

Give us a damn Paper!

Cases of Anti-Deportation Campaigns by Rejected
Ethiopian and Palestinian Asylum Seekers in Norway

By Wubshet Dagne



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Faculty of Law

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Abstract

Title: Give us a Damn Paper: Cases of Anti-Deportation Campaigns by Rejected Ethiopian and Palestinian Asylum Seekers in Norway

By: Wubshet Dagne

Supervisor: Nicolay B. Johansen

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This thesis explores anti-deportation campaigns executed by rejected Ethiopian and Palestinian asylum seekers in Norway. Using a case study method of four particular campaigns (a one-year-long tent campaign, a hunger strike, a march to Sweden and a class action lawsuit), the purpose is to gain insight into the rationales for the campaigners' choice of strategy for taking their conflict with the authorities to the political and legal levels. The focus is on understanding how Norway's political, legal and social system responded to these protest campaigns. The hypothesis is that juridification of immigration laws is the main obstacle for rejected asylum seekers to challenge, via legal and political arenas, the immigration authority's decisions. Juridification of immigration practices has also been hypothesized as an obstacle to public sympathy for rejected asylum seekers' plight.

Data for the study were obtained from in-depth interviewees with front figures and leaders of each campaign, yielding six interviewees—two from each major campaign. Primary data also included media coverage from the major Norwegian media outlets, which reported on the protests between January 2011 and June 2012.

Study results show that the protests on the political, legal and social arenas did not bring about the desired outcome for either group. Habermas's theory of Juridification and Mathiesen's power vs. resistance theory was used to explain the campaign failures at the political, legal and social levels. The study's findings show that the campaigns failed to bring about the desired outcome for the Ethiopian and Palestinian campaigners. Furthermore, the result also shows that the Ethiopians groups, while planning part of their campaign, were overestimated the influence of international and regional human right institutions over the sovereign nations like Norway. Indeed, the juridification of immigration practices, the campaigners status as illegal immigrants and the corresponding lack of political and economic power undermined public sympathy and weakened the campaigners' bargaining position. Research data support the research statement:

Juridification of immigration laws has discouraged rejected asylum seekers from making meaningful contestation against the decisions taken by the immigration authorities. The thesis concludes by suggesting that the effort to bring the conflict to a political level failed because, as rejected asylum seekers, the campaigners could not be taken seriously as part of the political actors in the system. Finally, the study inspires further research on how vulnerable groups such as rejected asylum seekers challenge the sovereign state, especially as the power of international and regional human rights regimes are in decline.

Abbreviations

CEAS: Common European Asylum System

CSO: Civil Society Organizations

DREAM: Development Relief and Education for Alien Act

ECHR: European Court of Human Rights

ECJ: European Court of Justice

EEA: European Economic Area

EFTA: European Free Trade Association

EU: European Union

ICJ: International Court of Justice

IMDI: Integrerings- OG Mangfoldsdirektoratet (The Directorate of Integration and Diversity)

IOM: International Office for Migration

LANDINFO: Utlendingsforvaltningens Fagenhet for Landinformasjon (The Norwegian
Country of Origin Information Centre)

NGO: Non-Governmental Organizations

NOAS: Norsk Organisasjon for Asylsøkere (Norwegian Organization for Asylum Seekers)

PU: Politiets Utlendingsenhet (The National Police Immigration Service)

RPP: Regional Protection Principles

SEIF: Selv Hjelp for Innvandrere (Self Help for Immigrants)

SSB: Statistisk Sentralbyrå (Statistics Norway)

UDI: Utlendingsdirektoratet (Norwegian Directorate of Immigration)

UN: United Nations

UNE: Utlendingsnemnda (Norwegian Immigration Appeals Board)

UNHCR: United Nations High Commissioner for Refugees

UNICEF: United Nations International Children`s Emergency Fund

UNRWA: The United Nations Relief and Works Agency for Palestine Refugees in the Near

East

WWII: World War Two

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1 Introduction and background

1.1 Introduction

Dealing with immigration issues has become a significant challenge during the last half century. It has become a challenge for nation states as well as for immigrants. In 2012, the wars in Syria, Democratic Republic of Congo, Afghanistan, Iraq and Somalia led to the displacement of 7.6 million people from their original home country (UNHCR, 2013). This number does not include immigrants and asylum seekers who traveled on their own, and who were not under the protection of UNHCR. The same year, 937,000 asylum applications were lodged in industrialized countries. The report depicted that around 35.8 million displaced persons were under the protection of UNHCR in 2012. Due to this, UNHCR has recognized the year 2012 as the most troublesome year for immigrants (UNHCR report, 2013, p 1–13).

There have been made many studies about immigration issues for the last fifty years. In the wake of World War II and the establishment of the UN, both pro-immigration and anti-immigration discussions, researches, books, policies, and the like flared up in western nations. Globalization and the development of diverse and efficient transport and communication technologies lead to the unprecedented movement of people globally. The influx of mass immigration threatens the old world order where the societies are organized around independent, sovereign nation states. It is in line with protecting the boundaries as well as the social fabric of these nation states that immigration issues have lately received a critical appraisal. Present day studies, commissioned by governments of nation states, international humanitarian and non-humanitarian organizations or independent research institutions depicts immigrants as either a threat to the nation states or a victim of human traffickers or a victim of a severe restrictive policies of the nation states.

The main challenge arises from the struggle between the nation states, who want to guard their borders against illegal immigrants, versus immigrants who wish to penetrate the system and become legal residents. Illegal immigrants include refugees and asylum seekers who are denied a residence permit but are unable to leave their home country voluntarily. Studies revealed that about 1.9 to 3.8 million undocumented immigrants were estimated to live in EU countries (Morehouse, 2011, p.11). In 2011, the Norwegian immigration authorities reported that about 30,000 illegal immigrants were estimated to live in Norway. However, the government has insufficient information on their whereabouts and has no control over them (UDI, 2011). The

consequence of this struggle has created a legal and moral dilemma for the international community.

Lately, immigration politics in industrialized countries has shifted the agenda from prioritizing human rights protection to protecting the boundaries of nation states. The aftermath of World War II led to the development of a new world consciousness (Benhabib, 2011). The 1948 Declaration of Human Rights and its subsequent conventions were considered as a new era where individuals have been bestowed with legal rights to flee their home country in case of persecution by their government. The convention recognizes immigrants' rights to receive protection outside their original home country (Vevestad, 2005, p. 32). With the creation of the UN, states entered into a mutual agreement to pull their resources together in order to prioritize protection of humanity irrespective of citizenship. Under the UN, the UNHCR has been established to assist refugees during troubled times. UNHCR has been given a mandate to coordinate the administration of immigration at an international level; it organizes the allocation and transfer of immigrants to another country. Furthermore, the establishment of international and European human rights courts has consolidated immigrants' rights in the receiving states. Sylva Benhabib has used the term "cosmopolitan norms" to ascertain human rights protection as not only moral norms but also international legal norms. These norms obliged states to acknowledge the protection of immigrants not as a form of charity, but as a universal human right (Benhabib, 2011; Vevestad, 2005).

However, a recent development in immigration reveals that nation states tend to ignore their previous international commitments toward immigrants. In this global world, ideas, technologies, commerce and communication flow freely across borders. Nevertheless, movement of immigrants is now seen as a threat to the global order (Corrunker, 2012, p. 144). The majority of the world's population, especially people from the poorest, non-developed countries, are systematically excluded from traveling freely (Aas, 2007). Embassies and consulates of the industrialized nations serve as part of the border control organ. These embassies screen out possible immigrants and deny visas while they are still in their country of origin (Bigo, 2005). As a result, industrialized nations have changed their policies from pro- to anti-immigration. The previous commitment and cooperation to provide assistance to immigrants has been replaced by cooperation among states to tighten and control the movement of immigrants.

European countries have signed subsequent treaties to coordinate common efforts and control their borders against the influx of immigrants. The introduction of the Schengen border area, joint police action, and information-sharing technologies are some of the significant changes made toward immigration (Vevestad, 2005, p 63). At the Treaty of Amsterdam, EU nations have extended their legal and political mandate to integrate and manage common asylum practice within the EU (Ibid). The EU countries, as well as Norway, have incorporated these agreements into their local laws in order to restrict access by unwanted immigrants.

Meanwhile, the western nation's commitment to human right, democracy, equality and economic prosperity are some of the biggest pull factors that attract more refugees to these nations. Globalization, the fast development of transport and other communication facilities leads to an exodus of migrants from non-developed to developed nations. However, asylum practice of industrialized countries has lately been shifted away from the real problem of refugees contrary to their conviction. (De Genova: 2010, Fekete: 2013). Recent studies revealed that asylum seekers become treated more and more as bogus refugees, fortune hunters and as a risk factor for the well-being of the society. The shift from protecting refugees to protecting the state policy shows the unwillingness of European and other recipient nations to live up to their international human right commitment. (De Genova: 2010, Fekete: 2013, Khosravi: 2013).

The modern state organized around the notion of sovereign nations where the States exercises the ultimate power over a territorially defined group of people. The state provides protection to citizens, defend the territory from external aggressors and maintain peace and order inside the country. It is the sole responsibility of the sovereign state to determine who will be inside and who will be excluded from its territory. After the 9/11, terror attack on New York, however, states turns into violence and become more brutal in the treatment of undocumented migrants. Taking tough measures against illegal immigrants has become measurement index to differentiate between political parties during an election. Issuing and enforcing restrictive migration policies accepted as a natural response to deal with immigration problems.

Furthermore, according to Habermas, nation states are in a verge of losing power due to globalization and multiculturalism phenomenon. He indicated that the sovereign nation states could not solve the present economic, ecologic, nuclear threat, organized crime, terrorism and immigration problems by itself. He suggested the need for new international and regional institutions who can respond to these problems effectively (Habermas: 1999, p107). The establishment of EU expulsion agency, international police cooperation, use of complicated

surveillance technology and Schengen information center shows how the European nations try to deal with immigration detention and deportation in more efficient and less costly manner. It is within such hostile, powerful political system that some failed asylum groups together with local civic organization campaigning against forced deportation.

In addition, International and European human right laws, the 1951 Geneva Convention and the subsequent refugee conventions and their leading role in immigration matters can be considered as another factor that drive more immigrants to western nations. However, more studies reveal that the realities that immigrants face in these nations are far from their expectations. It was after the Holocaust of World War II that human right becomes the concern of the international community. However, Cornelisse (2010) cited two reasons why the international human right law failed to give universal protection to all. She argued that, on the one hand, international human rights depended on the state system that is only willing to give this right to citizens. On the other hand, protecting the territorial integrity of nations remains the sole responsibility of the sovereign states. The international community has no mandate to interfere whenever the state claims its use of violence in terms of territorial integrity (Cornelisse, 2010)

The next important issue worth to mention here is the ill-treatment of illegal immigrants and rejected asylum seekers by using law as a cover. Fekete (2005) implied the war on terror is the undeclared war on immigrants. She showed how the European nation's deportation practice undermines both the 1949 and 1951 human right convention. In addition, the host countries issued new laws and policies that institutionalize and legitimate use of force in removing unwanted immigrants from their territory. Finally, the practices of dealing with immigrants are moving in an opposite direction in relation to European Human Right Convention (EHRC) and the decision of European Court of Human right (ECHR). It shows that many European countries ignore the decision of ECHR in immigration matters. The international human right law failed to protect the weak immigrants from the excessive force of the nation states. This condition left failed asylum seekers in a legal limbo.

Despite tight border control mechanisms, strict regulations and legislation measures have not deterred the influx of migrants into Western nations. The abundance of political, economic and ethnic conflict in the third world has driven out millions of immigrants in search of safe places to live. The wars in Syria, Afghanistan, Iraq and Somalia contributed to the vast portion of immigrants in the world today.

The effect of globalization, on the other hand, has made movement of people, goods and ideas easier and faster than before. The development in communication and social media has created a fertile condition for human traffickers to organize and execute smuggling of large numbers of people across boundaries.

Despite the West's strict migration policies, the number of desperate third world citizens who are willing to cross boundaries, or even sacrifice their life while trying, has increased tremendously. In the Lampadusa tragedy of 2013, for example, more than 400 Eritrean, Ethiopian and Somalian immigrants sunk in the ocean near the Italian border city of Lampadusa while trying to cross to Europe. Yet the tragedy has not deterred others from trying to cross the ocean, despite the life-threatening danger looming over their journey. Italy has still struggled to cope with the wave of new arrivals using the same route (BBC News, 2013).

At present, the world is facing a dilemma with respect to the immigration issue. Striking a balance between humanitarian considerations with border and immigration control politics seems to elude Western countries.

1.1.1 Study purpose and research statement

Critics within the social sciences have questioned the practicability of respecting human rights obligations in the immigration area while asylum laws, policies and practices are guided by restrictive provisions. Many argued that international and regional human rights conventions give little hope for rejected asylum seekers. First, the task of immigration administration derives from the absolute power of the sovereign state, where the ruling government decides who will be included or excluded from membership to the political community of the nation state (Fangen & Kjære, 2013, p.25). State officials have the mandate and the authority to translate human rights conventions into practice as it fits their national interests (Uggerud, 1998, p. 44). In most cases, international and regional institutions such as the UN and EU cannot overrule the decision of the sovereign state. Governments can change their practices without any consequence from the international community (Ibid). The prevailing situation does not guarantee asylum seekers that their application will be processed according to the rule of law as provided by the conventions (Kneebone, 2009, p. 3).

Second, the 1951 Convention relating to the Status of Refugees, along with other human rights conventions, recognizes a right to ask for asylum but not a right to protection. Implementation of the convention is left to the sovereign power (Bø, 2002, p.31, Kneebone, 2009, p. 9). Individuals are required to submit an asylum application, with documentation that confirms

their identity, within the border area. However, with tight border control and visa requirements among European and other industrialized nations, it would be difficult for individuals with asylum intent to reach their destination.

The current trends show that European and other industrial nations are reaching a point where they cannot cope up with the influx of millions of migrants, especially from third world countries. These nations have resorted to taking harsh measures, even at the cost of ignoring their moral and legal obligations. As a result, a larger number of rejected asylum seekers and illegal immigrants are stranded inside the prison-like camps in the wealthiest nations as they wait for deportation. Some are obliged to live in various industrialized countries illegally without adequate life-sustaining services (see Johnsen, 2013; De Genova, 2010; Brekke, 2004). The development has also left many immigrants in a state of limbo in which they no longer identify where to appeal for support.

This phenomenon has triggered anti-deportation activism in various countries, organized by local civil society and the immigrants themselves. A number of illegal immigrant groups have entered into conflict with the authorities of their host nations. Some have engaged in demonstrations at political and social arenas, appealing to local, regional and international legal courts, and at worst case rioting to legalize their status as refugees. The DREAM Act movement (Development, Relief and Education for Alien Minors Act) in the United States was one of the successful stories of a protest campaign organized by immigrants themselves. Undocumented youth immigrants in USA have made a successful campaign to normalize their status in the country (Corrunker, 2012, p.4). The movement of Algerian asylum seekers in Quebec, Canada and the Sans-papir movement in France have been mentioned as examples of anti-deportation campaigns organized by asylum seekers themselves (De Genova, 2010).

Norway, as part of its restrictive asylum policy, had established a waiting camp in Lier deportation camp in 2006 and, “Fagerlig camp” near Gardermoen airport in 2007. The purposes of these camps were to gather rejected asylum seekers who are awaiting deportation in one area. Studies from University of Oslo and other civic organizations revealed that from geographical distance of the camps from the city center, to the poor quality of facilities provided at the camps caused a lot of physical and psychological problems to immigrants. The authority intentionally excludes the group from participating in any social, political, or economic life of the Norwegian society. These groups were even denied basic health services, which was normally available free for Norwegian citizens. The practice was intended to force those who are not willing to

collaborate with the authority and compel them leave the country voluntarily. The long passive life inside the camps led to frustration and discontent on immigrants. The Norwegian Medias had reported a lot of disturbance inside both camps (Johansen, 2013 and Steen (2012).

In extreme cases, rejected asylum seekers have resorted to violence when they find no way out from their precarious condition. In Norway, some angry and frustrated rejected asylum seekers who were kept in Lier and Fagerlig deportation camps rioted and set fire in both camps in 2010 (Steen, 2012, p. 21). Violent uprisings by asylum seekers were a common occurrence in Australia (Schmeltzer, 2003).

However, for the purpose of my paper, I would like to argue that immigrants are not passive participants in the whole immigration process as most of the time depicted in many publications. My main research topic focuses on asylum seekers, due to fear of persecution or economic reasons, left their home country and request protection in another country. These immigrants groups are actively seeking, exchanging and utilizing information from planning their journey up to reaching their destination, from crossing borders, requesting asylum up to integrating in to the host society. It is imperative to an immigrant, who crosses international boundaries on his own, to acquire information about the destination countries human right record, asylum practice and images on international politics. This can be understood by looking at the pattern of immigration. Most immigrants is moving from south, non-developed, authoritarian regimes and from countries riddled with conflicts to the north, developed wealthy and democratic countries.

Though the power to accept and reject immigrants is a sole responsibility of the nation states, immigrants utilize different strategies to pass through the system and influence the outcome of the whole immigration process. They use the host country's political, social and legal institutions in order to pursue their dream. When the authorities finally reject their requests for immigration status, some of them disappear from the scene to start the process somewhere else, or some agree to return to their home country voluntarily. In some cases, failed asylum groups organize an anti-deportation campaign to oppose the system. Those groups of failed asylum seekers, who decided to fight the system despite lacking access to political, social and legal right after the rejection, are the target group for my study.

This thesis presents the rejected Ethiopian and Palestinians asylum seekers' anti-deportation campaigns in Norway. It analyzes the strategies used, the opportunities as well as the challenges encountered by these groups during their campaign to stop deportation and to legalize their

status in Norway. Furthermore, the study try to look into how these groups interpreted the immigration system in Norway when they organized various deportation resistance actions. Finally, the paper looks at the political, legal and social response from the Norwegian society toward the protest campaigns.

The theory of juridification and the theory of power vs. resistance are used as the paper's theoretical framework. Juridification, as defined by most scholars, is the proliferation of more laws that regulate every aspect of life in modern society (Habermas, 1987). This paper assesses viability of protesting the political and legal system while laws are frequently changed to serve the purpose of politics and to legitimize the decision of the authorities. How can rejected asylum seekers challenge the sovereign state while the regimes for protecting human rights are in decline? For the purpose of this paper, I will argue by using the following hypothesis as a statement of my research problem: The juridification of immigration laws has not only hindered rejected asylum seekers from challenging, via legal and political arenas, the immigration authority's decisions, but it has also robbed them of public sympathy for their plight.

Finally, the paper will raise the following questions as secondary research problems:

- How did the actions end and how the protestors interpreted the outcome of the campaigns?
- What were the results and in what way did the Norwegian political, legal and social system respond to the campaigns?

1.2 Research design

My experience as a failed asylum seeker in Norway has motivated me to raise immigration questions in this master's thesis. What I had expected before I decided on an asylum request in Norway, and what I experienced as an asylum seeker differed widely. I met face to face with the powerful, cold, indifferent institutional machinery of the Norwegian immigration system. I made an appeal to all immigration institutions in accordance with institutional hierarchy. In addition, I even filed a claim in the first instance court but failed at every turn. I observed and sometimes participated in a number of immigrant-organized demonstrations in front of the parliament and government buildings. While I witnessed a few individuals benefiting from the effort, in general I did not see practical change in immigration politics.

In 2006, the police deported Afghan asylum seekers while they held a hunger strike in front of the Oslo Cathedral. Despite these and other similar hunger strikes, demonstrations and public awareness campaigns, their efforts did not garner significant sympathy from the Norwegian public. Therefore, in this master's thesis I wanted to identify and examine the part of the social system that rejected immigrants should target to improve their chances of campaign success.

The aim of my research project is to assess the struggle made between Ethiopian and Palestinians rejected asylum seekers and the Norwegian government over forced deportation in particular and the state asylum policy in general. The paper tries to identify the source of power potential for rejected asylum seekers, which enable them to resist the government policy. It also examines the challenges the campaigners encountered while trying to hinder forced deportation and as well as their quest to gain access to resident permit in Norway. My research problem is dealing with the questions of how and why failed asylum seekers organize opposition activities such as demonstration, hunger strike, church sanctuary, legal battle etc., while they are being treated as illegal in the host nations. It is equally important for this paper to inquire how failed asylums seekers understand and interpret the asylum system as an institution, and how do they relate the role of political, social and legal system with asylum practices in Norway. At the same time, it is relevant to know how the campaigners interpreted the role of international and regional human right regimes in relation to the Norwegian immigration policy and practice.

This thesis analyses the protest action in 2011/12 organized by rejected Palestinian and Ethiopian asylum seekers. It raises and examines questions like, what motivates the actionists to organize protest campaigns? What were the lesson they drew from past actions? What kinds of strategies did they develop to tackle the system? Finally, the thesis analyses the response from the politicians, the public and the legal system toward the campaign.

In the background information section, the history of the Norwegian immigration institutions and their relation to international and European immigration regimes is discussed. A literature study was conducted to establish historical highlights on the origins and causes of migration for Palestinian and Ethiopian asylum seekers. Finally, the section mentions the Norwegian and other international civic organizations that had helped the campaigners.

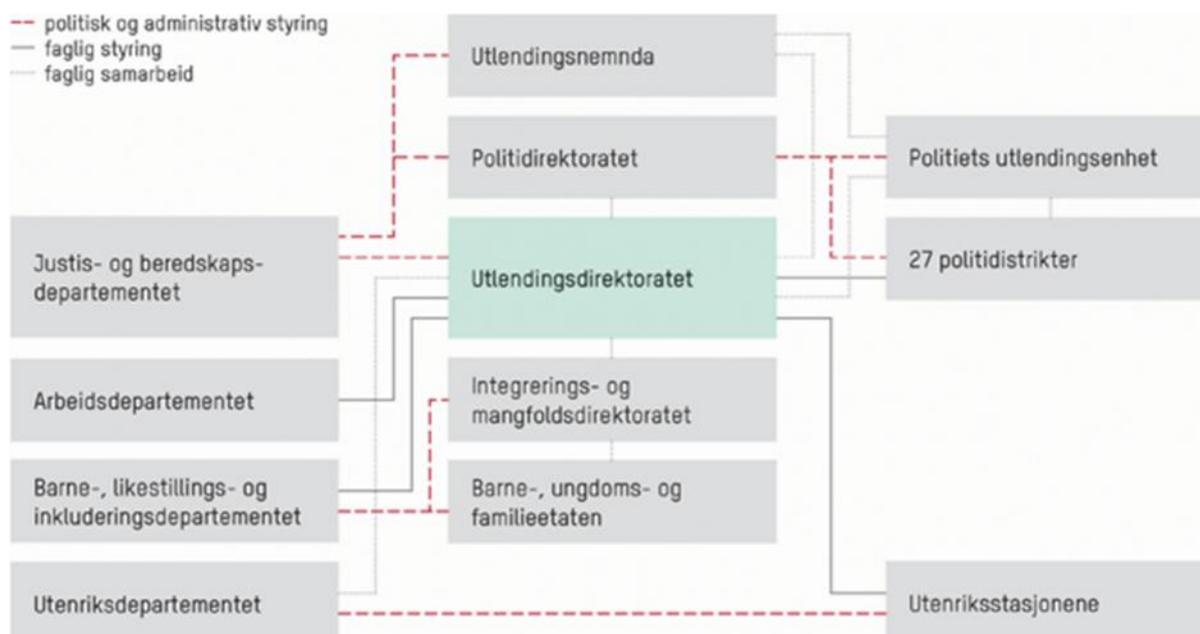
The second chapter discusses in detail the methodological and theoretical approach of the thesis. The reasons for selecting a qualitative case study method is defended.

In subsequent chapters, the theory of juridification is briefly mentioned as a theoretical framework for analyses of the campaigns. In the fourth chapter, the Ethiopian and Palestinian protest actions are presented in detail. In the discussion part of the thesis, Thomas Mathiesen's theory of "power vs. resistance" is used to analyze the campaign results. Some of the strategies proposed by Mathiesen as meaningful opposition action are selected to examine the effectiveness of the strategies employed by the groups. The final chapter gives concluding remarks on the subject.

1.2 Background information

1.2.1 The Norwegian immigration institutions

The Norwegian Parliament, the Ministry of Justice and Public Security, the Immigration Appeal Board (UNE), the Immigration Directorate (UDI) and the Immigration Police (PU) are the institutions responsible for administering immigration in Norway (Brekke, 2004, p. 18). The parliament is the highest legislative organ for enacting immigration laws. The Norwegian legal institutions act as the final stop for appealing immigration matters. The Directorate of Integration and Diversity (IMDI), the Norwegian Country of Information Center (Land Info.), and the International Office for Migration (IOM) are supporting institutions. These institutions assist both the authorities and immigrants in such a way that the performance of the immigration system would function smoothly, and they facilitate and coordinate various operations at local and international levels. In addition, UNHCR, Amnesty International, Human Rights Watch, the International Court of Justice (ICJ), and the European Court of Human Rights (ECHR) are all involved in assisting and controlling the overall operation of the national immigration institutions.



Source:.. www.udi.no

As the figure above illustrates, the Ministry of Justice is the highest executive organ in the immigration administration structure. The ministry is responsible for coordinating and conducting the state immigration policies. It initiates immigration laws, regulations and policies in accordance with UN and European human rights conventions, along with the treaties that Norway signed in matters of immigration. The section for migration and refugees under the ministry is responsible for organizing and administering the ministry's immigration policies. The parliament enacts the immigration laws suggested by the department. The Norwegian police, UNE, UDI and state-owned asylum camps are under the direct order of the ministry (www.udi.no/Om-UDI).

In 1988, UDI was established with full authority to promote Norway's interest concerning immigration administration. Before this, the police department managed asylum matters. UDI is responsible for processing individual asylum cases; issuing visas, student and work permits; and determining family reunification applications, permanent residence permits, and citizenship. The decision to deport and expel unwanted immigrants and failed asylum seekers is UDI's responsibility. The decision can include banning illegal immigrants from entering other European countries as well (udi.no).

Under the new institutional rearrangement, the PU continues to be one of the immigration institutions. The PU is responsible for receiving new arrival immigrants, conducting fingerprints, clarifying the applicant's identity and preparing a preliminary case document for UDI. It represents Norway by cooperating with Schengen border control activities and sharing information with other European countries. It also has a responsibility for executing deportation and expelling illegal immigrants and rejected asylum seekers.

UNE was established as an independent appealing board under the Ministry of Justice. Although the ministry cannot give direct instruction or interfere with the board's activities, it provides rules, regulations and general policy directions that pertain to the national interest. The board's primary objective is to handle appeal cases from rejected asylum seekers. The board comprises three units: the board leaders, the board committees and higher board committees. The leaders, mostly with legal educational backgrounds, are UNE employees. Committee leaders handle most appeal cases. Board committees manage appeal cases that exhibit significant doubt about UDI decisions. The board committee comprises one manager with two volunteers. The volunteers act as a jury. Using majority vote, the volunteers have the power to reverse UDI decisions or the decisions of the committee leader. Lastly, cases with significant social and economic consequences are handled by the higher board meeting. The higher committee consists of three board leaders and four volunteers. The decision from the higher board can be used as a standard to handle subsequent similar cases by UDI and UNE. Furthermore, the Norwegian courts are accessible to immigrants to dispute the decision from UNE. Immigrants can further take disputes to international and European courts of justice (www.une.no).

In addition, the IMDI has been established to assist immigrant integration into Norwegian society. The Norwegian Country Information Center (Land Info.), as an independent research institution, collects, analyzes and produces information about immigrants' countries of origin. UDI and UNE utilize the center's report to evaluate and decide upon individual asylum applications (www.landinfo.no). Furthermore, Norwegian embassies and consulates serve the immigration authority as part of the immigration control organ. The consulates screen out and deny visa application for potential asylum seekers while applicants are still in their country of origin (Bigo, 2005).

International Office for Migration (IOM) can be mentioned as an important international partner for immigration authorities. IOM facilitates a dignified voluntary return program for illegal immigrants and failed asylum seekers.

Moreover, Norwegian immigration authorities cooperate with international organizations like UNHCR, EU, and national and international human rights agencies to provide protection for refugees.

1.2.2 Development of immigration laws and regulations: The Norwegian experience

When compared to other industrialized countries, Norway's experience in dealing with immigration and refugees is more recent. Before 1970, insignificant numbers of migrant workers were coming into Norway. Most of these migrants were from industrialized countries such as USA, Nordic countries, and other European countries. Due to a high demand for trained migrant workers after WWII, Norway had open-handedly and with less bureaucratic control welcomed immigrants. The department of police was the only institution responsible for managing visa requests, handling immigration applications and issuing residence permits. Foreigners with a tourist visa were encouraged to apply for a work permit if they obtained an employment offer (see Heidberg, 1998; Bø, 2002; Vevestad, 2010).

However, the country for the first time had faced a new type of immigrant when 600 Pakistani immigrants arrived from Germany in 1971 (Vevestad, 2006, p. 44). In addition, a considerable number of migrant workers from Turkey, Morocco and other third world countries began immigrating to Norway in search of work and settlement. These groups were unskilled migrant workers whose labor was not sought after in Norway. This new trend had created panic and uncertainties among the politicians and the public alike (Bø, 2002; p. 50; Vevestad, 2006). As a result, Norway shifted away from its liberal immigration position into a stricter and more control-focused position. The trend called for institutional and legal adjustments that could address the complex immigration issues.

The last 50 years were characterized as a time where Western nations had shifted their attitude considerably toward immigration: from pro-immigration and pro-human rights to an anti-immigration perspective. Immigration laws, regulations, and policies were revised on numerous occasions, and many argued that the revisions traveled in the direction of ignoring human rights principles. Nation states today tend to accept the use of force to curtail free movement of people.

Industrialized countries devised more sophisticated control mechanisms in order to restrict the movement of immigrants, even at the cost of human rights violations (see Bø, 2002; Heidberg 1998; Aas, 2007). Some argue that the same nations who considered themselves as human rights defenders have turned into deportation regimes (De Genova, 2010). The development of Norwegian immigration laws and legislation supports the above claims.

The “Alien Act of 1956” was the first modern immigration law for regulating the entry of foreigners into Norway (Heidberg, 1998, p. 13). The law was liberal in such a way that foreign nationals with a valid job offer could automatically secure a residence permit. However, the economic crisis of the 1970s, which swept through most Western nations, prompted strict policy change toward migrant workers and asylum seekers. During the same period, Norway experienced a significant increase in unskilled migrant workers from Pakistan, Turkey and Morocco (Vevestad 2010, p. 25). In 1975, due to the need to control the rising influx of immigrants from third world countries, a new law and regulation was introduced to temporarily stop immigration (Heidberg, 1998, p. 13). The government presented the lack of adequate housing and social services as a reason to control the increasing inflow of immigrants. Nevertheless, Bø and Vevestad argue that the decision was intended to make a selective ban on foreign nationals from third world countries; the measure did not affect migrant workers from the West (Vevestad, 2010, p. 26 & Bø, 2002, p. 47).

Norway had to revise its immigration laws and policies in 1980s, due to a large influx of asylum seekers into the country. In 1986, the country registered a record number of asylum seekers. A National Statistics Bureau (SSB) report showed that the number of foreign citizens, compared to the Norwegian population, had jumped from 2 % at the beginning of 1980 to 3.3% at the end of 1989 (http://www.ssb.no/a/histstat/rapp/rapp_199024.pdf). The Ministry of Justice proposed a new bill to parliament to further restrict the inflow of asylum seekers.

In 1988, a new immigration law was adopted with a strong emphasis on immigration control. The law has given a lot of discretion to the authorities. The 1988 immigration law authorizes the administration to share fingerprints and information with other European nations. It restricts failed asylum seekers from accessing free legal aid, criminalizes immigrants that lack legal documentation, and exerts compulsory return of failed asylum applicants to their home country (Vevestad, 2006, p. 15).

Between 1989–1984, the country experienced an unprecedented number of (approximately 26,000) registered asylum seekers (Berg, 2012, p. 21). The law was amended again in 1997 to

tighten the inflow of immigrants and to further seal off the asylum system. However, the law also gave immigrants the right to protection and recognized that immigrants have the same rights and obligations as citizens. This amendment gave rise to the Independent Appeal Board (UNE). The law suggests the type and the length of first-time residence permit, and it sets the minimum income requirement for the sponsoring person in case of family reunification.

Another significant change was made in the 2008 immigration law. The law prioritizes the importance of individual human rights as a fundamental principle in interpreting immigration laws in to practice. International and European human rights laws, conventions and regulations have strict application processes and taken precedence over Norwegian immigration law. Immigrants with a legal residence permit were given the same rights and obligations as Norwegian citizens (Vevestad, 2010 pp. 40–43).

Nevertheless, most researchers argue that immigration laws were regularly amended to restrict immigrants' access to Western nations. The controlling purpose of the law weighed heavier than human rights protection. Through the EEA and EFTA agreements, European countries opened their borders and made freedom of movement easier for their citizens. However, the Schengen and Dublin agreements provided for tighter border control and monitoring against immigrants from third world countries (Heidberg, 1998, p. 16).

The Norwegian asylum system has taken on various amendments and policy shifts in favor of immigration control. The law entrusts the police with the power to search an immigrant's body, property and house in case of doubt about his or her identity (Vevestad, 2006, p. 15). An age verification system was incorporated into law in 2002. In 2003, financial support for failed asylum seekers was cut. Case processing time was shortened to 48 hours, and asylum seekers are now deprived of free legal service prior to an application denial. All these measures have been made with a blessing from the law (See Brekke, 2004; Heidberg, 1998 and Vevestad, 2006).

1.2.3 The relevance of international and European human rights regimes in Norwegian immigration practices

The horrifying experience of WWII forced the world community to set up humanistic moral and legal standards. It was followed by the establishment of common institutions to fight injustice and prevent a future human rights catastrophe (Eide, 1992, p. 10). The 1948 Universal Declaration of Human Rights, The European Human Rights Convention (1950), UN Convention on the Elimination of all Sources of Racial Discrimination (1966), and the International Covenant on Civil and Political Rights are some of the conventions signed by the international community to provide protection for humanity. Institutions such as the UN, UNHCR, UNICEF, ICJ and ECJ have been established to safeguard fundamental human rights principles of the world's people (Ugurd, 1998, p. 40).

UN member states ratified and incorporated these conventions into their domestic laws. Norway as a UN signatory state has closely cooperated with the international community to fulfill this UN mission. The 1998 Norwegian human rights law recognizes these conventions as having precedence over other Norwegian legislation, in case conflict of interest arose in the implementation of local law (Vevestad, 2010 p. 41).

Furthermore, Norway has signed a number of international and regional conventions, protocols and treaties, and it commits itself to fulfilling international obligations. The 1951 Refugee Convention and the subsequently modified 1967 refugee protocol have been directly transformed into Norwegian immigration law, so as to safeguard the rights of refugees (Ibid). Working closely with UNHCR, Norway resettles some 1000 refugees per year and covers 5% of the organization's budget (Uggerud, 1998, p. 40).

As part of the developed world, Norway has become an immigrant destination. Due to various reasons, an unprecedented number of people are moving from less developed to developed countries. Norway with its European allies has to devise a solution and cooperate internationally to deal with an enormous influx of 'irregular' migrants. Indeed, Norway has entered into successive agreements, treaties and conventions with other European nations in order to efficiently control the movement of immigrants in its territory.

In 1975, the justice and interior ministers of Europe established an ad hoc committee and drafted a joint policy to harmonize their asylum laws and practices. The committee was mainly concerned with problems related to false asylum seekers and irregular immigrants. As a result, a common European border or the Schengen area was established in 1990. The agreement was

officially signed in 1995. The central principle of the accord was to dismantle internal boundaries within EU countries while tightening the EU's outer border for non-EU citizens (Vevestad, 2006, p. 70 & Bø, 2002, p. 50).

Norway was represented in the committee even though it was not an EU member state. Norway, Iceland and Switzerland have ratified the Schengen agreement. They collaborated with EU countries on border control, visa issuance, police and information sharing activities.

The Dublin agreement of 2001, which Norway has also signed, introduces the principle of first asylum country to coordinate immigration administration efficiently within the EU. According to the agreement, an asylum application should be lodged and managed by the state that issued the visa or the first transit country where the individual crossed the European border.

Furthermore, a Common European Asylum System (CEAS) was established in 1999. CEAS provides rules, regulations and directives for member states, which guide them into a uniform asylum practice (Vevestad, 2006, p. 44).

In the 90s, the EU established Regional Protection Principles (RPP). RPP was designed to coordinate aid with trade as a carrot and stick method to promote the return program for illegal immigrants and failed asylum seekers. RPP was also intended to create a tripartite collaboration between the EU, the asylum seeker's country of origin, and the UNHCR to solve the problem of immigration. Norway took the proposal seriously but gave more emphasis on repatriation as a best solution for the problem. It considered pressing the countries of failed asylum seekers by terminating aid and trade to force them accept their citizens (Vevestad, 2006, p. 45).

In 2002, EU countries issued a return directive. The guidelines provide member states with explicit rules and procedures on how to remove failed asylum seekers from their territory. The directive sets objective criteria and a uniform compulsory and voluntary return program, which member states should adopt and execute in fighting illegal immigration.

As illegal immigration is considered a tremendous challenge for the world community, international and regional cooperation to assist refugees has turned into a joint effort to restrict the movement of immigrants. Due to the influx of a large number of illegal immigrants, Norway has also revised and strengthened its institutions and has worked tightly at the international and regional level to meet the challenge.

1.2.4 The role of civic organizations in the campaign against deportation in Norway

For the purpose of this paper, I am going to review some background information on civic societies and organizations directly involved in Palestinian's and Ethiopian's protest action in Norway.

NGOs and civic organizations play a significant role in promoting political, economic and social justice and maintaining a country's democratic process. The World Bank defines civil society as

... Non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. Civil Society Organizations (CSOs) therefore refer to a wide of array of organizations: community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations. (worldbank.org)

CSOs serve as a bridge between the marginalized groups and the mainstream political and legal system. Civil society plays a significant role in bringing the agenda of disadvantaged groups to the public sphere. Morris (2010) referred to civil society as a champion of society's marginalized groups. They engage the decision makers and the politicians in lieu of the weakest groups or ideas in society (Morris, 2010, p. 69). Civic organizations cover a broad range of interests, from political and economic issues, to social and environmental ones. They serve as a watchdog and maintain a power balance between the state and society's vulnerable groups, such as the women, children, the old, disabled and immigrants.

The Norwegian Center Against Racism is one of Norway's major civic organizations that provides significant assistance to asylum seekers. The center is an independent organization that fights racism and discrimination in Norway. According to its mission statement, the center envisions and works to see a multicultural and a just society in Norway. Mobilizing minority groups and creating awareness about their rights and obligations in Norwegian society is one of the center's major activities. It has also relentlessly exposed the restrictive asylum policies and practices of the Norwegian government, and it initiates and organizes public political debates about the problem (www.antirasistisk-senter.no).

The Norwegian Center Against Racism, along with Norwegian churches and other similar organizations, arranged an important political campaign for “paperless asylum seekers” in Norway. The center was a major ally for rejected Palestinian and Ethiopian asylum seekers during and after their 2011 protest campaign. Its involvement has ranged from planning to coordinating and facilitating protest actions. The organization arranged seminars and meetings with different stakeholders during the campaign.

The Norwegian Organization for Asylum Seekers (NOAS) is the second major civic organization for assisting asylum seekers in Norway. The organization’s primary aim is to contribute to humane asylum policies and practices in Norway. NOAS plays a crucial role not only by helping asylum seekers, but also by assisting the asylum institutions in adhering to international human rights obligations. The organization provides a consultation service both to the parliament and to the government regarding new asylum laws and propositions in relation to international human rights and immigration law.

Most importantly, NOAS provides newly arrived asylum seekers with information about asylum procedures and criteria. Giving legal advice and writing appeals to UDI and UNE on behalf of the asylum seekers is one of the organization’s largest commitments. In addition, if rejected asylum seekers wish to take their cases to court, it arranges for free legal counsel and technical support during the litigation period.

Atelier Populaire was another important partner for the Palestinian and Ethiopian protest groups. It is a CSO established by famous Norwegian artists. The artists took the initiative to exert pressure against Norway’s inhumane asylum practices, and to urge the authorities to follow a more humane refugee approach. By arranging art exhibitions, public meetings, lectures and workshops, the campaign was able to publicize the difficult life situation faced by rejected asylum seekers in Norway.

Moreover, individuals who were inspired by the famous “Amalie case” in 2010 have established a civic organization called “January 12.” Madina Salamova, known as Maria Amelia, came from Russia to Norway as a teenager, accompanied by her family. Even as the immigration authorities rejected the families’ asylum application, the family preferred to stay in the country illegally. In the meantime, Amalie had taken her master’s degree from Trondheim University. She wrote a book telling her life experience as an immigrant without an identity in Norway. In 2010, she and her family were deported to Russia (Ugelvik, 2013, p. 65–83).

Dissatisfied with the decision, human rights activists from various parts of Norway had established the organization. The name January 12 was given to commemorate the date of Maria's arrest by the police while she was launching her book signing program in Lillehammer. The organization carried out successful public awareness campaigns against Norway's restrictive asylum and immigration policies. The group is pressuring the Norwegian authorities to follow a humane treatment of asylum seekers, based on international and national human rights laws.

Finally, civic organizations like Blitz, SEIF, Amnesty Norway, Norwegian People's Aid, Red Cross and Kirknes Bymisjon are assisting both successful and unsuccessful immigrants in Norway. There are also a number of civic organizations that have been established legally and are run by the immigrants themselves. The Ethiopian Asylum Seekers Association, the Organization for Palestinian Asylum Seekers, the Fight Against UDI and the organization Borderless Love have operated to coordinate and arrange various opposition campaigns against the immigration policies and practices in Norway.

1.2.5 Terminating statelessness and the fate of rejected Palestinian asylum seekers in Norway

The 1954 UN convention defined a stateless person as "someone who is not considered as a national by any state under the operation of its law" (UNHCR report 2014, p. 3). When the state does not exist as defined in international law, or is unable to exercise its sovereignty within its circumscribed territory or cannot provide protection to its citizens, the people of that country can be regarded as stateless (Weis, 1990, p. 10). In some cases, a stateless person leaves his or her country of origin to become a refugee in another country.

The UN convention compels the signatory states to provide general protection to stateless refugees. The 1961 convention aimed to reduce statelessness by 2024 (UNHCR, 2014), and it urged states to grant legal status and legal identity to stateless refugees. In addition, UNHCR urges member states to incorporate the convention into local laws and guarantee provision of citizenship status to stateless refugees (Ibid).

Palestinians have constituted the world's largest groups of stateless persons. The refugee problems for Palestinians began in the wake of the 1948 Arab-Israeli conflict. The UN Economic Survey Mission estimated that 750,000 Palestinians fled from their original home

during that war. The majority of Palestinian refugees had to seek shelter inside the Gaza Strip, the West Bank, or other neighboring Arab countries. United Nations Relief and Works Agency for Palestinians (UNRWA) has been established under the UN to give protection and relief to Palestinian refugees. The report from the organization shows that about 5 million Palestinian refugees are living in its protected areas of operation, such as Jordan, Syria, Lebanon, Gaza and the West Bank (<http://www.unrwa.org/who-we-are>).

However, refugees who receive assistance and protection from UN agencies such as UNRWA are excluded from the category of stateless persons as per definition of the 1951 Refugee Convention (Weis, 1990). Palestinian refugees who left UNRWAs operation area would not be protected as suggested by the convention. Because of this, Shiblak (2000) argues, roughly 200,000 Palestinians had to seek asylum in European countries without being integrated into the convention's protection. He further argued that the 1951 Refugee Convention, Article 1 (D) has created confusion among international protection regimes on the status of Palestinian refugees, and there is no clear and uniform policy regarding the treatment of asylum seekers from the Palestinian area (Shiblak, 2000).

Norway not only ratified the convention to eradicate statelessness, but also had taken a leading role in providing protection to stateless persons. Norway has played a significant role in reducing statelessness as recommended by the UN. The country is known for its long-standing commitment to human rights in the international arena. The "Fridtjuf Nansen" passport, named after a famous Norwegian humanitarian, was the first of its kind that facilitated travel documents for stateless refugees after WWI (Kaze, 2008). Palestinian refugees were among the stateless individuals who enjoyed a high rate of protection from the Norwegian immigration authorities.

In 2009, however, UDI changed its asylum practices toward Palestinian asylum seekers. UDI and Land Info commissioned a study about the situation in Palestinian area in 2009. The report from the study concluded that Palestine is a functioning state, which the authorities in Gaza and West Bank are capable of providing security for its citizens. Due to this, the immigration authorities have revoked § 15 of the 1988 immigration law. The paragraph was intended to provide protection for stateless persons in general and safeguard Palestinians against deportation to Palestine areas (UDI, 2010).

Statistics from NOAS show that there were about 237 Palestinian asylum seekers registered in Norway in 2006, 515 in 2007, 940 in 2008, 1280 in 2009 and 440 in 2010. The report concludes

that the number of new asylum seekers from Palestine had declined in 2010 because of the policy shift in 2009. NOAS argues that the direction of asylum decisions to Palestinians was reversed from 100% positive before 2009 to 24% after the new policy came into effect. The practices in UNE also followed the same path as those in UDI. Very few appeals from Palestinians have been treated by UNE in 2010. According to the report, 1032 stateless individuals were living in various camps in Norway by 2010, out of which 305 were waiting for deportation (NOAS, 2011). A number of rejected Palestinian asylum seekers had left those deportation camps to organize the 2011 anti-deportation campaign in Oslo.

1.2.6 From unreturnable to deportable: The status of rejected Ethiopian asylum seekers in Norway

UNHCR had registered an unprecedented number of Ethiopian refugees in the neighboring countries such as Kenya, Somalia, and Sudan for the first time in 1977. The war between Ethiopia and its neighbors Somalia and Eritrea, and the problem related to famine and political unrest in the country, created a mass exodus of Ethiopians in 1977. According to UNHCR data, the number of registered Ethiopian refugees was 91,410 in 1975 and 105,700 in 1976. The number jumped to 655,530 in 1977 (<http://www.therefugeeproject.org/#/1977/ETH>). During the 1980s, over 1.5 million refugees were fleeing the country every year. The period was characterized by political turmoil, extrajudicial killing of political opponents by the then military and pro-Marxist regime, and guerilla fighting between government forces and rebel groups.

During the 1990s and 2000s, the number of refugees from Ethiopia had declined tremendously. The military regime was defeated and replaced by opposition groups who are still holding power in the country. These periods were characterized by relative peace in the country and improved diplomatic relations with Western nations. Ethiopia has become one of the major foreign aid recipients throughout the 90s and 2000s (Lemi, 2007).

Some argued that the Cold War period of 1960s and 70s was characterized by intense diplomatic competition between the Eastern and Western bloc to attract supporters into their respective camps. The competition was also manifested in development aid and refugee treatment programs (Lemi, 2007; Vevestad, 2006). A significant number of Ethiopians were resettled from the neighboring refugee camps to industrial countries, notably to USA, during this time.

However, UNHCR declared and issued directives to terminate refugee status for Ethiopians in the year 2000. The decision has affected many Ethiopian immigrants who sought asylum all over the world (UNHCR Africa fact sheet, 2002, p. 11).

The trend and movement of Ethiopian immigrants to Norway followed the same path as described above. Though their numbers were insignificant, most of the Ethiopian asylum seekers in the 80s and 90s had no problem of getting legal status in Norway. As the Norwegian Statistics Bureau report shows, Norway accepted 1162 Ethiopian refugees from UNHCR in 2010 and 2011 as a resettlement quota program. During the same period, 3853 Ethiopians sought asylum in Norway (www.ssb.no, 2011). The report (SSB) shows that 7096 Ethiopians with refugee background have been living in Norway in 20 (SSB, 2013).

However, due to the strict immigration policy that Norway has followed recently, the number of Ethiopian asylum seekers who are welcomed has declined tremendously. For instance, the Norwegian asylum institutions in 2010 declined 385 out of 566 Ethiopian asylum applications. A report from UNE revealed that out of 432 Ethiopian cases appealed to UNE, only 7.8% of them had their cases reversed by an affirmative decision (UNE.no).

Rejected Ethiopian asylum seekers in Norway are considered an unreturnable group, because the Ethiopian government has not been willing to accept Ethiopians who denounce their citizenship and has been uncooperative with the host nations regarding asylum returnees. Due to this, a number of rejected Ethiopian asylum seekers have lived in various camps for years. Some of them have left the camp on their own, established a relatively stable life in various cities of Norway (Johansen, 2013, p. 116). Even if they were considered illegal by the authorities, some of them managed to earn a living through legal or illegal work, buy an apartment, and establish a family life.

Nevertheless, restrictive measures taken by the Norwegian authorities have deteriorated the living situation of rejected asylum seekers who decided to stay illegally in the country. In 2010, the tax authority denied tax papers for persons without the Norwegian social security number. The tax paper is an essential precondition to working legally in the country. The measure affected many rejected Ethiopian asylum seekers and forced them to emerge from their shadowy life (Johansen, *ibid*).

In addition, a return agreement was signed between the Norwegian and Ethiopian authorities to coordinate an assisted voluntary return program in 2012. The agreement has placed the

Ethiopians in a vulnerable position, in which they no longer feel safe from deportation threat by the police. These two major measures triggered the Ethiopians to search for strategies to protest and challenge the government's decision.

2 Methodology

This chapter presents the study's research methodology. I first explain the reason for selecting a qualitative research approach, especially elaborating on the case study method employed in this paper. I will describe the criteria for choice of informants and the standards for collecting primary and secondary data from various media outlets. I then discuss the narrative and content analysis method employed to achieve the research objective. Finally, I explain a range of ethical measures taken to maintain the confidentiality of my informants.

2.1 Designing the qualitative case study method

This paper investigates two types of protest campaigns, both of which were organized and executed by rejected Palestinian and Ethiopian asylum seekers who were against the deportation decision of the Norwegian immigration authority.

I chose a case study design to gain deeper insight into the research problem. This method is helpful for discovering a phenomenon within the subjective reality of the social group under investigation (Yin, 2012, p. 4). Observing groups' actions closely and interviewing participants are seen by researchers as the best approach to understanding the meaning people attach to their experience and how they make sense of their world (Yin, *ibid*). The qualitative research method helps to describe simple or complicated events and incidents from the wider social perspective. It enables the researcher to utilize a broad range of data collected from different sources (Yin, *ibid*). The importance of the case study method goes beyond gaining insight on research problems, and it can also be used to test a hypothesis and draw theoretical conclusions on the subject (Gomm, 2000, p. 169). Taking all these qualities into consideration, the qualitative case study method can, therefore, produce deeper information for the research questions under study.

2.2 Data collection

The rejected Ethiopian and Palestinian asylum seekers who actively campaigned against the Norwegian immigration authorities in 2011 were the study's target group. There were two primary reasons for selecting these groups. First, most of the rejected asylum seeker groups would in practice either be automatically deported or would disappear from the eyes of the authorities. They could not have the time nor the opportunity to organize prolonged protest actions. Second, the attempt to reach other asylum groups such as the rejected Iranian and

Afghan asylum seekers, who had irregularly protested against the immigration authorities, had failed because unlike their Palestinian and Ethiopian counterparts, most of the rejected asylum groups do not have an organized office in Oslo. Since the Palestinian and Ethiopian groups were treated as non-returnable by the Norwegian authorities, they were somehow safe to engage in public protest. They organized extensive protest campaigns in 2011. This thesis is aimed at understanding the result of the conflict between the groups and the authorities within the Norwegian political, social and legal system.

To explore my research questions, I have utilized multiple data sources and collection methods. Narrative interviews of front figures and data from media sources are used as primary data sources. In narrative interviews, respondents are encouraged to tell the story of the group action through their perspectives. It allows them to narrate the political, legal and the social meaning their group attached to their actions (Kvale, 2009, p. 153). Since I was interested in exploring the story behind the organized actions, I decided to interview only the group leaders who were actively engaged in planning, organizing and coordinating the activities.

Second, media coverage from the major Norwegian media outlets, which reported the protests between January 2011 and June 2012, were compiled and interpreted as primary data sources. I have utilized the “webavisen.no” website to track and sort out media reports related to my topics. In addition, information obtained from the government’s immigration-related policy papers, regulations and legislations were incorporated as secondary data.

My background as an Ethiopian asylum seeker provided me with the opportunity to easily recruit informants from both groups. I contacted the Ethiopian Asylum Seekers Association in Oslo to make the first contact with informants. However, due to the time gap between the action and the writing of this paper, it had been a bit difficult to find those representatives who led the protest. All the previous campaign organizers had been replaced by new ones by the time I made first contact. Some of them had even distanced themselves from the group due to internal conflict while they were in action. I had to reach these individuals informally through their friends.

At the beginning of 2013, the rejected Palestinian asylum seekers, together with other civic organizations, had organized a conference in Oslo. The aim of the conference was to discuss alternative strategies for future anti-deportation campaigns. By participating in the meeting, I used this opportunity to meet and recruit my Palestinian informants.

Choosing a representative sample of the study population is a crucial factor for any qualitative or quantitative research (Johannessen, 2010, p. 103). The main purpose is to select informants who are more knowledgeable about the group and action under the study. Since I had already decided to conduct an interview with group leaders as key informants, I broadly classified informants based on the main campaigns executed by the two groups. For the purpose of determining the number of informants, I divided the protest actions into three major campaigns. First, the major notable protest campaigns carried out by Palestinians entailed a one-year-long stay in tents in the heart of Oslo. Most media outlets in Norway reported the protest as the longest action ever made by immigrants in Norway. This campaign was led and actively coordinated by two Palestinian representatives, whom I recruited as informants. The Ethiopians, on the other hand, carried out various campaigns in addition to frequent demonstrations in Oslo. The hunger strike and the journey to the UNHCR office in Stockholm were the two important campaigns for the Ethiopian group. The interview process for Ethiopian group includes two persons from representatives of the hunger strike and two from those who led the march to Sweden campaign. Out of the three major protest campaigns, I had chosen a total of six informants; two from the Palestinian and four from the Ethiopian campaigns.

The next step was to explain the objective of the study and guarantee confidentiality to informants. I explained that participating was entirely voluntarily and asked informants for their permission to tape record the interview. They were told that the interview tape would be handled only by me, and it would be erased as soon as the report writing was complete. I further assured them that they could withdraw their consent at any time. The informants were told that the study was purely for academic purposes, and thus it could not jeopardize the group in any way. This information facilitated a smooth relationship with informants. Finally, having a common background had helped me to establish trust with informants. Informants were friendly, helpful, and willing to share their experience with me. Obtaining voluntary consent from informants was vital and useful for acquiring the qualitative data for this study.

The interviews were conducted in English except with one informant from Ethiopia, who preferred to use his Amharic language. Since I am also from Ethiopia and speak the same language as the informant, there was no communication barrier during the interview. Rather, I found the discussion rewarding in such a way that my informant was able to describe the situation in detail. The interview with Palestinians was conducted at their office, which they share with Norwegian Center Against Racism. I interviewed the Ethiopians in bars and coffee shops.

Finally, the study might not represent the attitude of all rejected asylum seekers, instead being confined to those individuals who organized themselves and campaigned to legalize their status in Norway. However, the result can be generalized to other groups who, due to geographical proximity or other reasons, were unable to join the protest.

2.3 Data analysis

I have utilized a combination of narrative and content analysis to interpret and analyze the data. First, a narrative analysis was used to interpret the interview data. Respondents were asked to describe in detail how they planned and executed the campaigns. The study was not directed at explaining the importance of the action itself, but it aimed to identify the rationalization that the protestors assumed behind their action. The responses were categorized into key terms, such as selected targets—i.e. the target they opposed and the target audience to whom they appealed. Furthermore, the selection criteria for the campaign type and strategy, along with the expected protest outcome, were used as key terms for categorizing and analyzing the interview results. These results were used to see how the protestors interpret their position in the society as rejected asylum seekers, and how they perceive their rights and obligations from Norwegian and international legal perspectives. Finally, the results were analyzed from the response of the political, social and legal institutions from the Norwegian and international perspectives.

Second, a content analysis method was used to categorize and interpret data obtained from various sources, like the media, websites and official documents. This process helped channel the bulk of information from these sources into manageable data with direct relevance to meaning and context of the investigated topic (Gribch, 2013). The media report was useful to acquire a complete picture of how the immigration authorities, the politicians, NGOs and the public were responding to the campaign. The responses given, the action taken by the authorities, and the rhetoric of the politicians and the media during the protest time were all used to interpret and analyze the results.

Finally, the entire research process, from the study design to data collection and interpretation, was guided by a theoretical framework and a hypothesis. Having a theoretical framework as an analysis instrument has multiple benefits for the researcher. First, it makes it possible to describe thoroughly and analyzes data without necessarily coming up with a new theory. Second, it gives the researcher the freedom to apply his or her personal and professional experience in analyzing the data (Johannesson et al., 2006). In this study, the theory of

juridification is used as a primary theoretical framework to analyze and interpret the data. Some of the political strategies forwarded by Thomas Mathiesen (1978) in his book entitled “Power vs. Resistance” will be used to analyze the strategies employed by the protesters.

2.4 Validity and reliability

The data and method validity and reliability in any scientific research is the most important issue that any researcher has to deal with. The term validity refers to evaluating the quality of the findings produced by the research (Kvale et al., 2009, p. 245). The researcher should take validation questions seriously during the entire research process.

For the purpose of this study, the question of objectivity, or distancing myself from the group I studied, was the most challenging problem. My background as an asylum seeker would automatically lead to objectivity issues in the research results. However, in order to establish data validity and reliability in my research, I started by carefully constructing the interview questions to focus only on the specific actions organized and executed by the groups. In addition, I validated my data by checking, rechecking and comparing interview data with media and other secondary sources. In order to avoid the danger of personal bias and prejudice, I have tried to adopt different theoretical perspectives while interpreting the data.

2.5 Research ethics

Social science research requires careful ethical considerations, since it deals with human subjects. The National Committee for Research Ethics in the Social Science and Humanities (NESH) recommends extra caution while doing research with vulnerable groups (Johannesson et al., 2006). Since immigrant groups are regarded as vulnerable, I carefully applied all the recommendations of NESH during the entire research process. During the interview, I had obtained consent from my informants. Since individuals were not the target of this study, personal data was not collected. The group actions and rationalizations behind their actions were the focus of this study. Finally, anonymity of informants was respected and reflected in the final report.

3 Theoretical perspectives.

This thesis employs a theory of juridification to address the interchangeable influence of law and politics in modern social life. The theory of juridification and the role of communicative action, as articulated by the German philosopher and sociologist Jürgen Habermas, was selected as the paper's theoretical framework. His concept on the colonization of lifeworlds by system paradigms and the validation process in social communicative action is important for understanding the dynamics of social life in modern times. In this paper, the theory is used to analyze how immigrants with different lifeworld experiences interpret and validate the decision of the authorities and vice versa. Second, the theory of juridification serves to show how immigration laws have changed frequently over time and how these dynamics affect immigrants. This paper looks into juridification of immigration laws from the Norwegian experience, and how it affects the rejected Palestinian and Ethiopian asylum groups to make effective anti-deportation campaigns.

3.1. Juridification of social life

There are different definitions on the term juridification. Habermas defined juridification as the increase of formal laws in modern society (Habermas, 1987, p. 357). Teubner (1987) defines juridification as not only the increasing volume of formal laws, but also as actively playing a significant role in shaping society and social institution. Some defined juridification in terms of the interchangeable influence between law, elected politicians and the bureaucracy (Aasen et al., 2014, p. 2). The Norwegian power survey report (2003) described juridification as a process of regulating the larger parts of social life by the legal system (Papendorf, 2012, p. 27). The process of the increasing proliferation of legal norms, laws, directives and regulation in the day-to-day life of modern society is referred to by most academics as the process of juridification.

Killon (2009) quoted Blichner and Molland (2005) defines the term juridification using both descriptive and normative meanings as follows.

In descriptive terms some see juridification as “the proliferation of law” or as “the tendency towards an increase in formal (or positive, written) law”; others as “the monopolization of the legal field by legal professionals”, the “construction of judicial power”, “the expansion of judicial power” and some quite generally link juridification to the spread of rule guided action or the expectation of lawful conduct, in any setting, private or public. These are but a few of the shorthand

definitions presented in the “juridification literature”. In normative terms juridification is sometimes seen as the hallmark of constitutional democracy, the triumph of the rule of law over despotism; at other times as undermining not only efficiency, but also democracy and civil society, for example in the form of “legal domination”, and eventually the rule of law itself. (Kellion, 2009)

Habermas distinguishes between four phases of juridification in recent history. The first stage began with bourgeois state formation in Western Europe, when state and the economy separated as two sub systems. At this period, civil law was introduced, in which individuals’ right to have and to protect property was respected. The right to enter into mutual agreement and sign a contract between individuals were protected by law. At the same time, this stage was characterized by the consolidation of sovereign power, where the state monopolizes the exercise of power inside its territory (Habermas, 1987, p. 358). The second stage was characterized by the formation of the constitutional state. The introduction of civil rights gave individuals the right to life, liberty and property. The administration power is regulated by the constitution and constitution protects citizens against the arbitrary intervention by the sovereign power. This stage gives more power to the legal system than to politics, and the power of the judiciary, such as jurists, lawyers and judges, grows in proportion to the power of the executive (Papendorf, 2012, p. 15). The third stage was marked by the development of a democratic constitutional state. Citizens were given the right to participate in the political process, and the state’s power was separated among the legislative, executive and judicial institutions. The ultimate power at this stage rested on citizens (Habermas, *ibid*). Laws reflect the general interest of the citizens, which binds legislation to parliamentary will-formation and public discussion (Habermas, 1987).

However, the emergence of international and regional human rights and economic institutions with the ability to provide laws and regulations diminished the sovereign power. Juridification at this stage transferred some authority from democratically elected parliamentarians to international and regional bodies (Andenæs 2006; Aasen 2014). The Norwegian Power Report depicted juridification as a transfer of power to the judicial body and to the court (Magnussen, 2013). The fourth phase, according to Habermas, juridification was characterized by the continuation of the democratic constitutional state that emphasizes social welfare or welfare states.

The welfare state focuses mainly on the provision of social rights to citizens. The state becomes the ultimate provider of necessary social services such as education, health services, basic material subsistence, etc. to citizens. The intention is to protect citizens from the risk of life, such as unemployment, poverty, illness, old age, etc., so that citizens would consciously participate in the democratic process (Aasen, 2014, p. 4). The period is characterized by heavy state intervention into individuals' social, political and economic life. The social democratic state regulates the economy by setting a minimum wage tariff, limiting working hours, protecting employment and providing welfare rights to stabilize the power balance in society (Papendorf, 2012, p. 45).

However, Habermas and other critics argued that the law in the modern welfare state is ambivalent in nature, as it creates an opposing and conflicting effect on individuals. While modern laws have a function of guaranteeing freedom, they also function by depriving freedom in modern society (Habermas, 1987; Teubner, 1987). He elucidated the ambivalence nature of juridification of social life as follows:

“... Juridification means, in the first place, the establishment of legal principles: recognition of the Child's fundamental rights against his parents, of the wife's against her husband, of the pupil's against the school, and of the parents', teachers', and pupils' against the public school administration. Under the headings of “equal opportunity” and the welfare of the child”...”(Habermas, 1987, p,368).

Habermas illustrated the ambivalent nature of the welfare state law by revealing juridification of family law in relation to child custody litigation. Habermas, citing Smith (1979), explains that the child custody law robs the privilege of the parents and makes the state the granter of welfare to the child. Second, the juridification of the family, which was intended to emancipate members of the family from domination of the patriarch, leads to a new type of dependency: To obtain assistance, family members have to claim dependency on the state and its instrument of violence. Juridification of school system entails breaking up of socialization process into legal bureaucratization (Habermas, p. 370).

In his critique of juridification of social relations, Habermas argued that welfare endangers the freedom of individuals in various ways. First, the individual's life is defined by legal conditions in such a way that entitlement to social welfare benefits should fulfill certain legal obligations. Second, experts handle cases only from the legal point of view to administer welfare claims. Lack of personal contact creates social and psychological distance between the client and the

administration (Habermas, 1987, p. 363). Third, since compensation for welfare claims is made financially, it leads to monetization of social problems. Finally, provision of social welfare by the modern capitalist society erodes social solidarity. Bureaucratically administered institutions replace traditional ways of socially organized relief work by families, neighborhoods, churches and other religious groups (Habermas, Ibid; Loick, 2014, p. 761).

Teubner argued that juridification has to be seen in terms of the law's regulatory function (Teubner, 1987, p. 5). The most important argument is that the social pathology of juridification of social relations limits the capacity of individuals to participate in social cooperation (Loick, 2014, p. 765). Laws have been structurally coupled with politics and become instruments for state intervention in the day-to-day lives of citizens. States produce more legislation to control and regulate certain social environments. Teubner (1987) argued the more laws produced to regulate certain social environment; the more law strained extensively, became ineffective, and result in a lack of enforcement of law or law loses credibility.

The concept juridification has been used by different social scientists to make empirically analyzes and to address the implication of juridification in various social relationships. There is no consensus among scholars about the definition of juridification and its practicability of the concept to explain social phenomena in empirical terms. Scholars have debated about the relationship between law and politics and the reciprocal influence of law on politics and vice versa. Others, such as defenders of human rights accuses the infringement of the law by the political system, which resulted in undermining human right principles.

Early in 1950`s, Social scientist such as Otto Kircheimer applied the term juridification to recount the process of changing the political conflict into legal disputes (Papendorf, 2012). Instead of solving political conflict politically, struggles between political parties and organizations has been taking legal character. Teubner (1987) recited that labor conflict in capitalist society resolved mostly in the court of law. However, Teubner argued that expropriation of human conflicts by formal law does not fulfill proper conflict resolution, but it alienates conflict from the social milieu. He suggested bringing back the conflict resolution function of law to the people that find a solution with socially acceptable manner such as arbitration, community courts and social courts (Teubner, 1987).

Furthermore, Habermas (1987) argued that the provision of welfare in capitalist society makes social conflict harmless. The political system gives protection to the capitalist economy, which in turn contribute enough money to distribute as welfare provision. Habermas argued, "Labor

and political alienation will not grow into explosive conflict in welfare society” (Habermas, 1987).

Other social science scholars see the process of juridification in terms of replacement of politics with legal decisions and law. These groups of researchers argue the tendency has become a danger to human right protection and civic liberty (Davis, 2010). Davis argued juridification process allows the executive branch to avoid blames in times of violation of human rights. He referred to UK’s anti-terror law, which justified the detention of UK nationals without due process of law (Davis, 2010). In times of emergency, it will be easy for the executive body to suggest law amendments to the legislators because, in a democratic society, the majority of parliamentarian are also a member of the ruling political party. According to Davis (2010), the trend undermines the rule of law as objective and weaken the democratic process (Ibid).

In addition, social science researcher as Leila Kavar (2014) discussed repeated litigation of immigration in the court of law by lawyer’s in France led to juridification of immigration practices, which in turn resulted in legitimation of the administration. In France, a group of activist lawyers had repeatedly challenged the decision of immigration authority before the highest administration jurisdiction called France’s d’état, which are responsible for maintaining the rule of law in France. Kavar (2014) in her article commanding legality argued that the result of repeated litigation did not improve immigrants’ right but instead led to changing the language of governance and legitimizing the state institutions (Ibid). The government adopted the language of the court decision to formulate its future policy and administrative routine in legal terms. She concluded, “Through the process of juridification, French administrative institutions have become a relatively more legalistic and thus publically acceptable apparatus for the exercise of state authority over immigration and immigrants” (Kavar, 2014).

Some commentators raised concern about the late development of ignoring international human right laws by industrial countries regarding refugee matters. Fekete (2005) revealed how the European countries treatment of unsuccessful immigrants undermines both the Geneva Convention and other international human right conventions. She argued that several European countries to make matters worse, ignored UN convention on the right of children, and they engaged in deportation of children to the danger zone (Fekete, 2005).

However, other scholars have pointed out the positive implication of juridification process in social relationship. Magnussen (2013) argued the increase in formal laws contributed to safeguarding individuals and group interests in democratic society. She stressed the need for an

extensive regulation to strengthen political decision-making democratically. Formulating rules and regulations explicitly would help to protect the right of vulnerable group in the society (Ibid). In addition, Habermas (1987) gave credit to the law since it holds a significant social integration and social solidarity function in modern society. According to Habermas (1987), in multicultural and complex society law has become the only source of social solidarity and integration between strangers (Killon, 2009).

3.2 Colonization of lifeworlds by the system

In developing his concept of a life-world, Habermas defined society as a meaningful whole and a self-maintain system. The lifeworld comprises the objective, the social and the subjective world , which communication action relied upon to achieve social and system integration in the society (Killion, 2010).

The fact that modern society is largely based on the rule of law helps to legitimate the state's functions. Habermas described the phenomena as the system's colonization of the lifeworld. First, he explained how the modern legal system has become a source of morality, and how law replaced the social integration function of society. He also argued the development of the organized state system detaches power from kinship structure to judicially legitimated political power. Membership in society shifted from being based on collective consciousness to a legally recognized citizenship contract where the individual accepts the state as the ultimate power-holder and is willing to obey it. In turn, the state acquires its power from the legitimation of the society (Habermas, 1987, p. 170).

Society's social integration function shifted from religiously sanctioned norms to the profane worldviews developed by language. The moral foundation of traditional societies was founded on something sacred and its associated ritual practices. Adopting Durkheim, Habermas argued that a collective of individuals sharing the same religious symbol creates a collective consciousness through normative consensus (Ibid., p. 54). However, in modern societies, those moral values that were shared by society traditionally and sanctioned by religion were transformed into law and sanctioned by state authority (Ibid., p. 80). The state became society's collective consciousness, where the state passes laws that represent the community's general interest. In democratic societies, citizens accept laws as their own because they participate in its making process and arrive at a consensus through communicative action (Ibid., p. 82).

In modern society, social integration is achieved through political domination based on legal rules. The legal norms are in turn recognized and legitimated by citizens. Taking Weber's theory of bureaucratization, Habermas explains how modern society turns into a complex, differentiated entity, where religion and culture lose their power to influence social integration. The economy is organized around purposively rationalized action and efficiency (Ibid., p. 306). Bureaucratization of the administrative system of government and the separation of the economy from politics means that power and money become the steering forces in capitalist society.

When the state and economy are highly differentiated and become the steering forces, they separate themselves from and become indifferent to the lifeworld. Habermas uses the performance of organizations to illustrate this idea. Organizations in a capitalist society are indifferent to the individuals they employ. The relationship between employees and the organization is based on voluntary membership, willingness of individuals to follow orders and efficiency. The organization detaches itself from the culture by providing its ideology and at the same time it detaches itself from society's normatively and customarily organized action. Action is rather organized around efficiency and legal rules. Communicative action as a medium of mutual understanding loses its meaning (Habermas, 1987, p. 309). Individuals are not expected to reach consensus, but to follow the organization's rules and regulations. Individuals become goal oriented rather than communicative actors who seek mutual understanding (Killon, 2010, p. 10).

The state claims validity of its action directly from the written law. The political system is uncoupled from the lifeworld and replaces it by the system of bureaucratization and rationalization. The individual's legal right to participate in the political system is respected by law but only through a bureaucratically administered electoral process. Through the juridification process, politics systematically uses the legal system for its steering purpose (Papendorf, 2012, p. 45).

In a modern capitalist society, the private life of individuals is controlled by the economic system while the public sphere is dominated by the political system. Individuals turn into consumers and become more competitive and more individualistic in orientation. The political system, using a bureaucratically organized method of administration, uncoupled itself from seeking public legitimation. Political power finds legitimation from the legal procedures, like the electoral system, which in reality limits the public's political participation (Habermas, 1987,

p. 343). Furthermore, the late capitalist society, driven by the market economy and motivated by profit, has close ties with the state apparatus. When the market economy fails to function properly, the state intervenes to bring balance to the system and to avoid conflict that threatens the status quo.

At the same time, the political system attracts mass loyalty by providing welfare that in turn is financed by the market economy. Habermas argued that the welfare system is not primarily intended to alleviate social ills but to pacify social conflict that might arise due to the ill function of the capitalist economy (Ibid). Second, the welfare system is intended to cover part of the economy, such as public transport, health, education, water and road construction, in which private capitalists are not interested in investing. In addition, the welfare system helps the state to pacify political conflict by legally institutionalizing collective bargaining and by giving all citizens legal entitlement to social welfare (Ibid., p. 347).

Habermas's theory of juridification and the system's colonization of the lifeworld are relevant to this study in three ways. First, since the law has become the source of morality and social integration, it would be difficult for strangers to obtain solidarity from society. Social solidarity in modern society can only be achieved via law (Killon, 2010, p. 11). Second, the public sphere is a sphere where citizens are directly involved in the political process. Public sphere is an arena where political parties struggle to win the public legitimacy and acquire political power. However, the theory argues that in the modern state, the politics is uncoupling itself from seeking legitimacy from public opinion and being replaced by legal domination. The public sphere is replaced by bureaucratically organized ways of administration. Critics like Otto Kirchheimer and Thomas Mathiesen utilizes the term juridification to explain the process of shifting political conflict into judicial matter. Instead of solving political conflicts politically, the struggle between parties takes legal character (Papendorf, 2012, p. 39).

Third, in the modern capitalist society, the state governs by using the legal system. The executive branch produces more laws to regulate the social relationships and the lives of individuals in society. However, Papendorf (2012) argued that the legal system does not equally satisfy the needs of all society's groups. In his study of free legal aid for Norwegians, he claimed that legal needs of minority groups are not fully covered by the system. Citing an example from Aftenposten newspaper, he showed how 12 out of 19 rejected asylum seekers had their decision reversed due to the legal aid they received from the Norwegian Lawyers Association (ibid., p. 126).

To conclude, immigration is a political issue. Who shall be inside and who shall be outside the sovereign territory is the decision of the government. A recent study revealed that more laws are produced on immigration areas that result in limiting immigrants' rights and legitimizing the immigration institutions (Kawar, 2014, p. 95). Immigration policies, laws, regulations, and practices are incorporated into the legal language to justify the political decision. Davis (2010) argues that juridification of immigration laws allows the executives to avoid blame for their decision (Davis, 2010, p. 1).

3.3 The theory of communicative action

In his theory of communicative action, Jürgen Habermas (1987) has elucidated the relationship between the lifeworld and system paradigms. He combined George Herbert Mead's theory of socialization and the development of the self, Emil Durkheim's theory of social solidarity and social integration, Max Weber's theory of rationalization and bureaucratization, and the works of Marx, Parsons and others to construct his theory of communicative action. Habermas argued that communication through language is a source of socialization, social integration, mutual understanding and action coordination functions in society (Habermas, 1987, p. 9).

According to Habermas, society survives, maintains and reproduces itself through rationalized coordination of action using the communication medium. Through communication, society socializes and teaches children about its culture, norms, and values and lays the foundation for its continuity. The child learns about his social world by normatively guided interaction within society. Adopting the idea of Herbert Mead (1962), Habermas explained that society assigns roles, and individuals have to play in accordance with the group's norms. The child imitates these roles when playing and internalizes the norms associated with different functions. In addition, through role playing, a child learns to take the attitude of the group he belongs to as his own. "We are what we are through our relationship with others" (Habermas, 1987 cited from Herbert Mead, 1962). He argued that knowledge, culture and experience of the community are transferred to individuals through socialization. Furthermore, this accumulated culture will be used as part of the lifeworld that individuals refer to while they communicate with each other and try to reach mutual agreement (Ibid).

Communicating actors are always engaging in validating process of each other's speech from the available lifeworld structures in order to achieve mutual understanding and coordinate their action. Habermas distinguished between three types of lifeworld structures to which actors

orient themselves to reach a consensus. The objective world serves to validate the truthfulness of an actor's utterance. The social world, which includes societal norms, morals and values, are part of the lifeworld that actors rely on to validate the normative appropriateness of their speech. Finally, the subjective world is the individual's knowledge, experience and status against which his communication act will be judged.

According to Habermas, participants in a communicative act should always interpret, define and redefine their communicative act based on these three lifeworld structures. However, individuals cannot define and redefine or interpret these worlds as it fits them. The lifeworlds are predefined, culturally transmitted stocks of knowledge where the individuals pick among them for communication purposes (Ibid., p. 122–126).

However, as society becomes differentiated, the lifeworld structures have to be revised continuously. Otherwise, rationality of the available knowledge will not be adequate for validating the new situation. This creates, according to Habermas, an anomic situation and raises conflict in society. It will also cause a feeling of alienation among individuals (Ibid., p. 143).

Communication failure can be cited as the initial cause of conflict between immigrants and the host nations. The receiving states and immigrants try to validate the communicative act, reach a mutual understanding and coordinate immigration action, based on different lifeworld structures.

The theory of communicative action emphasis on the importance of communication on social integration, socialization, creating mutual understanding and coordinating action function of the society (Habermas, 1989). Different groups in the society pursue their goal based on shared definition of the situation in the communication act. In order to attain their goal, reaching consensus and mutual understanding is imperative, and this helps actors to avoid disagreement, misunderstanding and failure in action coordination (Ibid, p.127). Schultz and Luckman distinguished between interpreting a situation and carrying out a plan of action in a situation using the lifeworld.

“The actor, in order to develop his plan of action has to interpret the situation pragmatically. ...but the interpretation relies on the already existed stock of knowledge that is available for the actors in the lifeworld” (Ibid, p.128)

In addition, communication is the most important element in exercising power. According to Weber, the power holders use symbols, uniforms, medals and direct command language to influence others to act or not to act. The person with power has to make sure that the recipient person or groups have got and have understood the message (Bjørge, 2009).

Immigrant recipient countries utilize a lot of money and other resources to provide language training and facilitate transfer of their social and cultural knowledge to immigrants who have been given permission to stay in the country. However, recent studies, and media coverage shows that both the immigration authority and immigrants seem unable to reach consensus and mutual understanding on voluntary return programs. When the regular channel of communication fails to bring the desired result, one or both parties resort to alternative communication method. I want to elaborate this idea borrowing the concept of “taking the attitude of others” as discussed in communicative action theory.

Gorge Herbert Mead (1863-1931) coined the concept of “taking the attitude of other” in his study of social psychology. Language according to Mead is something that develops from the interaction of two or more organisms. The interactors interoperate each other’s gestures and make a meaning out of it. By taking the attitude of other Mead meant that the first speaker interpret his gesture as how the other part interpret it, and at the same time he make sure that the other party understand and respond to the gestures, as he wants it (Habermas, 1989). Mead indicated that communicative actors always take the attitude of each other in order to influence the outcome of their action (Ibid, p.14).

The Norwegian immigration authority, in its 2013 spring conference on return discussed communication failure between the authority and some group of rejected asylum seekers. In the conference, immigration officials discussed methods to convey to immigrants what it meant by the final decision of the authority and the consequence associated with it. Moreover, in the conference participants tried to comprehend why some rejected asylum seekers chose to ignore the authority’s final decision by persistently rejected assisted return program. The problem compelled the authority to employ different methods and strategies to motivate or force these groups to return to their home country voluntarily. Nicolay B. Johansen (2013) in his recent article entitled “Elendighetstrakten”, points out different kinds of strategies that the Norwegian government adopted in order to force failed asylum seekers accept the deportation decision. According to Johansen, “Elendighetstrakten” is not deportation decision as such, but denying the fundamental human rights such as housing, work, health service and the likes in order to

pressurize failed asylum seekers to leave the country voluntarily (Johansen, 2013). The authority assumes the attitude of rejected asylum seekers when it draws tough policy measures to force immigrants leave the country. The assumption is, when life is getting tough in the host country, those unwanted immigrants would not have much choice but to cooperate with assisted return program.

Immigration is a costly business both for immigrants and for host countries. Defining immigration criteria for admission or rejection is determined by the host nation based on the available lifeworld structure. Immigrants cannot have adequate prior knowledge or understanding of normative regulations of the host country, and they have no possibility of being involved in defining immigration policies. Their needs to immigrate are legitimated by the political, economic or social problems from their lifeworld experience. On the other hand, it could be difficult for the host society to validate, for example, how failed asylum seekers for years waste their life in asylum camps. In its spring 2013 conference, UDI tried to make sense of the motives behind rejected asylum seekers' resistance toward voluntary return programs. In defining the situation, both parties referenced their own lifeworlds to validate the rationality for decisions. According to Habermas, failure to reach a mutual understanding leads to loss of meaning and legitimation crises (Habermas, 1987, p. 127).

3.4 Can rejected asylum seekers legally organize protest campaigns against the host's sovereign power? A reflection on Thomas Mathiesen's theory of "power and counter power."

Thomas Mathiesen is a Professor of Sociology of Law at the University of Oslo. In his book entitled "Power and Counter Power" (1982), he has developed a political strategy that any interested group could follow to resist domination by power holders. He suggested that his strategy would be helpful and would serve as a useful tool for action groups who are outside the mainstream parliamentary system (Mathiesen, 1982, p. 15). Since rejected Ethiopian and Palestinian asylum seekers are outsiders to the Norwegian social, political and legal system, it would be appropriate for this paper to use Mathiesen's counter-power political strategy as a lens for critically examining the groups' protest actions.

Thomas Mathiesen (1982) defined the concept of power as the authority that individuals or groups exert on social relationships; power is the ability to give an order and have that order

followed through. Engelstad (1999) defined power as not only the authority to make others do something, but also the ability to influence or deny others a freedom of action (Engelstad, 1999, p. 28). Mathiesen argued that there is always a willingness and determination on human beings to resist domination from power holders. He defined counter power as the desire by other groups to oppose, and the courage to resist an order for the dominant groups (Mathiesen, 1982, p. 35). It is possible to resist and become an oppositional counter power amid powerlessness.

However, a number of factors can hinder minority groups from organizing active political opposition and becoming a counter power within the social system. The main factors lie in the minority group's lack opportunity to come together around the same objectives and create a strong organization. Such groups require economic, social or political resources to be considered as a threat to power of the ruling groups. Second, the power holders typically utilize various strategies to keep these groups powerless. At the same time, the feeling of futility and insignificance by the minority hinders individuals from joining groups and engaging in group action (Mathiesen, 1982, p. 9).

Mathiesen has identified three broad areas where the power holders and action groups struggle to influence each other. The public arena, social norms and socio-material relationships are the major contending areas where opposition is possible in society. Subduing group solidarity and making joint action unrewarding are some of the strategies that power holders often use to defeat opponents. The opposition groups, on the other hand, can counter attack by using these three broad areas to their advantage.

For starters, public space is an important battlefield for both power holders and oppositionists to instill pressure and influence each other. Public space, according to Mathiesen, is an arena, where ideas, meanings and opinions are created and recreated in society. It is a place where political, economic and social ideas and attitudes will be introduced and maintained. Public space can be seen as a battleground for individuals or groups to control and force ideas on each other. For Mathiesen, the groups who win the public arena control society (Ibid., p. 82).

Borrowing the Herbert Mead's concept of "generalized others," Mathiesen illustrated how an individual's behaviors are created and controlled by the group he or she belongs to within the public space. Individuals acquire their identity by internalizing the attitudes of their family, peers, schools, workplace and finally the attitudes of society as a whole. Furthermore, when citing Habermas, he stated that societal opinions are produced by a few resourceful individuals

and groups. He argued that groups could conquer the attitudes created by generalized others with economic and political dominance in society.

Mathiesen indicated that public opinions and meanings historically were established by aristocrats. After the emergence of coffee houses and salons, ordinary citizens started involving themselves in debate and creating societal opinion. The development of communications technology and mass media has created a favorable condition for all community members to engage in the public space. However, he contradicted Habermas's idea that modern society is becoming a passive recipient of opinions and meanings produced by mass media. Instead, Mathiesen claimed that groups or individuals who are willing to fight for it could overrun those public spaces that are controlled by resourceful and powerful groups (Ibid., p. 82).

The mass media is a useful instrument for both groups to conquer public support. Using media, the power holder present the opposition groups as nonexistent and not trustworthy, and their causes and actions are described as meaningless and dangerous to the public interest. Diverse interest groups, political parties, civic organizations and individuals are also competing in public space to influence the attitudes of the general population. Those parties who can instill their ideas win the public. At the same time, civic organizations, environmental groups and other interest groups fight for the same public space to get recognition and to promote the interest of their groups. The central question for this research is how rejected asylum seekers compete in the public sphere and make their plight heard by the public.

First, creating competent and success-oriented group organization is essential to resist effectively the power holders. In modern society, life in general, is measured by the success of individuals and groups in their economic endeavor. Individuals calculate profitability or chances of success before joining group membership. At the same time, society judges merits of the group actions according to their accomplishment. This in turn influences public support towards the group, and at the same time determines strength and weakness of solidarity among the group members. This sort of normative orientation either compels group members to surrender or withheld for pressure from the power holders.

Second, opposition groups can counter attack by strategically adhering to social norms. Social norms determine what type of goal and objective individuals and groups should pursue within the social system. Adopting "Jante law principles," Mathiesen explained that individuals or groups should conform to the social norms. Failing to comply with norms leads to the

characterization of individual or group action as untrustworthy and inappropriate (Mathiesen, p. 141).

Organizing concrete opposition against the power holders is dependent on the group's association with society's socio-material structure. In the capitalist system, the labor force is one of the major economic backbones; without its contribution, the system collapses. Such groups hold counter power potential against the capitalist system. Since they own important elements of the means of production, namely labor, they can oppose by withholding or terminating their contribution to the production process. As capital and labor depend on each other for survival, termination of one's contribution affects the other (Mathiesen, 1982, p. 176). Similarly, society is a source of political legitimation in democratic countries. Those who participate in the democratic electoral process have power via their ability to give or withdraw legitimacy to the ruling party.

Finally, rejected asylum seekers can be categorized within the excluded part of the host society. They hold neither production nor legitimation means to threaten the power holders to respond to their demands. For the purpose of this paper, I selected the public arena and socio-material level to analyze the strategies employed by Palestinian and Ethiopian groups when organizing anti-deportation campaigns.

4 Anti-deportation campaign: The cases of “Stop deportation” by Ethiopian and “ Give us a damn paper “ campaign by rejected Palestinian asylum seekers in Norway

In the following chapters, I will present the 2011 anti-deportation campaigns organized by the rejected Ethiopian and Palestinian asylum seekers in Norway. First, I will summarize how my informants interpreted the whole social system in relation to the immigration administration process in Norway, and how they understood their social position as rejected asylum seekers. To gain insight into the rationale behind such organized action, I asked my informants to explain how they look at themselves as oppositionist to the Norwegian government. I inquired on whom they targeted as opposition and whom they consider an ally to their anti-deportation campaign. Second, I will present the actual campaigns and their outcomes as understood by my informants and as reflected in media rhetoric. Finally, the findings will be analyzed using counter-power strategy from the political perspective and juridification of laws from the legal perspective.

4.1 Interpreting the decision from the immigration authorities

One of my main research questions revolves around how my informants explained the negative decision they received from UDI and UNE. What did they expect after their asylum applications were rejected? Moreover, what motivated them to protest against the system? What kinds of alternatives are available for them to contest the rejection? Looking carefully at the type of protest action organized by the group and the institution they targeted, can give a clue into how the protesters interpret the system. My informants blamed politics for denying them access to the system, and they explained that the protest campaigns were organized to challenge the government.

4.1.1 Asylum practice is nothing but politics

Informants blamed the politics of asylum and competence of caseworkers in immigration institutions as primary reasons for failure of their asylum application. For starters, according to the interview transcription, almost all informants believed that Norwegian immigration practices are mainly motivated by politics rather than by the original intention of protecting human rights. Sources claimed that they were a victim of an unfair decision from the political system.

The Immigration Directorate (UDI) and the Immigration Appeal Board (UNE) are working based on rules and regulations provided by the government. We protested in front of the parliament hundred times, but we had demonstrated just once in front of UDI and UNE. We protested at the parliament because they are the one who made laws for UDI and UNE. However, we found out that the parliament is also weak; they could not change the decision of the government/ the prime minister's office. When the election is approaching, almost every politician is talking about tightening the asylum policies; they talk about reducing immigrants coming to Norway. (Palestinian informant no. 1)

The government was our primary target. We approached many parliamentarians from different political organizations. We demonstrated in front of the parliament repeatedly. Some politicians from the major opposition political parties visited us inside the tent. Unfortunately, some of them were worse than the government itself. (Palestinian informant no. 2)

My informants explained that the majority of their members filed their asylum applications within the UN recommended framework. Lack of a well-functioning state that protects citizens from outside aggressors and fear of persecution from opposition groups inside Palestine were the main asylum reasons for Palestinians. The UN and other human rights regimes recognize these asylum conditions, and the international community has signed treaties and conventions for giving protection to Palestinians.

Nevertheless, informants mentioned that the Norwegian immigration authorities have lately refused to follow the UN recommendation. My informants concluded that the reason for denial of their asylum application was not based on real facts on the ground, but was a result of a political decision. Regulating the number of immigrants entering the country takes precedence over protecting or respecting international and local human rights laws. Informants referred to the policy change regarding Palestinians asylum seekers before and after 2009. In a 2010 study, NOAS confirmed my sources' claims, where UDI and UNE gave 100% positive decisions to Palestinian asylum seekers before 2009, but then held a 96% rejection rate after the new policy came into effect (NOAS, 2010). My informants claimed that it was just a matter of percentage, not protection considerations that determined their asylum application.

One Ethiopian informant pointed to a lack of consistency in case processing procedures both in UDI and in UNE. He questioned the system in light of how people coming from the same

country and having similar asylum applications end up with different answers: “Rather than playing raw politics, the Norwegian government should follow more humanitarian considerations in handling rejected asylum seekers’ cases” (Ethiopian informant no. 1).

Informant number two from Ethiopia described a general misunderstanding from the government’s side. The government tried to see and present asylum seekers as economic immigrants. He further argued that “even if the government said that the asylum application is treated individually, the evidence suggested that most of the rejected asylum seekers are the product of collective decision.”

As my informants explained, the power to reverse their fate rests mainly on the government. However, they realized that the government’s asylum policies are not driven only by humanitarian concerns. They acknowledged that the government has to follow the wish of the population it governs. A government that cannot satisfy the will of the people—society’s economic, political and social will—cannot win an election. My informants believed that the ultimate power rests in the public, because the public gives legitimacy to the government: “If we get mass support from the public, the government could not have a choice but to change its policy” (Palestinian informant no. 1).

4.1.2 Competence of UDI and UNE case workers

Lack of competence or indifference from UDI and UNE caseworkers was mentioned as other major reasons for the protest. Informants referred to the similarities of asylum decisions, both in content and in form, found in most of decision letters from these institutions. The Palestinian protestors claimed that caseworkers in UDI and UNE use a copy and paste method in most of the decision letters. The only differences between the letters were the names and application dates. Ethiopian informants explained that one rejected asylum seeker from Ethiopia had been instructed by UNE to return to Iran, which UNE interpreted as a safe country for an Ethiopian. UDI advised a minor asylum seeker from Ethiopia to not travel to Eritrea because she has been given protection by the Norway government. Such case handling errors can provide a reasonable doubt for asylum seekers to contest their negative decision outside the established asylum institutions.

In support of these statements, a study commissioned by the Ministry of Justice to evaluate the performance of immigration institutions in 2003 revealed various inconsistencies in decision-

making competence of caseworkers at both departments. The report showed that caseworkers tend to give a negative decision when they come across complicated asylum cases. The author also found out that some caseworkers had only one day training on international and national human rights laws. The report further argued that asylum cases that should be granted protection status ended up with permits on humanitarian ground because caseworkers are unable to interpret the conventions appropriately. Another finding from the same report revealed that the caseworkers usually use cut and paste process while writing the decision (Bailliet, 2003, p. 169). A UNHCR study on the implementation of the asylum procedures directives (2010) observed the same results, revealing the following administrative and implementation inconsistency in Greece:

An audit of 202 case files and decisions in Greece found that all but one of the first instance decisions reviewed were negative, and contained a standard phraseology (not exceeding three paragraphs). The 201 negative decisions did not set out a summary of the material facts; did not reference any relevant country of origin information or other oral or documentary evidence considered; did not specify what aspects of any evidence gathered was deemed to be credible or lack credibility, and did not apply any legal reasoning about any facts. There was no other information in the case files, which provided any evidence of the use of legal reasoning to the facts, and the facts, as stated in the application form, were severely limited. The only difference between one decision and another was the name of the applicant, the name, country of origin, and the stated time limit for lodging an appeal. (UNHCR, 2010, p 18) (UNHCR, 2010))

The main problem is where to take the contest when the immigration institutions stick to their decision and follow the same governmental policy. “Give us a damn paper! We are human beings, not numbers,” was one of the leading slogans for the Palestinians protestors.

4.2 Motivational factor and target selection criteria

4.2.1 Democratic political platform

Protest is a democratic right in Western nations. Anybody can complain within the legal limit provided in the country’s constitution. The informants stated that the presence of democratic platform in Norway had given them a chance to organize various demonstrations and protest

actions against the immigration authority's decision. Informant number three from the Ethiopian group explained as follows:

We should not ask permission but should inform the police of the date, time and location of the demonstration. We had organized various demonstration in the streets of Oslo, from central station to the parliament, the Prime Minister's Office to justice minister without problem.

Informant one from the Palestinian group discussed how the Palestinian demonstration secured trust from the police over time.

... In the beginning, a number of police officers were assigned to follow us until we finished the demonstration. Gradually, we managed to do without being accompanied by the police. I think the police began to trust us, and see us not as troublemakers but as groups working for specific goals.

Norwegian civic organizations were the second most significant democratic platform that encouraged rejected Palestinian and Ethiopian asylum seekers to organize protests at a political level. Organizations such as Norwegian Center Against Racism, SEIF, NOAS, Norwegian Church Aid and others had contributed immensely, from providing financial support to participating in anti-deportation protest actions. Rejected asylum seekers are supposed to be excluded from the political, legal and social space of the host country. However, while the Palestinian group has established an association called "the Palestinians Leir," the Ethiopian group founded "the Ethiopian Asylum Seekers Association." Both organizations are registered under Norwegian law as civic associations. These associations work closely with Norwegian civic organizations to promote the interests of rejected asylum seekers in Norway.

Freedom of speech and free media were the third crucial democratic platform that motivated the groups to organize anti-deportation campaigns. Informant number four from the Ethiopian group explained the importance of media:

The media coverage were beyond my expectations. Within an hour, two of the largest media outlets in Norway, TV2 and NRK TV, came to the hunger strike site with their mobile station. They reported the progress live to the public. This was our primary target, and it was successful.

Informant one from Palestine group mentioned that they deliberately targeted the media to reach the Norwegian Public:

Our primary aim was to inform the Norwegian public about our precarious condition in Norway. We wanted the public to join our movement against the government's strict asylum practice. We believed that when we manage to initiate debate in the media, people start talking, and at the same time, it would make things easy for politicians to deal with the problem appropriately.

Finally, my informants explained that in democratic states, it is possible to organize peaceful protest campaigns even if some of those involved are considered illegal based on their status in the system:

The system makes the protest open to all. We ensure that we continue our struggle within the framework of the system, not against the system. We are protesting not for the sake of making noise on the street, but creating awareness to the Norwegian public that the immigration authority is making a mistake in handling our cases. We follow all the legal means as much as possible, not to be on the illegal side. We do not want to give the government the excuse to disperse the protest and shut down the camp. (Palestinian informant no. two)

4.2.2 Shutting all exits

Most research showed that rejected asylum seekers were immediately repatriated by force to their home country. Excluding rejected asylum seekers from work, education, housing and health services has been used as a primary strategy to press failed asylum seekers to leave voluntarily. The intention was to deteriorate deliberately the living conditions of these groups so that they become willing to leave the country voluntarily (Johansen, 2013).

Informant number 1 from Ethiopia raised the lack of alternatives as the major reason to defend the choice behind occupying Oslo Cathedral. He mentioned that most of the rejected Ethiopian asylum seekers who organized themselves during the campaign had been staying in Norway for more than a decade, in some cases for 17 years, without a status. Most of them had established a family, bought an apartment and tried to live as normal citizens do, even if the authority had rejected their asylum request. He concluded that "[t]he Oslo Cathedral had been selected to

serve as shelter because most of the protestors had been thrown out of their job, with income and no place to go.”

The second important issue that my informants raised was the current asylum practice that shuts all other alternatives for failed asylum seekers. It only opens two choices: either participate in the voluntary return program or deport by force. The European common asylum system, the Dublin Convention, and the system of sharing fingerprints between countries made it difficult for failed asylum seekers to find an alternative other than return to their home country. Informants explained that fear of forced deportation by the police had deterred a number of Palestinians from participating in the campaign. However, due to the lack of other alternatives, many rejected Palestinian asylum seekers chose to join the campaign:

Immigration laws and practices in Norway and Europe have closed all options other than those that push us out of Europe. We insisted that the need for protection was there. We claimed that the system might make inaccurate decisions, and the consequence would be dire for us. We asked the politicians to give us the answer to why they wanted to shut other means, as getting protection in other countries, if the government did not want us as asylum seekers in Norway. They should not kill our hopes for good. Some of our friends had complied with the decision of the Norwegian authority and applied for asylum in other European countries. They had been repatriated back to Norway after a while. (Palestinian informant no. one).

This informant said that he did not understand “why the authorities agree to take rejected asylum seekers back while they do not want them to stay in the country in the first place.”

My informants explained that the purpose of the campaign was to show the government, immigration authorities, international and local non-governmental organizations and the society that the system is not perfect. The Palestinian informant claimed that “asylum seekers are the weaker part in the process. We do not have the authority to change the system but have the willingness and the hope that we would attract support from the public to fight the system” (Palestinian informant no. one).

4.2.3 Searching for allies in the system

I asked my informants to tell me to whom they were appealing and how they can help solve their problem. The Palestinian movement was directed to mass support from the general public. The group targeted civic organizations, popular individuals, politicians and legal experts to join the campaign and help them promote rejected asylum seekers' cause to the public.

We were targeting everybody at the same time. We were targeting the media, individuals, universities, schools, institutions, politicians, parliamentarians, artists... We communicated with all and asked them to join us in our movement. (Palestinian informant no. one)

There is a huge lack of knowledge among Norwegian society about our situation in general and how the government and the asylum institutions treated us in particular. Our main purpose was to sensitize the general public about the poorly functioning asylum system, and we want our situation to be visible to others. We were protesting to win the hearts of the people, to show them how their government is cheating them. We hope that when the election comes, society will make the change in the right direction. (Palestinian informant no. one)

The people are the ones who choose their government. To get contact with and to be heard by the government, we have to communicate with ordinary citizens. Our fight is to get more attention from the people. (Palestinian informant no. two)

The Palestinian informants claimed that targeting public support as a strategy had helped the group to acquaint with friendly Norwegian individuals and institutions who honestly took up the fight on behalf of asylum seekers. According to the informants, many Norwegians were engaged, from visiting the camp to participating in street demonstrations against their own government. In addition, many civic organizations supported the campaign in various ways. They provided professional advice, material and financial support, as well as arranged meetings with politicians and the public.

Finally, both groups had sought assistance from the Norwegian media outlets. The Palestinian informants mentioned that the media had given them a fair coverage and reported the groups' causes and plights to the public. Ethiopian informant number four explained his assessment as follows:

The plights of rejected asylum seekers do not usually attract the media's attention and are off the public radar. As long as we kept silent and followed the orders from the authority without complaint, we would not be heard. The protest gave us a chance to awaken the interest of the public and initiate a debate among politicians to do something about the problem.

The Ethiopian group have divided their target audience into four parts: the Church, the public, the legal courts and international institutions. The first strategy the group agreed upon was to seek sanctuary specifically in the Oslo Cathedral. They agreed to go on a hunger strike until the government took them seriously and offered to negotiate with them concerning their asylum status in Norway. They chose the church first, as the facilitator between the protestors and the government officials. Second, the church was also selected as source of protection from police interference. Lastly, it was taken as a bridge to connect with spiritual and moral life of Norwegian society.

According to the informants, the main opportunity the protest brought to rejected Ethiopian asylum seekers was the ability to put themselves in the spotlight and become conspicuous to the public.

The public does not know the extent of rejected asylum seekers' ordeal in Norway. Most people, in fact, do not know rejected asylum seekers were part of the workforce in the country. The majority of failed asylum seekers from Ethiopia had lived, worked, and paid taxes, in some cases for more than ten years. As any human being, some have established a family, have children, bought an apartment and tried to integrate themselves into Norwegian society, even if they lacked an official residence permit in the country. The protest had given the chance for the group to show the human side of asylum seekers. We showed that we were not just a number of rejected asylum seekers from Ethiopia, but also human beings first. (Ethiopian informant no. three)

Lastly, my informants claimed that the protest opened their eyes to how the asylum system functions. Even if the protest did not bring the expected result for all members of the group, some protesters benefited, and their asylum decisions were reversed after a long stay in Norway.

4.3 The Ethiopians' strategy

Two significant policy shifts in the immigration area triggered the 2011 protest campaign by rejected Ethiopian asylum seekers in Norway. As part of its restrictive asylum policy, the Norwegian government had taken a drastic measure and closed rejected asylum seekers' access to legal work in the country. According to Aftenposten, the tax office had revoked issuing a tax card for 1.1million people with temporary social security numbers in 2010. The measure exposed about 500 individuals who were working illegally in the country (Haakaas, 2011, p. 1). There were a lot of rejected Ethiopian asylum seekers who were fired from their jobs due to this measure. Moreover, the Norwegian government began negotiating with its Ethiopian counterparts over repatriating rejected asylum seekers to Ethiopia. The immigration police issued a statement in advance to rejected Ethiopian asylum seekers to cooperate with the voluntary return program before the imminent forced deportation. These incidents, together with living in limbo without legal status for many years, evoked a strong reaction from the asylum groups and initiated the 2011 protest action by Ethiopians.



Photo from Ethiopian Asylum Seekers Association.

According to my informants, frustrated by the latest outcome, a large number of rejected asylum seekers from Ethiopia showed up at the meetings prepared by the Ethiopian Asylum Seekers Association. The main aims of the meetings were to discuss how to avert the danger of deportation, to find an immediate solution to the problem related to means of livelihood, and to derive strategies that could force the authorities to give amnesty or residence to all rejected Ethiopian asylum seekers in Norway.

Informants mentioned that a number of ideas were entertained, and participants in those meetings suggested various protest strategies. After a hefty discussion on various strategies, it was decided that the protest should be peaceful, but at the same time, it should force attention from both the public and the government, as well as from the national and international media. Finally, the group reached an agreement on three successive protest campaigns.

The informants, nevertheless, admitted that organizing such a large campaign was not a smooth process. According to sources, the main challenges emanated from conflicts between individuals within the group. Informants stated that the dispute arose within the group even at the planning stage of the protest. Individuals who participated in the protest had diverse educational and ethnic backgrounds, understandings, political views, and ages. Some of the group members believed that the action would be completed within short period. This group assumed from the start that the government would give in to the first action, and they would come out of the church with a positive decision. These individuals did not believe in the need for a backup plan. On the other hand, others advocated the use of force, such as obstructing metro lines or traffic on the main roads as efficient protest tools.

At the same time, the group inside the church had to debate almost every night about the court process if the hunger strike failed. There was an intense discussion over whom to include in the court process, and the primary cause of disagreement among the group was whether to include only participants in the hunger strike or all rejected asylum seekers. Individuals with political affiliation pushed for taking only those applications with strong political cases, while others argued for a class action suit that represent all rejected Ethiopian asylum seekers. It was a significant challenge for representatives to come up with ideas and plans that could satisfy everyone in the group.

Moreover, conflicts were raging on inside the church between supporters of the Ethiopian regime and supporters of political opposition groups. Some protesters claimed to the media that agents of the Ethiopian government were planted as protesters and spied on the group. One of

the spokespersons of the group had to terminate his protest and left the church due to this conflict.

Finally, occupying the Oslo Cathedral and carrying out a hunger strike with an enormous number of protestors was the first choice. If the church strategy failed, the demonstrators decided to travel together to a third country in Europe and ask for asylum as a group. The idea was to draw more attention from outside Norway and to steer international media attention. According to sources, they discussed traveling a long way to Belgium and demonstrating in front of the European Parliament. However, the group acknowledged that a lack of travel documents prevented them from traveling freely outside Norway. Therefore, they decided to take a bus to neighboring Sweden should the church strategy failed. Once in Sweden they would contact the Regional UNHCR office in Stockholm and request the office to transfer them to another country. In addition, they would contact the Swedish immigration officials to look into the group asylum cases there. The last strategy, when the others failed, was to file a class action lawsuit. The group decided to sue the government in the Norwegian courts. Finally, if the justice system in Norway failed them, their plan was to take their cases to the European Court of Human Rights.

4.3.1 Hunger strike inside the Oslo Cathedral

At the beginning of February 2011, a large number of Ethiopian asylum seekers demonstrated in front of the parliament. The media estimated around 400 to 500 angry Ethiopians were demonstrating and chanting a slogan in front of the parliament. The demonstration ended after the group delivered their request to the representative of the parliament. While the demonstration was in progress, some of the group members had already entered the church to prepare to announce to the media the beginning of the hunger strike. There were four children and a pregnant woman among the 120 protesters who controlled the church (NRK Østlansendingen, 08.02.2011).

The aim of this action was to draw maximum attention from the public and the media in such a way as to force the government to accept their demands. The church movement was divided into two groups. While the first group went on a hunger strike inside the church, the second group guarded the church's premises day and night. The purpose of the second group was to alert the public, the media, the church officials and the hunger strikers if the police tried to evacuate them from the church by force. The second group would also distribute flyers and

disseminate information to passersby and interested individuals about the action taking place inside the church.

Informants varied on their evaluation of the church's ability to deliver according to the groups' expectations. However, most of my informants claimed that the action in the church met its target. The first respondent explained that he had no expectation that the church could influence the government's decision. However, he had hoped that the church could be used as a middle ground to facilitate the group's demands to the government. In addition, he mentioned that since rejected asylum seekers lost their ability to work and earn their living, the church could be used as a shelter until the campaign was completed. Furthermore, respondent number 2 referred to the Oslo Cathedral as a representative of Norway's official religion. The Oslo Cathedral is the oldest standing cathedral in Oslo, and it had served many important functions for Norwegian society. Being the oldest standing cathedral in Oslo, it serves as one of city's most important tourist attractions. He concluded that there could not be a better place in Oslo if one wants to attract the attention of the media and the public.

Respondent number 4 mentioned that the church has its autonomy in the Norwegian political and social system. The police or any governmental authority could not easily violate the cathedral's premises. The group decided that there could not be a better place to escape from forced deportation than by taking sanctuary in the church. According to the representatives' evaluation, the church had delivered what it promised them during their stay there.

After a lengthy discussion with the government, the church had succeeded in arranging a meeting between the immigration authorities and the protestors. Informants claimed that the agreement to terminate the hunger strike was reached with a mutual understanding between the government and the protestors. The government promised to evaluate the protestors' asylum cases again if the group ended the hunger strike and left the church premises immediately. The government proposed to provide the group with shelter in asylum camps around Oslo area until their cases were treated by the immigration officials. However, the group had to turn to Plan B because the government broke its promise and dispersed the group by assigning them to different camps around the country.

According to Ethiopian informants, the government had assigned them to Torshov and Refastad asylum camps in the beginning. After a while, the camp officials informed the group that these camps are transit camps, reserved only for new asylum seekers. New kind of conflict arose between police and the protestors when the government announced that it reassigned the

protestors to permanent camps in different parts of the country. The media report revealed the conflict led to a huge police action, supported by helicopters and hunting dogs, to evict protesters from the transit camps. Some protesters reported to the media that, the police had transported and left them to the outskirts of Oslo city where they could not get easily transport back to the city (Roalsø, 2011). Informant 2 from Ethiopia explained the situation as follows

The decision to reject the government proposal were reached after we weighed the Ethiopian rejected asylum seekers past experience with the government. We agreed that this was a tricky strategy employed previously by the government. Some Ethiopian rejected asylum seekers were in hunger strike to demand for reevaluation of their asylum decision in 2005. The government proposed to look into the cases if the campaigners terminate their action. However, the government broke its promise and failed to look into the protestor's asylum cases individually after the action had ended. Therefore, we had already decided to continue our struggle together than letting the government disperse us throughout the country. That is why the police had to use force to evacuate us.

4.3.2 March to Sweden

Traveling to Sweden had three purposes. First, the group had agreed that the UNHCR was the responsible organ for refugees and immigrants around the world. It has a mandate to interfere in favor of immigrants against ill-treatment by either their own government or by the recipient country. The Ethiopian group believed that the UNHCR could interfere and transfer them to a third country if Norway was unable or unwilling to give them protection. Second, they intended to present their asylum cases to the Swedish immigration authorities, hoping that they would allow them to settle in Sweden. Third, they assumed that the action would steer the Swedish and international media coverage in a way to expose the tight asylum policies from one of the wealthiest nations in the world.

According to the informants, they sent a few individuals in advance to find an appropriate church for shelter and to locate the UNHCR, Amnesty International and governmental offices in Stockholm. As they arrived in Stockholm, the group went on a three-day hunger strike. The situation created an opportunity for the group to meet and discuss their conditions with immigration officials, parliamentarians and other governmental and non-governmental

institutions in Sweden. The church provided the group with food and shelter in the church's compound.

The protest results did not go as well as they planned. The UNHCR office in Stockholm notified the group that it would promote their request to its headquarters in Geneva. At the same time, the UNHCR highly recommended that the group return to Norway and use the available legal opportunities there. Ethiopian informant four further explained as follows:

It was a desperate action from our side. We knew that Norway is a sovereign country who contributes a lot in the international arena, whether politically or economically. Norway is a huge financial contributor for the UN; therefore, it would be foolishness to expect reprimand from these institutions. The officials explained that Norway is capable of handling asylum cases, and there are no international laws that obligate other countries to accept immigrants from Norway. The only positive response from the UNHCR was their promise to enquire into the repatriation agreement made between Norway and Ethiopia.

The protest in Sweden finally ended after the Swedish police handcuffed all the protesters and transferred them to the closed camps in Göteborg. According to the informants, they were treated as criminals and kept in prison-like camps in Sweden. The police drove the group back to Norway and delivered them to the Norwegian police.

4.3.3 Class action suit

The final strategy was taking collective legal action against the immigration authorities. During the planning stage, it was decided to start preparing as early as possible for the legal action.

According to informants, a group of lawyers had already contacted them while they were in the church and offered to take their cases collectively to the court. However, after the hunger strike ended, and the group accepted the government proposal to leave the church, the lawyers came up with a new proposal. The lawyers advised the group that taking asylum cases collectively is difficult because asylum is treated on an individual basis. Instead, they suggested picking strong cases from the group and taking those to court. After a hefty debate among the protesters, they agreed that the suggestion would split the group and would kill the spirit of the protest. They rejected the idea.

Finally, initiated by an Ethiopian activist and a Norwegian lawyer from Stavanger, a class action suit was filed against the government's asylum practices. The legal action represented about

4.4.1 Embassy of the rejected asylum seekers in Norway

Constructed from a patched tent, the rejected Palestinian asylum seekers built a camp at a busy street in the Oslo city center in 2011 as part of their anti-deportation campaign. The tent was erected beside the old Jacob church, which later was transformed into the JAKOB Church of Culture. The camp was located at the recreation park near the famous Akers River, which divides Oslo in two. Various colorful posters and photos of children from the occupied Palestine decorated the tent. The church, as an Oslo tourist area, together with the park attracted a number of spectators to the Palestinians camp.

Around 50 rejected asylum seekers who had received a deportation decision by the immigration authorities sought shelter in that camp. They used the camp as a living space and a protest headquarters for their prolonged protest action against Norway's asylum policy. They called the camp "the embassy of the rejected asylum seekers" from Palestine. Palestinian informant one told the story as follows:

We had permission from Jacob church to erect the camp on the land beside them. We had to secure permission from Oslo commune to stay in the camp. We negotiated with different departments, like fire, sanitation, the police and other regulatory bodies at the governmental level to legalize our stay in the camp and to resume our protest peacefully. Since we represented our interest, we called the camp the embassy of the rejected asylum seekers in Norway.

The movement started after 30 rejected Palestinians asylum seekers deserted from different Norwegian deportation camps and took shelter at the Blitz House in Oslo in 2011. These Palestinians protested against the government's restrictive asylum policy and demonstrated continuously in front of parliament from February to May 2011. After using a Facebook group and face-to-face meetings with civic organizations and other asylum seeker groups to discuss the issue, they decided to establish the Palestinian refugee camp and organize protest actions against the immigration authorities and the government.

Structurally, they divided the activities into four groups, i.e. action group, public relations, legal and fundraising. The action group was responsible for planning, arranging and executing demonstrations and other political protest activities. This group was also responsible for coordinating the support from civic organizations and the public who volunteered to join the

Palestinian's cause. They planned and arranged different festivals, seminars and meetings with governmental and non-governmental organizations. The plan was to disseminate information about the situation of rejected asylum seekers in general and the plight of Palestinians in particular to politicians, parliamentarians and the public at large.

The public relations or the media group was responsible for engaging the press and various media to make the issue known to the Norwegian public and the world. This group made a press statement to the media on the development of the protest and the response from the authorities. The public relations group was also responsible for collecting information about the development of immigration policies both in Norway and in other countries. The group had also worked in recruiting members from the asylum seekers, from non-governmental institutions, and from the public. It exchanged information with other rejected asylum seekers in the same situation in Norway.

The legal group was accountable for working with legal issues related to the Palestinians' asylum requests. The group communicated with lawyers who could advise and represent Palestinian asylum seekers in legal matters, and assess the possibility of using the justice system both at national and international levels. The group provided legal advice to its members free of charge.

Finally, the fundraising group collected funds from individuals, governmental and non-governmental institutions. The group was responsible for devising new ideas and plans, as well as executing fundraising strategies. The group raised funds for food and drink in the camps, and collected money for legal fees in case the organization decided to send asylum cases to the court.

The informants found that coordinating a peaceful protest action, maintaining law and order inside the camp, and controlling the behavior of frustrated individuals with different temperaments were the biggest challenge. A slight conflict or problem from the camp would give the police a reason to close the camp and disperse the protesters. Palestinian informant one explained the situation as follows:

We tried to follow all the legal procedures in our protest action. We worked extra hard not to be branded as an illegal group, not to give the chance for the government to prove to the public that we lacked respect for Norwegian law. Before the authorities raised the issue of health to shut the camp, we put all the

necessary sanitation facilities on the site. Before the fire department inspection came, we placed the required fire extinguisher inside and outside the camp. We had a good relationship with the church, which in the first instance provided its compound for us. There were no public complaints of violence or problems from the camp or our activities. People rather liked to visit our camp; if they saw problem, they would complain to us rather than going to the police. We always felt the presence of the police in the area even if they did not station physically around the camp. The danger of being deported was always looming in the air. Some of the groups received a letter from the police that they should wait on standby so that they would be deported in the near future. It was very challenging to protest for more than a year with such a frustrating situation.

4.4.2 Public awareness campaign

The informants stated that much of their efforts were directed to securing as much public attention as possible. The frustration associated with a lack of response from the government and parliament pushed the protesters to devise a new strategy. Palestinian informant one explains the situation as follows:

We could have engaged in violent protest if we wanted massive media coverage, but it does not solve our problem....The government is the one which plays a crucial role in our life but is not willing to listen to our plight. We thought that the parliament would protect us from the government, but we found out that the parliament could not do anything. After two or three demonstration in front of the parliament, we got a chance to present our cases to the parliament. However, it was not helpful at all. We do not understand the system.

The group agreed to try various strategies to reach many people who could support the cause. First, social media and website were used to communicate with the public. Facebook was mainly used to organize protests, demonstrations, candlelight vigils and various meetings. Individuals, organizations, and other asylum seeker groups joined the Facebook group and actively participated in activities organized by action groups. Information about activities was regularly updated. The website was used to recruit members and facilitate online payments for individuals or groups who wanted to assist the group financially.

Second, different activities, such as photo galleries, video films and social gatherings, conveyed the situation of Palestinians in the world. The site, the compound of Jacob church, was deliberately selected to attract church visitors and tourists. According to the second informant, many foreign tourists visited the camp. Many Norwegians had even overnights to show their solidarity. Palestinian cultural food, drinks, entertainment, photo exhibitions and cultural dances were offered inside the tent. They also provided Arabic language training inside the tent. The intention was, according to my informants, to convey a message to the public that the government had denied asylum seekers access to Norwegian language, which could easily be given as a gesture of hospitality.

Third, working closely with civic organizations, various cultural festivals were organized both in the camp and in Kunsthall Oslo. The arrangement included concerts and films showing the plight of asylum seekers in Norway, and were always followed by a political debate. In addition, meetings were arranged with various societal groups, with politicians, parliamentarians, schools and college students, lawyers and human rights groups. A mini meeting was even once organized for Oslo and Akershus college students during their lunch hours inside their cafeteria. The hard life of asylum seekers in general and the plight of Palestinians in particular were discussed during those meetings.

Fourth, the Norwegian Center Against Racism, Norwegian People's Aid, NOAS, an organization called "January 12", and "Atelier Populaire" had tightly planned and executed activities with the Palestinian protest campaign. These institutions provided the protestors with financial resources and expertise to organize an efficient protest campaign. According to informants, these organizations had jointly arranged a workshop at the Literature House. The workshop was intended to give the public a firsthand history about the rejected asylum seekers as it had been presented to UDI and UNE. During the workshop, individual participants were selected to act as a caseworker; they would be given an asylum application and encouraged to reach a verdict. Finally, the decision reached by participants would be compared with the actual decision from UDI or UNE. The workshop's purpose was to give the participants the chance to reflect on the subjective nature of interpreting asylum cases. The workshop was financed by Fritt Ord," an institution that promotes freedom of speech in Norway.

Furthermore, Atelier Populaire was one of the civic organization that had closely worked with the Palestinians group. Norwegian artists established the organization. The organization arranged a one-month public lecture workshop, which was supported by a video documentary

that showed the situation of Palestinians and the fate of other rejected asylum seekers in Norway. The organization prepared various photo exhibitions and programs to attract public attention toward the problem faced by Palestinians.

Finally, the Palestinian group organized a theatrical performance at the National Theater. Their performance illustrated the life and problems of rejected Palestinian asylum seekers in Norway's presently restrictive asylum practices. Standing on the stage, they told their story to the audience. Moreover, my informants stated that engaging the artistic community to speak on behalf of rejected asylum seeker was one of the smartest strategies they devised. In a discussion arranged at the Literature House, there were respected authors from the National Theater; editorials from the Oslo poets were presented. The Palestinian group also encouraged lawyers, judges, and human rights activists to talk on their behalf about the difficulties that rejected asylum seekers faced in Norway.

Informants explained that the intention of the camp in the middle of Oslo was to get attention from the Norwegian public. They concluded that the general public had inadequate knowledge about rejected asylum seekers' ordeals. My informants claimed that the public had no idea that the asylum practices were violating international and local human rights laws. The public elects the politicians; therefore, informants claimed it was imperative for them to gain public support if they were to win the fight against forced deportation.

4.4.3 Appealing to the heart

Touching society's moral core was considered as the best strategy by Palestinians to do effective protests against the government. The group selected children and the international Convention on the Rights of the Child to appeal to Norwegian society. Taking these legal and moral principles of the international community into consideration, Palestinians brought different stories about the life of deported children to the public's attention.

The story aired on TV2 about an eight-year-old girl named Rahaf Aiman from a Jordanian family that was expelled by the Norwegian authorities. According to the report, the family had three children. Her eldest sister came to Norway while she was three months old, but Rahaf and her youngest brother were born and raised in Norway. The family's asylum request had been rejected by both UDI and UNE. TV2 published a letter written by Rahaf to the Minister of

Justice Grete Faremo. In the letter, she begged the minister to allow her to return to Norway, to join her friends and commence with her education. The report also mentioned that her older sister faced difficulty in integrating herself in the new country. She could not speak the language and greatly missed her Norwegian friends in Haugsund (TV2, 2011). The report fueled great public interest. In Haugsund, the family's neighbors and the local population raised 1000 signatures to request the immigration authorities to reverse its decision and allow the family to return to Norway.

The Palestinians capitalized on the news and disseminated the information to their supporters and promoted their case at the same time. They posted similar stories on their website and provided news to the media about the situation of deported individuals and the difficulties they encountered after they arrived in Palestine.

5 Results from the campaigns as interpreted by informants

5.1 Political result

The rejected Palestinian and Ethiopian asylum seekers had strategically chosen political struggle as a primary method to fight forced deportation and the Norwegian immigration authorities. They demonstrated several times on the streets of Oslo, and arranged a foot march campaign from Oslo to Trondheim. They appealed to opposition political parties and civic organizations, organized public meetings and held cultural exhibitions and many other activities. Nonetheless, the results, according to informants, did not turned out as both groups had planned.

Informants from the Palestinian group confirmed that after one year and six months of difficult struggle, the Norwegian government had not changed its practices toward Palestinian asylum seekers. They mentioned that many individuals from the group had left Norway to try their chances somewhere else. Some were deported while others were still waiting to see the outcome of two Palestinian cases that were being tried at the Supreme Court.

Frustrated after a year and a half-long protest campaign with no positive result in sight, sleeping in the tent during the chilling cold Norwegian winter without seeing a change of heart from the authorities, three members of the Palestinians group went on a hunger strike inside the tent. The strikers were demanding for an immediate deportation halt. They also demanded that UNE once again handle their asylum cases and asked that the Secretary of State, Pål Lønseth, be replaced by someone who treat asylum seekers more humanely and respectfully. The last demand was a response to the then minister's remark on "a one-way ticket" for rejected Palestinian asylum seekers (Løken, 2011). As one of the hunger strikers commented on the Palestinian website:

We protested for over 14 months in a tent. As any human being, the only thing we repeatedly demanded were respect for our fundamental rights. The answer we got from the authority was a threat: proposing a one-way ticket to end the protest. We had tried the parliament, politicians, and institutions and demonstrated on the streets of Oslo for over a year. The government was adamantly telling us that Palestine is a safe country to return. The hunger strike is our last game card; give us a life or let us end it. (<http://www.palestinerleir.no/page/7/>)

However, the group claimed that in spite of all the campaigns, a total of six people were deported so far.

The Ethiopian group, however, escaped forced deportation. The main reasons, according to informants, were not the result of their campaign, but that the repatriation agreement between the government of Norway and Ethiopia had failed. Informants further claimed that a number of fellow protestors who actively engaged in the Ethiopian diaspora politics from Norway, have had their negative decision reversed by UNE. Yet according to the source's evaluation, the hunger strike, demonstrations, and appealing to the UNHCR office in Stockholm had not brought about the necessary result for the groups.

The Ethiopian informants claimed that persistently protesting, demonstrating, and staying for more than one and half months inside a small tent had given them a chance to connect with the local population. The camp was seen as a symbol of suffering, negligence and homelessness in the midst of one of the wealthiest nations in the world. Ordinary people had no idea about the life situation of asylum seekers in their country except what they had been told by the media. The group asserted that the camp had created the opportunity to show Norwegians the plight of rejected asylum seekers in general and the situation of rejected Ethiopian asylum seekers in particular.

The Palestinian informants explained that the protest and the camp had given them an opportunity to break the myths depicted by various media that asylum seekers are aliens who cannot understand Western lifestyle. They claimed that they had shown the public that asylum seekers are not criminals, rapists, and a burden to society. The camps demonstrated that rejected asylum seekers could also be law-abiding citizens who contribute to the well-being of the host country. Protesting for more than a year without adverse incidents had proved to the public and even to the police that the group could be trusted.

In the beginning, the police used to assign a force to control our demonstration on the street and at the camps. After a while, we managed to demonstrate without a police presence. They trusted that we were not a bunch of troublemakers, but protesters out for a cause. (Palestinian informant no. one)

They further ascertained that through seminars, meetings, festivals and sharing their culture with the camp visitors, they managed to show the human side of asylum seekers:

The Palestinian camp was able to destroy a barrier between asylum seekers and the local population in Oslo. Many people including tourists visited the camp. We had relentlessly explained to everybody who visited our camp about the problem

faced by Palestinians in their home country and as immigrants all over the world. We had managed to show the public that we were stateless inside Palestine, and we are still stateless all over the world. We were not and are not criminals or terrorists, but we were driven out of our land by Israel. Now we are being driven out of Norway as well. We had much sympathy from those who visited us, and some of them joined our movement and actively helped us in planning and organizing different protest strategies. (Palestinian informant no. two)

Another significant opportunity that the protests presented to the group was a chance to work with opposition political parties. Winning the support of opposition political parties was indeed one of the strategies pursued by the Palestinians:

We requested a meeting with different opposition political parties and discussed with most of them about the unfair treatment of Palestinians by the ruling government parties. We got a negative response from party leaders from the right wing of conservative and progressive parties. Some of them had even threatened us and flatly rejected that we had the right to protest. However, we had received encouraged signals from socialist left parties. The youth wing of the ruling workers party supported us. The socialist left party had allowed us to use its head office to print flyers, posters and the like. (Palestinian informant no. two)

Moreover, the Palestinian sources claimed that they were able to expose the restrictive and inhumane treatment of rejected asylum seekers by the Norwegian authorities, both to Norwegians and to the world. They claimed that their protest campaigns were reported by both the local and international media. The European Grass Roots Anti-Racist Center (EGAM), an umbrella organization with members from 30 countries in Europe, visited the Palestinians to show its solidarity. In addition, the Roskilde Festival, which is one of the largest annual festivals in Europe, donated 50,000 kroner to the Palestinian group. Roskilde Foundation administers the festival. The foundation has many members all over Europe, and the members are the ones that decide to whom the festival's profits should be donated every year.

Finally, they claimed that their long-standing protest had attracted support from different professionals such as artists, lawyers, politicians and architects, and these professionals engaged and worked diligently for the Palestinians' cause. A group of lawyers volunteered to take the Palestinians' asylum cases to court. After Oslo city government demolished the camp,

the Palestinian group established an organization called Palestinian Leir and continued their fight with the Norwegian authorities, at the time concentrating in the legal field.

The Palestinian Leir has been established, with the help of the Norwegian Center Against Racism, as a civic organization to stand for the rights of rejected Palestinian asylum seekers in Norway. The organization has been registered with an organizational number in accordance with Norwegian laws and regulations.

5.2 The response from the church

Church asylum was not a new phenomenon in Norway. In 1987, some Iranian and Chilean rejected asylum seekers sought shelter in Lambertsetter church in Oslo. In 1993, 700 Kosovo-Albanians were sought church protection inside 134 various Norwegian church congregations against the deportation decision of the Norwegian immigration authority (Vetvik, 1998).

The Oslo Cathedral opened its doors and helped Ethiopian campaigners for more than a month. It had interrupted its day-to-day activities and closed its doors to the public to accommodate the asylum seekers who sought refuge in it. The bishop discussed the problem with strikers and conveyed their message to the responsible body, and the church promised to give them protection until they reach an agreement with the authorities. In one interview with *Aftenposten* newspaper, the bishop explained that he would not allow his church to turn into a political battleground. He would not force the strikers to leave the church without their consent nor allow the police to enter the church and evict protesters by force.

Furthermore, the situation initiated a bishops meeting regarding the incidents in particular, and the government's asylum practices in general. The meeting acknowledged the importance of keeping the asylum institution intact and recognized that the decision on asylum matters is the sole responsibility of the government. However, the meeting concluded by criticizing the government for being insensitive toward children born from rejected families inside Norway. Finally, the bishops sent their recommendation to the government to take extra caution not to send asylum seekers to totalitarian regimes where they would face torture and imprisonment.

The church had facilitated different meetings between the strikers and immigration officials, such as UDI, UNE, the justice minister, parliamentarians, and with other legal and civic organizations. In addition, the bishop had convinced the group to allow the children to be visited regularly by child protection services and health officials. There were six children accompanied

by their parents inside the cathedral. Finally, with the church's relentless effort, the government had promised to look into the strikers' asylum cases once again and offered the protesters shelter in the nearby camps in Oslo. In return, the group had agreed to end their hunger strike, leave the church and accept the government's offer.

5.3 Juridical result

Immigrants have access to appeal in Norwegian courts. As part of the protest campaigns, the Ethiopian group decided to take their cases collectively to court. On the other hand, the Palestinian group decided to choose among cases with a good chance of winning to try at the Supreme Court.

The Ethiopian group forwarded three arguments for choosing the class action route. First, since the government was planning to deport them as a group, they demanded to defend themselves as a group. Secondly, the group members had lost the right to free legal aid after the final rejection of their cases. They had no right to work and earn a living, and thus had no chance to appeal to the court individually. Finally, the lawsuit was not only for those who were involved in the campaign but also included 600 rejected Ethiopian asylum seekers from all over Norway. They argued that these individuals were not in a position to travel to Oslo to testify in court.

However, according to the media coverage, the court, both the Appellate Court and the Supreme Court, declined to handle the lawsuit. The district attorney rejected the motion, claiming that the court cases filed by Ethiopians did not fulfill the class action suit rule. The main argument for the rejection was that asylum cases are for individuals, and there could not be a common cause for the entire group. Currently, the Ethiopians have taken their cases to the European Court of Human Rights in Strasbourg.

6. Discussions

6.1 Why the campaigns failed?

In the present chapter, I discuss how the protests by rejected Palestinian and Ethiopian asylum seekers on the political, legal and social arena did not bring about the desired political, legal, and social results. Using the theory of juridification of social life as a basis of my interpretation, I show how laws are intensively used to discourage rejected asylum seekers from making meaningful contestation against the decisions taken by the immigration authorities. First, setting aside exercising the right to protest in a democracy, I will discuss if there is adequate reason for asylum seekers to protest after they exhaustively utilized all objection venues provided by asylum institutions. Second, I examine why rejected asylum seekers could not be treated as an opposition group within the political arrangements of the host country. Thomas Mathiesen (1982), in his theory of “power and counter power,” described a list of preconditions that should be met before any protest group is considered as an opposition in the system. I employ two of the preconditions when analyzing why the Palestinian and Ethiopian groups failed to make an effective political campaign in Norway. Finally, I also argue that the social integration function of laws in modern society prevented rejected asylum seekers from securing public sympathy.

6.1.1. Non-political actors contesting in the political system

“Despite difficulties, resistance and opposition are possible. Despite hardships, it is possible to be more courageous than we usually are.” Thomas Mathiesen (1982, p. 1) (Translation is mine)

Protest is part of a political instrument for opposition groups and individuals who wish to fight injustice in the political, economic, legal or social system. Protest means engaging in politics. The 1960s civil right movement, with massive protests, toppled the brutal apartheid-like political system in the USA. The labor movement in the West had witnessed a fierce struggle over political control between capitalists and workers. In the Arab world, we have seen protests turn into revolutions that ousted the some of the world’s most dictatorial regimes. Europe is currently in protest turmoil against the effects of globalization and the economic policies that led to mass unemployment. Therefore, the question for this thesis is, can protests by failed asylum seekers bring about the same outcome.

Failure of an asylum application is followed by isolation from host state's political, legal, economic and social space. Corrunker (2012) quoted the following from "the Ethnography of undocumented Mexican immigrants in California:"

....Undocumented immigrants have long been living in the shadow, reluctant to stand up against human and workers' right violations, to seek healthcare when they are sick, or to call the police when they are victims of crime. The forced invisibility of undocumented immigrants is a pervasive issue globally, as deportability often causes undocumented populations to isolate themselves from society. (Corrunker, 2012, p. 19)

Borrowing the political theory of cosmopolitanism from Seyla Benhabib, Nyeres (2010) argued how rejected asylum seekers are excluded from every type of right inside Western nations. He pledged to establish international moral justice regarding the handling of immigrants. Cosmopolitanism, as initially coined by Kant, refers to the philosophy of rethinking about the world population as citizens of the universe beyond the nation state (Benhabib, 2004). With the development of globalization and the expansion of cosmopolitan cities, the term referred to the free movement of capital, material and people across the traditional nation state boundaries. However, according to Nyeres, abject cosmopolitanism refers to the exclusion of non-developed country's citizens from being considered part of the cosmopolitan (Nyeres, 2010).

Most researchers in the immigration area show that rejected asylum seekers have limited alternatives to choose from when they want to challenge the host country's system. Valenta and Thorshaug (2012) have observed two types of protest strategies employed by failed asylum seekers wanting to avoid conflicts with the Norwegian authorities. According to the study, disappearing from the sight of the authorities after the final rejection was one of the primary strategies utilized by rejected asylum seekers wanting to avoid detention. The second strategy was when asylum seekers would hide their identity before filing an asylum application (Valenta, 2012). These strategies make the practice of deportation difficult for the authorities. Furthermore, in many occasions rejected asylum seekers revolted against the system to avert forced deportation or to improve their life situation in the host society. The riot by frustrated rejected asylum seekers in Norway's Trandum temporary detention camp was taken by the media as a protest strategy.

However, as the two cases in this paper show, rejected Palestinians and Ethiopian asylum groups decided to utilize the established social system to protest against the decision of the

Norwegian government. They explored, contemplated upon and consciously chose to work within the political, legal and social system when organizing their protest campaigns. Informants explained that, as failed asylum seekers, they knew their limitations, and their illegal status denied them the right to live in the country, let alone allow them organize a protest campaign. My sources claimed that whichever strategy they chose, the group's ultimate goals were to appeal to the public so that society would take up the fight for them.

Therefore, this research paper raised two important questions regarding the use of protest by rejected asylum seekers. First, is it possible for rejected asylum seekers to protest when they are considered illegal by the host nations? Second, what type of strategies are viable and which part of the system is open to make an effective protest campaign?

The system to make a protest is open to all. We ensure that we continue our struggle within the framework of the system, not against the system. We are protesting not for the sake of making noise on the street, but creating awareness among the Norwegian public that the immigration authority is making a mistake in handling asylum cases. We follow all the legal means as much as possible; we do not want to be labeled on the illegal side. We do not wish to give the government an excuse to disperse the protest and shut down the camp. (Palestinian informant no. one)

The immigration authority did not consider our problem appropriately. They just follow political instructions, which are only interested in restrictive asylum policy. We protested to show our grievances and expose the inhumane treatment of rejected asylum seekers by the government. We protested in front of the parliament, the prime minister's office, and at the Ministry of Justice office. We demonstrated on the streets of Oslo so many times to attract public attention to our cause. We even traveled to Sweden in order to engage the international community and hoping that international institutions and other countries would interfere to save us from deportation. We believed that we were involved in politics of Norway, but we could not bring any change. (Ethiopian informant no. two)

Moreover, a study made on Algerian refugees' organized anti-deportation movement in Montreal, Canada revealed a positive result. The Algerian movement had managed to create a public space by employing different protest campaigns within the political system. Nyers

showed how the refugees were able to organize a successful political campaign and challenge the Canadian authorities. He argued that contesting the decision of the sovereign state requires participating in politics. While accepting the limitation for non-citizens to participate in politics of the host countries, he explained how the Algerian refugees managed to open a political space in Canada. The Algerians engaged the political space by persistently campaigning through church sanctuary and lobbying by sending an Algerian representative to make a political speech. Nyeres concluded that the Algerian movement was able to convince a large part of the public in Montreal and other big cities. The campaign resulted in 95% of the protestors having their decision reversed and being allowed to stay in Canada (Nyers, 2010).

Thomas Mathiesen (1982) discussed organizing a group for a common cause, and becoming a possible counter power against the system depends on the relation that the group has with the system. According to Mathiesen, society is divided into contributors, those who contribute to the material wealth, political and social well-being of the community, and those who contribute nothing or little to the system. I borrow the concept of functionless and lacking key partners in the system to suggest possible reasons for why the Palestinian and Ethiopian campaigns failed to bring a result on the political platform.

6.1.2. Functionless

Rejection of the asylum application entails being excluded from participating in the political, economic, social and legal space of the host nation. Yet the UN Convention on Civil and Political Rights, which Norway signed in 1972, demands that states ensure these rights to non-citizens, asylum seekers, stateless and other persons alike. Whereas direct political participation is conclusively the right of citizens, international human rights law obliges states to ensure that non-citizens to have the right to express themselves in the political and legal system.

Thomas Mathiesen (1982) suggested that for any group to make meaningful opposition, it should have a reciprocal contribution to the system. The ability to hold back or threaten the system with termination of its endeavor is a source of power. However, rejected asylum seekers, since they are considered living illegally in the country, are deliberately pushed into the periphery of the economic and social system. They are denied the ability to produce material wealth and services and to contribute something valuable in the public sphere.

Many research papers show that many immigrant-receiving states adjusted their immigration policies in accordance with their economic tolerance capacity. When the demand for additional workers increases, the system becomes lenient and allows a larger number of immigrants to stay in the country. A study of France's immigration policy-making revealed how immigration policies followed the country's economic development. Right after WWII, France allowed an enormous number of immigrant workers to help meet the needs of the economy. However, when economic development reached its saturation limit, French immigration authorities issued a decree to stop receiving immigrants. The authorities even forced many migrant workers to return to their home country (Kawar, 2014, p. 101).

The same policy shift has been observed in Norway. After WWII, Norway was open for migrant workers. After 1975, Norway decreed a total stop to immigrant workers because the number and racial composition of new immigrants were different from the previous trend (Se Vevestad 2010). However, even after the 1990s, when the number of asylum seekers coming to the country was at the highest, the authorities were encouraging asylum seekers to work and earn a living outside refugee camps. Asylum seekers were issued a temporary work permit while they were waiting for the authorities to process their asylum application.

Subsequently, as part of the government's restrictive immigration policies, a new amendment to the law was issued in 2009. The amendment limits the issuance of temporary work permits until the individual asylum application is completely processed. The proponents of the policy shift argued that the chance of working and earning better pay in Europe became a major pull factor for migrants from third world countries.

Nevertheless, the system remained lenient as long as the economy could utilize the extra labor force on the market. The government turned a blind eye while many asylum seekers, and even rejected asylum seekers, were working in Norway for a number of years without a work permit. It was in 2011 when the government interfered by erasing about 1.1 million temporary social security numbers which were believed to give rejected asylum seekers access to a tax card. One can argue that immigrants are a reserve labor force for receiving states. They do not have a right to work and earn a living unless they are accepted as residents of the host country. Therefore, unless they are integrated as part of society's economic force, they would not have the bargaining power to threaten the system or to convince the authorities to give in to their demands at the time of conflict.

Political participation is a source of power in modern society. Since the ultimate power in a democratic state rests in the hands of citizens, political parties have to compete for legitimating their power. This democratic process serves as a check and control method, where the behavior of power holders will be rewarded or punished in future elections. Therefore, any group can utilize this power-legitimizing potential to negotiate with the system and promote their interests. Yngve Lithman (2013) in his article “Norwegian multicultural debate” discussed the role of immigrants in the political life of Norwegian society. He argued that, when compared to Sweden, Norway has fewer immigrants and far less experience in dealing with an immigrant community. He concluded that the Swedish political parties have to be careful not to lose votes from immigrants and their descendants (Lithman, 2013). Even immigrants with temporary residence permits have no significance political voice in Norway. These groups have no legitimation power that could be given or withheld to negotiate within the political system. After three years, immigrants would get a permanent residence permit, and then they would be allowed to elect and to be elected at a local level. When they adopt Norwegian citizenship after sometime, they will be accepted as a full-fledged member of society. Only then, they would hold political power that could threaten a government’s legitimacy to rule.

Apparently, rejected asylum seekers lack such bargaining power to negotiate terms at a political level. As Mathiesen (1982) puts it, an opposition without a reciprocal relationship with the system cannot threaten the system for change.

6.1.3. Lack of a key partner

Action groups, especially minorities, which are organized for a meaningful opposition endeavor, should find a resourceful partner within society. These partners should have better communication channels in the system and should have access to injecting new ideas and initiating debates in the public sphere (Mathiesen, 1982). In the next paragraphs, I will try to draw a lesson from the 1960s prison movement in Norway by comparing it with the recent rejected Palestinian and Ethiopian asylum seekers’ protest actions. Then I will discuss how the lack of committed partners from the Norwegian system has affected the rejected Palestinian and Ethiopian asylum seekers’ campaign in 2011.

In 1960s and 70s, a public debate was raging about inhumane treatment of prisoners in the prison administration systems across Europe. The issue had attracted the attention of human rights organizations, jurists, civic and other professional organizations. The Scandinavian

prison movements were so popular that many prominent members of society participated in the discussion. In 1970, thousands of prisoners in most of the Swedish prisons went on a hunger strike, which attracted the attention of international media coverage. Following that, inmates from Norway and Denmark rioted for betterment of life in prisons. The Swedish prisoners organization or movement (KRUM) in the 1960s managed to hold successive national meetings, which were referred to by the media and other critics as “the Parliament of Thieves” (www.krom.no).

The Norwegian Association for Penal Reform (KROM) was established to promote the interests of prisoners and to motivate improvement of penal policy by influencing Norwegian politics. KROM is a non-governmental political association with prominent members from different parts of society, including jurists, social scientists, intellectuals and social workers. The major objective of KROM is to channel the prisoners’ demands to the political platform. It was involved in various research projects related to the penal policy, publication of articles, newspapers, and books. It was also involved in arranging seminars, public meetings and large conferences to keep the prisoner issue alive and always at the forefront. KROM serves as a bridge between prisoners and the outside world. Such coordination of actions between prisoners from inside the prison and KROM’s efforts from the outside resulted in a significant victory for the prison movement in Norway. Mathiesen (1982) mentioned the termination of forced labor in jail and ending the imprisonment of juvenile delinquents in the regular adult prison as two of the major accomplishments of the movement.

KROM’s most notable contribution to the prison movement was helping prisoners to establish the Prisoners Professional Association in 1972. The creation of a prisoners association was met by immense resistance from the prison administration and the government. Even if prisoners have a right to form an association based on the UN and European civil and human rights conventions, the government had branded the movement as an illegal act and would not allow it to happen. The prison administration had closed all means for prisoners to contact the press. However, many efforts, such as strikes and demonstrations from inside the prisons and unrelenting outside help from KROM, helped to realize the association (Mathiesen, 1993, p. 152).

Similarly, there are a number of immigrant-friendly groups and organizations who are engaging in anti-deportation activism inside immigrant-receiving states. Anti-deportation campaigners from Canada to Australia and from USA to Europe, who stand up for the rights of immigrants,

can be cited as an example. In Norway, NOAS, the Norwegian Center Against Racism, Self-help for Immigrants and Refugees (SEIF), Atelier Populaire and 12 January are some of the civic organizations who are engaged in promoting the interests of immigrants. With all of these organizations being involved in helping the causes of immigrants, why did the campaign by Palestinian and Ethiopian groups fail to bring about the desired outcome? The results from this thesis reveal that the two groups did not effectively coordinate their efforts with the activities of these civic organizations in the same way that the prisoners did with KROM. Second, KROM has sustainably worked with prisoners for a longer period, and it has dedicated professional members who have influential positions in Norwegian society.

The Palestinian group strategically targeted the public and civic organizations as their primary ally in their struggle against the Norwegian immigration authorities. First, they recruited members and supporters from the public and institutions. They worked closely with the Norwegian Center Against Racism, Atelier Populaire, and 12 January, from planning to coordinating the protest actions, and arranging seminars and meetings with various stakeholders in asylum issues. To initiate discussion in the general public, the campaign involved public meetings, seminars and art exhibitions to disseminate information about the state's restrictive asylum practices. Importantly, the Palestinian protesters tried to incorporate the art community, including famous Norwegian authors, actors and singers, into their protest actions. These groups of people have the respect of their community and can initiate new ideas and debates in society. Therefore, one can assume that the Palestinians' model seems to follow the prison movement model.

The Ethiopian group, however, took a different approach in their protest strategy and when planning and executing their campaigns. The Ethiopian Asylum Seekers Association was established in 2004 to promote the interests of Ethiopian immigrants in Norway. The association was registered in the Norwegian registration office as a civic organization. According to informants, however, its members are exclusively Ethiopians and rejected asylum seekers, except for a few ethnic Norwegians who helped the group in concrete matters with identity documents and opening bank accounts. Surprisingly, neither Ethiopians with Norwegian residence permits nor asylum seekers who are waiting for decisions from immigration authorities are members of the association. Even while the informants argued that the main strategy of the campaign was to attract public sympathy to the group's demands, they excluded public and civic organization involvement in planning and executing their actions. The Ethiopian Asylum Seekers Association is established and run by failed asylum seekers with

no political, legal and economic rights in the country. The association is so financially weak that it could not even contribute to legal fees when the strategy called for a class action lawsuit.

6.1.4 Government strategy

Applying Mathiessen's (1982) political strategies, I will discuss how the Norwegian government employs different tactics to discourage the success of anti-deportation campaigns. According to Mathiessen, the main strategies utilized by power holders are either to define the opposition group as non-existent or present the action and the campaign meaningless. Due to support from KROM, the government and prison administration could not label the movement as non-existent. He argued that inside the jail, the authorities control information flow, making it impossible for the movement to prove its existence to the public (Mathiessen, 1993).

There could be a number of reasons that impeded the campaigns of both groups from influencing the government's asylum policies. Informants claimed that demonstrations in front of the parliament and government offices, hunger strikes, church sanctuary and sleeping on the street could not bring any change for the protesters. As mentioned above, I would argue that the government has used the media to repeatedly stamped the group as illegal and not worthy of public support.

First, the state pacified any opposition regarding the asylum issue by referring to its asylum practices and policies as guided by Norwegian and international human rights law. The state defends its asylum institutions as a fair system with a competent appeals board that treats cases individually and based on international human rights norms. The authority repeatedly argued that Norway has an international commitment not only to give protection to the asylum seekers with legitimate needs, but also to protect the asylum institutions from unwanted immigrants.

The second main challenge, as informants explained, were coming from relentless government propaganda about the imminent deportation of rejected Ethiopian asylum seekers. The government used the entire media outlet to warn the protesters that the repatriation agreement between the two states was completed, and deportation of rejected Ethiopians asylum seekers would be executed in the near future. The police had given a fixed date for registration of individuals who would voluntarily return to their country. The police had also warned the group that forced deportation would follow with the expulsion order in such a way that they would not be able to enter into any European country within five years. While politicians from both

the governing parties and from opposition parties had visited the church and discussed the situation with the group, informants explained that most of the politicians threatened the protesters to end the hunger strike and leave the church immediately, or the government would use force to throw them out in the street.

The statements from the government were so threatening that it was almost impossible to think about and discuss the protest. Every night we were waiting for police action. The responses from the authorities were killing the group's hope, and every day some individuals started talking about terminating their hunger strike and disappearing from the scene. After the church protest had ended, a few individuals left Norway for good by crossing the Atlantic to start a new asylum process. (Ethiopian informant no. four)

Third, the government plays politics of fear by emphasizing the need for even stronger asylum institution in today's globalized world. The state frequently sent warning to citizens not to interfere with the decision of the asylum institutions. It would undermine the immigration institution and would send the wrong signals and encourage more immigrants to come to Norway.

According to my informants, the third main challenges for the Palestinian group was the government's strategy, which persistently portrayed the protesters as illegitimate asylum seekers who lived in the country illegally and defied the Norwegian law. The authorities strongly argued that the need to protect the asylum institution should be more important than giving way to the demand of protesters. In an interview with NRK TV, the then justice minister accused the Palestinians of irresponsibly trying to change the system. He also accused them of wasting their lives by waiting in the country long after being rejected by the asylum system. He finally stressed that "whether they were staying in the camps or continued their protest on the street, the final result would be a one-way ticket to their country" (Løken, 2011).

The fourth major challenge that hindered the asylum seekers from getting support in their struggle against forced deportation might emanate from the negative association attached to strangers. The right wing politicians and far right media outlets presented rejected asylum seekers as illegals who do not have respect for local law. The media's intentional and unintentional presentation of asylum seekers as criminals, rapists, and welfare clients created difficulty for rejected asylum seekers to protest peacefully and seek support from the public. This type of rhetoric created a moral panic among the ordinary citizens, and it widened the

distrust between ethnic Norwegians and foreigners. After the 9/11 attacks in New York, asylum seekers became targeted as possible terrorists and have been treated accordingly. Anti-terrorism laws gave Western nations a real reason to criminalize asylum seekers, arrest, and deport unwanted immigrants from their territory. Research shows that governments since 9/11 follow restrictive asylum practices, put asylum seekers in prison-like detention camps and have intensified deportation without accountability.

Finally, lack of key societal partners, in contrast to the prisoners' ties to KROM, makes the group an easy target for the government. In some cases, the protestors missed an excellent opportunity to recruit societal or political support. For example, the fates of asylum children caused substantial debate between opposition parties and even within the governing party itself. The youth league at the governing Labor Party's annual conference had expressed its disappointment over the treatment of asylum children by their party. The Palestinians and Ethiopians could have seized the moment to recruit key political partners.

6.2 Contesting within the legal system

Article 6 of the Universal Declaration of Human Rights recognizes individuals as bearers of civil rights, which entails equality before the law (Eide, 1992, p. 111). Informants from both groups explained that contesting the state within the conventional legal system was the last priority while planning their protest strategy. In the next sections, I analyze the possible motives for rejected asylum seekers to have less interest in the legal system. I argue that apart from financial and time constraints, juridification of immigration in the West has discouraged rejected asylum seekers from trusting the law as an instrument of justice. In the first part, I suggest that time and financial constraints are the decisive factors for preventing rejected asylum seekers from using the legal system to contest the decisions of the authorities. Second, I show that the government's intensification of immigration laws and administrative functions of the law puts rejected asylum seekers in legal limbo. Finally, I argue that nation states are moving in the direction of ignoring their own and international human rights laws and institutions when it comes to the treatment of immigrants. These three factors can be cited as some of the deterrents that discouraged rejected asylum seekers from efficiently utilizing the legal system.

Immigration laws have recently become more and more restrictive in nature and intends to deter the movement of immigrants. The first impression of the government's immigration practices

deals with skepticism towards the story of immigrants. Immigrants have to undergo a lot of checkups, scrutiny and hardships to convince the immigration authorities of their asylum claim. Subsequently, states limit immigrants' political, legal and economic accesses before their asylum request is accepted. Immigration laws are regularly amended to strengthen the sovereign state's use of power in order to limit the influx of immigrants. Coordinating immigration practices among countries and criminalizing immigrant crossings over sovereign state borders can be cited as examples where immigrants are presumed guilty until their claim is accepted.

6.2.1 Accessibility of domestic legal apparatus

The number of asylum cases presented in Norwegian courts are insignificant compared to the increasing number of rejected asylum seekers every year. Obviously, the Norwegian legal system and European Court of Human Rights are accessible for immigrants if they want to contest further the decisions of immigration authorities. Yet many reasons can be cited for their failure to do so.

First, legal scholars have claimed that the legal needs for minority groups are not always adequately covered by the legal system. Minority groups either lack knowledge about the working of the legal system or find the process too complicated and time-consuming. Papendorf (2012) argued about the need for special legal aid for disadvantaged groups in society. Citing Aftenposten, he revealed that as part of a voluntarily legal aid campaign, the Norwegian Bar Association granted free legal assistance for rejected asylum seekers in Norway. Out of 19 rejected asylum cases tried in court, 12 of them received a decision reversal (Papendorf, 2012, p. 126).

Second, taking asylum cases to court is not economically viable for immigrants. The Immigration Act (2004) has removed free legal aid for immigrants after the final rejection. Additionally, the court can force immigrants to pay litigation cost to the state, in case they are defeated in the court. As rejected immigrants have no access to work and earning a living, it would be impossible for them to pay the high costs of litigation.

Third, rejected immigrants have time constraints, i.e. the final negative decision is usually followed by limited time before they return or are deported to their home country. Even if they are willing to take their cases to court, they will often have insufficient time to have their due

process. In some instances, it would be difficult to convince UNE or the police to postpone deportation until the court process is completed.

Fourth, rejected asylum seekers are discouraged from pulling their meager resources together to collectively litigate. The major reason for this is asylum processes are instituted as an individual procedure. During the Palestinian anti-deportation campaign, a law firm from Oslo volunteered to sue the government in court on a pro bono basis. The firm dispatched a formal complaint to the UNE, urging the authority to reconsider its decision before the case transferred to the court. According to the lawyers, the reason for litigation was that both UDI and UNE had contradicted the UNHCR's recommendation; they failed to treat the Palestinian cases within the category of stateless asylum seekers. Since the Palestinians' applications after 2009 were rejected based on group deliberation, the firm initially proposed to collectively take Palestinian cases to court. However, both UNE and the court declined the motion.

Similarly, the Ethiopian group had planned to take the government to court in a class action suit as part of the protest campaign. The reason for selecting a class action suit was that the Ethiopians believed the decision from both UDI and UNE was political. While the group was in the hunger strike inside Oslo Cathedral, a group of lawyers proposed taking the protestors' asylum cases to court without charge. Informants claimed that to their surprise the lawyers frequently changed their proposal. Initially, the lawyers offered to take all the protestors' asylum cases collectively. Then they came up with a new idea of selecting a few strong political cases. In the end, the lawyers abandoned their initial promise of giving free legal aid and demanded payment for the services.

On a slightly different note, a group of rejected Ethiopian asylum seekers from Stavanger have managed to coordinate 650 cases and sued the state via a class action lawsuit. They successfully raised 500,000 kroner for a legal battle in the court. Nevertheless, both the initial and supreme courts have rejected the motion on the ground that asylum cases are personal and do not fulfill the criteria for class action. Now the case is on appeal in the European Court of Human Rights.

6.2.2 Juridification of immigration laws

Most scholars define juridification as the intensification of laws in every aspect of social life. Social scientists, researchers and human rights defenders criticize the excessive influence of politics on law. The term juridification not only concerns the increase in formal law in everyday

life, but also the rise in use of the law as an instrument of administration by politics. The modern states are intensively using the law to interfere in the economic, social and political lives of its citizens (Teubner, 1987).

In recent years, immigration laws have been extensively expanded and amended to cover every aspect of immigration. Notably, the directions of these laws are aimed at limiting the rights of immigrants. Initially, the intention of immigration laws, following the definition in the 1951 Refugee Convention, was to provide protection and justice for persons who escaped persecution from their country. However, these intentions have lately been replaced by a concern for protecting the sovereign states from the influx of immigrants. As stated in previous chapters, the Palestinian and Ethiopian groups failed to prove to the public, through different protest campaigns, that asylum institution wrongly denied their asylum rights. Here, I will argue that juridification of immigration laws was one of the main factors which prevented rejected asylum seekers from successfully opposing the immigration authorities, both in the political and legal arenas.

The decision to include or exclude strangers from a political community is the responsibility of the political system. Initiating immigration laws and policies as well as interpreting the law into practice is determined by the political will of the governing party. At the same time, the Norwegian immigration law of 1988 justifies the immigration policies' concern for control. For instance, some evidence suggests that the number of residence permits granted to particular groups of asylum seekers varies from year to year in accordance with the state's policy toward those particular countries. Indeed, NOAS explained in its 2010 report that the authorities' policy shift towards Palestinian asylum seekers after 2009 resulted in mass rejections for Palestinian asylum seekers. When the administration decided to halt the influx of immigrants from Iraq, it drew a new policy that gave the authorities the right to return unsuccessful applicants to Iraq. A report from UDI revealed that as a result of a 2008 policy change, the rejection rate for Iraqi applicants rose to 62% compared to only 42% in 2007 (udi.no). The Palestinian and Ethiopian protesters accused the authorities of not handling cases individually according to the law. Yet the campaign was unable to attract support from the public because the administration decision was justified in accordance with the 1988 immigration law's concern over control.

Furthermore, the study commissioned by UDI in 2011 showed how immigration policies enacted from 1969 to 2010 affects immigration to Norway.

Table 1. The effect of immigration policies on immigration to Norway

1974	Ban on general work permits. All countries.	Negative
1977	Residence permits not granted to illegal entrants. All countries.	Negative
1981	Residence permits for immigrant students and school attendants. They were also given work permits. More liberal rules for family reunification. All countries.	Positive
1991	Easier family reunification, work permits given to applicants for residence. All countries.	Positive
1997	Liberalization related to the Geneva Convention. Refugees.	Positive
1998	Liberalization for refugees.	Positive
1999	New law on human rights. UN convention on women and children.	Positive
2001	Schengen-convention. Liberalization for Schengen member countries ("S"). May affect immigration from non-Schengen countries ("O")	Negative
2003	Liberalization in 1997 tightened in 2003, affecting mostly people from Afghanistan, Iraq, Somalia and countries in former Yugoslavia.	Negative
2006	More restrictive rules for family reunification for immigrants arriving on tourist visa.	Negative
2008	Stricter economic demands for family reunification.	Negative

NB: Table extracted from SSB report. Source UDI: Report no. 40/2011

In the report, the researchers have chosen 13 important immigration policy changes in order to analyze the effect of these changes on immigration to Norway. For the purpose of this paper, I have only selected 11 policy changes that affect all types of immigrants to see the direction of

policy shifts. I have left out the two remaining amendments because the laws were intended to benefit specific groups of immigrants. As the table above shows, six out of eleven have negatively affected immigrants coming to Norway. In addition, law amendments that were previously advantageous for immigrants have been reversed in the 2003 and 2008 immigration laws. The study showed how the Norwegian government intensively utilized intervention on policy and legal levels to restrict the level of immigration to Norway (Cappelen, 2011).

Moreover, critics within the social sciences have argued that juridification of immigration allows the administrators to avoid blame (Davis, 2010, p. 1). The last few decades have witnessed an incremental rise in legal regulations of immigrants in Western states. Neither immigrants themselves nor human rights defenders seem able to fight back when immigrants' fundamental rights are violated via juridification of immigration laws. In Norway in 2003, immigration law was amended by imposing preconditions on asylum seekers before applying for family reunification. This contradicts UNHCR's position on family reunification as a fundamental human right (UNHCR, 2012). The amendment impedes the vulnerable group of asylum seekers from adapting to their new society. New immigration laws are frequently produced, such as limiting case processing time procedures to a 48 hours, raising the maximum penalty for violating entry prohibitions, and strict demands for identity papers and passports as a way to deter immigrants from coming to Europe. In addition, immigration officials use legal language in their decision-making process, which removes accountability from the administrators. Finally, critics argued that juridification of immigration led to improved administrative routines rather than improved human rights (Kawar, 2014).

6.2.3 Ignoring international human right laws

International and European human rights laws are acknowledged by and incorporated into Norwegian immigration law. These international laws are defined as binding and as having precedence over Norwegian immigration laws. However, the study made by Baillet (2003) indicated that the laws advised that the practice must be based on the Norwegian definition of immigration and should be consistent with other Norwegian legislation. She mentioned that the caseworkers in UDI and UNE are advised to be cautious in interpreting international human rights laws (Bailliet, 2003). There are many points that can be raised to show how the regulatory consideration of immigration laws discourages rejected asylum seekers from selecting the international legal system as a protesting tool for contesting the state's decision.

Recent studies show that rejected asylum seekers seem to lose their faith in international human rights laws and organizations. The result of the Ethiopian protest campaign at the regional UNHCR office in Stockholm is a good example of this. Ethiopian informant number four explained his frustration as follows:

It was a desperate action from our side. We knew that Norway is a sovereign country that contributes a lot in the international arena, whether politically or economically. Norway is a huge financial contributor for UN; therefore, it would be foolishness to expect reprimand from these organizations. The Swedish officials explained to us that Norway is an immigrant-receiving country for UN, and there are no international laws which interfere in Norway's internal affairs and transfer asylum seekers to other countries. The only positive response from the UNHCR was their promise to enquire into the repatriation agreement made by Norway and Ethiopia.

At present time, states have pulled their resource together to fight the influx of migrants into their territories. The shift from human rights perspectives to immigration control concerns has compelled Western nations to put aside international and regional human rights recommendations.

In addition, the war on terror has legitimated the West's development of restrictive policies and laws to hinder unwanted foreigners from crossing their borders. Some have argued that the war on terror is the undeclared war on immigrants (Fekete, 2005). A plethora of research revealed how the deportation practices among European countries undermine both the 1949 and 1951 human rights conventions. Strikingly, the practice of handling immigrants in the West is moving in the opposite direction in relation to European human rights conventions and against the decision of the ECHR. Some European countries are tending to ignore the ECHR's decisions in immigration matters.

6.3 Laws vis-à-vis public sympathy

According to informants, the main purpose of their campaign was directed at winning the sympathy of the Norwegian public. Informants from both groups agreed that the ultimate power in Norwegian society rests on the electorate, through participation in elections. Informants from both groups indicated that the protests, whether demonstrations on the street, church asylum or

meetings and conferences, were directed toward winning the heart of the public, who is responsible for giving legitimacy to the government.

The people are the ones who chose their government. To get contact with and to be heard by the state, we have to communicate with ordinary citizens. Our fight is to get attention from the people. Palestinian informant no. two

An Ethiopian informant, defending the strategy of the church sanctuary, explained as follows:

We wanted to steer maximum attention toward our cause. We needed massive attention from the media and the public; being off the media means to being invisible to the public. The public did not know the extent of the problems rejected asylum seekers had to face every day due to the strict policy of the state. Controlling the church premises had given us a chance to be seen and to tell our story to the Norwegian people.

Many people approached us after we ended the church campaign. Some people seem to be confused; it was difficult for them to accept that the government treated us badly. Some were willing to help us and gave us their sympathy. (Ethiopian informant no. two)

We did not get a good result from the politicians. They did not like our protest, but we made people understand us. Some Norwegians slept in the camp to show their solidarity with our movement. (Palestinian informant no. two)

However, sources admitted that both campaigns did not bring about satisfactory results in terms of getting mass support from the public. Western society reacts to stories of atrocities, human rights abuses, and man-made to natural disasters that happen in faraway places. Why can't the plight of immigrants who tried to show their sufferings in the midst of the wealthiest country appeal to society? Using the theory of juridification of social life, I would argue that laws as a source of moral and social integration in modern society forced society to place greater trust in the system than in the plight of foreigners.

6.3.1 The law's social integration function

In modern society, every aspect of an individual's life and social relationships are governed and regulated by law. Traditional moral and normative foundations of society became rationalized. As individuals in contemporary society become individualistic in orientation and consumerist in nature, as well as have diverse values and fewer shared norms, law has become the only source of social integration. Individuals accept the laws as the moral core of their existence, which failure to follow threatens the wellbeing of the whole society (Habermas, 1987). Here are a few examples of how the Norwegian government used the law to separate the protestors from public sympathy.

First, the government frequently stamped the protestors as "illegal immigrants" who do not have respect for Norwegian laws and asylum institutions. The protestors, according to the government's response in the media, had their asylum cases thoroughly and repeatedly dealt with by UDI and UNE. The law requires individuals whose asylum application has been turned down to leave voluntarily. In addition, the government showed how the protestors were ungrateful when they turned down the government's generosity. The statement referred to the 15,000 NOK reward for those who voluntarily return to their country. When respecting the law of the land is the norm of society, foreigners who do not abide by it would not easily secure public sympathy.

Second, involving children in the church protest by Ethiopians aroused unexpected negative reactions from the public. The protestors believed that the presence of children in the church would attract significant media and public attention to their cause. The representative from the right wing party denounced the involvement of children in the church action as "child abuse," which should not be tolerated by the government. He characterized the group as blackmailers and violators of child rights. The then prime minister had accused protestors of putting their own children at risk, and trying to press the system was labeled as unacceptable behavior. Likewise, media comments showed that the action received criticism from the public. If we compare the public's response to the "Nathan case" with their response to the children inside the church, we can see how Norwegian society reacts differently to actions defined as lawful and unlawful.

Nathan was one of the 600 children who were born from rejected asylum seeker families and lived without status in Norway. His family came from Ethiopia as an asylum seeker, but their asylum application was denied by both UDI and UNE. However, the family was working and

supporting themselves, even if they lacked a legal residence permit. Nathan went to kindergarten school and had many Norwegian friends. He was six years old when the Norwegian government announced the repatriation agreement with the Ethiopian government in 2011. The agreement brought bad news to Nathan and his family, that they would soon be deported to Ethiopia. Fortunately, neighbors decided to fight for the family. According to the media report, around 1000 people showed up to express their support for Nathan and his family. On March 2012, UNE decided to look into the family's asylum case again, and the deportation implementation had been suspended. However, UNE decided not to change its previous decision and ordered them to return to their country. The family and their supporters took the case to the court. In March 2013, the court decided in favor of Nathan. As the story shows, while one child case had attracted much attention from the media, the public and the politicians alike, the presence of six or seven children inside the church amidst a hunger strike did not create the same response.

The famous Marie Amelie case (see Ugelvik, 2013) can be taken here as a good example to argue on where the source of social solidarity lies in modern society. Marie Amelia grew up in Norway, had many Norwegian friends and graduated from a prestigious university in the country. While she was launching her new book in the city of Lillehammer, the police detained her to deport her and her family to Russia. This incident caught the attention of the Norwegian public. According to Ugelvik, Norwegian society was drawn in to fight what he terms as the moral struggle between the good and the bad (Ugelvik, 2013, p. 72). Thousands of people in the main Norwegian cities joined demonstration against the government's decision. Prominent figures, such as known singers, writers, and religious and political leaders, participated in the protest and criticized the immigration authorities. About 50,000 people joined the Facebook group to show their solidarity (ibid). The main argument one can draw from the media rhetoric was that the campaign initiated a public discussion by comparing and contrasting between what societies refers to as good and bad immigrants. Maria was portrayed as a good immigrant who was well integrated and educated, with a bright future and who deserved to join Norwegian society. By contrast, immigrants with a criminal record were depicted as dangerous immigrants, but they have already received protection from the Norwegian government. The criticism was directed at the immigration bureaucracy, which was labeled as rigid and lacking human compassion. In the end, the government had to give in to the pressure from the campaign: It reversed its decision and brought Maria back from Russia.

Finally, creating a moral panic by the media and governmental propaganda is one of the most difficult barriers that rejected asylum seekers face when trying to secure public sympathy and support. The government repeatedly hinted to the public about the need to strongly protect the asylum institutions. It gave a warning to the public that interfering in the decision of the asylum institutions would send the wrong signal to the world, with the consequence of an uncontrollable flood of immigrants into the country. Specifically, the media's presentation of illegal immigrants as criminals has widened the mistrust, fear and suspicion between rejected asylum seekers and the public. Problems related to organized crime, terrorism, unemployment and pressure on the welfare economy made Western society ambivalent to the plight of immigrants.

6.3.2 Appropriation of conflict

One of the effects of juridification is the expropriation of alternative societal conflict resolution methods and substituting those with formal law. Teubner argued that socially acceptable and less costly ways of conflict resolution are replaced by the legal system, which is remote, expensive and less accessible (Teubner, 1987). Juridification of laws even turned political conflicts into judicial matters (Papendorf, 2012, p. 39). However, in traditional society a number of conflicts are still resolved by community elders and other religious and traditional institutions, rather than an established legal system.

The Ethiopian group had the church's conflict resolution role in mind when they strategically chose the church as a medium for their protest campaign. Informants explained that the Church of Norway has its autonomy, and the government cannot easily violate its territory. They believed that the police would not have jurisdiction to deport them from the church premises, and the church would help them negotiate with the immigration authorities.

Indeed, the Church of Norway was involved in arbitrating immigration conflicts until recent times. For years, the church had facilitated negotiations between refugees and the state. In 1993, the church successfully negotiated between Kosovo-Albanian asylum seekers and the state. The asylum seekers had to seek refuge in the church after the final rejection of their asylum application. In 2005, the Council of Norwegian Churches had reported its active involvement in refugee questions and its success story in helping many rejected asylum seekers secure a residence permit in Norway. The council had also expressed a wish to continue its engagement as a civic organization and guide the asylum institutions on the moral and biblical elements in the exercise of asylum (Kirken.no).

However, the separation of religion from politics had gone through a long historical process; churches can no longer influence or interfere in the business of the state. Furthermore, law in the modern era has further managed to take over religion's place in society as a source of moral and ethical principles. Recently, the government started negotiating with the Council of Norwegian Churches to limit the involvement of churches in asylum issues and end church sanctuary for good. That was why Norwegian society did not respond to a hunger strike inside the church, in contrast to the way the protestors had planned. I would argue that rejected asylum seekers' appeal to the church could not arouse public sympathy while conflict resolution is a responsibility of the state through the established legal apparatus.

6.3.3. Criminalizing helpers

Immigration law § 47 (LOV 2001) criminalizes individuals who provide assistance such as residence, lodging or work for illegal immigrants. The maximum penalty for employing foreigners without a residence permit reached up to two years in prison. Dahl (2008) in her master's thesis revealed that there were a lot of Norwegians involved in hiding illegal and paperless immigrants from the authorities. She called these individuals the kind-hearted helpers. However, these helpers are sometimes considered by their community as traitor who have no regard for Norwegian law. In addition, these helpers exposed themselves to economic and psychological burdens because they were dealing with individuals with neither work nor clear futurity (Dahl, 2008).

To conclude, the law clearly deters the public from interfering with the decision of the authorities regarding the administration of immigration. Hiring immigrants with no work permit or helping rejected asylum seekers privately are unlawful acts punishable by law. Most importantly, modern society trusts the political and the legal system, which they participate in its making. Therefore, it would be difficult for rejected asylum seekers to convince the public that they have been treated differently by the system.

7. Concluding remarks

This thesis has explored the rejected Palestinian and Ethiopian asylum seekers' anti-deportation campaigns in Norway. The group decided to struggle against the Norwegian government in the political, legal and social arenas. They strategically engaged civic organizations, professional

associations, political parties and the public to find an ally within the system. However, findings from the research show that the campaigns failed to bring about the desired result for both groups. In the discussion part, I have tried to analyze the outcome from the theory of juridification of laws and the perspective of power and counter power in the political struggle.

I have argued that the effort to bring the conflict to a political level failed because the group members as rejected asylum seekers could not be seriously considered as political actors in the system. They had neither economic nor political power to threaten the system or become a counter power against the government. In addition, the group lacked key partners within the system, which could have otherwise helped them to elevate the struggle to the political level. Taking the KROM example, I have tried to show how civic and other professional organizations who supported the group could not efficiently mobilize the resources and the public to create a vibrant opposition campaign. While the prisoner's movement had a sustainable relationship with KROM for an extended period, most of civic organization tied to the rejected asylum seekers had a short life span. Some of them were even established for the specific purpose of helping the group's campaign.

The thesis further argued that the juridification of immigration laws prevented the group from conducting an effective anti-deportation campaign. First, immigration laws have been intensively produced and amended to restrict the inflow of mass migration. At the same time, juridification was also used to explain how the political system gradually controls the law and uses it as a steering mechanism. Advocates of this theory warned about the danger of hijacking the law by the politics for the purpose of efficient administration and rule. According to Habermas, the ambivalent nature of welfare laws pacifies class conflict in the capitalist economy and at the same time takes away the freedom of individuals by creating a client relationship with the state. For the purpose of efficiency, the bureaucracy defines its functions in legal terms. Therefore, it becomes difficult to oppose the administration when the decision is believed to be regulated by the rule of law.

Both the Palestinian and Ethiopian groups strategically selected the legal system as a last option to their campaign. I have argued that the regulatory concern of Norwegian immigration laws created a barrier that prevented rejected asylum seekers from utilizing the country's legal system. The 2008 immigration law amendment contains a clause limiting the provision of free legal services for immigrants after the final negative decision. The establishment of detention camps, isolation and prohibition of rejected asylum seekers from the public space and the

deliberate deterioration of their life conditions are some of the recent measures taken by the Norwegian government. Moreover, all these changes are consolidated and legitimated by regulatory concerns of the law.

Most importantly, Jürgen Habermas in his communicative action theory demonstrated that a mutual understanding is possible when actors interpret the situation from the same lifeworld structure (Habermas, 1987). Overestimating the UNHCR's influence over a sovereign state might be evidence how the Ethiopian protestors wrongly interpreted the political, legal and social system in Norway. Furthermore, social scientists express their worry that international organizations like UNHCR, UN and EU human rights courts are on the verge of losing their influence on nation states. These organizations are now unable to give adequate answers to modern problems. Due to the sophisticated nature of the global economic crisis, global organized crime and terrorism, nation states now prefer to find their own solution rather than depend on these organizations. The 1951 Refugee Convention has increasingly been ignored and given way to the regulatory concern of immigration laws. Some studies have revealed that quite a few European nations are disregarding the ECHR's rulings on matters of immigration.

In addition, past studies show that anti-deportation campaigner, both immigrants, and friendly civic organizations utilizes mass media to attract public attention and expose states brutality in relation to immigration. The aim was to win public support, which is the real source of legitimation in a democratically organized state system. However, two factors seem to hinder immigrants fully exploit the public support. The first impediment is related to the fact that modern society relied heavily on formal and written the law as a source of social norms. As discussed above, due to the juridification process, the states use the law as a steering media and produce more rules in order to legitimate its action accordingly. Hence, it becomes more challenging for immigrants to attract sympathy from the public that heavily relies on the rule law. The second hindrance is the deliberate creation of moral panic among the public by the nation states. It becomes difficult for immigrants to voice their grievances amidst all these negative media campaigns (Deflim, 2008, Khosravi, 2009). The current threats associated with global terrorism allow these states to treat immigrants as criminal. The western nations, following USA, have passed anti-terror law, which have resulted in detention and deportation of undocumented migrants at a larger scale. The war on terror dictates that security takes precedence over human right (Fekete, 2005). The terrorist attacks on New York and other big European cities followed by the huge media coverage seems to create a consensus among the majority of western society that immigrants are, in fact, a source of security threat for their

nations. Recurrent presentation of immigrants' negative image by media creates a suspicious relationship between immigrants and the host community. The impact of globalization, the recession of the western capitalist economy, global terrorism and organized crime hits the credibility of immigrants harder than ever.

Finally, the problem associated with unemployment, organized crime and terrorism makes modern society ambivalent to the plight of immigrants. Youth unemployment has become Europe's biggest challenge now. Aljazeera, in a recent story on "Europe's lost generation," reported that 5.5 million young people in Europe are without work. These youngsters are the new immigrant groups inside Europe. At the same time, there is already a tendency for legal amendments to curtail the movement of these groups inside Europe. Switzerland has recently voted on a referendum to limit free movement of Europeans into its territory. The same legal measures are suggested by the governing coalition party, the Progress Party, here in Norway. This paper can inspire further studies on how these new groups of immigrants react when states limit their freedom of movement and their human rights in favor of the regulatory concerns of immigration policy.

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