

Who serves who?

The role of NGO's in implementing migration policy in Rotterdam

Supervisor	: Kim Caarls
Student	: Romy Houweling
ID number	: 485954
Email	: romy1993@hotmail.com
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Abstract

With the development of a new policy in an effort to centralize the governing of undocumented migrants in the Netherlands, NGO's in Rotterdam together with governmental organizations have started to work towards a sustainable future for the undocumented. By using a qualitative method, this study analyses the way in which NGO's navigate their position as an independent organization and also as an implementor of national and local policy. Applying the theories of structure and agency, policy ambiguity and conflict and that of divided loyalties, the analysis shows that NGO's use their own capacity to reach organizational goals while simultaneously implementing policy. Furthermore, NGO's make use of policy ambiguity to provide care for undocumented people that are ineligible for shelter under the new policy. Lastly, there is no sense of divided loyalties because NGO's have a very strong sense of independence regardless of their collaboration with the government.

Keywords: conflict; immigration policy; NGO's; policy ambiguity; undocumented immigrants; structure and agency.

1. Introduction

When looking at policies that over the years have emerged regarding the governance of undocumented immigrants in the Netherlands, it can be said that local level government in cooperation with non-governmental organizations (NGO's) have been at the frontlines, providing shelter and other necessities to undocumented immigrants before the national government made efforts to centralize and further regulate services for this group (van der Leun & Rusinovic, 2004).

When in November of 2018, after years of multilevel intra-governmental debates, an agreement between the Dutch national government and its municipalities was reached with regards to new policy governing the services being provided to and for undocumented immigrants, the role of NGO's was bound to change (Ministerie van Justitie en Veiligheid, 2018).

Formerly, NGO's took on the role of bed-bath-bread facilities which provided the bare minimum of human rights but were accessible to all undocumented immigrants. With the new policy, these facilities would now turn into Landelijke Vreemdelingen Voorzieningen (LVV's) and these LVV's would only exist in five major Dutch cities. These LVV's are based on the cooperation between state, municipalities and NGO's to create an environment with a strong focus on working on sustainable, attainable and lawful futures for undocumented immigrants (Rijksoverheid, 2019). LVV's however, are only accessible to undocumented immigrants on the condition that they are willing to work on a mutually agreeable future plan (Ministerie van Justitie en Veiligheid, 2018). One can imagine that after having provided shelter to a marginalized group for several years, the exclusion of those who do not meet the requirements to continue using the services could bring with it a sense of internal conflict for the NGO's. Furthermore, the way NGO's implement policy has a very real effect on the people that the policy was actually written for.

As mentioned above, undocumented immigrants now have to meet certain requirements before they can utilize LVV services. In its policy directive LVV's are described as working towards three acceptable futures for the undocumented: returning to the country of origin, onward migration or being granted a Dutch residency permit (Rijksoverheid, 2019). It can be argued that the chances of being granted a residency permit after all, are relatively low for the majority of undocumented immigrants due to many of them having already exhausted asylum possibilities (Rijksoverheid, 2018). Furthermore, previous studies have shown that for many, returning to the country of origin is simply not a sustainable option due to feelings of being unsafe and lack of social network (Pro-Facto, 2018; Muus and Muller, 1999). Similarly, onward migration could mean leaving behind social networks in the current host country and the feeling relative safety and security in the Netherlands. Arguably, the cost of utilizing LVV's could then outweigh the cost of remaining in the country undocumented.

On the other hand, it can be agreed that life as an undocumented immigrant is not easy. Institutional and societal structures have a restrictive hold on undocumented immigrants regarding their daily freedom of movement, access to healthcare, access to education etc. (Leerkes, 2016). As stated by Minderhoud (2018), the circumstances of undocumented immigrants are kept intentionally dire to encourage compliance with return policy. Now that these circumstances are tied to LVV's, it can be argued that in order to maintain their current living standard, undocumented immigrants might be willing to comply.

The role of NGO's in providing shelter and guidance to people in such a vulnerable position can be described as invaluable. Functioning as a middleman between government and the undocumented, NGO's and its employees find themselves in an interesting position. Taking into account the perspective of NGO's and that of its employees, navigating the structures surrounding LVV policy proves to be quite complex. Organizational and individual interests are in conflict with structural forces pushing in a different direction. Policy change brings with it a change in implementation, collective action and effect. To further explore how NGO's and their employees in Rotterdam navigate implementation of LVV policy we'll be answering the following main question:

How do local actors in Rotterdam navigate their position between implementing LVV policy and implementing organizational policy?

From this question emerge the following sub-questions:

- How have NGO's adapted to the policy change?
- What challenges have NGO's and social workers faced when it comes to LVV policy?
- How do NGO's navigate discrepancies between organizational and policy values?
- How do social workers navigate discrepancies between personal and professional norms and policy values?

The results of this study could be beneficial to a variety of actors. There are several parties at the helm of LVV policy. These parties include but are not limited to the Associations of Netherlands Municipalities (VNG), the Dutch National Police Force, Repatriation and Departure Service (DT&V), Immigration and Naturalization Service (IND) and Non-Governmental Organizations (NGO's) (Rijksoverheid, 2019). Gaining a

deeper understanding on how LVV policy is implemented by NGO's and the obstacles they face, could influence the way policy is written. Furthermore, results from this study could add to the data regarding the functioning of LVV policy through the recounting of personal experiences of both organizational figures and social workers alike.

Perhaps most optimistically, the result of this research could benefit parties on both sides of LVV policy. By participating in this research, NGO's provide insight into their daily workings and struggles which could influence the way the state decides to alter the policy in the future. Furthermore, this study aims to look at the influence of policy change on the perspective of policy enforcers and their roles within the web of migration policy. It follows a bottom-up approach where policy is reflected upon by those who are at the execution side of policy, instead of a top-down approach where policy is studied from the point of view of the enforcer. By bringing attention to the perspectives and experiences of NGO's and their employees, this study hopefully contributes to the discussion on functional and implementable immigration policy in the Netherlands.

Scientifically, this paper aims to add a new perspective to the widely researched topic of the governance of undocumented immigrants. The cooperation between municipalities and NGO's in the Netherlands has not concretely been explored and by analyzing their dynamics it can add a new dimension to the field.

2. Theory & Literature overview

This study explores the dynamics that exist among the NGO's and social workers that enforce LVV policy. To understand the complexity and possible conflicts they face, this theoretical framework will discuss previous studies that have focused on structure and agency, policy implementation, policy ambiguity and conflict. Furthermore, studies on moral and ethical conflicts faced by social workers will be examined and applied to the case of LVV policy.

Structure and agency debate

Carlsnaes (1992) describes the structure and agency debate as the central problem within social and political theory. While it is generally accepted that structure and agency are interrelated entities that feed of one another, it has proven to be difficult to conceptualize these entities and how they can increase our understanding of the social world (Wendt, 1987). A good place to start would be to define structure and agency in the general sense.

Structures can be defined as the forces in the political, institutional, economic, social and cultural spheres that exist outside of individual people but do influence them (van Houte, 2016). According to Howard (1994), social structures need to have two main characteristics. The first being that it must account for the stability of social life while simultaneously take into account the ever-changing nature of it. The second is that it needs to incorporate effects of individual action. Individual action, or agency, refers to the ability of people to assume accountability for their actions and be reflexive of the context in which they live (van Houte, 2016; Hitlin & Helder, 2007). Some structures are stronger than others, laws for example are quite strict and unambiguous structures that the majority of the population abide by. Other structures like policies, however,

leave room for more ambiguity and interpretation (Fowler, 2019). During the Corona crisis of 2020, while adjusting measures to further inhibit the spread of the virus, the Dutch government mandated that all schools offering lower education needed to remain open. School principals and teachers across the country defied that mandate by using their agency to call on the government to close down the schools after which the government complied (NOS, 2020). This is a demonstration of a group of individuals using their agency and how it can have control when it comes to navigating or inciting change to the existing structures in place (van Houte, 2016). Howard (1994), further emphasizes that social structures are continuously being redefined and interpreted through individual action.

Carlsnaes (1992) states that while the concept of agency is usually concerned with individual actors, it can also be used to grasp the behaviors of groups. Especially when governmental structures such as policies are concerned, not only individuals are affected, but organizations as well. When looking at organizational agency, Fowler (2019) uses the term administrative discretion to describe the way organizations navigate structures such as policies. Fowler (2019) states that it is often used by organizations to merge general policy with personal or organizational goals. By doing this, deLeon and deLeon (2002) and Fowler (2019) agree that conflict between structural forces can be avoided.

It isn't difficult to imagine why conflict in the case of LVV shelters in Rotterdam avoidance might be necessary. It is clear that NGO's occupy a dual position within the structure and agency debate. NGO's answer to their own structures in the shape of rules, organizational behavior and goals while simultaneously cooperating with state (and somewhat locally) mandated policies influencing their organizational behavior. In other words, NGO's are constantly weighing structural forces against their own organizations' agency. Simultaneously, they are the implementers of public policy and therefore embody the role of a structure from the perspective of the undocumented people they work with. Prior to LVV policy, NGO's were already working with undocumented immigrants and offering them services (van der Leun & Rusinovic, 2004). If there is a chance that when policy changes, this group will turn their back on organizations that have been helping them for decades, could have an influence on NGO's and how they operate. As previously mentioned, structure and agency are interrelated. Therefore, the agency of undocumented immigrants could play a significant role in how NGO's navigate their dual position within the debate. To further visualize this, figure 1 shows the relation between the actors within this case.

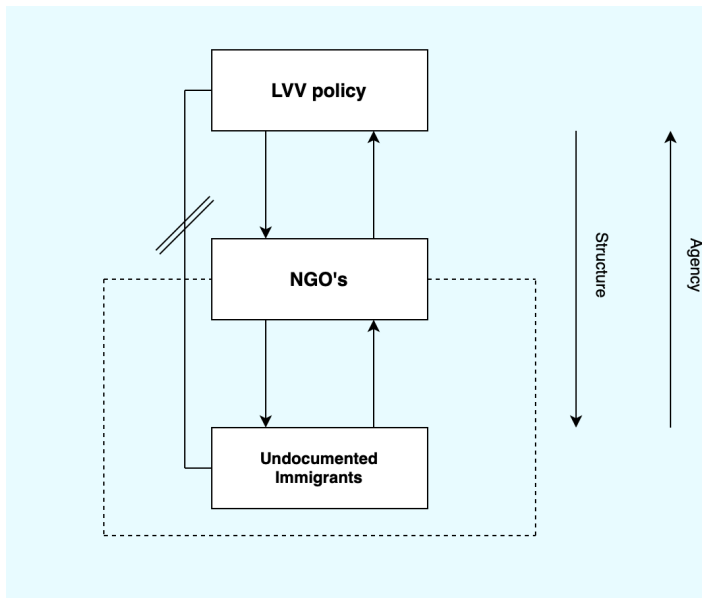


Figure 1. Structure and agency model of the Rotterdam case

The top half of the figure shows the back and forth of structure and agency between policy and NGO while the bottom half shows the second interaction between NGO's and undocumented immigrants. While this study focuses on the experiences and views of organizational figures and social workers of NGO's, the undocumented immigrants are included in the figure because they could have a very real impact on the experiences of social workers especially. Social workers' job is to advocate for the undocumented and their relationships with them could influence the way they experience the structure and agency dynamic.

Policy Implementation: conflict and ambiguity

As described by McLaughlin (1987), policy implementation research has been used mostly to pinpoint the area where policy failed. The reasoning being that if policy was written well but had failed, it must not have been implemented properly. While there is certainly a possible truth to that, it is interesting to look at the circumstances where 'improper' implementation takes place.

Policy and practice in reality often deviate from each other, especially when policy travels through several layers of government and institutions. In the case of LVV's, policies created by the state are handed down to municipalities which in turn hand over the implementation of the policy to NGO's. According to McLaughlin (1987), local capacity and will are among the most important factors to ensure policy implementation. Leerkes, Versanyi and Engbersen (2012) state that the will of local governments to comply with state mandated policies regarding asylum seekers is relatively low since it could have negative consequences for local communities. For example, by not offering housing to a certain group of people, that group might end up on the street and disrupt public order or cause other practical nuisances (Leerkes et al., 2012).

Municipalities further outsourcing the implementation of the policy to NGO's adds a further interesting dimension to the meaning of the idea of local capacity and will proffered by McLaughlin (1987). One can imagine that NGO's that historically have had the purpose of standing up for marginalized groups including undocumented immigrants, might have differing ideas or views regarding how they should be managed. McLaughlin (1987) further elaborates that motivation and commitment to implementing policy is based on the implementors' assessment of the value and appropriateness of the policy in question. For municipalities this means that when outsourcing implementation, it should be taken into consideration that besides their own assessment of value and appropriateness, the other parties' assessment proves to be equally relevant.

Berman (1978) states that policy implementation exists on two levels. The first, is the macroimplementation level, also referred to as the top-down approach, in which policy is created by central actors with the purpose of mandating actions of a third party. The second, is the microimplementation level, or the bottom-up approach. On this level, local organizations receive programs or policies and adapt them before implementing them. These two frameworks are mirrored by deLeon and deLeon (2002), whom argue that a bottom-up approach allows for a more democratic way of creating policy and furthermore imply that it is not the policymaker but the policy implementor who truly knows what needs to be done. Fowler (2019), further posits that the level of motivation and commitment is expected to be higher when implementors are involved in creating or adapting policy.

The need for adaptations to programs or policies come forth when a certain conflict emerges between individual goals and policy goals (Matland, 1995). This is particularly interesting when looking at the case of NGO's and the implementation of LVV policy. NGO's have a history of working with undocumented immigrants and they now have to make changes and adapt to new regulations. Matland (1995) argues that when a policy plan is placed in an environment that directly opposes the policy goals, there will likely be little support and implementation failure can be expected. Naturally, low levels of conflict make policy implementation easier and high levels of conflict make it more difficult. Fowler (2019) states that a useful tool to reduce conflict is the use of policy ambiguity. Policy ambiguity allows for administrative discretion, which can change collective action and therefore impact policy implementation tremendously (Fowler, 2019). According to Matland (1995), there are two sources of ambiguity. The first being the ambiguity of goals and the second being the ambiguity of means. Fowler (2019) touches on the ambiguity of goals by explaining how organizations can use that ambiguity to alter their own actions. Matland (1995) adds the dimension of ambiguity of means to describe it when *"there are uncertainties about what roles various organizations are to play in the implementation process, or when a complex environment makes it difficult to know which tools to use or how to use them, and what the effects will be"*.

For this case, this could mean that that if the policy goals do not line up with the organizational goals, it could cause friction between the NGO's and governmental institutions. This could result in difficulties with implementing the

policy. If there is ambiguity of means, it could influence the way that NGO's navigate policy implementation, because then it is unclear what actions they need to and can take.

The social workers' perspective

The emergence of new or changed policy influences the inner workings of organizations as they adapt and transform to comply. As discussed above, on an organizational level this can lead to conflict and friction between parties. On an even deeper level, it can be argued that social workers are the true 'hands-on' implementors of LVV policy and therefore provide an interesting outlook on its implementation challenges. To truly understand the position of social workers in relation to their clients and the policies they abide by, it is important to understand the complexity of the social work profession as a whole and in the context of conflict.

In its essence, social work is based on a sense of social morality and strong values that decide on what is just and unjust, what the rights of the individual are and what society owes to one another (Bisman, 2004; Reamer, 1995). Bisman (2004) explains that the terms 'values' and 'morals' are left purposively vague. Social scientists still have not fully agreed on one specific definition of either in the context of social work, however they do appear to agree that morals are the sense of what ought to be done and values involves actually doing it (Bisman, 2004).

In his article *Conflicts of Professional Duty in Social Work*, Reamer (1982) takes a close look at the points of friction that sometimes emerge when social workers are confronted with *divided loyalties*. This occurs when social workers have to make decisions that challenge the loyalty to their clients, their employer, the law or organizations (Reamer, 1982). For example, when a client has violated a social benefits requirement that if reported would make them ineligible for further assistance, should the social worker report the matter and watch the client go through increasingly dire times? Or should the transgression remain unreported allowing the client to face no consequences for their actions and abuse organizational protocol? As Reamer (1982) states, social workers generally have a code of ethics that they can refer to in case they doubt what decision to make. This is true for the Netherlands as well where a professional code was written to provide a guiding light to social workers across the country (Sociaal Werk Nederland, 2018). However, when looking specifically at divided loyalties of social workers that work with the undocumented, the literature has proven to be lacking. The majority of the literature describing conflicts between personal and organizational/institutional goals date back to the '80s and '90s. By re-examining the topic, this study aims to shed a contemporary light on divided loyalties among social workers.

3. Research Methodology

This research requires a qualitative research method. Qualitative research emphasizes words rather than statistics and is predominantly inductive in nature

(Bryman, 2012). Aiming to describe the lived experience of people and to better understand their actions and choices, a qualitative approach is more preferable. While quantitative methods allow more objective measuring of social events, qualitative methods allow for a subjective look into the perspectives and individual thoughts of the person (Bryman, 2012).

Previous research forms the basis of the methods described here. First, to provide necessary context on LVV policy, the public document '*Covenant pilot-LVV policy in Rotterdam*' (2017) is analysed. The chapters relevant to this study have been selected and consist of the chapters: governance, target group and identification, case management, safeguards and responsible parties. Special attention has been given to the agreements that have been reached between municipality and NGO's and to ambiguities within these chapters. As previously stated, ambiguity allows for interpretation and effects implementation (Fowler, 2019). Furthermore, the analysis of this document highlights the expectations laid upon NGO's on how to function and provide a basis on which to build the topic lists for the interviews.

After the document analysis, semi-structured interviews will be held with the organizational figures and social workers working at the NGO's¹. The insights of organizational figures provide insight into sub-question one and two. Sampling for this group was done by approaching the organizations and asking specifically for people that are involved in an organizational role within the NGO. A topic list for organizational figures provides talking points for the interviews, but conversation will flow freely. This allows respondents to feel free to mention anything relevant and avoids limiting respondents' answers by keeping to a strict list of questions (Bryman, 2012). The topic list is made up of both the results of the document analysis and questions derived from McLaughlin's (1987) article in which she describes the way policy implementation can best be evaluating during the early stages of implementation. Seeing that LVV policy was enacted in 2019 and therefore relatively recent, her questions for analysis will be used in this study. She states that appropriate questions for analysis in the early stages "*involve the extent to which necessary resources are available to support implementation, whether there is evidence of good-faith efforts to learn new routines, or indication of commitment and support within the implementing system for policy strategies and goals*" (McLaughlin, 1987, pp. 176). Furthermore, topics surrounding conflict and ambiguity proffered by Matland (1995), have been used as well. The perspective of organizational figures is invaluable, not only because they literally are organizers, but also because they are the ones that represent NGO's when it comes to contact with policymakers and the Rotterdam municipality during the steering committee meetings.

Similarly, social workers actively working with undocumented immigrants have been interviewed in the same way. Ultimately, they are the core implementers of LVV policy and present a valuable narrative within this research. Furthermore, their insights provide an answer to sub-question four. To achieve that, the topic list is adapted appropriately and comprised in a new topic list covering the bases proffered by McLaughlin (1987). Social workers have been

¹ A complete overview of all participants can be found in appendix 1.

tasked with guiding undocumented immigrants through the process of finding a sustainable solution to their situation. The NGO's have provided the contact information of the social workers that work in the LVV. For each NGO, at least one social worker and one organizational figure has been interviewed to relay the perspective of their specific workplace.

The aim for each interview was that they would be a minimum of 40 minutes long. Interviewees have been asked for their consent to record the interviews². Another important point worth mentioning is the privacy of all participants. There are only three NGO's implementing LVV policy in Rotterdam which made it difficult to anonymize the organizational figures participating in this research. However, anonymization has taken place wherever possible. Therefore, the outcomes of the interviews have been generalized to being from a specific organization, but not who was spoken to specifically.

The interviews have been recorded and summarized in written form. The summary will then be checked by the respondent to make sure that all the relevant information has been recorded accurately. This provides a structured way of extracting the most relevant parts of interviews and this is especially useful when interviews are semi-structured and can go in several different directions. All of the summaries have been saved to an encrypted drive to make sure that the data is protected.

4. Covenant analysis

The covenant, together with the theory, makes up the main source material for the interviews to be had with NGO workers. It was released in June of 2019 with the purpose of substantiating the collaboration between the state and municipalities regarding LVV policy (Rijksoverheid, 2019). The document outlines the agreements proposed by local government with regards to collaboration, rules and regulations and stipulations with regards to the services provided to undocumented immigrants. Furthermore, it describes the boundaries of eligibility for LVV shelters that NGO's need to abide by. The document has been signed by all participating parties and expires at the end of 2021.

The chapter on governance describes the municipality as the commissioner, providing instructions and guidance to the NGO's that they have enlisted to implement LVV policy. Furthermore, it describes how local government together with representatives of NGO's will come together in so called steering committees where there is room to discuss the implementation process, specific cases and the challenges that are faced. This steering group meets 4 to 5 times a year and extra meetings can be requested by any one of the participants. The municipality provides the meetings' chair and director to lead the meeting and make sure it stays focused on its purpose. The steering committee as a whole act as an accountability check to ensure that the pilot remains on the right trajectory and also posits both anticipated and unanticipated challenges faced by the policy. As

² The full ethics checklist can be found in appendix 2.

stated previously, Fowler (2019) posits that the level of motivation and commitment is expected to be higher when implementors are involved in creating or adapting policy. The steering committee therefore is an interesting talking point to discuss during the interviews.

The chapter that describes the target group and identification further elaborates who exactly has access to LVV shelters in Rotterdam. The reason why this is an important chapter to further look into, is because it describes what prior to the interviews seems to be the biggest change that NGO's will have to make. As previously mentioned, NGO's used to function as Bed-Bath-Bread facilities (BBB's) where all of the undocumented could find shelter. As described in the covenant, undocumented people that have an entry ban of over ten years, EU-citizens or a person falling under the Dublin regulation³ are ineligible for services provided by LVV shelters. Interestingly enough, the covenant does not further elaborate on what is supposed to happen to undocumented immigrants that fall under the ineligible category. Furthermore, undocumented people that are eligible for access are required to participate in a trajectory that leads to a sustainable future as defined by the municipality as either return to the country of origin or a residence permit. The covenant does not stipulate on what should be done if someone does not want to participate in that trajectory. This chapter also states that to determine the identity of an undocumented person, LVV's will examine a persons' file and known history. Should the identity of the person remain unknown, LVV's will have to contact the police to further conduct identity research. In other words, this would mean that NGO's that have been working with and for the undocumented for decades would have to contact the police to help determine their identity. It can be argued that this would be a difficult step for NGO's to take considering the uncertain status of the undocumented person that they are helping. It is situations like this that divided loyalties as described by Reamer (1982) could come into play.

The involvement of other parties besides the NGO's continue in the chapter on case management. While the general process within the NGO's is discussed during the steering committee meetings, there are separate 'BRIO' meetings where individual cases are discussed. The parties present during these meetings are municipality representatives, Immigration and Naturalisation Service (IND), the Repatriation and Departure Service (DT&V), local police representatives and representatives of NGO's. Together they discuss the individual cases of undocumented people utilizing LVV services. This is a demonstration of the collaborative intent of LVV policy. It can be assumed that in the setting of a BRIO meeting, NGO's present individual cases to the other parties to decide on possible sustainable futures for the person and the steps that need to be taken to get there. For the purpose of this research it should be interesting to look at how NGO's experience their position within these meetings when it comes to working together with other parties.

What is interesting about the chapter on safeguards is how it explains that when discussing a case during a steering committee or BRIO meeting, there needs

³ The Dublin regulation is a European regulation that decides what country is responsible for the persons' asylum request (Dienst Terugkeer en Vertrek, 2020).

to be a unanimous agreement when it comes to the prospects of an undocumented person. When parties cannot come to this unanimous agreement there is a system of levels that the individual case will go through until a final decision is reached. What this means is that when a case cannot be resolved by the parties that are present during the BRIO meeting, it can be decided that the steering committee needs to take a look at the case. Should it be that they also are unable to reach a verdict on the case, it can be moved on to multidisciplinary review team (MRT). This MRT will then make a decision within four weeks, or they can present the case to the state secretary to have him/her decide. It can be imagined that IND or DT&V might have different ideas when it comes to a sustainable solution for an undocumented person than the NGO's do. During the interviews, this is a topic that can be further discussed.

Finally, the reason why the chapter on responsible parties is interesting is because NGO's do not individually appear on the list. Instead they appear under the 'role of the municipality'. In other words, NGO's are not considered to be a responsible party within this covenant. Instead they are observed as an 'implementing party' instead. It would be interesting to find out why they are not viewed as an independent responsible party. The other responsible parties outside of the municipality are stated as the IND, DT&V and the police.

5. Results

In Rotterdam, NGO's have a long history of being a safe haven and helping hand for the undocumented. With the development of a new policy in an effort to centralize the governing of undocumented migrants in the city, NGO's together with other government organizations have started to work towards a sustainable future for the undocumented. Almost two years into the trial run of the policy, it is interesting to look at the perspectives and insights provided by NGO's and their workers on the impact that LVV policy has had on their work processes and the people they serve. Although the theoretical framework and interviews were separated by whether someone was an organizational figure or a social worker, the reality is that the NGO's have a kind of flat hierarchical structure where the knowledge and opinions are shared amongst the layers of positions. Organizational figures know about the challenges faced by the social workers and vice-versa. Furthermore, each NGO has their own ideas and opinions on how LVV policy is working and what it should look like in the future, but there are undoubtedly more commonalities between their views than differences.

5.1 Challenges of LVV policy

For starters, when discussing the transition from BBB to LVV policy, NGO's took a pragmatic and realistic approach. There was a unanimous understanding among respondents that the way BBB-policy worked, where undocumented people could stay in the shelter endlessly without any future prospects or motivation, was unsustainable for everybody involved. It is therefore, that when presented with LVV policy there was a unanimous sense of careful optimism amongst organizational figures of NGO's. Not only would the policy provide NGO's with

necessary subsidies⁴, it was also a national policy that envisioned the creation of a sustainable future for everyone.

Now about 18 months into the pilot, NGO's careful optimism has been somewhat dampened and there is a general sense of dissatisfaction with how things have progressed. For starters, adapting from BBB policy to LVV policy in a practical sense, was relatively seamless for the NGO's. After all, they had been arranging help for the undocumented for an extensive amount of time. However, there were naturally challenges that came along with the new rules and regulations as described in the covenant (Rijksoverheid, 2019).

The first and most unanimously agreed upon challenge is the discrepancy between the promise of creative solutions and the reality of rules and regulations adhered to by governmental institutions. To elaborate, NGO's entered the agreement with the assurance that for all LVV candidates, a sustainable solution would be created with regards to their future. In reality, there are only two sustainable options that are accepted by governmental institutions. The first is to become a Dutch citizen through a new asylum process and the second is voluntary return. It is unanimously agreed upon by all respondents that for a significant number of LVV candidates these are not realistic options. For NGO's, this is a difficult and disappointing scenario because it is not what was promised when the pilot started in 2019. As one of the respondents stated [R6]: *"We as NGO's had one real demand when it came to new policy and that was that there needed to be a sustainable option for all participants. That is what we signed for. In reality, it appears that there is no room for creativity or out of the box thinking that would make that possible."*

What happens now is that when someone cannot return to their country of origin, but also cannot stay here, NGO's are required to stop providing care to the undocumented person under LVV policy. This goes against the grain of not only NGO's as a whole but is also a difficult scenario for caseworkers that over a period of six months have gotten to know someone and their story. As one social worker said [R6]: *"It can be heart breaking, to have to share that news with someone and knowing that this is probably where it ends for them."* Another respondent [R8] stated: *"Some people just need longer to adapt and change their perspective. What happens now is that when people are not ready within six months, they end up on the streets again where all they do is trying to survive day by day. There is no room to think about your future when you live on the streets."* NGO's have adapted to this harsh reality by offering some limited services outside of the LVV. Especially the Pauluskerk and ROS work intensively with undocumented immigrants whose stay in the LVV is likely to be terminated soon, to make them somewhat self-sufficient and prepare them for life in illegality. As NGO's unanimously state, this is not the sustainable solution that they had hoped for.

When such a scenario occurs, all the NGO's do have the capacity to offer extended shelter to a select number of undocumented people. This is basically a remnant of the BBB times except it is funded completely by the NGO's themselves. When someone's six-month LVV stay is terminated but NGO's feel like that it would be unethical or unrealistic to put someone out to the streets, they take on

⁴ Except for the Pauluskerk which does not receive subsidies due to it being a church.

the care of that person themselves. The capacity to do this differs between organisations, but all of them can offer some type of shelter outside of the LVV arrangement. When asked about how the government feels about that, one of the respondents [R3] astutely said: *“When the municipality ends someone’s shelter period, it is up to us to decide how we deal with that. The municipality assumes that we stop providing shelter to someone, but they don’t check if that is actually the case and it is frankly none of their business.”* The respondent followed that up by saying: *“If the government doesn’t like the way we care for people, then they should stop subsidising us and do it themselves. We’ll decide ourselves who we help, where and for how long.”* This is a demonstration of using policy ambiguity as proffered by Matland (1995). LVV policy only states that LVV shelter must be ended, it does not however go into what can and cannot be done to help someone after that.

This is also true for shelter that is used outside the LVV for people who are ineligible for stay in the LVV shelter. These could be people who come from safe countries or from countries within the EU. These people often have nowhere else to get help and therefore seek assistance at one of the three NGO’s. During the times of the BBB, there was a place for everyone and now that it has gone, NGO’s are confronted with the fact that they sometimes cannot take in a person. This can be challenging as asserted by one of the respondents [R5]: *“By writing policy for a specific group there is automatically another group that you then exclude, but that doesn’t mean that those people just disappear.”*

The lack of creative solutions for undocumented immigrants is compounded by the second largest hurdle for NGO’s which is the amount of time someone is allowed to stay in the LVV under normal circumstances. Currently, an undocumented immigrant admitted to LVV shelter has six-month to create perspective for the future. One out of the six months is a ‘catch your breath’ period where people can settle and clear their head. The Pauluskerk and NAS both feel that the remaining five months are too short for the majority of people. ROS is slightly more optimistic about the allocated six months. The difference between ROS and the Pauluskerk and NAS is that ROS feels like the six months is enough to at least know if someone still has possibilities on a judicial level. When it comes to return however, the NGO’s unanimously agree that the six-month period seems arbitrary and too short. When a judicial review of a persons’ file comes back as negative, meaning there are no more options for that person when it comes to acquiring citizenship, the NGO’s start focussing on voluntary return or life in illegality.

Social workers explain that for an undocumented immigrant, five months is an incredibly short time to let go of the dream of becoming a Dutch citizen and consider moving back to the country of origin. It also affects the way social workers can do their job both mentally and practically. The work in general is very difficult because it can be very taxing to be in a position where most of the work revolves around disappointments and there are so few victories. One of the respondents [R1] described the work as: *“As a social worker you are used to working towards reachable goals and practical solutions. In this line of work, you often work very hard, but end up with disappointing results. That is what makes it hard.”* In a more

practical sense, working with a relatively strict deadline means that sometimes undocumented people have to be pushed to jump over mental hurdles while it could have been more productive to allow them to reach those points themselves. Multiple respondents [R1, R2, R7 and R8] state that they sometimes really have to push people and in a sense rush them through processes in order to have a perspective ready in time. All of them feel like this sometimes has a negative effect on the end result. For example, one of the respondents [R8] said: *“Sometimes people just need a little bit more time to wrap their head around the situation, for some people that can be six more months and for other it takes 2 years. Pushing people too quickly is not going to encourage them to work with us.”*

In short, the main challenges faced by NGO’s and social workers with LVV policy are the lack of creative solutions for undocumented immigrants, the time limit of six months and the ineligibility of certain groups of people to receive help. These are demonstrations of how the structures in place influence the way NGO’s have to adapt to rules and regulations. However, NGO’s use their administrative discretion (Fowler, 2019) to use the opportunities provided by the LVV to realize organizational goals. They do this by offering housing outside of LVV policy, preparing them for life in illegality while still making use of LVV’s and by offering support when people have left the LVV.

5.2 Interorganizational relationships

A positive aspect of LVV policy is that it has further cultivated the interorganizational relationships between all the parties that are involved with undocumented immigrants. NGO’s agree that on paper, this is a positive initiative because it gives them the opportunity to give a face and identity to what otherwise would just be numbers. There are two levels of interorganizational contact that NGO’s are involved with. There is the BRIO meeting where NGO’s together with IND, DT&V and the Rotterdam municipality discuss individual cases make decisions with regard to their stay in the LVV shelter. According to one of the respondents [R5] there is always some tension between the NGO’s and the governmental organizations because they are at opposite ends of the spectrum of what they want. However, the respondent also states that even if governmental organizations disagree with a proposed solution, if the case is strong enough, they do comply with it and help make it work. Another respondent [R7] stated: *“In the beginning those meetings were not easy because we were quite far removed from one another, but it seems that recently we are all becoming more approachable and there is more of a sense of looking for a solution together.”*

An interesting observation by one of the respondents [R3] is that they described the BRIO meeting as a *“kind of ritual dance”* in which everyone makes their same point over and over again. That can be frustrating because it means the meetings remain somewhat unproductive. It sometimes feels like there are two camps during the meeting who are both trying to get their way. Up until recently, NGO’s did not really communicate with each other about the BRIO meetings, but recently they have decided to come together prior to those meetings to make sure they all have the same ideas for the cases that will be discussed. They have decided to do this to be more supportive of each other and be a united front when it comes

to their cases. This could make it more difficult for governmental institutions to object to their suggested solution. This demonstrates the collective agency utilized by NGO's to navigate the structures that they face.

Respondents feel like this is a necessary step because, as previously mentioned, IND and DT&V are reluctant to think creatively and outside of the box. This is increasingly frustrating because as one respondent [R7] phrases: *"When I say that someone who stays with us is not capable of return because they are too vulnerable, the governmental organizations don't have a lot of understanding for it. From their perspective, the client comes from a country that is deemed safe, so they should be able to return."* When governmental organizations decide that someone is capable of return but refuses to cooperate. They can decide to terminate LVV support for that person. The undocumented person then needs to leave the shelter and find another way to survive. It is difficult for social workers to deal with those outcomes and there sometimes exists a sense of helplessness as well.

These instances, compounded with the complicated history between NGO's and governmental organizations, causes there to still be friction between them. The values of the organizations have remained the same, but suddenly the relationships between them have gone from avoidant to intensely collaborative. To make that work, there needs to be a mutual willingness to work together. NGO's unanimously feel that they understand that not everyone can stay and that some people have to return to their country of origin. Simultaneously, there is also a fierce loyalty to the undocumented immigrants they help. There is a very strong sense of independence and drive to stand up for organizational values. Or as one of the respondents [R8] said: *"We are not an extension of DT&V and IND; we have our own measures and methods."* Furthermore, they also feel like there is very little willingness from the side of the government to make concessions in the favour of NGO's. Or as one respondent [R7] said: *"it is usually impossible to meet in de middle."*

During the steering committee there is a similar attitude, although because it does not usually concern specific cases, the focus is more on the entire process of LVV. Among all respondents [R3, R5, R6, R9] that have taken part of currently take part of the steering committee, there is a sense of frustration with the general government on how they deal with non-deportability of undocumented people. As one of the respondents [R6] said: *"The biggest problem is that the national government does not want to forcibly deport people, but they also do not want to award people who cannot or will not leave with a residence permit. That way, people keep coming back to shelters to ask for help over and over again without any prospect of a positive result."* Furthermore, by not taking definitive action for people that can or will not leave, the problem remains a municipal problem. By removing all BBB shelters there is no place for people ineligible for LVV's to go which results in them being on the streets. When this is discussed during the steering committee's there is usually only the answer of 'the rules and regulations do not allow it'.

Due to the governmental institutions not offering sufficient guidance on what needs to be done to achieve a positive result for a client, it can lead to frustration

and the ambiguity of means as described by Matland (1995). An example of this given by a respondent [R7]:

“A client has been waiting for documents from the embassy for six months, his entire allocated LVV time he has spent waiting. My client and I then have to justify that towards governmental institutions. But is that my job? Or is it the job of the municipality to arrange that? Or from a different organization? I don’t know. So, then I just start calling people and try to connect the dots to come up with a solution.”

Overall, the NGO’s all share the feeling that LVV is in some ways a symbolic policy to label something that was already happening in the city. As one respondent [R9] states:

“It is strange that for such a relatively small group of people the government creates a type of symbolic solution that only a small portion of undocumented people actually make use of. It is like they do it to show that they are at least doing something, using this to put the issue in the spotlight and show that they are doing something about it.”

6. Conclusion & Discussion

In Rotterdam, NGO’s have a long history of being a safe haven and helping hand for undocumented people. With the development of a new policy in an effort to centralize the governing of undocumented migrants in the city, NGO’s together with governmental organizations have started to work towards a sustainable future for the undocumented. The problem statement of this research was: How do local actors in Rotterdam navigate their position between implementing LVV policy and implementing organizational policy? After analysing the interviews, it has become clear that NGO’s use several tactics to navigate their position.

By framing the interorganizational relationships of LVV policy within the structure and agency debate (Carlsnaes, 1992; van Houte, 2015), it can be concluded that the governmental institutions act as a structure to influence the agency of NGO’s. However, their influence is limited to being the deciding party when it comes to who gets to stay and who needs to leave. Outside of that, NGO’s have maintained and utilized their agency and are able to provide care and guidance through their organizational goals. They also use their collective agency to influence the structures in place by working together and putting pressure on governmental organizations. Furthermore, they utilize their administrative discretion (Fowler, 2019) by merging the opportunities provided by LVV policy to guide people towards a sustainable future, even when that future does not necessarily fit into the rules of the policy.

Another way NGO’s in Rotterdam navigate their position is by utilizing policy ambiguity (Matland, 1995; Fowler, 2019) to pursue their organizational goals. The policy leaves room for NGO’s to decide in what way they provide guidance to undocumented migrants. Furthermore, it does not explicitly state the stance

NGO's need to take when it comes to people that are not eligible for LVV shelter. This allows NGO's to use their own capacity to provide shelter outside of the LVV reminiscent of the previous bed-bath-bread shelters. When there is a conflict of interest, NGO's have the opportunity to discuss it during the steering committee meeting or the BRIO meeting.

When it comes to the way social workers specifically navigate their positions as they work directly with undocumented immigrants, it can be said that there is little to no feeling of divided loyalties (Reamer, 1984), because social workers are completely supported by the NGO's and for them, the undocumented person comes before policy. However, NGO's are not mindlessly advocating for all undocumented immigrants to get a residence permit. Overall, NGO's and social workers have a realistic view over what is and is not possible for their clients.

The limitations of this research lie in the relatively little basis for generalisation. Naturally, this study focuses on a specific case in a specific city and can therefore not be generalized to other locations or other organisations. Furthermore, while the respondents provided a clear image of their position within the case, there could have been a more in-depth analysis of the Rotterdam case if other involved parties had been included.

Therefore, an interesting perspective that could further explore the dynamics within LVV policy, would be an in-depth analysis of cases that NGO's have advocated for, but have been rejected by the governmental institutions. Such an analysis could add to the structure and agency debate within this particular case. Furthermore, the perspective of the Rotterdam municipality was not taken into account within this thesis. Studying a case from both sides could provide a comprehensive picture of how the municipality as a whole navigate the difficult case of undocumented migrants in the city.

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Appendices

Appendix 1

Respondent	Profession
R1	Social worker
R2	Social worker
R3	Founder
R4	General manager
R5	Coordinator
R6	Social Worker
R7	Policy worker/coordinator
R8	Board member/coordinator
R9	Social worker

Appendix 2

CHECKLIST ETHICAL AND PRIVACY ASPECTS OF RESEARCH

INSTRUCTION

This checklist should be completed for every research study that is conducted at the Department of Public Administration and Sociology (DPAS). This checklist should be completed *before* commencing with data collection or approaching participants. Students can complete this checklist with help of their supervisor.

This checklist is a mandatory part of the empirical master's thesis and has to be uploaded along with the research proposal.

The guideline for ethical aspects of research of the Dutch Sociological Association (NSV) can be found on their website (http://www.nsv-sociologie.nl/?page_id=17). If you have doubts about ethical or privacy aspects of your research study, discuss and resolve the matter with your EUR supervisor. If needed and if advised to do so by your supervisor, you can also consult Dr. Jennifer A. Holland, coordinator of the Sociology Master's Thesis program.

PART I: GENERAL INFORMATION

Project title:

Name, email of student: romy1993@hotmail.com

Name, email of supervisor: kim@kimcaarls.com

Start date and duration: 30/1/2020 – 5/6/2020

PART II: TYPE OF RESEARCH STUDY

Please indicate the type of research study by circling the appropriate answer:

1. Research involving human participants.

YES - NO

If 'YES': does the study involve medical or physical research?

YES - NO

Research that falls under the Medical Research Involving Human Subjects Act ([WMO](#)) must first be submitted to [an accredited medical research ethics committee](#) or the Central Committee on Research Involving Human Subjects ([CCMO](#)).

2. Field observations without manipulations that will not involve identification of participants.

YES - NO

3. Research involving completely anonymous data files (secondary

data that has been anonymized by someone else).

YES - NO

PART III: PARTICIPANTS

(Complete this section only if your study involves human participants)

Where will you collect your data?

I will collect my data at three NGO's in Rotterdam: the Nico Adriaans Stichting, Rotterdam Ongedocumenteerden Steunpunt en de Pauluskerk.

Note: indicate for separate data sources.

What is the (anticipated) size of your sample?

Nas: 3, ROS: 4, de Pauluskerk: 2

Note: indicate for separate data sources.

What is the size of the population from which you will sample?

Not entirely sure but I think around 12.

Note: indicate for separate data sources.

1. Will information about the nature of the study and about what participants can expect during the study be withheld from them?
YES - NO
2. Will any of the participants not be asked for verbal or written 'informed consent,' whereby they agree to participate in the study?
YES - NO
3. Will information about the possibility to discontinue the participation at any time be withheld from participants?
YES - NO

4. Will the study involve actively deceiving the participants?
YES - NO

Note: almost all research studies involve some kind of deception of participants. Try to think about what types of deception are ethical or non-ethical (e.g. purpose of the study is not told, coercion is exerted on participants, giving participants the feeling that they harm other people by making certain decisions, etc.).

5. Does the study involve the risk of causing psychological stress or negative emotions beyond those normally encountered by participants?
YES - NO

6. Will information be collected about special categories of data, as defined by the GDPR (e.g. racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data for the purpose of uniquely identifying a person, data concerning mental or physical health, data concerning a person's sex life or sexual orientation)?

YES - NO

7. Will the study involve the participation of minors (<18 years old) or other groups that cannot give consent?

YES - NO

8. Is the health and/or safety of participants at risk during the study?
YES - NO

9. Can participants be identified by the study results or can the confidentiality of the participants' identity not be ensured?

YES - NO

10. Are there any other possible ethical issues with regard to this study?

YES - NO

If you have answered 'YES' to any of the previous questions, please indicate below why this issue is unavoidable in this study.

Because the sampling pool is so small and the organizations are so specific, there is a chance that people will know who said what. I have communicated this with participants and have told them that I would anonymize the data as much as possible.

What safeguards are taken to relieve possible adverse consequences of these issues (e.g., informing participants about the study afterwards, extra safety regulations, etc.).

Outside of informing them prior of the interview, I have also sent a summary of each interview to the participant so that they can verify if I interpreted everything correctly. This way the chances of there being biased or untrue information in the thesis have been minimized. That is one way to ensure that people know what will be in the final paper. There have also been moments where people have asked me not to use some of the information, which I of course then did not do.

Are there any unintended circumstances in the study that can cause harm or have negative (emotional) consequences to the participants? Indicate what possible circumstances this could be.

There is some information in the study that describes the way NGO's feel about the processes that they are involved in with the municipality. There is a possibility that it could cause some adverse reactions, but I have been assured by all the respondents that the municipality is already aware of their position.

Part IV: Data storage and backup

Where and when will you store your data in the short term, after acquisition?

The recordings of the data have been transferred to an encrypted file on my personal laptop. Within the same file are the interview summaries.

Note: indicate for separate data sources, for instance for paper-and pencil test data, and for digital data files.

Who is responsible for the immediate day-to-day management, storage and backup of the data arising from your research?

I am.

How (frequently) will you back-up your research data for short-term data security?

Every time I work with it.

In case of collecting personal data how will you anonymize the data?

I have removed all names and only mention people's profession. As mentioned previously, the sampling pool is relatively small which is why I have informed all respondents about the intent of my research and what it entails.

Note: It is advisable to keep directly identifying personal details separated from the rest of the data. Personal details are then replaced by a key/ code. Only the code is part of the database with data and the list of respondents/research subjects is kept separate.

PART VI: SIGNATURE

Please note that it is your responsibility to follow the ethical guidelines in the conduct of your study. This includes providing information to participants about the study and ensuring confidentiality in storage and use of personal data. Treat participants respectfully, be on time at appointments, call participants when they have signed up for your study and fulfil promises made to participants.

Furthermore, it is your responsibility that data are authentic, of high quality and properly stored. The principle is always that the supervisor (or strictly speaking the Erasmus University Rotterdam) remains owner of the data, and that the student should therefore hand over all data to the supervisor.

Hereby I declare that the study will be conducted in accordance with the ethical guidelines of the Department of Public Administration and Sociology at Erasmus University Rotterdam. I have answered the questions truthfully.

Name student:
Romy Houweling
Date: 5-06-2020

Name (EUR) supervisor:

Date:

