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Towards The Deterrence Paradigm

Explaining the Danish paradox: The evolution of the paradigm shift in the Danish asylum system and its impact on the rights of refugees and asylum seekers

For all those who have had to flee their home. May you one day feel safe and find a home again.

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List of abbreviations

Bill	B (e.g., B226)
Common European Asylum System	CEAS
Country of Origin Information	COI
Danish Immigration Service	DIS
Danish Institute for Human Rights	DIHR
Danish People's Party	DPP
European Convention on Human Rights	ECHR
European Union	EU
Immigration Appeals Board	IAB
Law	L (e.g., L174)
Ministry of Integration and Immigration	MII
Refugee Appeals Board	RAB
Social Democratic Party	SDP
United Nations	UN
United Nations High Commissioner for Refugees	UNHCR

Introduction

i. Context

a. Refugee protection today

There are numerous drivers behind human migration, which include but are not limited to escaping harm or death, reunifying with family members, or searching for new opportunities[1]. In today's world, where 37 out of 184 million migrants globally are refugees[2], it is safe to say that refugee protection is one of the most pressing transnational issues to address[3].

Generally, durable solutions with a meaningful commitment to refugee protection go beyond basic physical safety and emergency humanitarian assistance, as they must equally emphasise other rights which are necessary for refugees to establish a life[4]. These include rights related to refugees' ability to "establish a livelihood, to access basic infrastructures such as health care and the justice system, and to ensure a future for their children through education"[5].

However, as refugee policy largely remains in the hands of states, many in the Global North are increasingly implementing external solutions to manage the movement of those seeking asylum[6]. These states, often geographically distant from refugee-source countries, have hardened their migration control by adopting deterrence strategies that limit territorial access and prevent refugees from seeking asylum[7]. There is a particular concern for the impacts of deterrence strategies on the rights of refugees and asylum seekers[8].

b. The Danish Paradox

Denmark went from being the first country to ratify the 1951 Refugee Convention (the Convention), to being one where its then Prime Minister called for an end to convention

[1] Frelick, Kysel, and Podkul, 'The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants', 191.
[2] World Bank, *World Development Report 2023*, 1.
[3] Nethery, Dastyari, and Hirsch, 'Examining Refugee Externalisation Policies', 1.
[4] Gammeltoft-Hansen and Feith Tan, 'The End of the Deterrence Paradigm?', 47.
[5] Ibid, 47.
[6] Murray, 'The Externalisation of Refugee Policies', 45; Dastyari, Nethery, and Hirsch, *Refugee Externalisation Policies*, 1.
[7] Nethery, Dastyari, and Hirsch, 'Examining Refugee Externalisation Policies', 1.
[8] Ibid, 11.

obligations in 2016[9]. Historically, Denmark has been viewed as a liberal frontrunner for asylum and refugee protection with an unequivocal respect for human rights reflected in the national legislation[10]. Since then, there has been "a significant shift" in the weight given to upholding human rights standards and in the general approach to international obligations[11]. Today, the picture is one of a state passing legislation intended to deter unwanted migration, strategically bordering on the limits of international and human rights law[12]. More generally, these changes reflect a wider political turn in Danish immigration policies[13]. A country previously known for being a welfare state with progressive government has now become a country with one of the most "hard-line and punitive migration policies in Europe"[14].

The 1983 Danish Aliens Act (Aliens Act) was initially considered one of the most liberal of the kind in Europe but was gradually amended from the 1980's and onwards[15]. Subsequently, the first integration law was adopted in 1998[16]. Between 2002 and 2016, 93 significant amendments (approximately amounting to one amendment every 2 months), and between 2015 and 2018, nearly 70 new immigration restrictions were adopted, resulting in well over 100 amendments to the Aliens Act since its adoption[17]. In comparison, the Act was amended 25 times between 1986 and 2000 (once to twice a year in average)[18]. The pace of amendments has increased remarkably over time and reveals the growing politicisation of immigration[19].

European governments started to introduce restrictive immigration regimes as a response to record asylum arrivals in 2015 in order to regain control[20]. This type of evolution was also mirrored in Denmark in response to 'the 2015 asylum crisis'[21], culminating in what is referred to as the paradigm shift. Because of an opt-out from the CEAS (Common European Asylum

[9] Kreichauf, 'Legal Paradigm Shifts in Denmark', 45; Mikkelsen, 'Denmark Wants Geneva Convention Debate If Europe Cannot Curb Refugee Influx'.
[10] Vedsted-Hansen, 'Legislative and Judicial Strategies in Danish Law', 124; Bailey-Morey and Kumar, 'Public Narratives Denmark', 10; Gammeltoft-Hansen, 'Refugee Policy As "Negative Nation Branding"', 1.
[11] Vedsted-Hansen, 'Legislative and Judicial Strategies in Danish Law', 126.
[12] Ibid, 124; Gammeltoft-Hansen and Ford, 'Introduction', 3.
[13] Corry, 'Carceral Islands', 96.
[14] Ibid, 95.
[15] Mielcke Hansen, 'Udlændingelove 1983-2002'; Kreichauf, 'Legal Paradigm Shifts in Denmark', 49.
[16] Vad Jønsson, 'Danmarks første integrationslov 1998'.
[17] Gammeltoft-Hansen, 'Refugee Policy As "Negative Nation Branding"', 3; Corry, 'Carceral Islands', 96.
[18] Gammeltoft-Hansen, 'Refugee Policy As "Negative Nation Branding'" Ibid, 3.
[19] Ibid.
[20] Vedsted-Hansen, Brekke, and Thorburn Stern, 'Temporary Asylum and Cessation of Refugee Status in Scandinavia Policies, Practices and Dilemmas', 4.
[21] Ibid, 4.

System), the Danish asylum system provides weaker protection when compared with the EU (European Union) legal standards[22].

ii. Research question and focus

Where asylum policy generally was humanitarian in nature, the dominant policy paradigm of countries in the Global North is today one of deterrence, and Denmark is no exception[23]. With the new paradigm, Denmark has moved away from its previous paradigm of refugee protection. The overarching goal under the deterrence model is to depict the country as an undesirable destination to limit responsibilities towards refugees and asylum seekers[24]. My goal with this research is to understand how various narratives produced by political discourse have influenced the phases of the paradigm shift and with what impact. I aim to examine what I refer to as 'the Danish paradox', that is the co-existence of the deterrence paradigm's restrictive policies and the humanitarian narratives on fair refugee protection.

I posit that the shift from one paradigm to the other has happened in two phases through the gradual implementation of policies which serve as tools under the deterrence model to achieve a zero-asylum policy (officially presented by the government in 2021[25]). Danish laws and policies on asylum are a continuous point of contention in political debates. I argue that they are characterised by a nationalist discourse with corresponding narratives which drive the paradigm shift. Finally, I claim that these developments have disproportionate human rights implications for present and future refugees and asylum seekers with limited policy results.

In my research, I answer the question:

> In what ways does the paradigm shift within the Danish asylum system intersect with the paradoxical co-existence of the deterrence paradigm's restrictive policies and the humanitarian narratives on fair refugee protection? What is then the impact of the new paradigm, specifically on the of human rights of refugees and asylum seekers?

[22] Filskov et al., 'You Can Never Feel Safe', 24; Kreichauf, 'Legal Paradigm Shifts in Denmark', 51.
[23] Feith Tan, 'International Refugee Law Handbook', 171.
[24] Ministry of Integration and Immigration, Bill 87, 13.
[25] 'Parliamentary Debate "Om Regeringens Værdipolitik Med Fokus På de Udfordringer, Der Følger Af Indvandringen"'.

iii. Assessing protection needs

Central to the regime of international refugee protection is the premise that persons who cannot receive national protection against persecution in their country of origin by the authorities shall be granted protection elsewhere by the international community[26]. Under the Convention, a person has grounds for protection if they are fleeing for one or more of the following grounds, including a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion"[27].

Under the Aliens Act, there are three different types of protection status under which protection is granted: under convention grounds (DAA Status 1), under subsidiary protection status (DAA Status 2) or under temporary protection status (DAA Status 3) [28].

Table 1: Types of protection status under the Aliens Act[29]

Type of status	Year	Group	Timeline	Revocation
DAA Status 1	1983	Refugees who are individually persecuted for Convention grounds.	2-year residency permit with extension for 2 years at a time.	Following fundamental, stable and durable changes in the country of origin.
DAA Status 2	2002	Refugees who are at individual risk of persecution and at risk of Article 3 violations[30].	1-year residency permit with extension for 2 years at a time.	Possible if it doesn't violate international obligations. Following changes in the country of

[26] Jacobsen et al., *Udlændingeret*, 158.
[27] UN General Assembly, Convention Relating to the Status of Refugees, para. 1.A(2).
[28] MII, Consolidated Aliens Act, para. 7.1; 7.2; 7.3.
[29] Filskov et al., 'You Can Never Feel Safe', 21–23; Jacobsen et al., *Udlændingeret*, 277; 368; Vedsted-Hansen, 'Refugees as Future Returnees?', 16; 18; Ministry of Justice, Bill 72, sec. 2.3.2.
[30] ECHR, Convention for the Protection of Human Rights and Fundamental Freedoms, art. 3.

				origin which aren't entirely temporary.
DAA Status 3	2015	Refugees who have fled due to the general security situation in their country of origin but are not at individual risk of persecution.	1-year residency permit with extension for 1 year at a time (maximum of 2 years at a time after 3 years).	Possible if it doesn't violate international obligations. Following changes in the country of origin which aren't entirely temporary.

Which status is decided by the DIS (Danish Immigration Service)[31]. To receive the correct status is crucial for a refugee, as the differences between the three types of protection status have grown over time[32].

Next, the notion of well-founded fear is central to the assessment of protection needs and contains two elements: a subjective element of fear by the person seeking protection and an objective element of well-foundedness of such fear[33]. This entails a balancing of the asylum seeker's account of their fear alongside an assessment of the general situation in their country of origin[34]. The threshold for objective well-foundedness is met when the risk of persecution cannot be excluded, meaning that the burden of proof is low[35].

Next, the principle of 'non-refoulement' is perhaps the most important principle of refugee protection[36]. It is a prohibition against sending any person back to a country where they are at risk of persecution[37]. This principle is formulated in the Convention and the Aliens Act[38]. In practice, it entails that anyone who claims asylum "should be allowed to remain on the territory of the asylum State for the duration of the refugee status determination process"[39].

[31] Jacobsen et al., *Udlændingeret*, 342–43.
[32] Ibid, 343.
[33] Ibid, 176.
[34] Ibid, 176; 334–35.
[35] Ibid, 177.
[36] Ibid, 158.
[37] Jacobsen et al., 158.
[38] UN General Assembly, Convention Relating to the Status of Refugees, art. 33(1); MII, Consolidated Aliens Act, para. 31.
[39] Feith Tan and Gammeltoft-Hansen, 'Oxford Handbook of International Refugee Law', 506.

Finally, protection status can be revoked. A crucial part of this process is the assessment of changes in circumstances in the country of origin[40]. The assessment of whether these changes are fundamental enough to be durable and stable must include an examination of the general political evolution and of the human rights situation, but also of whether the concrete circumstances which led to the granting of protection have changed so that the fear of persecution can reasonably be presumed to have disappeared[41]. This approach is based on considerations that refugees must be provided with some form of assurance that their status will not be frequently reviewed at the expense of the sense of security which international protection is intended to provide[42].

In the Danish asylum system, the DIS, usually on its own initiative, assesses whether a residence permit should be revoked[43]. Under the Aliens Act, revocation of protection status following changes the circumstances in the country of origin is regulated under para. 19[44].

iv. Relevant authorities

The DIS is an agency under the MII (Ministry of Integration and Immigration)[45]. When a refugee arrives in Denmark, the DIS determines whether they are entitled to asylum and thereby to remain on the territory[46]. The DIS is the first instance decision-making authority for the revocation of a residency permit granted under DAA Status 1, 2 or 3[47].

The RAB is an independent, court-like, legal recourse body to the DIS[48]. As an authority of second instance, it handles complaints on decisions made by the DIS[49]. The competence of the RAB covers cases where the DIS has revoked a residence permit under DAA Status 1, 2 or 3 (these are actually automatically appealed to the RAB) [50]. The RAB may choose to overturn or

[40] Jacobsen et al., *Udlændingeret*, 367.
[41] Ibid.
[42] Vedsted-Hansen, Brekke, and Thorburn Stern, 'Temporary Asylum and Cessation of Refugee Status in Scandinavia Policies, Practices and Dilemmas', 9–10.
[43] Filskov et al., 'You Can Never Feel Safe', 15.
[44] MII, Consolidated Aliens Act, para. 19.1(1); 19.2(4).
[45] Filskov et al., 'You Can Never Feel Safe', 91.
[46] Ibid, 19.
[47] Ibid, 91.
[48] Ibid.
[49] Ibid.
[50] Ibid; Feith Tan, 'The End of Protection', 78.

confirm the decision by the DIS[51]. The RAB may also remand or return cases for a renewed decision by the DIS[52].

The IAB (Immigration Appeals Board) is an independent court-like body to the DIS[53]. As an authority of second instance, it handles complaints about decisions in connection with family reunification made by the DIS[54].

[51] Filskov et al., 'You Can Never Feel Safe', 28.
[52] Ibid, 91.
[53] Ibid.
[54] Ibid.

Methodology

i. Theoretical framework

Policy paradigm research focuses on radical ideational transformations and their drivers[55]. The concept of 'policy paradigm' is well-suited for the purposes of my research because it analyses whether a fundamental change has taken place or not within a given policy context[56]. I thereby take a critical realist approach in my research.

In my analysis, I apply Matthew Wood's policy paradigm framework which introduces the concepts of 'politicisation' and 'depoliticisation' to Peter Hall's 'policy paradigms'. Hall's conceptualisation, which draws on the classic Kuhnian theory of scientific paradigms, offers inherent appeal for critical policy analysis and for understanding radical policy change[57].

Hall conceives of policy-making as social learning[58]. He defines social learning as "a deliberate attempt to adjust the goals or techniques of policy in response to past experiences and new information", and learning is indicated when policies are adapted as a result[59]. Hall conceptualises 'policy paradigms' as interpretive frameworks of ideas and standards which specify the goals of policies, the instruments used to attain them, and the problems policies aim to address[60]. According to Hall, the terms of political discourse privilege some lines of policy over others by legitimising certain social interests, delineating the boundaries of state action, associating contemporary political developments with particular interpretations of national history, thereby defining the context in which issues are understood[61]. Hall differentiates between three 'levels' of changes within policy-making.

[55] Wood, 'Puzzling *and* Powering in Policy Paradigm Shifts', 5.
[56] Ibid.
[57] Ibid.
[58] Hall, 'Policy Paradigms, Social Learning, and the State', 275.
[59] Ibid, 278.
[60] Ibid, 279.
[61] Ibid, 289.

Table 2: Hallsian types of policy changes[62]

First- and second- order changes (normal policy-making)	• Changes in the levels or settings of the basic instruments used to reach the goals of public policy. • Usually made by experts in the public sector through a learning process contained within the state domain. • They do not challenge the overarching terms of a given policy paradigm.
Third-order changes (paradigm shift)	• Radical changes in the hierarchy of goals behind policy and in the overarching policy discourse. • Sociological and political processes which follow major changes in the 'locus of authority' over policy-making. • Often respond to policy experimentation or failure in the previous paradigm which results in the institutionalisation of a new paradigm. • Involves experts but especially external (non-expert) actors from the social and political arena as well as media

Wood builds on the Hallsian types of policy changes by developing the notion of third-order changes to include (de)politicisation, thereby emphasising the role of political agency as a driver of paradigm shifts[63]. (De)politicisation refers to deliberate attempts to alter policy through "the rhetorical recognition or denial by humans of their capacity to alter their collective practices, institutions and social conditions" and is applied to analyse "political strategies for legitimating or contesting policy paradigms"[64]. More precisely, the process of politicisation challenges paradigms (the dominant ideological or theoretical frameworks underlying policy decisions in a society), whereas the process of depoliticisation conversely entrenches them[65].

[62] Hall, 278–80; 288.
[63] Wood, 'Puzzling *and* Powering in Policy Paradigm Shifts', 2–3.
[64] Ibid, 10.
[65] Ibid.

Table 3: Woodsian paradigm shifts[66]

Processes	'Powering' process of (de)politicisation
Groups influencing policy change	Discourse coalitions
Type of discourse	Communicative
Discursive characteristics	• Naming and blaming • Rhetoric or storytelling • Normative or ethical claims-making
Contextual characteristics	• Resource-constrained • Proliferation of 'amateurs' • 'Partisan' incentives

By developing the concept of (de)politicisation, Wood establishes a framework which includes both the discursive process of social learning as well as the discursive process of (de)construction of political rhetoric and arguments with "emotive, moralistic or normative appeals" to analyse and explain policy change[67]. This framework enables the analysis of "changes in the underlying ideas behind policy" and if they have been driven by "evidence-based technocratic learning" or "emotive rhetorical argumentation"[68]. He justifies this approach by emphasising the importance of the "battle of ideas" (discursive conflict or contestation of political ideas) in policymaking[69]. In other words, the ideas themselves as well as the debates that provide them legitimacy and authority must be analysed to understand policy-making[70]. Wood then understands policy-making as a constant process of legitimisation or delegitimisation of 'paradigm ideas' where especially political actors seek to justify and

[66] Wood, 12.
[67] Ibid, 11.
[68] Ibid, 4; 16.
[69] Ibid, 8.
[70] Ibid.

defend their ideological commitments, including any actions they take "even when such actions appear not to be working"[71].

ii. Key concepts

a. Paradigm shift

The notion of 'paradigm shift' holds a specific meaning in Danish asylum law. In its most common use, it refers to the amendments made to the Aliens Act in 2019 with L174 in a continuation of the 'return turn', a notion which refers to the change in practice by the Danish authorities with 'Project Damascus'[72]. It has also been used in legal scholarship to refer to the series of amendments made to the Aliens Acts between 2015 and 2019 leading up to L174[73]. Outside of legal scholarship, the notion was first introduced at the political level in 2017 but took properly hold in 2018 and 2019 when the then government introduced a novel policy approach[74] which shifted the focus of immigration and international protection "from a presumption of integration and permanence to that of temporary protection and return"[75].

In my research, I apply the notion of 'paradigm shift' in a broader sense to refer to gradual restriction on the right to asylum through various laws, policies and practices in efforts to limit the number of refugees and asylum seekers coming to Denmark, but also to restrict the rights of those already in the country, in an overarching deterrence objective to make Denmark an unattractive destination. Specifically, I divide the shift into two separate phases which happen over a prolonged period of time. This is because the change in approach to asylum protection has not been "a stand-alone phenomenon" but has been accompanied by numerous changes of law and policy[76]. By conceptualising the notion of paradigm shift as a process which takes places over a prolonged period of time, I take a Woodsian approach similar to that of Anne Mette Kjær in her research on Danish development policy[77].

In line with Kjær's Woodsian approach, I understand policy paradigms to be systems of ideas[78]. I therefore similarly focus on the influences exercised by parallel shifts happening in the

[71] Wood, 8.
[72] Vedsted-Hansen, 'Refugees as Future Returnees?', 6.
[73] Feith Tan, 'The End of Protection', 75.
[74] Vedsted-Hansen, 'Refugees as Future Returnees?', 19–20.
[75] Feith Tan, 'The End of Protection', 75.
[76] Vedsted-Hansen, 'Refugees as Future Returnees?', 39.
[77] Kjær, 'The Paradigm Shift of Danish Development Policy (1990–2020)', 346.
[78] Ibid, 358.

political arena on policy-making[79]. Now, a paradigm shift is indicated by a simultaneous shift in both policy goals and policy instruments[80]. Therefore, an immediate question is whether the policy changes that have occurred in the Danish context constitute such a 'paradigm shift', seeing that "protection for the duration of risk is not a novel principle within international refugee law, but rather an inherent feature of the 1951 Convention"[81]. However, as pointed out by Nikolas Feith Tan, there is an explicit shift in the Danish context "from an assumption of integration and permanent protection to an assumption of temporary protection and return" which represents a fundamental change in the sense of a paradigm shift[82]. I understand this shift to be one from a protection paradigm characterised by integration policies to a deterrence paradigm characterised by zero-asylum policies.

Although there have been specific events which have signalled a strong shift in themselves, I suggest that the paradigm shift in the Danish asylum system has happened in two phases. I understand the first phase of the paradigm shift to announce itself with the 'return turn' policy implemented in 2015 by L153 and its focus on return[83]. It is cemented by the shift in practice of the Danish authorities in 2019 following L174[84]. This phase is characterised by a type of deterrence strategy which makes life more difficult and unpredictable for those who have already obtained protection in Denmark, but also aims at dissuading potential asylum seekers. Moving away from the previous core immigration policy of integration, this new paradigm renders asylum strictly temporary and limited "until the day it is deemed safe to return home"[85]. Next, I understand the second phase of the paradigm shift to announce itself during the campaigning leading up to the 2019 elections. As part of their immigration policy programme in 2018, the SDP presents for the first time their plan for third country processing[86], which following their election into government culminates with the announcement of the Rwanda model[87]. This second phase is cemented in 2021 with the adoption of L1191 which legislates

[79] Kjær, 346.
[80] Ibid, 358.
[81] Feith Tan, 'The End of Protection', 77.
[82] Ibid, 78.
[83] Vedsted-Hansen, 'Refugees as Future Returnees?', 31; MII, Law 153.
[84] Vedsted-Hansen, 'Refugees as Future Returnees?' 6; MII, Law 174.
[85] Corry, 'Carceral Islands', 96.
[86] Social Democratic Party, 'Retfærdig og Realistisk', 12; Feith Tan, 'Policy Analysis', 172.
[87] MII and Ministry of Foreign Affairs and International Cooperation of the Republic of Rwanda, 'Joint Statement on Bilateral Cooperation'.

on third country processing[88]. It is generally characterised by a type of deterrence strategy which externalises asylum processing to a third country.

b. Deterrence paradigm

Deterrence can be defined as the objective to "prevent migrants and refugees from either arriving at the territory or accessing the asylum system of a prospective destination state"[89]. The deterrence paradigm is "a particular instantiation of the global refugee protection regime", which shows how deterrence policies have become the dominant responses to asylum seekers in the Global North and how these have evolved in the face of changing migration flows and legal challenges[90]. Such deterrence policies serve to block or deter international mobility for refugees[91]. The dominance of this paradigm explains why deterrence policies are continuously relied on by States in responding to the migration 'crisis' despite alternative protection regimes being advocated for by scholars and civil society[92]. Under the deterrence paradigm, developed states attempt to strategically tailor their migration control policies to international refugee law and thereby successfully abstain from assuming any substantive responsibility for refugee protection[93]. States can then maintain "a formal commitment to international refugee law" without having to assume the associated burdens[94]. By implementing deterrence measures, states attempt to "push asylum flows toward neighbouring countries"[95].

Table 4: Main types of deterrence policies[96]

TYPE 1	Non-admission policies which limit access to asylum procedures
TYPE 2	Non-arrival measures which prevent territorial access to host countries through migration control
TYPE 3	Offshore asylum processing and relocation of refugees to third countries

[88] MII, Law 1191.
[89] Gammeltoft-Hansen, 'Refugee Policy As "Negative Nation Branding"', 4.
[90] Gammeltoft-Hansen and Feith Tan, 'The End of the Deterrence Paradigm?', 29.
[91] Feith Tan and Gammeltoft-Hansen, 'Oxford Handbook of International Refugee Law', 502.
[92] Gammeltoft-Hansen and Feith Tan, 'The End of the Deterrence Paradigm?', 29.
[93] Ibid, 31.
[94] Ibid.
[95] Ibid, 34.
[96] Ibid.

TYPE 4	Criminalisation of irregular migration and human smuggling
TYPE 5	Indirect deterrence measures aiming at making the host country look less attractive as a destination

iii. Research methods and limitations

I take a multidisciplinary approach to my research, as my topic intersects with multiple fields including law, human rights, social policy research, and political science. I use mixed methods in order to gather qualitative data, combining three different qualitative research methods: single case study, critical discourse analysis and semi-structured interviewing[97].

In order to approach the validity and reliability issues typically associated with qualitative research methods best possibly, I had some guiding considerations in mind while conducting my research which I elaborate on in each section[98].

a. Qualitative desk case study

Policy-making happens at the local level, and the ensuing practices are often intertwined with specifics such as political culture and the state of civil society[99]. I have chosen one locality, Denmark, to do a single case study on the relationship between policy development and public discourses in response to migration phenomena[100]. This method is well-suited as my research aims to explain the Danish paradox, that is the gap between policy-making and its justifications in the asylum context.

In my case study, I outline the two phases of the paradigm shift in detail. I draw on relevant literature by scholars and experts in the field to identify and describe the changes in law and policy from 2015 and onwards. The case study then serves as a basis for my discussion, where I look at the impact and the practical implications of the policies to explain the Danish paradox.

I aimed at providing a detailed and descriptive account of the relevant historical and political context in Denmark as policy-making and the narratives linked to it are all contextually

[97] Bryman, *Social Research Methods*, 383.
[98] Ibid, 390–92.
[99] Glorius and Doomernik, *Geographies of Asylum in Europe and the Role of European Localities*, 1.
[100] Ibid.

grounded[101]. In this process, I selected a broad range of sources to compare and contrast claims and to corroborate my research. However, a limitation to this contextual understanding is that some of my findings might not be generalisable to other contexts, which is something to keep in mind for the purposes of further research, for instance on other Nordic countries where the contextual settings might differ[102].

b. Critical discourse analysis

Because my research also looks at the ideational drivers of policy-making, I have chosen to do a critical discourse analysis in order to identify the key narratives relevant to policy-making in the Danish asylum context and the social realities they produce. This is the best-suited method to examine how certain narratives are used as power resources and how they relate to the dominant paradigm and the paradigm shift[103]. In my analysis, I examine the politicisation of immigration issues in Denmark by applying the Woodsian framework to identify the different narratives which are instrumentalised to drive the paradigm shift and justify ensuing policies[104].

I conducted the discourse analysis manually by identifying thematic patterns in each document. I chose a manual approach because, in line with my qualitative approach, I was interested in the language choice and use, and not in the frequency with which specific words appeared. Additionally, it allowed me to be more flexible, as I was not restricted to a set of pre-selected words or themes but could adjust my focus as I was going through the documents in order to best capture what the data was showing. Furthermore, it allowed me to conduct a more thorough, accurate and in-depth analysis, as I was able to pay attention to the details of the language and the discourse in context, as well as to identify patterns 'in between the lines'. Drawbacks of this approach were that it was rather time-consuming, which limited the number of documents I could analyse, and that my own bias might have led to some degree of variations in the analysis itself. In order to limit the subjectivity of my analysis as much as possible, I relied on themes that emerged from the case study and other scholarship as secondary sources, which is apparent in my discussion.

[101] Bryman, *Social Research Methods*, 401.
[102] Ibid, 408.
[103] Ibid, 536.
[104] Bailey-Morey and Kumar, 'Public Narratives Denmark', 15.

In my choice of documents, I specifically focused on documents from 2015 and onwards containing forms of political discourse in order to analyse the different narratives in context since this marks the beginning of the paradigm shift. I included 12 documents:

- selected bills amending the Aliens Act:
    - B72 from 2014[105],
    - B87 from 2015[106],
    - B140 from 2019[107],
    - B226 from 2021[108],
- two independent expert opinions by the DIHR (Danish Institute for Human Rights) in connection with B72 and B226[109],
- the SDP's political programme 'Retfærdig og Realistisk' (own translation: Fair and Realistic) from 2018 prior to the 2019 elections[110],
- the political agreement 'Retfærdig Retning for Danmark' (own translation: Fair Course for Denmark) between the party elected to government in 2019 and its supporting parties[111],
- the political agreement 'Ansvar for Danmark' (own translation: Responsibility for Denmark') between the parties elected to government following the 2022 elections[112],
- UNHCR (United Nations High Commissioner for Refugees) Observations on B226[113],
- the joint statement of understanding between the Danish and Rwandan governments on external asylum processing[114],
- and the joint Letter to the EU Commission and the European Council on Migration and Asylum by the Danish, Austrian, Latvian, Lithuanian, Estonian, Maltese, Slovakian, and Greek governments[115].

[105] Ministry of Justice, Bill 72.
[106] MII, Bill 87.
[107] MII, Bill 140.
[108] MII, Bill 226.
[109] DIHR, 'Opinion to B72'; DIHR, 'Opinion to B226'.
[110] SDP, 'Retfærdig og Realistisk'.
[111] Frederiksen et al., 'Retfærdig Retning for Danmark'.
[112] Frederiksen, Løkke Rasmussen, and Ellemann-Jensen, 'Ansvar for Danmark'.
[113] UNHCR, 'UNHCR on Amendment to the Aliens Act'.
[114] MII and Ministry of Foreign Affairs and International Cooperation of the Republic of Rwanda, 'Joint Statement on Bilateral Cooperation'.
[115] Frederiksen et al., 'Joint Letter', 6 February 2023.

It is necessary to specify that some of these documents were in Danish, and any terms or concepts from these are translated by me.

I was careful in my selection of sources in order to produce nuanced and balanced findings. I chose documents produced by the Danish Government and political parties, as well as documents by the UNHCR and the DIHR in order to analyse actors with different interests and mandates. I focused on the bills instead of the laws as the bills contain the explanatory remarks.

c. Semi-structured interviews

Finally, I conducted qualitative interviews with selected actors in the Danish asylum system to examine the human rights implications of the policies and narratives identified in the case study and in the discourse analysis.

I took a semi-structured approach to the interview process, as it was important for me to let the interviewees express themselves in a natural and spontaneous manner, achieving a more informal and conversational exchange[116]. In preparation, I sent out an interview guide beforehand with some very broad questions. However, it was important for me to leave ample room for flexibility during the interviews themselves. I attempted to tailor the questions I ended up asking partly in response to any perspectives or topics that came up during the interviews, and partly to the interviewee's background and area of expertise, both in order to receive the most detailed and authentic responses[117]. This approach helped the flow of conversation, and tangents going slightly 'off-topic' proved useful later on in my research[118].

I conducted two separate interviews:

- Interview 1 with a former political advisor and commentator, conducted on 04/04/2023.
- Interview 2 with an individual with formerly working in the detention centres in Denmark, conducted 03/05/2023.

I decided not to record the interviews and transcribed them by hand instead. My objective was not to look at the language used by the interviewees but to get their opinions on my findings from the case study and discourse analysis, and to discuss any human rights implications of these. The interviews were conducted in Danish, and all translation has been done by me. I

[116] Bryman, *Social Research Methods*, 469.
[117] Ibid, 470.
[118] Ibid.

used the method of respondent validation to confirm my findings, where the interviewees were provided with my account of what they said during the interviews to comment upon and then approved[119].

Because I sent out an interview guide beforehand, I am aware that the interviewees had time to prepare and rehearse their responses to some extent. However, when I sent my notes to each of them for commenting and approval, I received minimal feedback for changes, which tells me that the responses they gave me were rather spontaneous and authentic. To ensure transparency, I selected my interviewees based on specific criteria. I made sure they were affiliated or previously affiliated with accredited and trustworthy organisations. One was specifically recommended to me by my thesis supervisor. Because I chose to conduct interviews with professionals in the field, the opinions and claims made in the interviews do not necessarily reflect the general public's opinion, but are opinions based on in-depth knowledge. Finally, due to the conversational nature of interview data collection, I am aware that it is difficult to replicate my findings[120].

iv. Ethical considerations

Finally, I had some ethical considerations when conducting my research and presenting my findings. First and foremost, I made sure that I complied with the code of practice and the ethical guidelines of my university. Furthermore, I submitted a notification form for the collection of data to the Norwegian Agency for Shared Services in Education and Research detailing all steps of my data collection which was approved upon review. I thereby made sure to respect the guidelines and ethics for data protection, and I included a consent form for my interviews. When interacting with the interviewees, I also made clear what my research methods, focus and purposes were. I tried to the best of my ability to minimise potential bias due to highly politicised nature of my research topic, especially with the selection of sources in my data collection. Another way in which I tried to mitigate this risk was that throughout the process, I regularly discussed and presented my research to my peers and my supervisors for review and feedback.

[119] Bryman, 390–91.
[120] Ibid, 405.

Case study: The Danish Paradox

i. The first phase of the paradigm shift: Temporary protection status and the 'return turn' (2015-/2019-)

a. Legal and policy framework

The major legislative amendments made in 2015 and 2019 introduced three fundamental changes: DAA Status 3, a new understanding of the conditions in the country of origin, and less emphasis on attachment to Denmark in revocation assessments[121]. These changes reoriented the understanding of refugee protection away "from the initial grant of a secure legal status with well-defined prospects of permanent residence" and to regular asylum residence permits being more temporary in nature[122]. They became the legislative basis of the first phase of the paradigm shift[123].

However, these changes did not appear out of thin air. An implicit or informal form of temporary protection had already been implemented in administrative practice in 2011 when the RAB suspended deportations of asylum seekers from Syria who were not considered eligible for DAA Status 1 or 2[124]. This arrangement ended in September 2013 when the RAB adjusted its practice to grant *prima facie* DAA Status 2 to all asylum seekers not found eligible for DAA Status 1 if they were from parts of Syria affected by armed conflict or attacks against civilians, a practice which was mirrored by the DIS[125].

In February 2015, L153 was adopted by the Parliament[126], amending the Aliens Act to include the new DAA Status 3 to give temporary protection status to groups of refugees who previously would have been granted protection under DAA Status 2 if the risk they faced was of especially severe character, such as random acts of violence and targeting of civilians due to general insecurity in the country of origin[127]. The motivating assumption behind this was that the need

[121] Filskov et al., 'You Can Never Feel Safe', 19.
[122] Vedsted-Hansen, 'Refugees as Future Returnees?', 7; 13; Filskov et al., 'You Can Never Feel Safe', 19; Vedsted-Hansen, Brekke, and Thorburn Stern, 'Temporary Asylum and Cessation of Refugee Status in Scandinavia Policies, Practices and Dilemmas', 13.
[123] Vedsted-Hansen, 'Refugees as Future Returnees?', 20.
[124] Vedsted-Hansen, 13; Vedsted-Hansen, Brekke, and Thorburn Stern, 'Temporary Asylum and Cessation of Refugee Status in Scandinavia Policies, Practices and Dilemmas', 11–12.
[125] Vedsted-Hansen, 'Refugees as Future Returnees?', 13–14; Vedsted-Hansen, Brekke, and Thorburn Stern, 'Temporary Asylum and Cessation of Refugee Status in Scandinavia Policies, Practices and Dilemmas', 11–12.
[126] Ibid 12.
[127] Jacobsen et al., *Udlændingeret*, 277.

for protection of persons fleeing this type of generalised risk situations could be assumed to be of a more temporary nature[128]. L153 signalled a change in policy, as the reasons given by Danish Government in the explanatory remarks to the bill was to repatriate refugees as soon as the situation in the country of origin made it possible[129]. The consequence of this law in practice is that today, refugees are granted temporary protection under DAA Status 3 much more frequently, with a view to ensure that they return to their country of origin as soon as the authorities find it safe to do so[130].

L153 is part of the wider 'return turn' in Danish asylum law and policy, a notion which specifically refers to all policies that "shifted the focus of asylum from integration through time towards a more explicit expectation of return to the country of origin", rendering all protection of refugees more temporary[131]. In addition to DAA Status 3, such policies also include an increased focus on revocation and increasingly difficult access to permanent residence, citizenship, and to entitlements such as family unity[132]. In this sense, the policy objectives and instruments changed significantly in response to the asylum and migration 'crisis' of 2015[133].

The policies implemented by Denmark mentioned above are type 5 deterrence policies. Instead, of preventing access to asylum as such, they are designed to discourage or divert asylum claims "by making conditions for asylum-seekers and recognised refugees less attractive"[134]. They include information campaigns, restrictions on family reunification, cuts to social benefits, and granting forms of protection which are temporary or subsidiary compared to protection under the Convention[135], all measures which have been implemented by Denmark. Examples include DAA Status 3, policies cutting social benefits by half for refugees, legislation such as 'smykkeloven' (own translation: 'the jewellery law') which allows the authorities to seize asylum seekers' valuables to cover various costs related to the asylum process such as housing, and additional requirements for receiving permanent residency[136].

[128] Vedsted-Hansen, 'Refugees as Future Returnees?', 18.
[129] Ministry of Justice, Bill 72; Jacobsen et al., *Udlændingeret,* 277; Vedsted-Hansen, 'Refugees as Future Returnees?', 13–14.
[130] Filskov et al., 'You Can Never Feel Safe', 11.
[131] Vedsted-Hansen, 'Refugees as Future Returnees?', 5;19.
[132] Ibid, 6.
[133] Ibid, 15; Vedsted-Hansen, Brekke, and Thorburn Stern, 'Temporary Asylum and Cessation of Refugee Status in Scandinavia Policies, Practices and Dilemmas', 13.
[134] Gammeltoft-Hansen, 'Refugee Policy As "Negative Nation Branding"', 5–6; Gammeltoft-Hansen, 2; Vedsted-Hansen, Brekke, and Thorburn Stern, 'Temporary Asylum and Cessation of Refugee Status in Scandinavia Policies, Practices and Dilemmas', 13.
[135] Gammeltoft-Hansen and Feith Tan, 'The End of the Deterrence Paradigm?', 38.
[136] MII, Bill 87; Gammeltoft-Hansen and Feith Tan, 'The End of the Deterrence Paradigm?', 39.

For these measures to be effective, countries must generally brand themselves as 'hardliners' on asylum and immigration, and they must market the specific measures to the target audience of unwanted prospective asylum seekers[137]. In this sense, these measures can be characterised as a practice of national reputation management, or 'negative nation branding' as coined by Thomas Gammeltoft-Hansen[138]. These sophisticated messaging campaigns are designed to prevent irregular migration and deter potential migrants[139]. Denmark has practiced this, first by openly justifying their desire to avoid asylum seekers, and also through initiatives such as taking out advertisements in Lebanese newspapers in 2015 warning potential asylum seekers of its restrictive policies[140].

A few years after the beginning of the 'return turn', the Danish Parliament amended the Aliens Act to include Section 19a in 2019 with L174 in an aim to increase the impact of the revocation rules[141]. This meant that residency permits under all three types of protection status were to be issued with an explicit "view to temporary residence only", the preferred outcome of asylum seekers' stay being return[142]. With this move, Denmark signalled that it had "both the will and the ability to act swiftly and efficiently" when the basis for individual refugees' residence permits ceased to exist, thereby operationalising the temporariness of DAA Status 3[143]. In practice, this meant that the DIS now only renewed residence permits if not doing so would violate Denmark's international obligations, but also that it could proactively review caseloads without the expiry of a residence permit, for instance following a change in practice by the RAB[144]. As pointed out in B140, considerations for the assessment of revocation would now only include international obligations, mainly the respect for private and family life under Article 8 of the European Convention on Human Rights (ECHR), and significantly reduce any weight attributed to the degree of integration and other forms of affiliation to Danish society[145].

[137] Gammeltoft-Hansen, 'Refugee Policy As "Negative Nation Branding"', 9–10.
[138] Ibid, 2.
[139] Nethery, Dastyari, and Hirsch, 'Examining Refugee Externalisation Policies', 7.
[140] Feith Tan, 'International Refugee Law Handbook', 171; Gammeltoft-Hansen, 'Refugee Policy As "Negative Nation Branding"', 9; Gammeltoft-Hansen, 10.
[141] Vedsted-Hansen, 'Refugees as Future Returnees?', 19; Filskov et al., 'You Can Never Feel Safe', 20; MII, Law 174.
[142] Vedsted-Hansen, Brekke, and Thorburn Stern, 'Temporary Asylum and Cessation of Refugee Status in Scandinavia Policies, Practices and Dilemmas', 15; Filskov et al., 'You Can Never Feel Safe', 20; Vedsted-Hansen, 'Refugees as Future Returnees?', 17.
[143] Vedsted-Hansen, 'Refugees as Future Returnees?', 20; Vedsted-Hansen, Brekke, and Thorburn Stern, 'Temporary Asylum and Cessation of Refugee Status in Scandinavia Policies, Practices and Dilemmas', 15.
[144] Vedsted-Hansen, Brekke, and Thorburn Stern, 'Temporary Asylum and Cessation of Refugee Status in Scandinavia Policies, Practices and Dilemmas', 16; Vedsted-Hansen, 'Refugees as Future Returnees?', 21; Feith Tan, 'The End of Protection', 78.
[145] Vedsted-Hansen, 'Refugees as Future Returnees?', 21; MII, Bill 140, sec. 2.1.6.1.

b. The Syrian refugees and Project Damascus

I've chosen to focus on the group of Syrian refugees as an example in this case study, as their current situation is a direct consequence of the first phase of the 'paradigm shift' and reveals a politicised implementation of the paradigm shift legislation[146]. The mandatory revocation rule put in place with L174 was operationalised through Project Damascus, a project which focused on the revocation of the residence permits of Syrian refugees[147].

In a very unusual announcement in February 2019, the RAB issued a statement stating that according to recent COI (Country of Origin Information) on the general situation in Syria, hostilities and civilian casualties was now limited in geographic terms and reduced in number compared to earlier stages of the conflict[148]. Simultaneously, the DIS announced that it intended to change its practice on this basis and refuse asylum as well as extension of residence permits to a "selected number of Syrians from the Damascus province in order to enable the cases to be examined" by the RAB[149].

The first series of cases were examined in June and September 2019, and they were treated as 'test cases' with a cautious and thorough approach due to their principled nature and the potential impact they could have on future cases[150]. All these test cases resulted in the granting of DAA Status 1 or 2 on individual protection grounds[151]. However, in June and May 2020, the RAB upheld the decision by the DIS to refuse asylum in five cases[152]. Additionally, following a key ministerial instruction ordering the DIS to accelerate the review of asylum cases for Syrians with DAA Status 3 from the Rif Damascus Province[153], 'Project Damascus' was systemised on a large scale[154].

Project Damascus was initiated by the DIS on the basis of a COI-report by its own country documentation office stating that conditions in Damascus had changed[155]. However, this

[146] Vedsted-Hansen, 'Refugees as Future Returnees?', 24; Filskov et al., 'You Can Never Feel Safe', 11.
[147] Vedsted-Hansen, Brekke, and Thorburn Stern, 'Temporary Asylum and Cessation of Refugee Status in Scandinavia Policies, Practices and Dilemmas', 17; Filskov et al., 'You Can Never Feel Safe', 28.
[148] Vedsted-Hansen, 'Refugees as Future Returnees?', 24.
[149] Ibid 24–25; Filskov et al., 'You Can Never Feel Safe', 6; 29–30.
[150] Vedsted-Hansen, 'Refugees as Future Returnees?', 25.
[151] Ibid; Vedsted-Hansen, Brekke, and Thorburn Stern, 'Temporary Asylum and Cessation of Refugee Status in Scandinavia Policies, Practices and Dilemmas', 30.
[152] Vedsted-Hansen, 'Refugees as Future Returnees?', 25–26.
[153] MII, 'Press release'.
[154] Vedsted-Hansen, 'Refugees as Future Returnees?', 25–26.
[155] Filskov et al., 'You Can Never Feel Safe', 30.

assessment is not uncontroversial[156]. An intertextual analysis of all COI-reports on Syria produced between 01/06/2021 and 01/03/2023 by Stinne Poulsen Østergaard shows that first and foremost, the information available is very limited and points to unpredictable practices by the Syrian authorities[157]. Furthermore, sources interviewed by the DIS for their COI-report primarily inform of little to no risk for returnees[158]. However, when examining other COI sources, the analysis shows that there are significantly more sources which point to risks and dangers than not for returnees[159].

The most noteworthy critique on the reports is the one expressed by the 11 out of 12 experts who contributed to the COI-reports in question on the use of these reports in decisions to remove temporary protection for Syrian refugees from Damascus[160]. They released a letter in April where they expressed that they did not "recognise" their views and that their expert opinions was "underappreciated"[161]. They went even further and expressed that such Danish policies could trigger a domino effect in European refugee policy to reduce protection for refugees who had fled Syria due to the general security situation[162]. Finally, they emphasised that "no Syrian can presently be reasonably believed to be safe" upon return anywhere in Syria due to the practices of the Syrian Government and the deteriorating socio-economic and humanitarian conditions in the country[163].

Finally, the European Court of Human Rights ruled in M.D. and Others v. Russia that expulsion to Syria in this case was in violation of Articles 2 and 3 ECHR (the right to life and to protection from torture, inhuman or degrading treatment or punishment)[164]. The judgement is relevant for the Danish context insofar that it establishes that no part of Syria is safe for return at present or in the near future due to the volatile security situation, departing from the conclusions of the assessment by the RAB[165]. The RAB discussed the judgment but found no reason to change its practice[166].

[156] Vedsted-Hansen, 'Refugees as Future Returnees?', 23–24.
[157] Poulsen Østergaard, 'Syria COI and Returnees', 5–6; Poulsen Østergaard, 'Annex to Syria COI and Returnees'.
[158] Poulsen Østergaard, 'Syria COI and Returnees', 10.
[159] Ibid, 7.
[160] European Council on Refugees and Exiles, 'COI Reports Condemned by Experts'.
[161] 'Experts Joint Statement on Syria', 19 April 2021.
[162] Ibid.
[163] Ibid.
[164] ECHR, M.D. and Others v. Russia.
[165] Clante Bendixen, 'New Human Rights Judgment: Nobody Can Be Returned To Syria'.
[166] IIbid.

ii. The second phase of the paradigm shift: The zero-asylum policy and the externalisation of asylum (2019-present)

a. Externalising asylum

The notion of 'refugee policy externalisation' springs from the traditional architecture of the international refugee regime, where the dominant mode to seek asylum under the Convention has been spontaneous arrival in the destination state and to receive protection through territorial asylum in that state[167]. A necessary condition for international protection is therefore access[168]. However, refugees and asylum seekers are increasingly encountering laws and policies under which their protection needs are considered somewhere else than in the territory of the state where they seek protection[169]. These laws and policies which externalise border control practices aim to obstruct or deter refugee movement and are designed to deny migrants the possibility of seeking asylum[170]. Border control then becomes "a matter of prevention of access, rather than of processing of those seeking access" [171]. Wealthy states thereby evade their obligations under international human rights and refugee law through foreign policy by exploiting power asymmetries to shift responsibility elsewhere[172]. An important dimension of this dynamic is that 'elsewhere' is often in states that are not or only partially bound to the Convention, or with less inclusive asylum regimes with lower legal commitments and protection standards[173].

In a broad sense, 'externalisation' refers to "the process of shifting functions that are normally undertaken by a State within its own territory" to wholly or partly outside its territory, thereby outsourcing related responsibilities[174]. This understanding is twofold: it can involve restricting

[167] Nethery, Dastyari, and Hirsch, 'Examining Refugee Externalisation Policies', 28; Lavenex, 'The Cat and Mouse Game of Refugee Externalisation Policies', 28.
[168] Ibid, 29.
[169] University of Michigan Law School, 'The Michigan Guidelines on Protection Elsewhere', sec. Introduction; Murray, 'The Externalisation of Refugee Policies', 47; Cantor et al., 'Externalisation, Access to Territorial Asylum, and International Law', 141.
[170] Nethery, Dastyari, and Hirsch, 'Examining Refugee Externalisation Policies', 1;3;11.
[171] Murray, 'The Externalisation of Refugee Policies', 59.
[172] Lavenex, 'The Cat and Mouse Game of Refugee Externalisation Policies', 28; Nethery and Dastyari, 'Refugee Externalisation Policies', 1; Als et al., 'Asile Policy Paper', 8.
[173] Lavenex, 'The Cat and Mouse Game of Refugee Externalisation Policies', 30.
[174] Cantor et al., 'Externalisation, Access to Territorial Asylum, and International Law', 120; 122–23; Refugee Law Initiative, 'Refugee Law Initiative Declaration on Externalisation and Asylum', 114.

access to the territory for migrants in general, and it can involve the offshore processing of asylum claims specifically[175]. I focus on the offshore aspect in this case study.

Offshore or third country processing is one form of externalisation under which State A externalises its obligations towards refugees and asylum seekers to State B after they have applied for asylum in State A[176]. This is done through "the post-arrival transfer" of asylum seekers from the territory of State A to that of State B to assess their asylum claims, often with the intention to lead to asylum in State B, thus excluding refugees from access to the intended destination[177]. Externalisation measures of this type which locate people seeking asylum in another country, at a distance, are a common form of international 'cooperative' deterrence measures of type 3[178]. According to the countries involved, they are initiated for a number of reasons, ranging from humanitarian concerns to save lives at sea to border control[179].

Now, policies of this nature are compatible with the Convention as long as they ensure that refugees enjoy the rights set out in Articles 2 to 34[180]. However, such policies are not uncontroversial and raise a number of legal and human rights issues which create 'legal fictions' and emerge in the 'grey areas' of international refugee and asylum law[181]. Oftentimes, they are employed in order to break the jurisdictional link and absolve states of their obligations towards asylum seekers and refugees[182]. In order to help clarify some of these issues and fill in the gaps, the UNHCR has produced observations on externalisation measures. Although these are not legally binding in any way, they do carry some weight and must be considered in light of the UNHCR's mandate for the international protection of refugees. Specifically, the UNHCR highlights the necessity of taking a maximalist approach the rights of refugees and the importance of international cooperation which does not "shift, minimise or avoid responsibilities"[183]. They also highlight the importance of territorial access to seek asylum and the right to remain in the territory for the duration of the procedure[184].

[175] Cantor et al., 'Externalisation, Access to Territorial Asylum, and International Law', 122.
[176] Ibid, 141.
[177] Ibid., 141–42; Feith Tan, 'International Refugee Law Handbook', 171.
[178] Feith Tan, 'International Refugee Law Handbook', 173; Murray, 'The Externalisation of Refugee Policies', 47.
[179] Feith Tan, 'International Refugee Law Handbook', 172; 504.
[180] University of Michigan Law School, 'The Michigan Guidelines on Protection Elsewhere', para. 1.
[181] Cantor et al., 'Externalisation, Access to Territorial Asylum, and International Law', 120; 123; Nethery and Dastyari, 'Refugee Externalisation Policies', 5–6.
[182] Feith Tan and Gammeltoft-Hansen, 'Oxford Handbook of International Refugee Law', 505.
[183] UNHCR, 'UNHCR Note on Externalization', paras 2–3.
[184] UNHCR, 'Annex to UNHCR Note on Externalisation'.

b. The Danish 'Rwanda model'

During the second phase of the paradigm shift, in addition to maintaining deterrence measures of type 5, Denmark has also promoted and adopted policies of type 3[185]. An example of such type 3 practice is the introduction of the Rwanda model. This model was first presented in the Social Democratic Party's (SDP) 2018 political programme, which set out a "wide-ranging reform" of protection in Denmark[186]. After being elected, they announced in 2021 their vision for zero-asylum seekers[187].

Initially, this vision contained four elements: the end of spontaneous asylum, the establishment of an asylum 'reception centre' outside Europe in cooperation with fellow EU states, the transfer of those obtaining refugee status to a United Nations (UN)-run camp or locally in the third country, and the offering of resettlement places in Denmark as an alternative to spontaneous asylum[188]. Side-lined at first due to EU considerations of being unrealistic, the Danish Government continued to develop the model[189]. Countries which were mentioned as possible partners (Morocco, Tunisia, Algeria, Jordan, Libya, and Egypt) stated that this plan would not take place on their territory and criticised the idea for being hypocritical and dangerous[190].

As with those preceding the first phase of the paradigm shift, these developments did not appear out of thin air either. As early as in 1986, Denmark proposed to create UN centres to process asylum claims, and during the Danish presidency of the EU, Denmark introduced the notion of 'reception in the region'[191].

Table 5: Timeline of the Danish Government's plans for externalisation[192]

When	Developments

[185] Gammeltoft-Hansen and Feith Tan, 'The End of the Deterrence Paradigm?', 36.
[186] Feith Tan, 'Policy Analysis', 174.
[187] Bailey-Morey and Kumar, 'Public Narratives Denmark', 17; 'Parliamentary Debate "Om Regeringens Værdipolitik Med Fokus På de Udfordringer, Der Følger Af Indvandringen"'.
[188] Feith Tan, 'Policy Analysis', 173–74; SDP, 'Retfærdig og Realistisk', 12; Feith Tan, 'Human Rights Obligations in Third Country Asylum Processing', 1.
[189] Feith Tan, 'Policy Analysis', 174–75.
[190] Lemberg-Pedersen, 'Op-Ed: Danish Externalization Desires and the Drive Towards Zero Asylum Seekers'.
[191] Corry, 'Carceral Islands', 102.
[192] 'Vi Mener: Eksterne Centre'; Corry, 'Carceral Islands', 102–3; Lemberg-Pedersen, 'Op-Ed: Danish Externalization Desires and the Drive Towards Zero Asylum Seekers'.

2016	The then Minister of Labour describes a vision of ‘enormous refugee cities’ in third countries, later corrected to ‘massive asylum camps’ operated in partnership with the EU and the UNHCR.
2018	The SDP proposes the notion of third-country processing in their party programme (‘Retfærdig og Realistisk’).
June 2019	The SDP forms their government on the basis of a political agreement (‘Retfærdig Retning for Danmark’) where reforms in the national asylum system are stated as a priority.
February 2020	Since the 2020 Finance Act negotiations, resources have been set aside for the SDP’s asylum reform, and the MII create a Migrations Task Force.
April 2021	The then Minister for Immigration and Integration and the Minister for Development secretly visit Rwanda and enter into a Memory of Understanding on closer asylum and migration cooperation.
June 2021	L1191 is adopted by a majority in the Parliament.
January 2022	The Danish Government receive a Rwandan delegation of representatives. Another publication on the model for the Danish asylum system reform is produced by the MII.
May 2022	A new Minister for Immigration and Integration assumes office and confirms the continued cooperation with Rwanda.
August 2022	The Immigration Office states that they will open an office in Kigali.
September 2022	The Minister for Immigration and Integration and the Minister for Development visit Rwanda and sign the Joint Statement on Bilateral Cooperation.
December 2022	The newly elected government states that it will work towards reforming the European asylum system in the new post-election political agreement (‘Ansvar for Danmark’).

A major development in the Danish Government's plan for externalisation was the adoption of L1191, which established a legal mechanism to allow for the transfer of asylum seekers to a third country outside the EU for the purposes of both asylum processing and protection in the third country, going beyond pre-procedure transfers[193]. This made Denmark the first EU Member state to pass this type of legislation and revealed how seriously the government is pursuing this route[194]. In this regard, L1191 signals a "fundamental shift from the *status quo* of territorial asylum" in its redistribution of responsibility, building on the gap in international law mentioned in the previous section[195]. Perhaps for this reason, the legislative text lacks legal precision and leaves key implementation details unaddressed, only sketching out the operational framework of the Danish model[196].

Specifically, B226 preceding L1191 outlines a three-phase model with a two-instance individualised pre-transfer 'screening' procedure in Denmark to assess the legality of transfer, the asylum process itself in the third country, and protection in the third country if applicable[197]. During the first phase, asylum seekers would be screened by the DIS with automatic appeal to the RAB[198]. B226 also specifies that the third country in question must have ratified the Convention and must have a sound asylum procedure, but it does not specify which minimum safeguards that are required, leaving open the possibility of protection gaps[199]. It also seems to take a minimalist position on the rights afforded to refugees in the third country ignoring the question of rights such as the right to primary education, the right to work, access to housing, freedom of movement and the right to identity documents[200].

Initially, the Danish Government presented two different 'reception centre' models[201]. Under Model 1, the centre and its residents would be under Denmark's jurisdiction (under its effective control) and operated by the DIS, triggering obligations including respecting non-refoulement, the right to an effective remedy, the right to a fair and effective asylum procedure, and the right

[193] MII, Law 1191, sec. 1.2; Feith Tan, 'Policy Analysis', 172–73; Feith Tan and Vedsted-Hansen, 'Denmark's Legislation on Extraterritorial Asylum in Light of International and EU Law'.
[194] Als et al., 'Asile Policy Paper', 10; Feith Tan, 'Policy Analysis', 173.
[195] Ibid.
[196] Ibid, 176.
[197] MII, Bill 226; Feith Tan, 'Policy Analysis', 176.
[198] Ibid, 176–77.
[199] Ibid, 177.
[200] Ibid, 177–78; Feith Tan and Vedsted-Hansen, 'Denmark's Legislation on Extraterritorial Asylum in Light of International and EU Law'.
[201] Feith Tan, 'Policy Analysis', 175; Feith Tan, 'Human Rights Obligations in Third Country Asylum Processing', 5–8.

to liberty and security of person[202]. Under Model 2, the centre and its residents would be under the third country's jurisdiction in line with the 'safe third country' concept (transfer of asylum seekers to a third country where they undergo the asylum procedure and receive protection if applicable) and operated by the third country's immigration office, thereby being outside the effective control of Denmark (non-refoulement still being applicable)[203]. B226 does not specify which of the two models is envisaged, thereby leaving the question of jurisdiction unanswered[204].

The passage of L1191 was condemned by the European Commission, the UNHCR and several NGOs for undermining international protection and solidarity and by Amnesty International for being unconscionable and potentially unlawful[205]. Perhaps most significant is the criticism by the African Union calling the proposal responsibility and burden shifting, so that none of its 55 member states are willing to enter into the cooperation L1191 suggests[206]. However, L1191 sparked positive interest from Austria[207].

Finally, the implementation of L1191 requires a finalised international agreement between Denmark and a third country and any model must therefore be approved by the Parliament[208]. Although it remains open whether this will happen as no agreement has been concluded yet[209], there are interesting perspectives on the present and future significance of L1191. Nikolas Feith Tan believes that it does not necessarily represent "a Danish-led reform of European asylum policy", but rather a "unilateral attempt" at deterrence[210]. As reported by the European Council on Refugees and Exiles, a UNHCR spokesperson states that L1191 risks triggering 'a race to the bottom' if other countries follow suit[211].

[202] Feith Tan, 'Policy Analysis', 175; Feith Tan, 'Human Rights Obligations in Third Country Asylum Processing', 5–7.
[203] Feith Tan, 'Policy Analysis', 175; Feith Tan, 'Human Rights Obligations in Third Country Asylum Processing', 7–8.
[204] Feith Tan, 'Policy Analysis', 177.
[205] Corry, 'Carceral Islands', 102; European Council on Refugees and Exiles, 'Denmark Votes on Externalisation'.
[206] Feith Tan, 'Policy Analysis', 179–80; Corry, 'Carceral Islands', 102.
[207] Feith Tan, 'Policy Analysis', 179.
[208] Ibid, 178.
[209] Ibid, 180.
[210] Ibid, 180–81.
[211] European Council on Refugees and Exiles, 'Denmark Votes on Externalisation'.

Critical discourse analysis: Narratives of deterrence

During the 2015 Danish national elections, immigration was considered a "decisive political issue", with many parties propagating "hard-line anti-immigrant rhetoric"[212]. Following this rhetoric, Denmark's immigration and asylum policies have become much more restrictive and hostile in an objective of deterrence and of reducing 'pull-factors' for immigration[213].

In my discourse analysis, I identify a nationalist discourse which pushes two main narratives: what I term the 'crisis and control' narrative and the 'threat and security' narrative. In general, nationalist discourse cultivates an external threat and uses narratives of crisis to 'other' undesired people[214]. The narratives in this discourse serve to justify and legitimise the policies promoted and implemented under the deterrence paradigm with its zero-asylum goal: they are both "agenda-setting and agenda-responsive"[215]. These narratives and their sub-narratives intersect in multiple ways and are often employed together for greater impact. In some ways, they also contradict each other. However, as will become evident, these contradictions are instrumentalised by the different actors to promote the inclusion of some and the exclusion of others depending on the policy goals.

Both of the main narratives and their ideational drivers are instrumentalised throughout the two phases of the paradigm shift by various actors that can be divided into two categories:

- international and national human rights actors (the UNHCR and the DIHR), and
- political actors (the SDP, the DPP and other Danish political parties, the MII, the Danish Government, the Rwandan Government and other national governments, the EU).

In line with the Woodsian policy analysis framework, the narratives employed the most by the group of political actors are those showing high degrees of politicisation.

i. The 'crisis and control' narrative

The 'crisis and control' narrative rests on the idea of the dysfunctional or broken asylum system and emphasises the high volume of migration flows. Under this narrative, 'control' measures

[212] Bailey-Morey and Kumar, 'Public Narratives Denmark', 11.
[213] Kreichauf, 'Legal Paradigm Shifts in Denmark', 49; Bailey-Morey and Kumar, 'Public Narratives Denmark', 18.
[214] Hervik, 'Denmark's Blond Vision and the Fractal Logics of a Nation in Danger', 533.
[215] Murray, 'The Externalisation of Refugee Policies', 52.

function as one form of deterrence strategy characterised by specific policy responses. These responses are in turn meant to address and solve the 'crisis'. Within this main narrative, I identified three sub-narratives, which I've termed:

- 'human rights and humanitarian concerns',
- 'solidarity and responsibility', and
- 'the dysfunctional system'.

The 'crisis and control' narrative dominated slightly in 4 documents: B72, the political agreement from 2019 (Agreement 1), B226, and the Danish letter to the EU (the EU letter). The narrative dominated strongly in 4 documents: DIHR's opinion on B72 (Opinion 1), DIHR's opinion on B226 (Opinion 2), the Joint Statement between Rwanda and Denmark (Rwanda), and the UNHCR Observations on B226 (Observations). Breaking it down further, the sub-narrative 'human rights and humanitarian concerns' dominated overall in 4 documents (Opinion 1, UNHCR B226, Opinion 2, and Rwanda) and was present in all documents. Next, the sub-narrative 'solidarity and responsibility' dominated in no documents and was not present at all in 2 documents (B72 and Opinion 1 but was comparatively most present in 2 documents (the Programme and the Observations). Finally, the sub-narrative 'the broken system' dominated overall in 2 documents (B72 and the EU letter) and was absent in 1 document.

a. 'Human rights and humanitarian concerns'

In my analysis, I identified the sub-narrative 'human rights and humanitarian concerns' through recurring key concepts or themes in the documents:

- T1: 'help and relief', 'emergency aid', 'humane approach or duty', 'humanitarian principles', 'fair and humane asylum system', 'unfairness', 'enormous inequality', 'stark imbalance',
- T2: 'promote or guard human rights', 'freedom', 'spirit of the Convention', 'foundational principles', 'good governance', 'full respect', 'strengthen', 'right to seek asylum', 'inadequate protection', 'access', 'full compliance',
- T3: 'equal footing', 'well equipped', 'provide assets', 'up-qualification', 'sustainable return', 'voluntary return',

- T4: ‘risking lives’, ‘cynical human traffickers’, ‘industry of smugglers’, ‘exploitation industry’, ‘extreme poverty’, ‘limbo situations’, ‘serious harm’, ‘loss of life’, ‘perilous journeys’, ‘criminal networks’.

I then identified ideational drivers emerging from these terminological themes. T1 refers to normative terminology which evokes humanitarian duties and appeals to a sense of humanity. It alludes to values such as fairness, equality and compassion. Next, T2 groups together rights-based language and its associated values, where respecting and complying with human rights stands in contrast to breaching or threatening them. Then, T3 refers to terminology which invokes the idea of agency or capacity and conveys a message of enabling or building up for the purposes of a desired ‘best-case’ outcome. T4 groups together terminology associated with the harms and dangers of fleeing. It evokes strong imagery with negative connotations and feeds into the perception of ‘crisis’, displaying characteristics of story-telling, naming and blaming as well as ethical claims-making. Overall, this sub-narrative then showed a high degree of politicisation.

Following the identification of themes, I examined how the sub-narrative was used by the actors and for what justificatory purposes. The human rights actors generally mobilised it for purposes in line with their human rights agenda, as well as to highlight the need for maximalist approaches to rights in policy-making where those at risk are in focus to ensure sustainable and comprehensive protection. The political actors also mobilised this language to convey their respect and support for human rights, as well as their will and motivation to not only give protection but also engage in capacity-building. However, these actors focused much more on the terminology associated with humanitarian concerns as well as the risks and dangers encountered by refugees and asylum seekers. In context, this was used to justify the need for large-scale and drastic intervention or reform in policy-making.

b. ‘Solidarity and responsibility’

Next, I identified the sub-narrative ‘solidarity and responsibility’ through the following key concepts or themes:

- T5: ‘international community’, ‘solidarity’, ‘world order’, ‘beyond borders’, ‘global perspectives’, ‘international commitments’, ‘live up to’, ‘engage’, ‘work together’, ‘global responses’, ‘fair distribution’, ‘burden sharing’, ‘sharing of responsibility’,

- T6: ‘host regions’, ‘bordering regions’, ‘safe third countries’, ‘regional responses’, ‘regions of origin’, ‘move it elsewhere’,
- T7: ‘agreement’, ‘strong cooperation’, ‘strengthen dialogue’, ‘jointly’, ‘bilateral’, ‘stand-alone’, ‘unilateral’, ‘sharing arrangements’, ‘partner countries’, ‘front-runner’, ‘leading country’,
- T8: ‘development policy’, ‘economic and social development’, ‘human capital opportunities’, ‘socio-economic opportunities’, ‘leverage tools’, ‘build capacity’.

Similarly, I looked at the ideational drivers showing up in the terminological groupings. First, T5 evokes the normative idea of a unity in the form of an international community, from which certain commitments of fair burden distribution and responsibility-sharing derive. In opposition to T5, T6 assembles the terminology evoking areas at a distance, signalling some form of removing or separation. Next, T7 refers to terminology which conveys the idea of a healthy and equitable partnership or collaboration on the hand, and the idea of a hierarchical order on the other hand. Finally, T8 points to the terminology classically associated with development aid and foreign policy, the idea being that these can serve as tools in some capacity or another. In general, this sub-narrative showed lower degrees of politicisation.

Following the identification of themes, I examined how the sub-narrative was used by the actors and for what justificatory purposes. The human rights actors employed the ideas of unity and international solidarity to encourage policies in line with responsibility and burden sharing, and to condemn or express concern about policies which could hamper such efforts. The political actors also alluded to the ideas of international community and solidarity. However, they more specifically emphasised terminology associated with cooperation and partnerships based on agreements and mutual dialogue. They also employed contrasting language separating ‘host countries’ from ‘regions of origin’, mobilising development language to justify types of foreign policy which were presented as mutually beneficial or as opportunities for the ‘regions of origins’. This use of language reveals some form of top-down approach to policy-making, whereas the human rights actors’ use reveals a more bottoms-up or holistic approach.

c. ‘The dysfunctional system’

Finally, I identified the sub-narrative ‘solidarity and responsibility’ through the following key concepts or themes:

- T9: ‘pressure on countries’, ‘uncontrollable flow’, ‘domino effect’, ‘out of control’, ‘pressure on borders’, ‘migration crisis’, ‘refugee crisis’, ‘broken asylum system’, ‘responsible policies’, ‘dysfunctional system’, ‘erosion of protection system’, ‘risk of collapse’, ‘international system under pressure’, ‘inhumane system’, ‘serious situation’, ‘large-scale migration crisis’,
- T10: ‘significant increase’, ‘historically high’, ‘increasing from day to day’, ‘influx’, ‘extraordinary situation’, ‘sharp rise’, ‘significant rise’, ‘more migration to come’, ‘ ‘current low numbers’, ‘historically low number’, ‘quickly rising’, ‘soaring numbers’,
- T11: ‘waste of resources’, ‘resource considerations’, ‘reception capacity’, ‘financial and administrative costs’, ‘strain on resources’, ‘absorbing capacity’, ‘numbers matter’, ‘yearly cap’.

I then identified ideational drivers emerging from these terminological themes. Relying on storytelling, T9 refers to the terminology which conveys the idea that the asylum system is broken or dysfunctional alongside a sense of loss or lack of control. It also conveys the need for reform or action due to a sense of urgency, all typically associated with a situation of crisis. Similarly, T10 points to terminology associated with amounts or quantity of hyperbolic character to some degree, conveying an idea of mass quantity which feeds into the ‘crisis’ motive. T10 shows characteristics of naming and blaming and rhetoric relying on numbers. Finally, T11 refers terminology denoting the idea of limited or maximum capacity and of scarce resources. It refers to the action of balancing and implies that this comes at some form of cost one way or the other. It also relies on naming and blaming. Overall, this sub-narrative showed relatively high degrees of politicisation.

Following the identification of themes, I examined how the sub-narrative was used by the actors and for what justificatory purposes. The human rights actors mobilised the crisis terminology to highlight the scope and magnitude of the current protection needs, as well as to highlight the discrepancy between the high numbers of refugees in bordering and vulnerable regions against the low numbers in rich or developed countries. This was used to promote policies which better distribute the burdens, echoing the ‘solidarity and responsibility’ sub-narrative. The political actors also emphasised the high numbers but used this terminology in a stronger ‘crisis’ context to convey the idea of being ‘overrun’ or ‘flooded’ by migrants and refugees. They also frequently evoked the burden on resources and the idea of a national maximum capacity. This usage then served to legitimise policies which would handle the

'influx' and 'cap' numbers in order to manage resources better. Finally, it appealed to a sense of need for urgent action and a fear for the future if these policies were not implemented.

ii. The 'threat and security' narrative

Next, the 'threat and security' narrative builds on protectionist rhetoric which promotes the idea that refugees and asylum seekers (and migrants in general) are a burden and even a threat to the Danish welfare state. Within this narrative, I also identified three sub-narratives:

- 'incentives and real needs',
- 'law and order', and
- 'us and them'.

The main narrative dominated slightly in 3 documents: was B140, the SDP's programme before the 2019 elections (the Programme), and the political agreement from 2022 (Agreement 2). This narrative only dominated strongly in 1 document: B87. Breaking it down further, the sub-narrative 'motives and categories' dominated overall in 1 document (B226) and was absent from 2 documents (Opinion 1 and Opinion 2). Next, the sub-narrative 'law and order' dominated in no documents and was absent from 3 documents (Opinion 1, Agreement 1, and Opinion 2). Finally, the sub-narrative 'us and them' dominated in 4 documents (B87, B140, the Programme and Agreement 1) and was absent from 6 documents (B72, Opinion 1, B226, Opinion 2, Rwanda, and the EU letter).

a. 'Incentives and real needs'

In the analysis, I identified the sub-narrative 'motives and categories' through certain key concepts and themes, including:

- T12: 'real needs', 'unfounded claims', 'those who can't afford to flee', 'seeking a better life', 'seek fortune', 'pursuit of happiness', 'the most vulnerable', 'no need for protection', 'many are not refugees', 'migrants who want better lives', 'economic migrants', 'illegal aliens', 'wish to emigrate', 'mixed movements', 'root causes', 'criminal aliens', 'irregular migrants',
- T13: 'pull factors', 'welfare benefits', 'make less attractive', 'false hopes', 'incentive for return', 'low rate of returns'.

I then identified ideational drivers emerging from these terminological themes. T12 refers to terminology categorising or stereotyping the 'deserving' versus the 'undeserving' migrant, or the 'real' refugee versus the 'luck-chasing' migrant. It is value-laden and implies that certain reasons or motives for migrating or fleeing are valid, while others do not 'deserve' or 'require' protection. It relies heavily on normative and ethical claims-making, story-telling and rhetoric, as well as naming and blaming. Next, T13 groups terminology portraying the attractiveness of host countries, or 'pull factors'. It further questions motives for fleeing or migrating. In general, this narrative shows an overall high degree of politicisation.

Following the identification of themes, I examined how the sub-narrative was used by the actors and for what justificatory purposes. The human rights actors employed the terminology of motives and protection needs to emphasise that all those migrating or fleeing have good reasons to do so and have the right seek asylum regardless of their motives. They also emphasised that flows are mixed and highlighted the risks of categorising and differentiating between groups. Through such usage, they promoted the principle of 'benefit of the doubt' to assess protection needs in policy-making. The political actors, on the other hand, strongly emphasised terminology questioning motives and reasons for fleeing or migrating and the legitimacy of these. They relied extensively on stereotypical distinctions of the deserving and undeserving migrant or refugee, using this as a strategy to exclude certain groups from protection. They emphasised the terminology of pull factors which they associated with low rates of return. This association was employed to justify the need for policies which were more restrictive and removed incentives so that protection status would not be 'taken advantage of' or given to the 'wrong' people.

b. 'Law and order'

Next, I identified the sub-narrative 'law and order' through these key concepts and themes:

- T14: 'control immigration', 'restrict access', 'manage flow', 'tighten laws and policies', 'upscale control', 'take back control', 'deter', 'border control', 'block', 'reject', 'pressured borders', 'border management', 'unauthorised crossings',
- T15: 'threat to cohesion', 'good and safe society', 'protect Denmark', 'Danish welfare model', 'safety of Danes', 'parallel societies', 'fight for democracy', 'radicalisation', 'core values', 'universal values', 'stand guard',

- T16: ‘law and order’, ‘crime is unacceptable’, ‘control regime’, ‘control duties’, ‘systematic’, ‘state control’, ‘punitive measures’, ‘increase compliance’, ‘reform’, ‘risk of terrorism’, ‘security situation’, ‘rule-based’, ‘border surveillance’,
- T17: ‘clear signal’, ‘clear consequences’, ‘targeted efforts’, ‘necessary means’, ‘swiftly align’, ‘strategic’, ‘act decisively’.

I then identified ideational drivers emerging from these terminological themes. First, T14 assembles terminology that rests on the idea of the strong border and its regulation, focusing on an external aspect. It promotes the need to regain control in the face of unrestricted access and conveys an idea of toughness for the sake of protection, relying on normative claims making and storytelling. T15 then groups terminology associated with ideas of the nation, and specifically values associated to ‘Danish-ness’. These are presented as universal and opposed to some form of threat, relying on story-telling as well. Next, T16 refers to terminology which evokes strong ideas of security and order, focusing on an internal aspect. It differentiates the lawful from the unlawful and conveys the idea of crack-down in the face of a threat within the nation, using normative and ethical claims-making in addition to storytelling. Finally, T17 groups terminology used to evoke a sense of action, rationality and decisiveness. Overall, this sub-narrative showed high degrees of politicisation.

Following the identification of themes, I examined how the sub-narrative was used by the actors and for what justificatory purposes. The human rights actors made minimal use of this language. The political actors, however, used this terminology extensively to mobilise the idea of the nation under threat and the need for control and security in ‘extraordinary’ circumstances. They also alluded to external threats such as terrorism with strong connotations, further legitimising state intervention. Furthermore, the terminology implies a sense of efficiency or rationality, indicating that the state can and will act on legitimate and well-founded grounds. The strong securitisation terminology promoting values of law and order and of rule-based society serves to legitimise restrictive and invasive policies to ‘gain back’ control and keep the nation safe.

c. ‘Us and them’

Finally, I identified the sub-narrative ‘law and order’ through these key concepts and themes:

- T18: ‘integration success’, ‘integration criteria’, ‘integration potential’, ‘massive integration problems’, ‘strengthen integration’, ‘self-sufficiency’, ‘proactivity’, ‘responsibility for own integration’, ‘contribute to society’, ‘earn citizenship’,
- T19: ‘Danish values’, ‘democratic values’, ‘our way of life’, ‘democracy over religion’, ‘the Danish community’, ‘our welfare state’, ‘trust-based’, ‘who we are’, ‘religious exemptions’, ‘cultural barriers’, ‘live mixed’,
- T20: ‘newcomers’, ‘unwanted criminal aliens’, ‘divisive’, ‘non-ethnic’, ‘non-Western’, ‘many have not become part of Denmark’, ‘us’, ‘the new Danes’, ‘regular people’, ‘everyone in Denmark’, ‘immigrant women’, ‘manage expectations’.

Finally, I identified ideational drivers emerging from these terminological themes. T18 assembles terminology associated with the notion of integration and its associated values. These include the ideas of pro-activity, hard work, and personal drive. They are framed as expectations or requirements setting up a one-sided burden. The terminology usage shows characteristics of naming and blaming as well as ethical claims-making. Next, T19 gathers terminology denoting Danish values as opposed to non-Danish values. This use of language conveys the idea that the two sets of values cannot co-exist, and that the Danish values are the ‘good’ ones. It heavily relies on ethical and normative claims making as well as naming and blaming. Finally, T20 groups terminology which denotes an ‘us’ and a ‘them’, implying groups which are separated or different from the majority. It rests on the idea of a distance in values and refers to ethnicity (‘Western-ness’ and ‘Danish-ness’). It relies heavily on naming and blaming as well as storytelling. This sub-narrative shows high, perhaps the highest, degree of politicisation.

Following the identification of themes, I examined how this final sub-narrative was used by the actors and for what justificatory purposes. First, it was employed minimally, if at all, by the human rights actors. In contrast, the political actors relied heavily on the usage of the terminology of integration, associating the values of ‘good’ and ‘bad’ to it. They generally sanitised the language to justify policies which place the burden of integration on the ‘foreigners’, referring to it with terms such as ‘proactivity’. They also significantly relied on the dichotomy between the traditional and well-known Danish values on the one hand, and the ‘bad’ or ‘threatening’ values on the other hand associated with the ‘new Danes’, or ‘them’. This value-laden usage of terminology was used to promote the idea of ‘us’ against ‘them’ and mobilise a sense of national identity. It served to legitimise and justify policies which would

either make ‘them’ a part of ‘us’, or if that proved impossible, to remove ‘them’ so that they no longer threaten ‘us’.

Interviews: Findings

In this chapter, I present the findings from my interviews organised thematically, drawing out the key points addressed in my questions and by the interviewees on each topic.

i. On the evolution of the paradigm shift and its drivers

A first key theme in the interviews is that of the paradigm shift and its evolution. I asked in a general manner each interviewee to present their understanding of the paradigm shift and its evolution.

According to Interviewee 1, the paradigm shift already begins with B72 on temporary protection status but is only introduced as a notion by the DPP (Danish People's Party) in the Finance Act negotiations in 2018. However, it is put into practice in 2019 with the implementation of the Finance Act. In a similar manner, Interviewee 2 emphasises the importance of contextualising the notion outside its juridical developments. Additionally, Interviewee 1 speaks of the developments in the Danish asylum system as following two parallel tracks, one being the 'temporary protection' and 'return turn' policies, and the other being the externalisation plans.

A second key topic from the interviews is that of the discourses that influence or drive the paradigm shift. I asked which discourses the interviewees found to be relevant and how they understood their influence on the paradigm shift.

Interviewee 1 identifies a political campaign in the 1990's on the 'price of goodness' towards foreigners, which portrays refugees as 'not real' refugees whose goal is to take advantage of the Danish welfare state. This gave DPP the momentum needed to challenge the humanitarian immigration policies in Danish politics at the time. Succeeding politicians and governments then built on this break with *status quo*, and the new course has dictated immigration and asylum policies ever since, facing minimal political opposition. Interviewee 2 echoes the claim that the right-wing parties have 'won' the public debate on immigration and asylum, adding that this has had consequences for what discourses are currently accepted and embraced, such as those portraying asylum seekers as a burden on the welfare state. Interviewee 2 credits the 'crisis' rhetoric in 2015, which built on the earlier discourses outlined by Interviewee 1, with providing further momentum for the paradigm shift. Interviewee 1 also points out the negative connotations to migration in public discourse nowadays but is quick to point out that these

connotations are not associated with all 'categories' of migrants, and this stereotyped differentiation is also pointed out by Interviewee 2.

Elaborating on this idea, Interviewee 1 points out that the conflation in discourse relates to 'mixed migration' phenomena and explains that in a boat crossing the Mediterranean Sea, there are people with and without protection needs. However, this distinction is according to Interviewee 1 assessed rather efficiently in Denmark in comparison to other countries. In a different approach, Interviewee 2 emphasises the importance to differentiate between the different categories of people who migrate, as well as in the motives people have for migrating. In this regard, Interviewee 2 strongly opposes any rhetoric on 'refugees of convenience' and emphasises that fleeing is never convenient. They also caution against drawing up categories strongly differentiating between 'real refugees' and 'economic migrants' and point to definitional problems. Many do not know the legal specifics of refugee status or the restrictiveness of Danish laws and policies, or how few actually receive protection status in Denmark, slightly differing from Interviewee 1 in this perspective.

ii. On the implementation of policies and delivering results

Next, I asked the interviewees to examine the relation between the policies implemented and the results that the paradigm shift has produced so far, reflecting on any gaps.

To start with, Interviewee 1 points to a dynamic in Danish politics under the paradigm shift under which the 'blue' (right-wing) parties do not oppose the restrictive asylum policies presented by the Social Democratic and coalition governments but simply criticise them for being unrealistic. Building on this idea, Interviewee 1 points out that many of the plans under the paradigm shift are pipe dreams designed to make the government seem tough on asylum, but which mostly do not get realised because Denmark is bound by various conventions under international law.

As another explanation for this gap, Interviewee 1 emphasises the role of Inger Støjberg (former Minister for Immigration and Integration) in creating a negative image of Denmark with scare tactics such as the 'jewellery law', which has had very limited use in practice but was efficient in the international attention it drew to Denmark's restrictive policies. For this reason, Interviewee 1 finds it noteworthy that Denmark is pursuing plans like the Rwanda model despite low asylum numbers. In this train of thought, Interviewee 1 believes that the Rwanda plans are another example of scare tactics employed by Denmark to deter prospective

asylum seekers but with little use in practice, because the 'reception centres' would after an initial introductory period stand empty. However, as pointed out by Interviewee 2, if the goal truly is *zero* asylum seekers, there is still reason to pursue such policies.

In a slightly different focus, Interviewee 2 points out that the dominant rhetoric driving the paradigm shift does not always mirror reality. They provide the example of the gap between the focus on criminal foreigners in Denmark, when the numbers on the degree of integration are historically high. Also different from the focus of Interviewee 1, Interviewee 2 points out that the paradigm shift has had 1-to-1 consequences for many people, whose living situations were suddenly characterised by a sudden temporariness at for instance deportation centres and at the expense of integration. They emphasise the inhumane conditions of living in such deportation centres where people are treated as criminals. Interviewee 2 points to further human rights issues related to the 'return turn' such as the difficulties of ensuring that human rights are not violated if people are sent back to their countries of origin when the conditions aren't safe, such as with Project Damascus. Interviewee 2 emphasises that people who flee or seek asylum are also humans 'just like us'. They express the worry that if the trend continues to evolve in the direction it has, human rights costs might become even higher.

iii. On offshore asylum processing plans and the EU-Denmark relation

Finally, the third and final topic which emerged from my inquiries was that of offshore asylum processing plans and the related interplay between Danish and EU asylum policies.

Starting out, Interviewee 1 finds it strange that Denmark presents cooperative offshore processing plans to the EU when it has opted out of the CEAS and thereby does not have a lot of sway in this regard. Interviewee 2 points out that the reasons for focusing on cooperation might be that running an offshore 'reception centre' is costly and requires partnering up with other countries to be realisable, regardless of the opt-out. Interviewee 1 points out that a major element in the current unrealizability of the Danish cooperative offshore asylum plans is in fact that other EU-countries do have obligations under CEAS, and Interviewee 2 echoes that finding partners might therefore prove difficult. They also further elaborate that these plans might be difficult to realise for geographical reasons such as location, but they caution at the same time that what can seem unrealistic now can become normalised in the long term.

Interviewee 2 explains that the Danish motivations for such offshore initiatives are partly driven by the lack of common EU solutions with regards to asylum despite the CEAS. They

propose that for this reason, Denmark has placed itself in a pioneering position to 'solve' the 'broken' asylum system. However, Interviewee 1 points out that any offshore processing plans by Denmark will not have any significant impact on the migration flows in the Mediterranean Sea. Although Interviewee 2 speaks about the need to reform the current asylum system because it is enabling dangerous travel routes, they position themselves critically to offshoring and third-country processing solutions. They state that if there was a true will to have a more humane asylum system, the proposed solution would resemble a common EU system where people could seek asylum in consulates or embassies instead of having to embark on dangerous journeys.

Finally, Interviewee 2 points to the discourse by Denmark that the country is not able to accommodate more migrants and asylum seekers that can be integrated into Danish society. In turn, this discourse serves in Interviewee 2's view to justify the offshore asylum plans and the deterrence policies pursued by Denmark, mobilised by the humanitarian reasoning of saving lives. Reflecting on this further, Interviewee 1 states that the discourse of crisis and of the 'broken' EU asylum system promoted in Denmark sounds slightly hypocritical given its CEAS opt-out and given that it is not affected nearly as much by the migration 'crisis' as other countries bordering the Mediterranean Sea.

Discussion

i. The impact of the paradigm shift

a. Limited success at high human rights costs

As shown in my analysis, the goal with the type 5 deterrence policies implemented during the first phase of the paradigm shift was to limit the number of refugees seeking protection in Denmark, and to revoke residency permits as soon as possible for those already enjoying protection so that they 'return home'. These reforms were delivered by policy-makers with narratives highlighting the urgent need for such measures due to the current and potential future influx of asylum seekers, and due to the many refugees in Denmark who no longer needed protection. Putting aside the criticisms of these measures from perspectives of international refugee protection, their success or impact in practice is questionable. By 2022 for instance, the 'jewellery law' had only been implemented four times since its adoption six years earlier[216].

Most noteworthy however is the overall failure of Project Damascus. Between June 2019 and December 2021, the DIS made decisions in 1,115 cases[217], and more than 100 had their residence permits finally revoked[218]. In 734 of these cases, or the vast majority of cases, the residence permit was maintained and extended, and in 159 of the cases, the DIS actually decided to strengthen the protection status of the refugees concerned[219]. In other words, many of the DAA Status 3 holders were granted asylum on individual grounds instead under DAA Status 2 or 3[220]. Of the other 381 where the DIS decided to revoke the residency permits of the refugees concerned (the RAB had made decisions in 288 cases by February 2022), the RAB returned 40 cases, upheld the decision in 116 cases, and reversed the revocation decision in 132 cases, reversing more decisions than they upheld[221].These numbers indicate a significant disparity in practice between the approaches and decisions of the DIS and the RAB. Finally, updated numbers show that 270 Syrians lost their residency permit in 2021, a number which

[216] Bailey-Morey and Kumar, 'Public Narratives Denmark', 3.
[217] Filskov et al., 'You Can Never Feel Safe', 30; Vedsted-Hansen, 'Refugees as Future Returnees?', 27.
[218] Filskov et al., 'You Can Never Feel Safe', 6.
[219] Ibid, 30–31.
[220] Vedsted-Hansen, 'Refugees as Future Returnees?', 27.
[221] Filskov et al., 'You Can Never Feel Safe', 31.

dropped to 61 in 2022, and per 26/03/2023, only 5 Syrians had lost their residency permits in final decisions[222].

Regardless of the reason for the discrepancy between the practice of the DIS and the RAB, these discrepancies reveal the limited effect of Project Damascus in practice, as the majority of Syrian refugees with their cases reviewed have maintained or gotten their protection status enhanced[223]. In this sense, the political justifications for putting Project Damascus into practice on the basis of the return and revocation policies (that this group of refugees only had temporary protection needs, and that revoking their protection would benefit Denmark in terms of resources) seem to have been disproven or lost their legitimacy. Quite the opposite, the protection needs of Syrian refugees have proven to be of a prolonged nature, and the (re-) processing of a large number of cases has used significant additional resources in the national asylum system.

Additionally, the human rights costs of the policies and their implementation in practice under the first phase of the paradigm shift are high and disproportionate. This is emphasised in the interview findings, specifically by Interviewee 2 on the conditions at deportation centres. It is also a concern echoed in scholarship which points to the lack of access to healthcare and education in such institutions which is in violation of human rights[224]. In a more general sense, the decision resulting from the revocation process significantly impacts the lives and futures of those concerned. If refugees lose their protection status and their residence permits, they then lose the right to live and work in Denmark, but they also risk being separated from their family, resulting in potential breaches of Article 8 (ECHR)[225]. The process itself when waiting on the decision by the authorities is also highly intrusive and stressful, resulting for many in physical and psychological harm in the process due to the feeling of being in constant limbo[226]. This process then not only has far-reaching consequences for the family life in the form of physical separation, but also in the form of psychological harm to family members[227]. It is in this sense that the return and revocation policies have been a failure in practice with disproportionally high human rights costs.

[222] Beck Nielsen and Birk, 'Syrere i Danmark 2023'; Beck Nielsen and Birk, 'Tvivl om paradigmeskiftet'.
[223] Vedsted-Hansen, 'Refugees as Future Returnees?', 39.
[224] Corry, 'Carceral Islands', 97; Filskov et al., 'You Can Never Feel Safe', 32.
[225] Ibid, 6–7; 14; 36; 41–42; Gammeltoft-Hansen, 'Refugee Policy As "Negative Nation Branding"', 16; Vedsted-Hansen, 'Refugees as Future Returnees?', 32.
[226] Filskov et al., 'You Can Never Feel Safe', 6; Vedsted-Hansen, 'Refugees as Future Returnees?', 35.
[227] Filskov et al., 'You Can Never Feel Safe', 36.

Finally, the type 3 deterrence policies from the second phase of the paradigm shift were justified by the policy-makers with claims that these would actually benefit the 'real' refugees by 'saving them the journey'. By replacing the spontaneous asylum system with a more 'fair and humane asylum system', this would strengthen protection and respect for human rights. However, although the stated intention of the externalisation policy was to end spontaneous asylum at the benefit of the UN resettlement system, only 88 quota refugees have been resettled in Denmark, despite the government having budgeted for arrival of 1 500 quota refugees totally for 2020, 2021 and 2022[228].

That the justifications for the pursued policy are yet to be proven is also shown in my analysis. Quite the opposite actually, the analysis shows that externalisation measures have had a negative impact on the right of refugees and asylum seekers. This is evident in the findings from the discourse analysis on the narratives in the documents produced by the human rights actors, and in the findings from the interviews, where both interviewees criticise the Rwanda model. Additionally, the problems with type 3 deterrence policies from a human rights perspective are also echoed by scholars and experts in the field which point out that these policies are attempts by states to evade their obligations that have harmful consequences for those concerned, violate human rights, and erode protection[229]. Of the biggest concern is that they result in refugees being routinely denied access to asylum[230]. Although this has yet to be seen in the Danish context as the plans have not been realised yet, there are grounds for concern about the potential consequences of externalisation, as the implications are far-reaching and could point to the end of asylum and refugee protection as we know it.

Now, some argue that the responsibility of protection is not a duty of states, but a right to grant asylum[231]. In practice however, this right of sovereignty of states seems to slowly erode the universal human right to seek asylum, at the very least affecting the balancing of these two rights. This argument is also made by Nikolas Feith Tan, who points out that although type 3

[228] Houlind, 'Kvoteflygtninge'; Rauhala, 'How Progressive Denmark Became the Face of the Anti-Migration Left'.
[229] Als et al., 'Asile Policy Paper', 7–8; 14; University of Michigan Law School, 'The Michigan Guidelines on Protection Elsewhere', sec. Introduction; Lavenex, 'The Cat and Mouse Game of Refugee Externalisation Policies', 1; Lemberg-Pedersen, 'Op-Ed: Danish Externalization Desires and the Drive Towards Zero Asylum Seekers'; Frelick, Kysel, and Podkul, 'The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants', 193–94; 196; 209; Gammeltoft-Hansen, 'Refugee Policy As "Negative Nation Branding"', 8; Gammeltoft-Hansen and Feith Tan, 'The End of the Deterrence Paradigm?', 38; Nethery and Dastyari, 'Refugee Externalisation Policies', 1–2.
[230] Gammeltoft-Hansen and Feith Tan, 'The End of the Deterrence Paradigm?', 28; Murray, 'The Externalisation of Refugee Policies', 60.
[231] Lavenex, 'The Cat and Mouse Game of Refugee Externalisation Policies', 29.

deterrence policies do not necessarily eliminate access to asylum as a matter of law, they "maintain a notional right to asylum while *de facto* narrowing access to the greatest possible extent"[232]. When the only legal restriction states have on denying asylum or protection is the principle of non-refoulement, the impact on access to asylum is potentially huge[233]. It is in this gap that type 3 deterrence policies are born and thrive, because without clearly breaching international law, they alleviate countries of their protection duties by preventing asylum seekers from reaching their territories or accessing national asylum systems[234]. As Feith Tan puts it, a refugee cannot be refouled if they never arrive[235].

A final point to make is that, as shown in my discourse analysis, the language of type 3 deterrence policies is often accompanied by that of development or foreign policy. It further shifts or reconstrues the duties or obligations from the international protection framework into benevolent initiatives of aid and capacity-building, coated in a concern for the 'less fortunate' people or the 'less developed' regions of the world.

ii. Debunking the 'crisis'

Crucially, my analysis has shown that of the main driving narratives of the paradigm shift used by policy-makers to justify the proposed policies and reforms to the Danish asylum system has been that of the 'crisis'. This narrative portrays an extraordinary situation which requires extraordinary measures for the sake of safety. Now, crises are relational in the sense that what qualifies as a situation of crisis is based on subjective perceptions of certain thresholds or tipping points and not necessarily on objectively measurable indicators[236].

[232] Feith Tan, 'International Refugee Law Handbook', 178.
[233] Ibid, 170.
[234] Ibid, 171.
[235] Ibid, 171.
[236] Glorius and Doomernik, *Geographies of Asylum in Europe and the Role of European Localities*, 4.

Table 6: Comparative table on numbers of refugees and asylum applications

Year	Asylum applications in Denmark[237]	Asylum applications** in EU[238]	Global refugee population[239]
2013	7 577	338 190	16 728 282
2014	14 729	530 560	19 534 031
2015	21 316	1 216 860	21 351 031
2016	6 266	1 166 815	22 351 533
2017	3 500	620 265	25 383 513
2018	3 559	564 115	25 905 903
2019	2 716	631 285	26 044 498
2020	1 515	417 070	26 365 367
2021	2 099	537 355	27 119 816
2022	4 597	881 220	26 664 700****
2023	660*	159 057***	29 300 000*****

*By 31st March.
**First-time applicants.
***By end February.
****By mid-year.
*****UNHCR estimate.

As shown in my analysis, a crucial tipping point in the 'crisis' narrative' were the years 2014 and 2015, where policy-makers highlighted the massive influx into Denmark as justification for restrictive policy-making. However, when compared to the situation in Europe and in the world at the time, the situation in Denmark cannot be considered a 'mass influx' from a relational point of view[240].

[237] DIS, '2013 Numbers'; DIS, '2014 Numbers'; DIS, '2015 Numbers'; DIS, '2016 Numbers'; DIS, '2017 Numbers'; DIS, '2018 Numbers'; DIS, '2019 Numbers'; DIS, '2020 Numbers'; DIS, '2021 Numbers'; DIS, 'Most Recent Numbers'.
[238] European Union Agency for Asylum (EUAA), 'EU Trends'; EuroStat Statistics Explained, 'EU Stats'.
[239] UNHCR, 'Global Appeal 2023'; World Bank, 'World Bank Data'; World Bank, *World Development Report 2023*.
[240] Feith Tan, 'The End of Protection', 76.

Next, another finding appearing from the table is that applications in Denmark dropped significantly in 2016 but remained close to the same as the year before in the EU. As pointed out in an analysis by Thomas Gammeltoft Hansen on the topic, policy-makers in Denmark have directly linked this drop to the deterrence policies implemented around that time, while scholars hold that the deterrence impact of these policies is limited in practice and that the explanation for dropping numbers should be found elsewhere[241]. Instead, these scholars view type 5 deterrence policies as symbolic politics or exercises in rhetoric to show voters that 'something is being done'[242]. This idea is echoed in an explanation provided by Bailey-Morey and Kumar in their analysis on public narratives in Denmark which held that the drop in salience of the topic of immigration as a key issue for the public could be due to the impression that the topic 'had been dealt with'[243]. That these policies serve a symbolic purpose is also supported by the findings from my interviews.

However, the policies in question seem to serve a practical purpose when one looks at the numbers. The idea that they might have an impact in practice in addition to bearing symbolic value is also one discussed by Gammeltoft-Hansen. He points out that the Danish case shows that indirect deterrence measures can sometimes have an impact on the number of asylum-seekers a country receives, but that this is more likely when they are employed in combination with other measures[244]. In addition to the specific measures, he points out that it is perhaps the overall restrictive approach that Denmark has taken which seems to have had an effect in terms of lowering asylum applications[245]. This conclusion is supported by the results from my discourse analysis, which shows that the narratives employed in nationalist discourse aim at deterring asylum seekers specifically and migration in general. This point is further supported in scholarship which discusses the policy goals of deterrence strategies[246]. It is in this logic of deterrence that the 'zero-asylum' policy must be understood: the overarching goal is that no one will want to seek asylum in Denmark, something explicitly expressed by political actors[247].

[241] Gammeltoft-Hansen, 'Refugee Policy As "Negative Nation Branding"', 11–12.
[242] Ibid, 2; 15–16; Feith Tan, 'The End of Protection', 78.
[243] Bailey-Morey and Kumar, 'Public Narratives Denmark', 16–17.
[244] Gammeltoft-Hansen, 'Refugee Policy As "Negative Nation Branding"', 13–16.
[245] Ibid, 2.
[246] Nethery, Dastyari, and Hirsch, 'Examining Refugee Externalisation Policies', 7; Lemberg-Pedersen, 'Op-Ed: Danish Externalization Desires and the Drive Towards Zero Asylum Seekers'.
[247] Corry, 'Carceral Islands', 102; Nethery and Dastyari, 'Refugee Externalisation Policies', 216; Rauhala, 'How Progressive Denmark Became the Face of the Anti-Migration Left'.

Nonetheless, the long-term effectiveness in terms lowering application numbers of type 5 deterrence measures seems questionable, something also pointed out by Gammeltoft-Hansen[248]. As shown in the table, the number of applications in Denmark has been rising alongside the numbers of applications in the EU and of refugees estimated worldwide after the implementation of the type 5 policies during the first phase of the paradigm shift. This tendency has also been noticed and pointed out by political actors in Denmark to further justify the continued need for restrictive policies and reform[249]. A supporting argument for this is that in the second phase of the paradigm shift, Denmark moved from type 5 to type 3 policies to move closer to its zero-asylum goal.

iii. The paradox explained

As shown in the first two parts of the discussion, the success of the paradigm shift in terms of its intended results seems questionable at the very least. It then seems strange that the deterrence paradigm is still the dominant policy paradigm in the Danish asylum system. However, the explanation for this is perhaps to be. found in the paradox outlined earlier, namely in the tension between the deterrence paradigm's restrictive policies on the one hand and the humanitarian narratives on fair refugee protection on the other. They should be antithetical to each other, but instead they continue to co-exist under the deterrence paradigm. It is here that Wood's policy paradigm framework can provide an explanation. Because the deterrence paradigm has instrumentalised the humanitarian discourse for its own policy goals, they can co-exist. Not only do they co-exist, but the humanitarian narratives on fair refugee protection have been co-opted by policy-makers into the nationalist discourse to serve the goals of the new policy paradigm. This is evident from my discourse analysis and is echoed in the findings from the interviews as well. I elaborate on this claim in the following sections.

The political shift in Denmark from a uniquely liberal starting point towards a very restrictive asylum system[250] can then also be understood in this perspective. The case of Denmark is unique in the sense that immigration-critical and nationalist narratives are embraced across the political spectrum by right- and left-wing parties[251]. Most noteworthy is the response of left-wing parties, and most notably the SDP, which have embraced the classic left-wing strong anti-

[248] Gammeltoft-Hansen, 'Refugee Policy As "Negative Nation Branding"', 2.
[249] MII, 'Asylstigning i 2023'.
[250] Gammeltoft-Hansen, 'Refugee Policy As "Negative Nation Branding"', 4.
[251] Bailey-Morey and Kumar, 'Public Narratives Denmark', 16;18.

immigration discourse and enacted extremely restrictive immigration policies[252]. Since the party's return to power in 2019, they have not deviated from these narratives but have actively embraced many of the previous right-wing government's policies[253].

This phenomenon can be explained through the paradigm shift. As shown in the critical discourse analysis, the focus of political actors in justifying policies is on national values and common heritage. This tendency is also pointed out in scholarship discussing the evolution in discourse on immigration in Denmark and the increasing reliance on populist narratives which dehumanise refugees and frames them as threats to social security[254]. These narratives, by redefining risk and protection, redistribute the roles of victims and perpetrators where Denmark is the victim harmed or potential victim and where the migrants and refugees are reframed as the ones constituting a risk, and not subject to risk themselves. This interpretation is echoed in scholarship as well, which classifies 'blame-the-victim' narratives such as those identified in the discourse analysis as nationalist in their reliance on warning against a dangerous 'Other' which possesses attributes which are incompatible or opposite to the national culture[255].

On a related note, the critical discourse analysis also showed a focus by political actors on the importance of integration. However, if the focus on Danish values and integration is read in parallel with the policies promoted in relation to this process, it reveals quite the opposite: a narrative of exclusion where 'un-integratable' elements in Danish society must be dealt with and expulsed. As pointed out in scholarship as well as in the discourse analysis, this 'anti-integrationist' vision is best revealed in the terminological changes revealing a shift in policy goals from integration to return[256].

In a broader sense, the role of the 'crisis and control' and the 'threat and security' narratives and their related sub-narratives have legitimised the dominant course of asylum and immigration through various means. The discourse analysis shows the increased politicisation of questions of asylum and the strategic conflation of socioeconomic and cultural concerns

[252] Bailey-Morey and Kumar, 16–17.
[253] Ibid, 17.
[254] Hervik, 'Denmark's Blond Vision and the Fractal Logics of a Nation in Danger', 529; 532–33; Murray, 'The Externalisation of Refugee Policies', 45–46; 55; 58.
[255] Murray, 'The Externalisation of Refugee Policies', 53; 55; 58; Hervik, 'Denmark's Blond Vision and the Fractal Logics of a Nation in Danger', 530–32; Glorius and Doomernik, *Geographies of Asylum in Europe and the Role of European Localities*, 6.
[256] Vedsted-Hansen, 'Refugees as Future Returnees?', 20; Lemberg-Pedersen, 'Op-Ed: Danish Externalization Desires and the Drive Towards Zero Asylum Seekers'; Bailey-Morey and Kumar, 'Public Narratives Denmark', 17; Murray, 'The Externalisation of Refugee Policies', 53; Vedsted-Hansen, Brekke, and Thorburn Stern, 'Temporary Asylum and Cessation of Refugee Status in Scandinavia Policies, Practices and Dilemmas', 31.

with concerns on immigration to delegitimise the presence of refugees and asylum seekers, which is also pointed out by scholarship on the topic[257].

Finally, the point of these narratives is to redefine and dictate the terms in which we understand policies and their motives as shown in the discourse analysis, a strategy which has been referred to as a 'politics of distance' in scholarship[258]. For instance, they redefine protection as an endeavour that is legitimately undertaken extraterritorially 'for the greater good' of everyone involved, when these in reality undermine and limit the possibilities for just and sustainable protection[259]. This strategy sets up an 'either-or', where the choice stands between granting asylum in the national territory or to address the root causes of migration flows by helping refugees in the regions of origin[260].

[257] Murray, 'The Externalisation of Refugee Policies', 55; Kreichauf, 'Legal Paradigm Shifts in Denmark', 49; Glorius and Doomernik, *Geographies of Asylum in Europe and the Role of European Localities*, 5.
[258] Murray, 'The Externalisation of Refugee Policies', 46–48; 54.
[259] Lavenex, 'The Cat and Mouse Game of Refugee Externalisation Policies', 28; Murray, 'The Externalisation of Refugee Policies', 46.
[260] Gammeltoft-Hansen, 'Refugee Policy As "Negative Nation Branding"', 16.

Conclusions

In conclusion, my analysis of the Danish case has revealed major reforms with drastic and far-reaching restrictions and policy changes in the national asylum system accompanied by lofty political promises and aggressive rhetoric. However, as revealed in my discussion, the promised results have not been delivered, as not many Syrians have actually been sent back, and the impact of deterrence strategies remains questionable. Still, these measures have had disproportionate human rights impact on those concerned. Moreover, as shown with the Woodsian policy paradigm framework, the dominant paradigm does not need to be effective in practice to maintain its status as the new paradigm, it simply needs to dominate in the political discourse justifying the policy-making. And it has indeed survived. My discussion has shown that the deterrence paradigm has instrumentalised the humanitarian discourse for its own policy goals, which is what explains their co-existence and the ensuing paradox. Not only do they co-exist, but the humanitarian narratives on fair refugee protection have been co-opted by policy-makers into the nationalist discourse to further the goals of the new deterrence paradigm. This is shown throughout my discourse analysis, where I analyse in what ways the humanitarian narratives serve as justifications for restrictive policies and in this way intersect with the deterrence paradigm's policy goals. Far from being human-rights based and truly humanitarian, the narratives in question masquerade as such but build on nationalist discourses of exclusion and othering in reality.

In this sense, the Danish case reveals a true paradigm shift with major changes in policy instruments and policy goals, moving from a paradigm of protection to a paradigm of deterrence. The two phases of the paradigm shift have firmly established the dominance of the new paradigm of deterrence in the Danish asylum system. Coated in human rights language and humanitarian concerns, conflating terminology, and normalising restrictive policies and laws, the new paradigm and its policies aims to bring Denmark one step closer to its overall zero-asylum goal, no matter the price to pay in human rights.

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