vandevordt, 2018). Reoccurring findings suggest that since the asylum regulatory and policy framework has both a European, national and sometimes also local dimension, the actors on the micro level can have major influence on how policy is implemented. Perhaps most decisively, Lisa Borrelli (2018) shows that this is true in a wide range of Schengen Member States, and that creative reinterpretation of policy is central to explaining how migration is managed. The motivation behind these 'creative strategies' differs from case to case. Some frontline staff may have a political agenda (Ioannidis et al., 2021), try to resolve ethical dilemmas (Borrelli, 2018; Dörrenbächer, 2017) or indeed try to solve practical elements of the task at hand (Dahlvik, 2017). Far from operating with complete impunity, caseworkers have to follow both laws and the bureaucratic norms of their institutions. However, the bureaucratic configuration these cases still do allow for discretionary practices, or as Ioannidis et al. argues: "whilst operating as vectors of the biopolitical power of states, caseworkers can also formulate their practices as resistance to border regimes" (2022, p. 3642).

However, this article shows that the EUAA's increased role in asylum case processing fundamentally changes the conditions that makes discretionary decision making possible for frontline staff. Findings from field work in multiple locations in Greece between December 2019 and December 2022, suggest that there is little evidence of 'creative use of policy' and discretionary decision-making amongst EUAA caseworkers. It is argued that scholars of asylum bureaucracy in Europe must pay particular attention to how the organizational configuration of asylum bureaucracies is developed, in order to more adequately understand the dynamics of discretionary power and institutional habitus of the EUAA. Here, theoretical inspiration from organizational studies has proven useful. As will be shown, the institutional configuration in place to handle asylum cases in Greece, in particular prior to 2020, is decidedly compartmentalized. EUAA Caseworkers had little or no knowledge of how their work affects applicants later in the asylum process, and information-sharing between the Greek authorities and EUAA personnel is curtailed. This, in combination with temporary work-contracts and short-term personnel deployments, removes both the capacity and aspiration to use discretionary power, and thus also the ability to creatively use the regulatory framework. The study also allowed for a comparison between different Greek regions and bureaucratic changes over time. It is found, that the more compartmentalized the institutional arrangement is, the less room for discretion and creative reinterpretation of policy to resolve ethical dilemmas is possible for caseworkers. Ethical dilemmas are instead met with a range of coping strategies. Partly, ethical dilemmas are dealt with through what Paul du Gay

calls “trained indifference” (2000, p. 31). In these cases, caseworkers tend to think of themselves as neutral arbiters rather than holders of discretionary power and ignore the ethically challenging aspects of their work. Furthermore, many caseworkers’ reactions to ethical dilemmas can be explained with the exit-voice-loyalty model (Golden, 1992; Hirschman, 1970). Those experiencing ethical dilemmas either voice their concerns with the management (voice) or resign from their work for ethical reasons (exit). Some also fundamentally agree with the institution’s practices and therefore do not experience ethical dilemmas (loyalty). The bureaucratic configuration does not, as is the case in national bureaucracies, allow for reinterpretation of policy or the creative use of the legal framework.

Theory and literature review

Bureaucratic configuration and the use of discretion

The core theoretical argument of this article is that scholars interested discretionary practices in asylum case processing must pay more attention to the bureaucratic configuration. Within public administration the “discretion-debate” has been going on for decades (Evans & Harris, 2004; Meyers & Vorsanger, 2003; Winter, 2003). On the one hand, proponents of SLB-theory argue that caseworkers and other frontline staff creatively interpret rules and regulations, in order resolve ethical dilemmas and contradictory policy instructions inherited from higher levels of the administration (Lipsky, 2010). Others, argue that “all the substantive elements of [bureaucrats’] work are determined by others” (Howe, 1991, p. 204), either through direct orders from management or other policies, and therefore stems largely from legal or policy at the top (ibid).

Agency-oriented debates surrounding impartiality, subordination and political non-alignment are central to both historical and contemporary discussions on bureaucrats in many public policy fields. Indeed, Weber’s original ‘ideal–typical bureaucrat’ (1999) is still echoed in contemporary public administration with regards to discretion. Paul Du Gay, for instance, maintains that “[t]he ethos associated with the development of formal rationality is certainly premised upon the cultivation of indifference to certain ultimate moral ends” (du Gay, 2000, p. 31). That is to say, the individual bureaucrat must be educated to develop “trained indifference” to certain moral and ethical questions, so that the official duties can indeed be carried out *sine ira et studio*. Another understanding of discretion is given by Hendrik Wagenaar, who understands the concept of discretion as the creation of common norms within an organization that determines how individuals act. Thus, discretion becomes the collective interpretation of rules and regulations, whereby individuals making discretionary decisions view their actions as taken for granted truths (Wagenaar, 2020). This can be connected to the much wider literature to organizational culture, and the internalization of norms and values by individuals within an organizational field (Meek, 1988).

Several scholars levelling critique at SLB-theory dispute one of the central underpinning tenets of Lipsky’s theory, namely that bureaucrats have any discretionary decision-making power at all (Evans & Harris, 2004, p. 880; Halliday et al., 2009, p. 424; Hjørne, et al., 2010, p. 306). Although important contribution, these scholars speak in general terms and fail to contextualize their conclusions. Thus, an arguably more appropriate

position is taken by Ian Taylor and Josie Kelly, who argues that Lipsky was correct in the context he was writing, but that “inspection, target-setting, and accountability to line-management (top-down pressure) and more localised forms of governance (bottom-up pressure)” can fundamentally change underlying conditions (Taylor & Kelly, 2006, p. 630).

Furthermore, ‘compartmentalized’ institutional arrangements, in which different departments or units operate independent from one another within different ethical or contextual environments can have major impact on discretionary decision-making. As the moral philosopher Alasdair MacIntyre has argued, insulating different spheres of an organization from one another, makes evaluating the norms and values of one’s own sphere difficult from “some external point of view” and that “a type of social structure that warrants for those who inhabit it a plea of gravely diminished responsibility” (1999, p.325). That is to say, that compartmentalization is more than simply separating work-tasks. It is separating the individual’s sense of moral responsibility over their own tasks and thus both the motivation and ability to act on ethical grounds.

In order to thoroughly understand discretionary practices and their impact on an organization, a wide range of conditions must thus be analysed. The development of ‘trained indifference’, the formal bureaucratic power-structures, the development of organizational culture and control-mechanisms are all factors that need to be understood. In short, it is critical for scholars analysing at discretionary decision-making to pay particular attention to the bureaucratic configuration that caseworkers operate within.

Research on CEAS and discretionary decision-making

Understanding the relationship between discretion and ethical dilemmas of individual actors is a central question for scholars studying migration management (Eule, 2014; Good, 2020; Lahav & Guiraudon, 2006; Vettters, 2022). In the academic literature on asylum casework in Europe today, the SLB-perspective dominates. Lipsky’s theory on frontline bureaucrats lends itself to the study of European migration bureaucracy for several reasons. Firstly, there are many positions within the field of migration management that can be described as ‘frontline bureaucrats’, including asylum case officers, border guards, reception service personnel, deportation specialists, and so on. As Julia Dahlvik argues, the “structure is flexible and dynamic and thus change in the migration regime is possible at different levels—through the individual agent, the organisation, and the state” (2017:382). Asylum law is multi-layered, in the sense that national, European, and sometimes even regional law can diverge. In such systems, bureaucrats tend to assess which law *they themselves* find most legitimate. That is to say, frontline bureaucrats often have some room for interpretation of regulations (Dörrenbächer, 2017). What is more, decisions made by frontline bureaucrats can have a tremendous impact on individuals’ lives. According to Dörrenbächer (2017), the ethically complex nature of migration policy can be a strong motivation for bureaucrats to act on any discretionary power they may have, and selectively decide when to motivate decisions with EU law and when to use national law. Another form of normative deliberation amongst frontline bureaucrats is expressed by those who view themselves as gate-keepers

“protecting the nation.” Looking at the visa departments of French consulates, Alpes and Spire (2014) found that consular staff first and foremost act on the belief that they must defend French national interests. Indeed, all decisions made by bureaucrats are political in nature. However, the case offered by Alpes and Spire shows that frontline bureaucrats’ decision-making can relate to fundamental questions of meta-policy, connected to grand notions such as ‘national interest’. In an almost reversed sense, Ioannidis et al. (2021, p. 3) show how caseworkers in Greece (at GAS, not EUAA) with strong left-leaning political opinions “attempt to resist those exclusionary forms of power that they themselves address as ‘Fortress Europe’ through a variety of practices and discourses. In short, scholars using SLB-theory have witnessed multiple different ways in which bureaucrats in the field of migration management are highly motivated to act on their discretionary powers due to personal ethics or political opinion. Furthermore, as Borrelli’s (2018) work on the topic demonstrates, national agencies in Denmark, Sweden, Lithuania and Switzerland all show a remarkable similarity. She finds that national migration bureaucrats have “an active role in shaping policy implementation” and that “creativity and improvisation can therefore be understood as strategies to close the gaps produced by the structural deficiencies of migration control” (ibid:61). A somewhat different conclusion is drawn by Laura Affolter (2021), who focuses on the ‘institutional habitus’ through which a shared set of norms within the Swiss Secretariat for Migration determines how caseworkers evaluate the credibility of an asylum case. Unlike most scholars using SLB-theory, she does not focus on how caseworkers selectively interpret rules and regulations, but rather how certain interpretations of the legal framework are internalised and taken for granted (ibid). Her analysis is interesting, in that deployed a bottom-up neo-institutionalist perspective with strong focus on the institutional culture of the organization, and the implications of this to the development of shared discretionary practices.

It is easy to see that the conditions at the EUAA’s asylum casework offices *should* be an example of where SLB-theory *ought* to hold. The fact that EUAA caseworkers work in an ethically complex environment and operate in a multi-layered policy field characterized by legal ambiguity, overall fits the conditions relevant to using SLB-theory. However, after following closely the developments at the EUAA between 2019 and 2023, this hypothesis was put into question. As will be shown, the overall conditions at the EUAA field offices were simply not conducive to ‘creative reinterpretation of policy’ and discretionary decision-making. As we shall see, the bureaucratic configuration of the EUAA in the field limits both the ability and motivation for bureaucrats to act on discretionary powers. Therefore, it is pertinent to deploy a different theoretical lens for EUAA offices in Greece. Owing to the lack of viable avenues for caseworkers to exercise discretionary power, they are left with other strategies to deal with ethical dilemmas. As the empirical analysis will show, the framework of Hirschman (1970) and Golden (1992) have proven particularly relevant. Bureaucrats experiencing ethical dilemmas can voice their concerns with management (voice), resign from their position on ethical grounds (exit), or do not simply experience ethical dilemmas as they fundamentally accept the nature of the institutional environment (loyalty). In order to fully understand this argument, some background is needed.

The history, structure and function of the EUAA

Asylum as a policy area is deeply ingrained in the EU's institutional framework. In 1993, the Treaty of Maastricht formalized already ongoing cooperation and in 1999 the Treaty of Amsterdam gave the EU legislative authority in the area of asylum law. It was established, that the EU "shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States" (Treaty on the Functioning of the European Union, §67(2), 2012). Crucially, as the Treaty of Amsterdam gave the EU legislative power in the area of asylum, it also granted the Court of Justice of the European Union jurisdiction over asylum legislation and a mandate to ensure uniform application of the law across the EU (ibid, §263).

Prompted by the Treaty of Amsterdam, the Tampere Program was adopted later in 1999, and proclaimed that "the European Council is determined to develop the Union as an area of freedom, security and justice by making full use of the possibilities offered by the Treaty of Amsterdam" (European Parliament, 1999). Over the following years, a long list of EU regulations, pacts, directives and programmes were established in order to realize these policy goals. These amount of the EU's *asylum acquis* and regulate practically every legal aspect of the asylum processes. Asylum has also been continuously a part of the EU's strategic planning programs, such as the Hague Program, which aims at "strengthening freedom, security and justice in the European Union" (European Council, 2005) and the Stockholm Programme (European Council, 2010). However, in accordance with the well-established subsidiarity principle, *implementation* of these laws and policies remain a Member State competency. Even after the Treaty of Lisbon in 2009, which generally expanded the power of the EU's institutions, the EU's competency remains adopting legally binding 'minimum standards' on issues of immigration policy, but the member state authorities execute these policies (Neframi, 2011).

It is in the light of this, that Regulation (EU) No 439/2010, was adopted, which established EUAA (then EASO) as an agency of the EU. With the motto "Support is our Mission", the agency's core function was to help EU member states implement CEAS. Originally, it was first and foremost supposed to develop training tools for national agencies bureaucrats, research country of origin information, give technical assistance, and strengthen cooperation between Member State national agencies (Regulation (EU) No 439/2010).

The first two countries where EUAA's de facto role changed were Italy and Greece. In practice, EUAA personnel have since 2016 conducted entire asylum interviews and written so called 'opinions' that are handed over to national migration authorities, who then in turn make asylum decisions solely on *dossier*. Under the banner of 'operational support', the EUAA has similar operations in several European countries, including Greece, Italy, Cyprus Malta and Bulgaria. As Tsourdi argues, this has led to the emergence of an "integrated European administration" in which the EUAA is directly involved in asylum case processing (2020). Other than the final asylum decision, EUAA personnel have since 2016 been given the authority to undertake all aspects of the asylum procedure, which in practical terms means exercising discretion over how the asylum interview is conducted, and which elements of the asylum seekers' story should be emphasized (ibid:517). Some scholars argue that the EUAA has been operating at the very limits of their mandate (Ripoll Servent, 2018; Schneider & Nieswandt, 2018; Tsoudri, 2020;

Tsourdi, 2022). Adriana Ripoll Servent argues that EUAA increased responsibilities but lack of official mandate and insufficient autonomy has made the agency's role ambiguous, and incapable to operate with full independency (2018). In an attempt to clarify the agency's role and strengthen its authority, the European Commission in 2016 proposed the transformation of EASO into the EUAA, with an enhanced mandate to operate autonomously in the Member States. The goal was to give the agency a mandate to provide "the necessary operational and technical assistance to Member States" and "enabling convergence in the assessment of applications for international protection across the Union" (European Commission, 2016: 2). Although the European Parliament and the European Commission came to an agreement to adopt the proposal in late 2017, it was never implemented, due to both an unwillingness to secede power by Member States and unresolved disagreements between the European Commission and the Permanent Representatives Committee of the Council of the European Union (ibid:92). With the New Pact on Migration and Asylum presented by the Commission in September 2020, the transformation of EASO to the EUAA was given new attention, and the agency changed name on January 1st 2022. As argued by Tsourdi, the adoption of the EUAA Regulation (2021) which replaced the EASO Regulation (2010) meant few fundamental changes, since the updated legal mandate only "reflects better, but not fully, the agency's enhanced role on the ground" (Tsourdi, 2022, p. 119). In short, whilst the stated objective to transform EASO into the EUAA was to create a more integrated CEAS, little has changed in practice on the ground. Nevertheless, it is critical for scholars to monitor how the EUAA's mandate is interpreted in practice and pay attention to how the legal framework develops in the years to come.

The bureaucratic configuration of EUAA in Greece

The EUAA's operations in Greece have undergone major change over the past decade. Between 2015 and 2022, the EUAA continuously expanded their operations and had at their peak a workforce of around 690 personnel, out of which around 180 were asylum caseworkers (EASO, 2020, p.19). Due to the decreasing number of refugee arrivals and increased capacity of the Greek national authorities, this number of caseworkers as of 2023 have decreased, and will according to interviews in this by the end of the year be around 25. Overall, the system is designed to be flexible, and the number of caseworkers reflects the number of asylum seekers that arrive in Greece. Therefore, an increased number of lodged applications would presumably result in the recruitment of more personnel.

The EUAA has deployed two different categories of staff as caseworkers in Greece. Firstly, there have been so called "member state experts". These individuals are sent from national agencies of other EU Member States on a short-term basis, typically 2–4 months. This category of caseworkers is a diverse group of people, with varying degree of. Typically, however, they work within asylum case processing in their home countries and often have several years work experience in this field.

The second personnel category is so called "interim caseworkers". They are, technically speaking, not EUAA Staff but are recruited through private temping agencies. In essence, interim staff can be viewed as locally recruited manpower, with less advantageous terms and conditions than staff employed directly by the EUAA (Mouzourakis,

2019, p. 4). This is fundamentally different from other public sector employments, that are characterized by a high level of job security and a clear path to professional progression. Interim caseworkers have various educational backgrounds and various experience from the field of migration management. Typically, they have a university degree in law or social science, and many have previously worked for either some civil society actor, IOM or the UNHCR. Some interim personnel also had previous experience from other EUAA operations, in for example Italy.

From January 2020, the EUAA in Greece stopped employing member state experts, and began to rely exclusively on interim personnel. Furthermore, the operational language changed from English to Greek, which meant that all non-Greek speaking interim staff was laid off. Before January 2020, interim personnel were recruited from all over the EU, whereas the change in operational language meant that virtually all interim staff after 2020 were Greek nationals. These changes were prompted by a change in the operational structure, whereby EUAA personnel were seconded by GAS. The EUAA activities in Greece are governed by so-called Operational Plans, agreed upon annually between the EUAA and the Greek Ministry of Migration and Asylum. In particular, the Operational Plans tend to specify the relationship between the EUAA and Greek national authorities. In the Operational Plans from 2021 onward, a so called 'embedded approach' was implemented, where EUAA caseworkers began working much more closely with GAS (EASO, 2021). As we shall see in the next section, great ambiguity arose amongst EUAA interim personnel as to who their actual employer is, as it could be seen as either the EUAA, the intermediate temping agency or GAS.

The day-to-day work duties of an EUAA caseworker in Greece can differ depending on the locality they are deployed to. In most cases, EUAA caseworkers perform almost identical duties as GAS officers, other than officially making the final decision in an asylum case. Whether or not a case is allocated by a GAS or an EUAA caseworker is not determined by any particular criteria. The most common type of work for EUAA personnel is Refugee Status Determination. The caseworker undertakes an asylum interview with an applicant for international protection, typically with the help of an interpreter. The caseworker here follows a template of questions, referred to the "Standard Operating Procedures". The Standard Operating Procedures is designed to reveal all the aspects of the applicants claim and make it possible to determine whether the applicant should be granted refugee status, subsidiary protection or be rejected. During the Refugee Status Determination interview, the EUAA caseworker is also responsible for undertaking a credibility assessment, through which the applicant's story is evaluated. A caseworker typically has around eight to ten individual cases a week. The interview undertaken by the EUAA caseworker is recorded and transcribed, and the file is then handed over to a randomly selected GAS officer, who makes the final decision *sur dossier*. The GAS caseworker thus never actually meets the applicant.

When applying to asylum in Greece, the case is first registered by either an EUAA or GAS registration officer. Which procedure an asylum seeker then is subject to depends largely on where they first arrive in Greece. If they arrived on one of the islands in the Eastern Aegean, they are subject to the so-called Border Procedure, which means that their claims are processed rapidly and with fewer legal safeguards in comparison with the regular procedure on the mainland. In these cases, EUAA caseworkers undertake a

so called ‘admissibility assessment’. This is a shorter investigation, which is designed to determine if the applicant should be sent back to Turkey under the EU-Turkey statement of 2016. In these procedures, the asylum seeker’s claims are not investigated vis-à-vis his or her country of origin, but rather if there are any particular circumstances that makes it dangerous for the applicant to be sent back to Turkey. As in the case of an asylum investigation, the file is handed over to GAS, who make the final decision. The EUAA caseworker is also responsible for writing a so-called “opinion”, which argues for a certain outcome in the case.

GAS has the right to modify or completely disregard the EUAA caseworker’s opinion on an asylum case, and there is no systematic way for EUAA caseworkers to know to what degree EUAA opinions are followed by GAS. The only way to find out, is to have a personal relationship with a GAS official, who has access to the IT-system which registers case-decisions. In the interviews conducted for this article, all caseworkers expressed different ideas regarding this. Some thought that the acceptance-rate of opinions were up to 100% whereas some caseworkers were unsure if GAS even read their opinions at all. The key fact here, is that EUAA caseworkers generally do not systematically register to what degree their opinions are followed, which constitutes a clear case of compartmentalization.

The physical work environment for EUAA caseworkers also differs greatly. Since 2020, and the introduction of the ‘embedded approach’ EUAA caseworkers generally have begun to work more closely to GAS. In some offices in the hotspots in the Eastern Aegean, GAS and EUAA work in the same building but on different floors. In offices in Athens, they are fully integrated and work side by side in the same office space. In some offices in northern Greece, they have completely independent offices all together and only ever have contact via phone or email. Overall, the caseworkers that work in the completely integrated offices in Athens therefore seems to have a clearer idea of how GAS interprets their opinions.

According to the EUAA Regulation, operational support to a member state is to be given where the asylum system is under “disproportionate pressure” (Regulation (EU) 2021/2303, Article 1 §3). Their operations are therefore by nature supposed to be flexible and temporary, with the possibility to change deploy and remove personnel on short notice. As mentioned above, member state experts from other member states would typically have deployments of 2–4 months in Greece. For interim personnel, contracts typically vary from a few months up to a year. Some caseworkers interviewed for this article had worked for up to 5 years under such short-term contracts. This, of course, causes great stress with regards to job security and is fundamentally different than civil servant in most nation states. Furthermore, due to Greek civil servant hiring regulations, there is little chance of former EUAA caseworkers to be given employment at GAS, even though they have several years of working experience ‘embedded’ with that agency.

Note on methodology

The empirical material for this paper consists of information gathered through four field research periods from December 2019 to December 2022. The core material consists of 20 recorded and transcribed semi-structured interviews with EUAA personnel,

including interim caseworkers, team leaders, member state experts and one administrative assistant. Great attention was given to interviewing a wide variety of staff. Thus, the material includes responses from caseworkers of different genders, on different types of contracts, a variety of nationalities and persons operating in different parts of the country.

Due to the controversial nature of European asylum policy and the hierarchical structure of Greek bureaucratic institutions, the subject-group researched for this article can broadly be described as inaccessible. For example, several interviewees felt hesitant to talk, due to fear of reprisals from their superiors. However, saturation of information was achieved through these 20 interviews, as the same information was given repeatedly by the interviewees. Saturation was achieved through Malterud et al.'s (2016) method of 'information power' which states that a limited sample is sufficient, if the quality of dialogue in each interview is high and the theoretical framework is adequately developed in advance. Given the high level of education and deep familiarity with the questions at hand, all interviewees had clear and analytical responses to the interview questions. Secondly, as will be seen below, the research questions were developed using a theoretical framework tailored specifically to the unique conditions facing asylum caseworkers in an ethically complex field. Lastly, the respondents were not found exclusively through 'snowballing', but instead approached and selected independently from one another, which avoids the information saturation being a result of a limited network of caseworkers.

The study also employs a face-to-face survey component with the interviewees, designed to collect codifiable responses from a small but representative number of frontline bureaucrats whilst simultaneously analysing the respondents' follow-up questions, reactions and behaviours. In these surveys respondents are asked to quantify a statement on a Likert-scale from 1 to 7. This allows for a clear but complex comparative analysis (Neuman, 2012:7). Particular attention was also given to source criticism and the validity of the responses. The risk of receiving copy-paste answers derived from the organisations' official narrative is considerable. Several strategies are deployed in order to counter this, both in terms of ensuring that interview subjects feel comfortable giving honest answers and to be attentive to template responses. Attention to body language and tone of voice is also useful when determining the authenticity of the responses. Like Catherine Riessman (2014), I understand the responses during interviews as "performances" and they should therefore be analysed as narratives rather than the presentation of facts (Gubrium & Holstein, 1995).

Interview and survey analysis

In the interviews conducted, it was made clear that the bureaucratic values and institutional structure of the EUAA disincentivises "creativity and improvisation" with regards to policy implementation. In general, the system in place removes both the ability and motivation to discretionary decision-making, in particular as a mechanism to resolve ethical dilemmas. A few of caseworkers do showcase both motivation and ability to influence procedural elements of refugee status determination. However, the unique compartmentalized bureaucratic structure of asylum case processing in Greece largely renders these practices difficult.

As can be seen in the survey responses (see Table 2), most caseworkers feel some level of ethical apprehension in their work. The most common example given in the interviews, is writing asylum case opinions that recommend a rejection, in particular in cases where the caseworkers have been under heavy time pressure. From an SLB theoretical standpoint, we can expect to see the creative interpretation of policy and the regulatory framework is deployed to resolve ethical dilemmas. The best example of this was given by a caseworker with a high legal understanding of both Greek and international law. This caseworker argued that the main area that an EUAA caseworker can have influence over a case, is in the credibility assessment. And an asylum seeker's story seems unreasonable to the caseworker, the asylum seeker may be rejected:

“Let’s say that each caseworker can be more or less harsh on this. And I believe this is also affected by political opinions. How you approach the applicant. Do you start from the presumption that he is telling the truth or you start from the presumption that that he’s there to lie? [...] In my experience when I wanted to motivate [my positive opinions] on credibility, I had to work much more to convince my superiors. When instead that I believed the applicant was not credible or even if credible, he didn’t need international protection according to the legal standards, I hardly had any discussion. Instead, when I wanted to motivate credibility and on a positive outcome, sometimes I really had to push a lot. Sometimes I even refer to the help desk, to basically have an external opinion. The helper is in an EASO office in Athens”
(Interim caseworker 1)

This is a good example of how SLB-theory is applicable to EUAA casework. In the face of institutional pressure to make a restrictive judgment with regards to credibility, the caseworker creatively makes use of the framework, with the help of the specialized remote EUAA helpdesk in Athens and legal reasoning. This example, however, is an exception. Most interviews indicate that caseworkers quickly internalize the value-narrative of being ‘Weberian bureaucrats’ without any ability or motivation to make use of the framework to resolve such ethical dilemmas. A characteristic response was given by an interim caseworker:

“So, I think for most of us when we start the first rejections are very difficult because we are in front of someone who almost risked his or her life to get to Europe or to get a better life. And we have the responsibility to write an opinion that says ‘this person doesn’t deserve protection.’ This means that this person in theory would be illegal on the European territory. And this means that this has consequences on the life of this person that are not positive at all. The first weeks were very hard because I only wrote rejections, and rejections and rejections for people who looked like “OK” somehow... [short apprehensive laugh]. The thing is that the more I was going ahead and the more I understood, that OK this protection-status is kind of a very prestigious trophy that is not given to anybody like this [quick finger snap]”
(Interim Caseworker 2)

Thus, this caseworker explains a rapid process of value-internalization. In a matter of weeks, the concept of asylum has been given a new ethical meaning. At first a rejection was considered wrong because it caused harm to an individual, but then the rejection become ethically permissible because they realized it is a “prestigious trophy” only given a select deserving few. At the same time, this caseworker later in the interview still expressed a need to rationalize the ethically difficult aspect of the job and emphasised that the final decision to reject is made by GAS. Here, the effect of compartmentalization on resolving ethical dilemmas becomes evident:

“I always try to do my work properly and to write the opinion correct following the rules. Following the framework, following the guidelines. Then I cannot go beyond. If it was a decision [instead of an opinion] maybe I would be even more under pressure. Since the final decision is made by GAS makes us being, at least me, a bit like, ‘OK, I don’t take the decision they do it’”
 (Interim caseworker 2)

Thus, the combination of value internalization and the compartmentalized decision-making process removes agency from the EUAA caseworkers, and thus also the need to resolve ethical dilemmas through creative reinterpretation of policy.

The compartmentalized nature of the system is made even more evident by the fact that EUAA caseworkers do not know if the decision they recommend is indeed followed GAS. When asked, most caseworkers thought that at least the majority of recommendations were followed, but many had no idea whatsoever to what degree. The most telling answer to the question if they knew what happened to their cases after they hand them over to GAS was that “this is a mystery somehow”. Another caseworker even expressed doubt if their opinions were read at all by GAS. When asked how much influence they have over cases, this caseworker answered:

“Not much. If I have to be honest. Not much. Because the opinion is just a file on the on the case[...] it’s like a supportive document. So, from my experience, because I know many case workers from the Greek Asylum Service, some of them don’t even read it”
 (Interim Caseworker 3)

The survey also shows that there is here a very clear relationship between caseworkers thinking that their opinions are followed by GAS and experiencing ethical dilemmas. Those caseworkers that think of their opinions as “supportive documents” or having little or no influence over the asylum case, generally also experience fewer ethical dilemmas (see Table 1).

Table 1 Caption for table

<i>How much influence do you have over an asylum seeker’s asylum case? (1–7)</i>	<i>Does your work require you to make ethically difficult decisions? (1–7)</i>
Caseworkers that answered between 1 and 3	Average: 2.5
Caseworkers that answered between 4 and 7	Average: 5.5

Table 2 Caption for Table

<i>Does your work require you to make ethically difficult decisions? (1–7)</i>	
Interim personnel	Average: 5/7
Member state experts	Average: 3/7

Table 3 Caption for Table

<i>How much influence do you have over an asylum seeker's asylum case? (1–7)</i>	
Interim personnel	Average: 5/7
Member state experts	Average: 3/7

For the member state experts that were deployed until 2019, the system was extraordinarily compartmentalized and their contracts very short. And indeed, they also tended to *experience* fewer ethical dilemmas (see Table 2). All member state experts interviewed compared their experiences in Greece to their home countries. In all cases, they found that their room for discretionary decision-making was far lower at EUAA than when working for a national migration agency. They understood that the procedural elements of the case were important but found that the interview templates and framework was strict and left less room for manoeuvre. Both an EUAA Team Leader and all member state experts verified this in the interviews. The clearer routines and rules are, the less time caseworkers need coaching before working by themselves. Thus, the diversity of experience amongst member state experts and the short deployments, meant that rules and instructions had to be very strict. The interim personnel follow the same operating procedures, even though they have slightly longer job contracts. Since the system is designed in a way that accommodates a rapid expansion and reduction of the operations, meaning that contracts are temporary and personnel, regardless of status, must be able to begin work quickly and without too much training. The temporary work contracts for interim personnel also causes a great deal of stress for these individuals with regards to job security, which in and by itself hinders creative use of policy and discretionary practices that may cause conflict with superiors.

In the interviews, member state experts also tended to showcase a stronger sense of being ‘guests’ in the Greek system, in particular compared to the interim staff of Greek origin who worked in the ‘embedded approach’. This is also reflected in the face-to-face survey, in which member state experts generally considered themselves to have less influence over asylum cases than interim caseworkers (see Table 3). To a large degree, this is due to member state experts comparing their experiences in Greece with their experience from their home country. Furthermore, when asked about how much influence they have over asylum cases, the member state experts tended to have slightly more legal approach. For example, one member state expert answered that:

“EASO’s mandate does not include to have impact on a case. But you have to respect the host country’s own laws and rules. And their sovereignty in the asylum process[...] so we’re not there to decide in cases”
(Member State Expert 1)

This can be compared to a caseworker from one of the Athens offices, that worked side-by-side with GAS for several years. On the same question of influence, the response was strikingly different: “I have influence for sure! It’s how you listen, and how you ask the questions. You can do it in a better or worse way in general.” When asked if it would make a difference to work for EUAA or GAS, this person simply responded that “but it’s not really a sperate organization, that’s the fact. And all that is good and what is bad that comes with that” (Interim caseworker 4).

As EUAA gradually over the course of 2020 became more integrated with GAS and the operational language changed to Greek, caseworkers overall seem to behave more similarly to national staff and in line with SLB-theory. Above all, these interviewees expressed a need to undertake their work-tasks more diligently in order to feel that they have done everything they can, ethically speaking, to write permissible opinions. Interestingly, some offices in Greece remained totally separate from GAS and never deployed the so-called “embedded approach”. In these interviews, fewer examples of creative use of the policy framework were evident. When asked if the work-tasks are ethically difficult, one caseworker in such a non-embedded office responded:

“I feel sometimes that there is not enough time given to the applicant and I don’t know... Apart from the time there are also issues regarding the interpretation sometimes. So I don’t know, I would not feel comfortable with the procedures as they are sometimes. To have to make a decision on someone’s application, keeping in mind these difficulties and these shortcomings of the actual process. So I’m quite happy I don’t have to make a decision. And if someone is not happy with the interview due to the difficulties that I encountered, they are welcome to invite the applicant again or... I don’t know. Yeah. I wouldn’t want to be in the position of making the decision”
(Interim Caseworker 5)

Again, the compartmentalized structure removes the perception of an ethical dilemma experienced by the caseworker. This caseworker knows that issues of time pressure and poor-quality interpreters is negative to the applicants claim and feels that this is an ethical issue, but “it’s not up to me, so that helps”. Thus, the incentive to reinterpret policy or creatively make use of the regulatory system to resolve these dilemmas are fundamentally removed.

This last point can be understood as what du Gay calls “trained indifference” (2000, p. 31). Similarly, the member state expert who stated that “we’re not there to decide in cases” and that that “EASO’s mandate does not include to have impact on a case” suggests that these bureaucrats fundamentally view their roles as natural arbiters. Not all interviewees had this perspective. Examples from Hirschman’s (1970) exit-voice-loyalty model were present in several interviews. From the sample, there were two individuals who, during the course of this study, resigned from the EUAA on conscientious grounds (exit). Also, several caseworkers gave examples of when they loudly declared their disapproval (voice) to the management within the organization, typically in the form of letters to superiors or within the scope of formal feedback sessions.

Concluding discussion

This paper set out to research EUAA operations in Greece using a SLB-theory lens, similar to many other migration scholars (Borelli, 2018; Dahlvik, 2017; Ioannidis et al., 2021; Vandevordt, 2018). These findings suggest the unique bureaucratic configuration of EUAA is a particularly challenging case for SLB-theory. Overall, it was found that these conditions have produced a system in which ethical dilemmas are dealt with either through so call-called “trained indifference”, “voice” or “exit”. For some caseworkers, ethical dilemmas were dealt with through simply understanding their role as unimportant or formally void of responsibility (trained indifference). Others, who saw their role as decidedly important but felt unable to change the system, decided to quit the EUAA on conscientious grounds (exit). Lastly, there was also examples of caseworkers loudly raising their concerns in various forums inside the organization (voice). In contrast to national migration bureaucracies, the highly compartmentalized nature of the bureaucratic work in combination with short-term working contracts systematically removes both the *ability* and *incentive* to act on their discretionary power in a way that can be characterized as ‘creative reinterpretation of policy’.

Compartmentalization has two main effects in this regard. Firstly, dislocating the procedural elements of asylum cases from the decision, removes a major source of ethical tension. As the final decision is not taken by the person who conducts the interview, the caseworkers seem to feel less personal responsibility for the outcome. Or as one caseworker put it, “I don’t take the decision, *they* do it”. As could be expected, a this is less pronounced amongst caseworkers working in embedded GAS/EUAA offices, in which the organizational structure is ambiguous and EUAA personnel almost feel a part of GAS. When EUAA caseworkers have day-to-day interaction with GAS staff, we can observe practices and reasoning more in-line with SLB-theory. For member state experts, compartmentalization has more or less the same effect as for interim personnel. However, their reasoning tends to be somewhat different. The sense of not being part of the Greek system at all, but rather guests invited to perform a concrete supportive task, also removes the ability and incentive to discretionary practices.

Short term contracts also have a major impact on the ability for caseworkers to make creative use of policy. The interviews clearly revealed that the system of member state experts being deployed for less than four months necessitated stringent routines and clear guidelines, in order not to waste any time. Although interim caseworkers often had far longer contracts, the bureaucratic configuration is designed to facilitate the fast expansion and reduction of the operation, depending on the number of asylum seekers arriving. Furthermore, even though interim personnel often had contracts longer than four months, they very rarely had several years of experience and none of them have permanent contracts. Thus, the temporary nature of the operation necessitates stringent routines, produces less experienced caseworkers, and deter individual caseworkers from coming into conflict with superiors. As such, the system in place is highly inconducive to creative reinterpretation of policy and discretionary practices.

Even though the EUAA was on paper transformed to a ‘fully fledged asylum agency’ with a stronger mandate and more permanent contracts, there has thus far not been any fundamental changes to the methods or work undertaken by the agency. However, it is crucial for scholars using SLB-theory to monitor this development. It seems likely, that

frontline staff conducting procedural elements of asylum cases in such an organization would behave be more similar to national migration agencies. The nature and scope of EUAA operations differ widely from country to country, and the specific findings of the study are not generalizable to other member state contexts. Nevertheless, the system of deploying member state experts on short term missions to “manage situations of disproportionate pressure” is likely to be expanded, as the EUAA Regulation of 2022 puts particular emphasis on this mechanism (Regulation (EU) 2021/2303, p. 5). As such, it is critical for scholars looking at European asylum bureaucracy to pay acute attention to the administrative practices and bureaucratic configuration in EUAA operations.

Abbreviations

CEAS	Common European Asylum System
EASO	European Asylum Support Office
EU	European Union
EUAA	European Asylum Agency
GAS	Greek Asylum Service
SLB	Street level bureaucracy

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References

- Affolter, L. (2021). Regular matters: Credibility determination and the institutional habitus in a Swiss Asylum Office. *Comparative Migration Studies*, 9(4), 1–16.
- Alpes, M., & Spire, A. (2014). Dealing with law in migration control—The powers of street-level bureaucrats at French consulates. *Social Science and Legal Studies*, 23(2), 261–274.
- Borrelli, L. M. (2018). *Caught between emotions, law and everyday practices: Street-level bureaucrats in the European migration regime*. Doctoral dissertation, University of Bern.
- Dahlvik, J. (2017). Asylum as construction work: Theorizing administrative practices. *Migration Studies*, 5(3), 369–388.
- Dörrenbächer, N. (2017). Europe at the frontline analysing street level motivations for the use of European Union migration law. *Journal of European Public Policy*, 24(9), 1328–1347.
- du Gay, P. (2000). *In praise of bureaucracy—Weber—Organization—Ethics*. SAGE Publications.
- EASO. (2020). *2021 Operating plan agreed by EASO and Greece*. European Asylum Support Office.
- EASO. (2021). *Operating plan 2022–2024 agreed by the European Asylum Support Office and Greece*. European Asylum Support Office.
- Eule, T. (2014). *Inside immigration law: Migration management and policy application in Germany*. Ashgate.
- European Commission. (2016). *Proposal for a regulation of the European parliament and of the council on the European Union Agency for Asylum and Repealing Regulation (EU) No 439/2010*. COM(2016) 271 final 2016/0131(COD).
- European Council. (2005). The Hague programme: strengthening freedom, security and justice in the European Union. *Official Journal of the European Union* (2005/c53/01).
- European Council. (2010). The Stockholm programme—An open and secure Europe serving and protecting citizens. *Official Journal of the European Union* (2010/c115/2).
- European Parliament. (1999). *Tampere European Council 15 and 16 October 1999—Presidency conclusions*. Available online at: https://www.europarl.europa.eu/summits/tam_en.htm. Last accessed 02 September 2020.

- Evans, T., & Harris, J. (2004). Street-level bureaucracy, social work and the (exaggerated) death of discretion. *British Journal of Social Work*, 34(6), 871–895.
- Golden, M. (1992). Exit, voice, loyalty, and neglect: Bureaucratic responses to presidential control during the Reagan administration. *Journal of Public Administration Research and Theory*, 2(1), 29–62.
- Good, A. (2020). Morality and law in the context of asylum claims. In E. Cox, D. Farrier, L. Stonebridge, & A. Woolley (Eds.), *Refugee imaginaries: Research across the humanities*. Edenborough University Press.
- Gubrium, J., & Holstein, J. (1995). *The active interview*. SAGE Publications.
- Halliday, S., Burns, N., Hutton, N., McNeill, F., & Cyrus, T. (2009). Street-level bureaucracy, interprofessional relations, and coping mechanisms: A study of criminal justice social workers in the sentencing process. *Law and Policy*, 31(4), 405–428.
- Hirschman, A. (1970). *Exit, voice and loyalty: Responses to decline in firms, organizations and states*. Harvard Press.
- Hjörne, E., Juhila, K., & van Nijnatten, C. (2010). Guest editorial: Negotiating dilemmas in the practices of street-level welfare work. *International Journal of Social Welfare*, 19, 303–309.
- Howe, D. (1991). Knowledge power and the shape of social work practice. In M. Davies (Ed.), *The sociology of social work* (pp. 202–220). Routledge.
- Ioannidis, P., Dimou, E., & Dadusc, D. (2021). Sappers of Fortress Europe: Exploring the micropolitics of borders through the occupational culture of asylum caseworkers in Greece. *Journal of Ethnic and Migration Studies*, 47, 1–19.
- Lahav, G., & Guiraudon, V. (2006). Actors and venues in immigration control: Closing the gap between political demands and policy outcomes. *West European Politics*, 29(2), 201–223.
- Lipsky, M. (2010). *Street-level bureaucracy: Dilemmas of the individual in public service* (Updated). The Russell Sage Foundation.
- Macintyre, A. (1999). Social structures and their threats to moral agency. *Philosophy*, 74(3), 311–329.
- Malterud, K., Sierma, V. D., & Guassora, A. (2016). Sample size in qualitative interview studies: Guided by information power. *Qualitative Health Research*, 26(13), 1753–1760.
- Meeke, L. (1988). Organizational culture: Origins and weaknesses. *Organization Studies*, 9(4), 453–473.
- Meyers, M. K., & Vorsanger, S. (2003). Street-level bureaucrats and the implementation of public policy. In P. Guy & J. Pierre (Eds.), *Handbook of public administration street-level bureaucracy and public policy* (pp. 245–256). SAGE Publications.
- Mouzourakis, M. (2019). *The role of EASO operations in national asylum systems—An analysis of the current European Asylum Support Office (EASO) operations involving deployment of experts in asylum procedures at member state level*. ECRE Report.
- Neframi, E. (2011). *Division of competences between the European Union and its member states concerning immigration*. Directorate General for Internal Policies of the European Parliament.
- Neuman, L. (2012). Designing the face-to-face survey. In L. Gideon (Ed.), *Handbook of survey methodology for the social sciences*. Springer.
- Regulation. (2010). (EU) No 439/2010 of the European parliament and of the council of 19 May 2010 establishing a European Asylum Support Office. *Official Journal of the European Union*, L 132.
- Regulation. (2021). (EU) No2021/2303 of the European parliament and of the council of 15 December 2021 on the European Union Agency for Asylum and repealing regulation (EU) No 439/2010. *Official Journal of the European Union*, L 468.
- Riessman, C. (2014). Analysis of personal narratives. In J. Gubrium, J. Holstein, A. Marvasti, & K. McKinney (Eds.), *The SAGE handbook of interview research: The complexity of the craft* (pp. 367–380). SAGE Publications.
- Ripoll Servent, A. (2018). A new form of delegation in EU asylum: Agencies as proxies of strong regulators. *Journal of Common Market Studies*, 56(1), 83–100.
- Schneider, S., & Nieswandt, C. (2018). EASO—Support office or asylum authority? Boundary disputes in the European field of asylum administration. *Österreichische Zeitschrift Für Soziologie*, 43, 13–35.
- Taylor, I., & Kelly, J. (2006). Professionals, discretion and public sector reform in the UK: Re-visiting Lipsky. *International Journal of Public Sector Management*, 19(7), 629–642.
- Treaty on the Functioning of the European Union. (2012). Consolidated version of the Treaty on the Functioning of the European Union. *Official Journal of the European Union*, C 326.
- Tsourdi, E. (2020). Holding the European asylum support office accountable for its role in asylum decision-making: Mission impossible? *German Law Journal*, 21(1), 506–531.
- Tsourdi, E. (2022). The new pact and EU agencies: A tale of two tracks of administrative integration and unsatisfactory embedding. In D. Thym (Ed.), *Reforming the common European asylum system—Opportunities, pitfalls, and downsides of the commission proposals for a new pact on migration and asylum* (pp. 113–128). Nomos Verlag.
- Vandevooordt, R. (2018). Judgement and ambivalence in migration work: On the (dis)appearance of dilemmas in assisting voluntary return. *Sociology*, 52(2), 282–297.
- Vetters, L. (2022). Making sense of noncitizens' rights claims in asylum appeal hearings: Practices and sentiments of procedural justice among German administrative judges. *Citizenship Studies*, 26(7), 927–943.
- Wagenaar, H. (2020). Discretion and street-level practice. In T. Evans & P. Hupe (Eds.), *Discretion and quest for controlled freedom* (pp. 259–278). Palgrave Macmillan.
- Weber, M. (1999). *Essays in economic sociology*. Princeton.
- Winter, S. (2003). *Political control, street-level bureaucrats and information asymmetry in regulatory and social policies*. Copenhagen.

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