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**Negotiating access with public
authorities in research on asylum**

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Abstract

This paper tells the story of obstacles and challenges to fieldwork in a research project exploring migrants' narratives in the asylum process in Sweden, where, rather than facilitating data collection, the Swedish Migration Authority appeared to create barriers. This had implications both for the project and for individual case workers and interpreters; in the praxis of informed consent, our own strict interpretation became an unnecessary drawback; and in our attempt to overcome the obstacles, we actively involved the national press. The discussion is framed within an overall concern for the role of research in society, and its benefits and risks in relatively closed sectors, raising issues of personal privacy, security and trust.

1. Introduction

As researchers with a specific competence in language, communication and interpreting/translation, we believe that it is our duty to turn our analytical lens to questions of great importance for the thriving and development of democratic societies characterised by legal certainty and respect for human rights. We all have earlier experiences of working with questions related to migration and refugees (professionally – as researchers/lecturers, one of us also as a journalist – and voluntarily) and consider these issues important and in need of attention. Consequently, living and working in Sweden, the country with the fifth highest number of refugees per capita in the end of 2016 (UNHCR 2017), we initiated a research project focusing on language and communication in the asylum process, a field we find to be under-researched. Initiating research on this field proved, however, to be more complicated than we had hoped for. In this paper, we discuss the methodological problems we encountered in the process of data collection for an ongoing project aimed to examine the co-construction of the asylum seeker's narrative in the asylum process. The methodological issues discussed are mostly a result of our lengthy and rather unfruitful contacts with the Swedish Migration Agency (henceforth SMA).

There are several problematic aspects of collecting data in relation to asylum interviews. The most obvious one is that the key participants, the asylum seekers, are in a vulnerable position and in an extremely sensitive and critical point in their lives where their future to a great extent is to be determined. It is of utmost importance to bear this in mind when conducting research on asylum interviews, but it will not be discussed further here (for a detailed discussion, see Van Liempt & Bilger 2009). Another complication – one that is indeed a focal point in this paper – is that the case workers and the interpreters are difficult target groups as potential participants in a study like ours. They entertain work roles with a high degree of responsibility and act in strictly regulated environments, a circumstance which easily nurtures fears of committing formal errors. Agreeing to participate in a research study could, from their point of view, be understood as a means of being evaluated and controlled. Additionally, the case workers might experience pressure in their decision as to whether to

participate in the study or not, especially if their employer does not encourage their participation.

Another complication is that asylum and immigration are highly politicised matters in the current socio-political context, in Sweden as well as in many other countries. As a consequence, the Swedish Migration Authority (SMA) is being exhaustively scrutinised and criticised in the public media. Any study on the asylum process will inevitably be influenced by the fact that matters of immigration are loaded with strong ideologies, attitudes and feelings. Possibly as a consequence, migration agencies in Europe seem to be particularly reluctant to open their doors to researchers. Recent testimonies can be found in *Border Criminologies'* themed blog series *Accessing the Migration Apparatus* organised by Rosset and Achermann (2017a). One of the blog posts, with the expressive title "Let the Right One In – On Migration Authorities' Resistance to Research" (Lindberg & Borrelli 2017), bears witness to difficulties in getting access to several European migration control agencies, among them the Swedish agency. In connection to this, the SMA introduced new routines in relation to the asylum process and a large number of staff members were recruited, many of which eventually left, due to fewer asylum seekers over the last few years. Taken all together, this places enormous pressure and constitutes an increased workload on the authority and its employees, something which might lead to reluctance to engage in research studies.

Facing so many potential obstacles, a study on communication practices in asylum interviews could be seen from the beginning as doomed to fail, and one might ask if we should not instead pursue studies in other areas where the material is more accessible. In this paper we will argue that it is indeed important to conduct studies in complex and sensitive contexts. We will also argue against giving authorities the power to make decisions about the role of research arbitrarily and behind the scenes. The story we will tell is one of a lengthy and rather unfruitful negotiation process with the Swedish migration agency and the resulting actions that we took in order to protect our research plan and ensure the realisation of the study. In section 2, we begin by providing a timeline and a detailed account of our contacts with the SMA. This chronicle lays the ground for section 3, where we discuss challenges in the process of negotiating and collecting data and our resulting (re)actions and strategies for overcoming the barriers placed upon us. The challenges are discussed in relation to two different kinds of gatekeepers: (a) the SMA as an authority which refused to facilitate the study and (b) the authority's employees, who were expected to participate in the study and who hesitated to do so in fear of misconduct in relation to their professional roles. The main (re)action we discuss is the decision to involve the media in hopes of raising a public debate of the role of research in society as well as increasing our chances to get a positive reply on our request to the agency. Another strategy discussed is our questioning of the praxis of informed consent as a transferable practice relevant to all research contexts. Finally, we also mention our attempt to conduct parts of the study in a different country and our initiation of a relevant parallel study with more easily accessed material. In section 4, we conclude this paper by arguing that freedom of research requires researchers who are persistent when conducting studies on public fields that are not easily accessible, especially when the planned study can be claimed to be beneficial for vulnerable societal groups.

2. The research project and the chronicle of the negotiation process

In this section, we start by a description of the research aims and methods for our study on migrants' narratives in the asylum process. Then we present a timeline and a short chronicle

of our attempts to negotiate data collection and collect data from the beginning of 2016 until today, i.e. autumn 2019.

2.1 Research plan: Aim and activities

The ongoing project “Migrant Narratives in the Asylum Process” seeks to examine how narratives about asylum seekers are shaped and reshaped during the asylum process with a specific focus on the asylum interview conducted with an asylum applicant by the SMA. The idea is to explore how these narratives are co-constructed in the shared communicative situation by the asylum seeker, the case officer, the interpreter, and the public counsel, and subsequently, how they are re-contextualised in the SMA’s written documentation. Additionally, we want to examine how the asylum seeker’s identity is constructed in the asylum interview(s) and in the written documentation, especially in the written documentation of the interview, which the case officer types down as the interview evolves, and in the final decision. Hence, we need to observe and record asylum interviews and collect all written documentation generated in the process. In order to investigate how participants make sense of the asylum interview and of the affordances and restrictions in relation to this communicative situation, we also want to conduct research interviews. Based on the fact that the study is financed by the Foundation for Baltic and East European Studies and in order to match the language knowledge of the research team, we decided to focus on asylum seekers coming from countries of the former Soviet Union. The languages of the study are Swedish, Russian and to some extent also Turkish. The overall goal we set for the research project is to generate more knowledge about the role of language and communication in the asylum process and thereby hopefully contribute to an asylum process characterised by a higher degree of legal certainty.

What follows here is a graphic timeline including the major points in our contacts with the SMA, as well as the main strategies we have adopted for ensuring the realisation of the study.

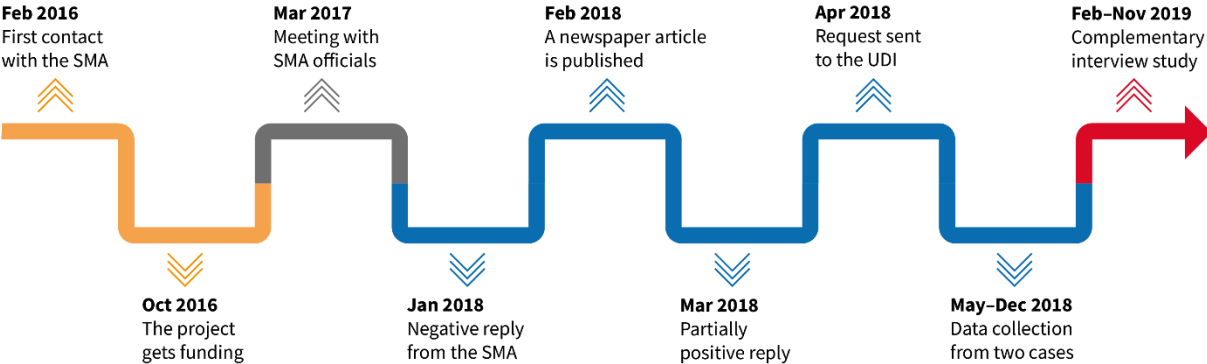


Figure 1. Timeline of our research process

2.2 Seeking access for the study

Access to research in a governmental body such as the SMA requires permission from directors. In our case, we made sure to get in touch with the authority at a relatively early

stage, even before having secured funding for the study. In February 2016, we had telephone and written contact with decision-makers in the SMA who confirmed their interest in the project, provided that it would be funded. Immediately after the decision for funding came, in October 2016, we informed the agency. In January 2017 we asked the SMA for a meeting in order to negotiate access, but also to discuss possible benefits for the agency as well as for other stakeholders.

The meeting took place in March 2017 and we prepared for it by sending a copy of our research proposal, as well as a list of points of discussion. We were met by two representatives of the authority and during the meeting we came to realise that neither of them had a good understanding of the aims and methods of a study like ours, and at least one of them had not read the documents that we had been asked to send in advance.

As a follow-up from this meeting, we were asked to produce a formal request for conducting the study, as well as two separate written explanatory statements to prove (a) that the study is endorsed by other organisations engaged in questions of asylum in Sweden and (b) that we as researchers have previously been involved in applied research and have disseminated the results in a relevant way. We submitted the formal application and the explanatory statements in April 2017. Half a year and a couple of reminders later, we received an answer in which we were asked to produce two more written statements to convince the SMA of the achievability of our study: (c) a statement explaining the role of the regulatory ethics committee that had approved of our project and (d) a second statement where we would produce an account of earlier cases in which external observers participated in asylum interviews, in Sweden and internationally. We found all these statements quite unnecessary – we experienced them as a way of distracting and exhausting us. Needless to say, we nevertheless complied with all the demands from the SMA in order to (hopefully) increase our chances of gaining access.

In January 2018, we received a negative reply from the authority. The decision was based on two main arguments: First, the SMA argued that the presence of external observers could cause anxiety and pose a risk to the applicants' confidence in the situation. Second, the SMA questioned whether the applicants could take an autonomous and informed decision about their participation in the research project; the agency argued that the applicants could be misled into interpreting their participation as influencing the legal outcome of the asylum case. At the end of the rejection letter, the SMA expressed a will to support our research with the following offer: "If the project team wants to study statistics, for instance, the agency can issue these to the extent that it is possible, considering existing safety legislation" (our translation from the original Swedish).

2.3 Seeking alternative routes to access

After much deliberation, our response to the rejection was to contact a journalist working for Dagens Nyheter, Sweden's largest subscribed daily newspaper, and inform about the unfruitful negotiations with the SMA. An article with the title "The Migration Agency stops researchers" (Mannheimer 2018; our translation from the original Swedish) was published on 4 February 2018). The article focused on the length of the negotiations and on the fact that permission for the study was rejected. Our second action was to send a new letter to the SMA with a modified research plan.

2.4 Getting limited access

In the beginning of March 2018, not long after the article was published, we received a reply to our modified research plan. The agency did not want to help us spread information about our project or to actively facilitate it, but we would be allowed access to their premises provided that we inform the agency about the cases that we would include in the study. This condition posed for us a serious dilemma, since it meant that we could not promise informants anonymity in regard to the management of the agency, and it led us to consult a legal expert, who confirmed the SMA's right to pose such a demand when outsiders want to gain entry to the agency's premises.

In the period between May and December 2018 we managed to collect data from two different asylum cases.

2.5 Seeking additional strands

At the same time as negotiating with the SMA, we took additional measures to ensure the operationalisation of the study. These measures, discussed in more detail below, had two directions: increasing the chances of finding participants for the study and initiating new, parallel studies.

- As a reaction to the difficulties met in our efforts to obtain informed consent from the case workers and the interpreters, we sent a complementary application to the Swedish Ethical Review Authority, which was also approved. In this, we requested not to ask for a written informed consent from the case officers and interpreters in the remaining of the study.
- We have opened up the study to also include asylum seekers coming from other parts of the world than the former Soviet Union, even though this is not in line with our initial research plan for which the project is funded.
- In February 2019 we initiated a parallel study in which we interview people with experience from participating in asylum interviews, i.e. case officers, interpreters, lawyers, volunteers and (former) asylum seekers. A new request to the SMA to help us get in touch with five case officers was rejected in March 2019. This interview study has nonetheless taken place without the mediation of the agency, because we managed on our own to find case workers who were willing to be interviewed.
- Further, we contacted the Norwegian migration agency Utlendingsdirektoratet (UDI), and after a constructive and fruitful meeting with them we decided to also include migrants seeking asylum in Norway in our study.

2.6 Current situation

At the time of finishing this paper (September 2019), the material collected for the project is data from two asylum interviews and research interviews with 29 informants. The project still has funding for about two more years and we continue with our attempts to recruit asylum seekers who want to participate in the study. A letter was sent to the SMA's general director

in March 2019, in which we made a new attempt to convince the agency to facilitate the study. The agency has confirmed receiving our letter but has, at the time of writing, not come back to us with a reply.

In the rest of this paper, we will discuss the research dilemmas that emerged as a result of this lengthy and unfruitful negotiation process, as well as the actions we have been taking in order to insist for the realisation of the study.

3. Challenges in doing research on the asylum process

In the following section, we discuss some of the main challenges with which we were faced during the data negotiation process and the strategies we used in order to overcome them. As the chronicle above indicates, communication and negotiation with the SMA has been one of the first and largest threats to the realisation of the study. We place this experience in the larger context of carrying out research in public authorities and show that similar experiences have been witnessed by other researchers conducting research on migration. Negotiating with individual professionals, namely case workers and interpreters, has been a second major challenge in the study. We discuss in closer detail some of the reasons why individual professionals were hesitant to participate and we problematize the praxis of formal, informed consent in relation to linguistic ethnography in contexts similar to the migration agency. Finally, we account for our experiences when using the media as a way to initiate a public debate and we discuss the implications of such a strategy.

3.1 The Migration Agency as a gatekeeper

Negotiating research access with the SMA proved to be, in our case, highly problematic. It is worth noting here that the SMA is an authority currently with a high workload and under pressure. This could partly justify the lengthy periods for decision-making, as well as the reluctance of the agency to participate in the study. At the same time, the agency's actions were not followed by the kind of transparency and legitimation that we argue is expected from public authorities responsible for taking decisions critical for individuals as well as for the society as a whole.

We are up to this day uncertain as to the internal process that the SMA followed in order to reach a decision for our request. We were met by migration officers who acted as middlemen between us and the decision-makers, one of whom was a procurement officer responsible for interpreter services, i.e. an employee with an administrative role not related to research. The authority questioned our expertise as researchers, treated our request as potentially uninteresting and unimportant and did not secure transparency in the decision-making process. Furthermore, they focused only on the applicability and the usefulness of the study in relation to the SMA. We highlighted instead the fact that the study aims to be useful not only for this public organization but also for other actors with an interest in a fair and professional asylum process, such as interpreters, interpreter educators, lawyers and NGO's promoting refugees' rights.

The picture of the asylum seekers painted in the SMA's rejection letter to us in January 2018 – especially by means of the argument about the asylum seekers not being able to take an informed decision in relation to research – is that of a group of individuals with a rather

restricted ability to understand the reasons for and the implications of participating in a research project. To a certain degree, the fears of the SMA's officials are justifiable: any individual in a critical situation could entertain the thought of agreeing to participate in a study with the aim of benefiting from it in one way or another. Yet, in our research proposal as well as in the leaflets produced to inform potential participants that we had enclosed to the letters to SMA, we had emphasised that the researchers work independently from the SMA and that participation in the research project would in no way influence SMA's decisions in individual cases.

One could easily argue that the whole asylum process is foreign to many asylum seekers, who also might have a variety of different experiences of interaction with public servants. Generally, a logical step to prevent misinformation about a research study is to make sure that the researchers inform the potential participants about the study in an appropriate and accessible manner. An argument that questions our ability to provide proper information about the aims and the implications of a study in effect questions our professional roles and competence, as well as trivialises the authority of the Swedish Ethical Review Authority, which had approved the ethics of the study. What is more, in our project group we have the linguistic competence to communicate with potential participants in a shared language – Russian, Turkish and English – and thereby inform them of the research study without the mediation of an interpreter, a circumstance which minimises the risk for non-detectable miscommunication. Moreover, there are several imaginable ways that the SMA could facilitate our research project and help us spread information about it without getting directly involved as an active provider of information in the first line. For example, we could be allowed to put information material in the agencies' premises, preferably in the waiting rooms. When we, at a later stage in our research process, turned to the Norwegian migration agency (UDI) they immediately found a solution that involved an NGO affiliated to the UDI being asked to (and agreed to) help us spread information about our study.

The argument related to the presence of the researcher disturbing the asylum process is also questionable, particularly in the light of previous studies where researchers and other external observers have participated in asylum interviews without any reported negative results (e.g. Maryns 2006; Pöllabauer 2007; Pöchhacker & Kolb 2009). As mentioned above, earlier experiences of external observers were the subject for one of the supplementary statements we had been asked to produce, but in the rejection letter to us the SMA did not pay attention to this statement. The argument that external observers could cause anxiety is even more remarkable since external observers have previously attended asylum interviews not only internationally but also in Sweden (e.g. Johannesson 2017). It is worth noting that although all four supplementary statements which we were asked to present to the SMA considerably strengthened our case for conducting the study, none of them was mentioned in the rejection letter, and we have therefore no way of knowing whether they were actually considered in the decision-making process.

Testimonies from other researchers focusing on migration show that our experiences are not unique. In a blog post about European migration authorities' resistance to research, Lindberg and Borelli (2017) discuss rejection letters based on arguments similar to the ones which were presented to us. As researchers asking for access they were frequently met with ignorance, and the rejection letters they received were vague and often contradictory. Rosset and Achermann (2017), also reflecting upon arguments of rejection, argue that even though the official justification given for refusing access often has to do with either resources or data protection and confidentiality, the real reason for the reluctance of migration authorities to

open their doors to researchers might often be that representatives of the state want to preserve “the authority of their institutional ‘talk’ – the norms and values carried by their structures and rhetoric”. The use of contradictory arguments in order to control or prevent research related to sensitive and marginalised groups has been noted also by researchers in other fields. In a discussion on the role of ethical regulations in the humanities and in social science research, Dingwall (2008: 7) questions this ironic state of preventing citizens from participating in potentially beneficial research in the name of protecting them, and he states that “[t]here is something slightly odd about the scale of activity devoted to empowering people with learning disabilities, for example, while simultaneously denying them the right to make their own decisions about being interviewed”.

The important question raised here is whether a public authority, like a country’s migration agency, can be placed out of reach for researchers and whether the authority’s board has the right to take such a decision. Data protection and confidentiality are often presented as justifiable arguments in favour of declining access, but could these arguments be misused? Taking as a starting point that research is a societal practice necessary and invaluable in the maintenance of democratic and well-functioning societies, we believe that governmental bodies have a legitimate interest and an obligation when it comes to facilitating externally funded research, approved by the country’s ethical regulatory board and conducted by researchers affiliated to well-established universities. In our case, the Swedish authority that is primarily in charge of the country’s management of migration and asylum issues has set up a barrier to the realisation of a publicly-funded study that aims to explore issues that are of utmost importance for the way the authority takes and motivates decisions.

3.2 Individual professionals as gatekeepers

In section 3.1, we discussed the implications of anonymous structures within the SMA exercising power to deny access to research data. In this section, we will discuss the role of individual professionals potentially acting as gatekeepers, voluntarily or involuntarily, and more specifically the question of informed consent. As will be shown, these issues are not isolated from the dilemma discussed above. On the contrary, the fact that the management of the SMA did not in a smooth and clear way signal to their employees that they were allowed to take part in our research project and let us observe asylum interviews created difficulties, not only for us as researchers but also for the employees in their role as potential research participants.

In our project, the people who need to give explicit written consent are, according to the established research tradition, all those involved in the asylum interview: the applicant, the case officer, the interpreter and the public counsel. Not surprisingly, informed consent is regarded as something particularly important for members of groups that are characterised as vulnerable, like asylum seekers (Crow, Wiles, Heath & Charles 2006). Obviously, we would not consider observing asylum interviews unless the applicants have given their explicit consent. Informing asylum seekers about the project and about their rights when giving us access to their personal data is certainly not an easy thing – especially since nowadays we not only have to consider regulations relating to research ethics but also the General Data Protection Regulation (GDPR), established within the European Union, which implies that formal legal language must be used when informing research participants. But so far this has not proven to be the most demanding task in our research process. Rather, what has come up

as a sensitive and complex task is obtaining informed consent from less vulnerable informants, more specifically case workers and interpreters.

In the first case we observed, we struggled with the issue of informed consent in relation to a case officer. He showed interest in our study and was willing to participate but did not want to sign the consent form unless his manager gave him a formal assignment to participate in the study. Our reassurance that a general formal permission from the SMA had been given was not enough, and although we explained that signing the consent form only meant confirming that he as an individual is willing to participate in the study, the case officer felt that signing a form meant taking on a great responsibility that did not fall under his authority. He finally signed the consent form, but not until his manager had confirmed that the employees were allowed to participate in the project on a voluntary basis. This does not change the fact that the case officer was exposed to stress and pressure, and it required a lot of time and energy (telephone calls and emails) on our part before the situation could be resolved.

Fears and reluctance to signing the consent form were also expressed by an interpreter. In this case, the interpreter did not want to take a stand about whether to participate in the research project. She did not refuse to participate but neither was she willing to give formal consent either, since she felt that she acted in contradiction to her professional role if she took a stand in such a question. According to her, she is not an individual in the context of an asylum interview but rather a mediating tool, and as such she is guided by the will of the SMA (as her employer) and the applicant. Giving a written consent generated fear of losing her professional licence (a fear which is unfounded in reality¹ but was still real to the interpreter) and refusing participation generated a fear of opposing the agency's and the asylum applicant's will. In other words, the interpreter experienced stress due to the fact that she had to take a position in relation to the realisation of the study. She was not even interested in being informed about the study, and she refused to acquaint herself with the written information offered together with the consent form. It is also important to note that the time pressure in this case was immense – since we were not given the interpreter's contact details in advance, we were not able to talk to her before we were all in the room where the asylum interview was about to take place. This left us in a very perplexed state – we did not know how to act in the best way from an ethical point of view: if we had left the room, she would have felt bad, since she explicitly expressed a wish not to affect the situation in any way, but if we had stayed, we would have to conduct the study without her consent. In the end, she gave oral consent to participate, answering a direct question from the case officer.

As a result of our experience in the two cases described above, we started questioning some of the formal ethical requirements that ethnographers traditionally follow. Could and should linguistic ethnography be conducted in a different way? A way that is ethical but that does not get caught in time-consuming bureaucratic processes exposing the research participants to unnecessary stress and pressure. Obviously, we are not alone in facing this dilemma; our reflections in relation to the way formal written consent can function as a serious barrier to the realisation of a study are confirmed by a number of studies within the field of humanities and social studies reported in Dingwall (2008).

¹ Upon request, the Swedish certifying body *Kammarkollegiet*, found the interpreter's argument quite strange, since certified interpreters are expected to be able to reflect upon, take decisions regarding and take responsibility for their performance as professionals. Obviously, according to the certifying body, interpreters have the right to decline or admit to participate in research projects, just like anyone else.

According to good research practice, we are obliged to protect the welfare of human beings when doing research (Swedish Research Council, 2017). But in the cases described above, we exposed the case officer and the interpreter to stress and pressure by asking for their formal, written consent. It is worth noting that the interpreter explicitly stated her wish to interpret in the follow-up asylum interview, although she knew by then that a researcher would be present. This indicates clearly enough that it was not being observed or participating in the research project as such that she experienced as uncomfortable, but specifically the fact that she was asked to sign a formal consent form.

Ethnographers agree that appropriate consent can only be achieved through a negotiation of the relationship between researcher and participant. However, as Parker (2007) states, negotiation is not a straightforward, unproblematic process. Neither is it likely to be the same for all the parties involved: “what is under negotiation, that is ‘ethics’, will be shaped by the how of negotiation, that is ‘method’, and vice versa” (Parker 2007: 2253). In the two cases described above, it is obvious that we as researchers and our potential participants did not agree on the ‘what’ of the negotiation. Neither the case officer nor the interpreter understood our enquiry about informed consent to be a question addressed to them as individuals. Rather, the case officer understood it to be a matter of permission (which he, in turn, needed to get from his superiors before he could pass it on to us). The interpreter, on the other hand, seems to have perceived our enquiry as a way of imposing a form of individuality on her which she refused to attribute to herself in her professional role.

The question that gradually started taking form in our internal discussions was whether formal written consent is indeed necessary when a research participants’ sensitive data are not at stake. In line with many other researchers, we experienced that the norm of signing a consent form sometimes functions as a superfluous restriction, not necessary for guaranteeing a high ethical standard of a study. We concluded that informed consent does not need to be seen as a rigid praxis that should be blindly followed, but as a flexible tool that should be used in order to protect research participants in those cases where this is possible and necessary (cf. Parker 2007, Atkinson 2009, Murphy & Dingwall 2007). This new insight resulted in the submission of a modified application to the Ethical Review Authority, where we argued that signed consent should only concern the asylum seekers in our study. The arguments we put forward were first that only the asylum seeker contributes sensitive personal data in the asylum interview, and second that some of the other actors had experienced stress when we asked them to sign the consent form. Moreover, we explained that interpreters are sometimes assigned to work from a hub or a call centre, and in these cases, they are identified at the SMA only by an order number. Hence, if we were to make someone performing remote interpreting sign a paper, we would have to make extra efforts to identify them. To our relief, our modified application was approved without delay and without further comments from the regulatory board.

Considering the given circumstances, this new approval worked as a partial solution to our problems with accessing data and it facilitated our research process, at least on a general level. In cases where migration agencies have a more cooperative attitude towards research, other solutions are possible. This was proved in our contacts with the UDI, the Norwegian migration agency, to which we reached out once we realised how difficult it would be to collect all the required research material in Sweden. In the part of our study that takes place in Norway, the arrangement is different: We are asked to inform the UDI as soon as we have established contact with an asylum seeker who wants to participate in our study. In the next step, UDI makes sure to assign the case in question to a case worker and an interpreter who

are willing to participate in the study. In this way, the question of informed consent is solved in advance, effectively and without the element of time pressure.

On a more general level, we would like to question the established procedure of formal informed consent for one more reason, which we did not discuss in our modified application to the Ethical Review Authority but which we nevertheless find critical: The established praxis of individual consent might put employees under pressure, not only because they might not be sure about which is the correct stand to take in relation to their professional obligations, but also because they might actually want to participate in a study while at the same time feeling pressured into declining because of their superiors' negative attitude towards the study in question or towards research in general. In other words, superiors might use the practice of informed consent as a way of stopping research by putting pressure on individual employees. How free is the free consent in this case? Considering the fact that employees are dependent on their superiors in several ways, the traditional construction of the informed consent process, which forces every person to take an allegedly individually based stand, is in a way delusive.

3.3 Contact with the media as a dissemination strategy

As mentioned above, after having received a first negative answer from the SMA we contacted a journalist and informed him about the lengthy negotiations and the lack of transparency in the agency's actions. The decision to turn to the media was partly an act taken in order not to abandon the study, but it was also based on our firm belief that the questions raised by the SMA's dismissive attitude concern not just the academic community but society as a whole. We wanted to start a discussion including everyone interested in the role of research in society and in whether public authorities have a duty to facilitate well-established research that several societal actors potentially could benefit from.

Contacting the media was a difficult decision, not least because it meant challenging traditional research ethics that prescribe researchers to show respect when a research field is not accessible and, more importantly, to be humble and not give publicity to the negotiation process as a method of putting pressure to gatekeepers. In other words, we were aware of the fact that this action could be controversial. At first, our intention was to use media contacts as a very last resort, but then we had to reconsider when suddenly the SMA got a lot of public attention: In December 2017 an appeal, with the title "The Migration Agency's shortcomings should be made visible", signed by some of the SMA's staff, was sent to the Swedish migration minister and the government. When this event was taken up by the country's media, we were forced to make a quick decision in order to be able to take advantage of the media attention. Even if the aim to join the public dialogue was primary, we were also hoping that the media attention would result in the SMA reconsidering our request for access.

The circumstance that one of the researchers in our group has a professional background as a journalist might have contributed to the fact that it did not feel all too threatening for us to turn to media; this familiarity with the media sector might even have been a factor decisive for us to consider turning to media in the first place. Nevertheless, we were not entirely comfortable making the decision to contact a big newspaper, mainly because carrying out research is not usually guided by a journalistic logic. Still, we ended up thinking that a journalistic logic might be useful in some cases, at least if we seriously claim that research could and should fill an important function in society. After all, we live in a mediatized

society (Hjarvard 2009), and this fact is not possible to neglect if one wants to be an active citizen and a researcher engaged in societal matters.

However, there were several reasons that initially made us hesitate to contact the media. First, we did not want to aggravate our relation to the SMA, since we are dependent on some kind of cooperation with the authority in order to be able to carry out our research. Second, the tone in the public debate is often harsh and exaggerated, and we did not feel sufficiently prepared for that. Furthermore, we were somewhat anxious about what our colleagues would think and whether this action would have an impact on our reputations as researchers.

In the end, most of our fears turned out to be unfounded: We did not receive any negative comments from colleagues – on the contrary we received quite a lot of encouragement. The article did not lead to any infected media debate – actually it did not lead to any media debate at all, but we know that it was read, and that the questions invoked by it were discussed in different contexts, for instance at a research seminar at the Swedish Red Cross University College. A quick and positive answer to the modified request we sent to the authority came only a few days after the article had been published. In their reply, the SMA gave us permission to conduct the study provided we follow certain rules and restrictions, including a demand that we report to the agency all cases that we include in our data. The rest of their demands were prescribed by traditional research ethics and already declared by us in our first letter to the SMA.

Finally, as a consequence of the article the Vice Principal of Södertörn University reached out to us to offer support, and according to our wishes we were allowed to consult a legal expert on behalf of the university. This legal expert took responsibility for sorting out whether the demand of reporting to the agency the cases that we include in the data was legally grounded and therefore not negotiable. She also helped us to formulate an information text (for the project's website) that was in line with the legal requirements for similar cases.

To conclude this section, we want to highlight two aspects that are important to bear in mind for researchers turning to media for attention. The first aspect concerns the fact that media contacts, to a certain degree, involve a loss of control. It is the journalist who writes the article (or edits the news report), who makes the selection of what to include, and who frames the quotes. In our case we were lucky, since the journalist not only let us read our own quotes before publication (a basic right of interviewees, prescribed by the press ethical regulations) but the whole article, which made it possible for us to make corrections on a larger scale and thus retain quite a lot of control. Even more than writing the article, formulating the headline is an exclusive editorial task – and in our case we did not have the opportunity to see the headline in advance. When the article was published in a first version online the headline was – in our opinion – a bit too dramatized and exaggerated, but later it was changed (without our intervention), and the headline which appeared in the paper edition was factual, covering the article's content.

The other aspect which we want to highlight concerns possible reactions from the home university of the researchers. According to Swedish law, all individuals have the right to contact mass media to give information intended to be published. Nevertheless, the communications department could be expected to react, a circumstance which is hardly surprising considering the high degree of mediatization in our society. Both directors and communicators might have a desire to be informed in advance about a newspaper publication, and not least communicators are likely to be anxious about how the organization is pictured in

the media. Today, many resources are spent on media monitoring and on managing organizational brands and images. For researchers who plan to turn to media for attention it might be wise to consider in advance how to deal with this. In our case we did not receive any reactions from the communication department at our university, but one of us got a reprimand for not having informed the manager in advance.

4. Reflections and conclusions

In general, this paper concerns the issue of academic freedom and the value of research for societies. Birgitta Forsman, researcher in science theory and research ethics, reflects on academic freedom as follows: “What kind of freedom researchers have is a question of power. What kind of freedom they should have is a question of moral.” (2004:12; our translation is from the original Swedish). Through this paper, we have argued that academic freedom is also a question of what kind of societies we want to live in and what role we want to ascribe to research in these societies.

Our experience of having a public authority as a research field and our struggles in accessing the field and collecting data – combined with our conviction that the knowledge we want to generate is valuable, not only to the scientific community but to society as a whole – have convinced us more than ever about the necessity for free and easy access for research in the public sector. Researchers have a responsibility to critically explore the activities taking place in public authorities in order to contribute their expertise to a fair state, and this is of particular importance in the case of asylum, where human lives are at stake. According to the Norwegian National Committee for Research Ethics in the Social Sciences and the Humanities, research “has a social responsibility, whether it be instrumental as a foundation for societal decisions, critical as a source of correctives and alternative choices of action, or deliberative as a supplier of research-based knowledge to the public discourse”. (NESH 2016:11). The same source also states that researchers should be given access to public administration and institutions to the highest possible extent. A similar statement is made in UNESCO’s declaration of science, suggesting that scientific knowledge should play a decisive role in public decision-making, policy and regulatory decisions. Against this background, we argue that there is a minimum of criteria that should be fulfilled when researchers ask for access to public authorities. More specifically, the decision process should be transparent, and the decision should not be taken on arbitrary grounds. Further, the request for access to data should be handled by employees who have a good understanding of research processes and of the role of research in society. Finally, we argue that it should not be completely up to the individual public authority to decide upon what kind of research should be supported and promoted, but this should instead be the result of public dialogue and a general societal consensus.

Under circumstances like the ones described in this paper, it is of great value to take a step back and remind oneself that negotiations for access – as well as other difficulties during the research process – should not only be seen as unnecessary obstacles but also as another (maybe inevitable) way of collecting material (cf. Johannesson 2017, Lindberg & Borrelli 2017, Rossett and Achermann 2017b). Difficulties which might not at first sight seem relevant to the research questions *per se* could in fact be illuminating in ways not expected by the researchers. This is especially true in ethnographic studies, where the observations aim partly to get a deeper understanding of the research field. Unarguably, there are elements in the process of negotiation we have undergone that bear resemblances to obstacles many asylum

seekers have witnessed in the asylum process: long waiting periods, vagueness in communication, lack of clarity as to who makes the decisions and on which grounds, and requests about documents and proofs which are nonetheless not taken into consideration in the final decision. Obviously, our experiences of negotiation with the SMA are far from those an asylum seeker goes through during the asylum process, but as far as experiences of being in contact with a migration authority are concerned, there are nevertheless some similarities.

The research experience we have shared in this paper is also telling of the role and the actions of researchers when facing barriers that make research projects almost impossible to conduct. From the beginning of our research careers, our research identities have been developed in a context of trust, obedience and alignment with ethical committees and regulations, even in cases when these regulations do not make perfect sense to us. We enter research projects with the best of intentions, equipped with our ethical guidelines and determined to establish good relations with the participants and, in any case, not to harm them in any way. Based on our traditionally-established research ethics, we rarely dare to question the authority of the person saying no or the intentions behind the answer. We place research ethical regulations above any other cause and we should probably do so in most cases. What happens though when we experience that breaking off a research project is at least equally as problematic as insisting upon its realisation? How to act in ambivalent situations when research ethics and regulations do not give sufficient guidance? In this paper, we have argued in favour of a researcher role which includes active engagement in society. We have also argued for the re-evaluation of some established principles of research ethics. Changing our research plan as to which participants will be asked to give a formal consent to the study and contacting the media when the project was close to failing can be seen as controversial strategies, but we argue that researchers should dare to question some established practices when convinced that this is necessary and when no real harm is caused to participants. This is an especially important call when it comes to ethnography, where one can rarely tell in advance the exact form the study will take, the exact issues that deserve to be highlighted, and the restrictions and other barriers that may appear on the way.

Our argument here is that researchers need to enter into dialogue about in which cases it is acceptable not to take no for an answer. When we shared our difficulties with colleagues in our respective departments and in linguistic conferences, some colleagues suggested that the study was not realistic and should therefore not be carried out. But why should we accept the fact that well-motivated and urgent research questions remain unanswered? Encouraged by other colleagues, we see it as our duty as researchers in the humanities to insist upon the realisation of the study, despite difficulties in recruiting participants.

One of the ways we insist is by means of repeated (and still ongoing) attempts to contact the SMA during a period of more than three years. When we were denied help with accessing five case workers, we contacted case workers and invited them to participate in the study in hours outside their work schedule. It turned out that many of them were willing to be interviewed and did not see their participation as a major disruption to their working tasks. Also, we engaged the Vice Principal in our struggle for accessing the research field and made use of the university's legal counsel services. In this way, we were able to familiarise ourselves with the relevant laws when negotiating access to public authorities and with our rights and responsibilities as researchers. Further, we contacted the media in order to evoke attention and to spur a public discussion about the role of research in society and about what responsibility public authorities should have in enabling research. We also sent a modified request to the Ethical Review Authority. We have extended our study to also include asylum seekers from

other areas than the former Soviet Union as well as migrants seeking asylum in Norway. Additionally, we have made sure that our funding body is aware of the difficulties we have in collecting data, in order to possibly get a time extension for the project. Finally, we have made use of our professional networks, shared our experiences with colleagues and found moral support as well as concrete advice as to the ways we should proceed in accessing the field and collecting data.

We certainly do not claim to be any kind of research heroes and we do not even know whether or not we will be able to collect enough data in order to complete our study in the way it was initially intended. Further, we are well aware of the fact that it takes an enormous amount of effort and time for researchers to engage themselves in such a battle and that not all researchers have access to the resources that were made available to us. In most cases, negotiations for access to research fields take place in the midst of demanding teaching responsibilities, administration loads and pressure from funding bodies and university departments. Engaging in time-consuming negotiations automatically means less time for actual research and fewer results in terms of publications. In such cases, resources and support from the academic environment is absolutely necessary. We are fortunate enough to find ourselves at a university that supports us and does not place unreasonable demands upon us in terms of publishing results, and this has made it possible for us to be persistent in our efforts to carry through this research project.

Obviously, we are the first ones to admit that there is a lot at stake when researchers engage in studies that are extremely complex and where data is difficult to access. We have seen that it may imply low academic results in terms of publications, an enormous degree of strenuous effort, the risk of having one's research ethos questioned by the academic community, experiences of stress and anxiety as well as feelings of frustration. Nevertheless, we are still convinced that complex and ideologically loaded aspects of human activity, like for example migration, are subjects that should be researched by academic experts. Conducting research that is directly relevant and applicable to the way societies function is a constant goal for most researchers. If we can use our expertise to contribute to fairer societal processes grounded in scientific knowledge, then – we argue – it is worth the extra effort.

References

- Atkinson, P. (2009). Ethics and ethnography. *Twenty-First Century Society*, 4(1), 17–30.
DOI:10.1080/17450140802648439.
- Crow, G., Wiles, R., Heath, S. & Charles, V. (2006). Research ethics and data quality: The implications of informed consent. *International Journal of Social Research Methodology*, 9(2), 83–95. DOI:10.1080/13645570600595231.
- Dingwall, R. (2008). The ethical case against ethical regulation in humanities and social science research. *Twenty-first century society*, 3(1), 1–12.
DOI:10.1080/17450140701749189.
- Forsman, B. (2004). Forskares frihet: Om makt och moral. [Researcher's freedom: On power and moral.] Lund: Studentlitteratur.

- Hjarvard, S. (2009). Samfundets medialisering: En teori om mediernas forandring af samfund og kultur. [The mediatization of society: A theory of the media as agents of social and cultural change.]. Nordicom-Information, 31(1–2), 5–35.
- Johannesson, L. (2017). Access to interviewees or access in interviews. In D. Rosset & C. Achermann (eds.) Accessing the migration apparatus [blog series]. Retrieved 2019 August 9 from <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/11/access>
- Lindberg, A. and Borrelli, L. M. (2017). Let the right one in: On migration authorities' resistance to research. In D. Rosset & C. Achermann (eds.) Accessing the migration apparatus [blog series]. Retrieved 2019 August 9 from <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/11/let-right-one>
- Lindholm, A., 2018. Migrationsverkets personal larmar: Allvarliga brister på myndigheten. [Staff in the Migration Agency warn for serious inadequacies.] Dagens Nyheter. Published 2018-01-19.
- Mannheimer, E., 2018. Migrationsverket stoppar forskare. [The Migration Agency stops researchers.] Dagens Nyheter. Published 2018-02-04.
- Maryns, K. (2006). The asylum speaker: Language in the Belgian asylum procedure. Manchester, UK: St Jerome Publishing.
- Murphy, E. & Dingwall, R. (2007). Informed consent, anticipatory regulation and ethnographic practice. *Social Science & Medicine*, 65(11), 2223–2234. DOI:10.1016/j.socscimed.2007.08.008
- NESH (2016). Guidelines for research ethics in the social sciences, humanities, law and theology. Norwegian National Research Ethics Committees. Retrieved 2019 August 9 from <http://www.enrio.eu/wp-content/uploads/2017/03/guidelines-for-research-ethics-in-the-social-sciences-humanities-law-and-theology.pdf>
- Parker, M. (2007). Ethnography/Ethics. *Social Science & Medicine*, 65(11), 2248–2259. DOI:10.1016/j.socscimed.2007.08.003
- Pöchhacker, F. & Kolb, W. (2009). Interpreting for the record. In S. Hale, U. Ozolins & L. Stern (eds.) *The Critical Link 5: Quality in interpreting – a shared responsibility*. Amsterdam/Philadelphia: John Benjamins, 119–134.
- Pöllabauer, S. (2007). Interpreting in asylum hearings: Issues of saving face. In C. Wadensjö, B. Englund Dimitrova & A.-L. Nilsson (eds.) *The Critical Link 4: Professionalisation of interpreting in the community*. Amsterdam/Philadelphia: John Benjamins, 39–52.
- Rosset, D. & Achermann, C. (eds.) (2017a). Accessing the migration apparatus: [Blog series.] Retrieved 2019 August 9 from <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/11/accessing>
- Rosset, D. & Achermann, C. (2017b). Accessing the migration apparatus: An introduction. In D. Rosset & C. Achermann (eds.) Accessing the migration apparatus [blog series]. Retrieved 2019 August 9 from <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/11/accessing>
- Swedish Research Council (2017). Good research practice. Retrieved 2019 August 9 from https://www.vr.se/download/18.5639980c162791bbfe697882/1529480529472/Good-Research-Practice_VR_2017.pdf
- Van Liempt, I. & Bilger, V. (eds.) (2009). *The ethics of migration research methodology*. Sussex: Academic Press.
- UNESCO (1999). Declaration of science and the use of scientific knowledge. Retrieved 2019 August 9 from http://www.unesco.org/science/wcs/eng/declaration_e.htm
- UNHCR (2017). Global trends. Forced displacement in 2016. Retrieved 2019 September 26 from <https://www.unhcr.org/5943e8a34.pdf>