

# The construction of the immigrant as deviant

*How is the image of the deviant immigrant reflected in  
Norwegian policy and public debate?*

Idil Abdi Abdulle Mohamed



Master's thesis in Sociology of Law

Department of Criminology and Sociology of Law  
Faculty of Law

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# Abstract

**Title:** The construction of the immigrant as deviant- How is the image of the deviant immigrant reflected in Norwegian policy and public debate?

**Author:** Idil Abdi Abdulle Mohamed

**Supervisor:** Peter Scharff Smith

Department of Criminology and Sociology of Law

Faculty of Law

University of Oslo

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This thesis is a critical analysis of the public debate surrounding the refugee crisis Norway faced in 2015. Acknowledging the new policies that have been introduced in the aftermath of the refugee crisis, the emphasis on the stricter rules in the field of immigration, which I perceive to be moving towards a crimmigration field, is the starting point of this thesis. I have chosen a media analysis of Facebook and newspaper articles to get a glimpse into the public debate surrounding those who crossed Norway's borders in 2015. I then proceeded to supplement this data with central reports. The inquiry looks into how the image of the deviant immigrant is reflected in Norwegian policy and public debate. The analysis has been carried out by two different methods. First, extracts from Sylvi Listhaug's official Facebook page as well as other political and immigration authority discourses picked up by newspapers were used to analyse the image of the deviant immigrant. Second, the data from the opposite side of this crisis was portrayed using more positive articles based on welcoming those crossing Norway's borders. The data on this side of the analysis is based on how civic groups in Norwegian society produced a counter-image to that portrayed of immigrants in the authority discourses. Invariably, the political and administrative officials' rhetoric is of different length

and consistency. The rhetoric has been presented in quotes in this thesis. Some politicians have uttered themselves throughout the crisis, while others have played a smaller part. The changes in the legislation were first introduced in this thesis before I proceeded on to analyse the similar suggestions that have been raised by some politicians in order to showcase how the legislation had broad agreement. The aim has nevertheless been to put forward the nuances of the debate.

I have expressed my findings by using mostly a combination of criminological and legal sociological theories. Katja Franko Aas' (2013) theory on "the deviant immigrant" has been helpful to view how those who crossed Norway's borders have been portrayed. Migration research studies recognize how nation-states can criminalize irregular immigrants based on their laws. Some of my findings pertain to how Norway has likewise criminalized those crossing its borders with rejection of entry, denial of assessing an asylum application and the introduction of stricter visa requirements. One of the recurring themes is sending a signal of being stricter as a state to reduce the influx of asylum seekers. I have tried to analyse whether this rhetoric of portraying immigrants as deviant spread from the Progress Party and to other political parties and administrative organs. I believe these stricter measures in the immigration field portray how Norway as a state adopted a realist mentality during the refugee crisis, both in the policies introduced and in the political public debate. I believe Norway strove to get rid of a "humanitarian image" to appear less attractive as an asylum country as other states in Europe have as a measure of migration control. The opinions perspective has been used as a theoretical perspective on understanding the effects of the abrupt changes in the societal conditions of laws. On the one hand, the increase in asylum arrivals led to abrupt and stricter changes in the Immigration Act of 2008, whilst on the other hand it led to a mass mobilisation to help those crossing our borders. Politicians use "politically advantageous discourses" to create fear through distributing stories on crime and justice, according to Yvonne Jewkes (2015). This was similarly the case in some of the political rhetoric that relied on distributing stories from Sweden and Germany to inform the Norwegian audience regarding the negative issues that can arise from these increased asylum arrivals. Some of the political rhetoric focused on prioritising the security of citizens, with suggestions of electronically tagging immigrants. The stricter policies implemented and debated in the political discourses analysed are a sure sign that crimmigration policies have been adopted, and with broad political support during the refugee crisis.

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# Table of contents

- 1 Introduction ..... 1
  - 1.1 How is the image of the deviant immigrant reflected in Norwegian policy and public debate?..... 5
    - 1.1.1 In what way is the image of the deviant immigrant portrayed in Progress Party rhetoric?..... 5
    - 1.1.2 In what way has the image of the deviant immigrant diffused to other political parties and authorities?..... 6
    - 1.1.3 How has Norwegian civil society responded to the authorities’ portrayal of the refugees and asylum seekers? ..... 6
  - 1.2 Clarification of concepts..... 7
  - 1.3 The structure of the thesis..... 10
- 2 Background information ..... 11
  - 2.1 Organization of the immigration authorities ..... 11
    - 2.1.1 The Ministry of Justice and Public Security ..... 11
  - 2.2 Propositions ..... 16
  - 2.3 Proposition 16. L (2015-2016) ..... 17
    - 2.3.1 Detention ..... 17
  - 2.4 Prop.90. L (2015-2016): Entry into Norway ..... 21
    - 2.4.1 Section 9: Visa requirement ..... 22
    - 2.4.2 Rejection of entry in crisis situations ..... 23
    - 2.4.3 Coercive measures..... 26
    - 2.4.4 Dublin III Regulation ceased..... 26
    - 2.4.5 The non-refoulement principle..... 29
- 3 Theory ..... 31
  - 3.1 Crimmigration ..... 31
  - 3.2 Deviance and conformity within international law ..... 37
    - 3.2.1 Rational choice paradigm..... 37
    - 3.2.2 The sociological paradigm ..... 38
  - 3.3 The society’s impact on the law ..... 40
    - 3.3.1 Thomas Mathiesen: Opinion’s perspective ..... 41
- 4 Methodology ..... 44
  - 4.1 Document analysis..... 44

4.2	Qualitative media content analysis .....	47
4.3	Reflections made .....	52
4.3.1	Reliability .....	52
4.3.2	Validity .....	53
4.3.3	Generalisability .....	54
4.3.4	Ethical reflections.....	54
5	The deviant immigrant in Progress Party rhetoric .....	56
5.1	Criminalising the unknown identity .....	59
5.2	Coercive measures .....	61
5.3	Clear signals, clear rhetoric .....	64
6	The evolving deviant immigrant .....	75
7	Counter-images .....	84
7.1	Mobilization of volunteerism .....	86
7.1.1	Refugees welcome to Norway.....	87
7.1.2	Dråpen i havet .....	89
7.2	The power of the media .....	90
7.3	The nuances of public opinion.....	95
8	Discussion .....	99
8.1	The changing policies .....	99
8.2	The political rhetoric as reflective of the legislative documents .....	101
8.3	The administrative organs .....	103
8.4	The counter-image .....	104
9	Conclusion.....	106
	Literature list .....	110
	Attachments.....	123

# 1 Introduction

One million migrants arrived in Europe in 2015 (Østby, 2017:2). Out of these, 31 145 applied for asylum in Norway. This is the highest number of asylum seekers that Norway has ever experienced in any single year (UDI, 2015c). The news media covered the influx of migrants intensively and hardly a day went by without extensive media reports. Groups created on Facebook such as “the refugee welcome initiative” led to a mass mobilization of volunteerism in Norway during the refugee situation in 2015.

Most of the asylum seekers arrived from September to November in Norway with an average of 8,000 arriving every month in the last few months of 2015. A substantial number of individuals (over 5,000) entered via a new refugee route (Storskog) in Sør-vanger municipality. The historical shift in refugee numbers and routes put tackling the immigration issue on top of the political agenda in Norway (Østby, 2017:5). The huge arrivals combined with inefficient control mechanisms provoked massive debate and new political initiatives designed to deter “economic migrants” from crossing European borders. The challenges that arose in 2015 led to measures of closing borders as well as major changes to the Immigration Act 2008 in Norway (Prop.90. L 2015-2016).<sup>1</sup>

The prospect of having to deal with an influx of between 10,000 and 100,000 asylum seekers in the following year highlights the confusion faced in 2015 (NRK, 2015d). This confusion led to rapid changes to the Immigration Act 2008, and members of parliament stated that such comprehensive and vast changes had not occurred since the Second World War (NRK, 2015b).

In the last decade, refugees have made up ten to twenty percent of all immigrants in Norway (Østby, 2017:2). During the late 1980s and early 1990s, Norway saw the arrival of refugees coming primarily from the former Federal Republic of Yugoslavia and Tamils from Sri Lanka (Altamirano, Appelqvist, Brekke and Hansen: 1998). Since the 1990s, the general expectation in Norway has been that refugees should return to their homelands as soon as peace was re-established in their home areas (Altamirano, Appelqvist, Brekke and Hansen 1998; Dzamarija 2017). Temporary residence permits were given, and when the humanitarian

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<sup>1</sup>The changes to the law will be re-evaluated after two years (prop.90 L 2015-2016:12).

basis for stay was not fulfilled anymore, the idea was to not renew the residence permits (Altamirano, Appelqvist, Brekke and Hansen, 1998:47).

At the beginning of the 21st century, the Norwegian authorities gradually proceeded to develop their policies towards ensuring that rejected asylum seekers return in a dignified way. The developments in Norway were beginning to mirror those found around Europe. The more experienced the European countries became, the more they shared their knowledge in the field. This experience led to the “institutionalization, systemization and even coordination beyond borders” (Brekke, 2010a:11).

The huge arrivals in 2015 experienced by Norway and other European countries led to a separation of refugees from migrants. The wish to be certain of the identities of those who crossed the nation’s borders led to the placement of asylum seekers in places other than Trandum immigration detention centre (see prop.16 L 2015-2016). Detention measures for asylum seekers and criminals can be said to have become similar with this new law change (ibid). In light of this, I would like to reflect on what the criminologist Juliet Stumpf (2006) notices to be a convergence of the immigration and criminal field. Stumpf described how the treatment of non-citizens in the immigration field was starting to resemble the treatment of criminals within the criminal justice system (2006). We can similarly observe how the new practices that were followed in the establishment of an identity in Norway were moving in a similar field. These practices can lead to the formation of what Aas (2013a:244) defines as a “criminalized identity”.

Policing the borders has been mentioned as a tool in the criminalization of irregular immigrants (see Johansen, Ugelvik and Aas 2013; Aas, 2013b). The Frontex border control agency monitors immigrants and their irregular crossings in a European context. Separating asylum seekers from migrants, and monitoring those crossing domestic borders became a priority for the Norwegian government in the autumn of 2015 (see prop 90 L 2015-2016). The failed Dublin III regulation is often mentioned as the main reason for the irregular crossings by the migrants. The Dublin III regulation is intended to achieve identical practices around Europe: to combat the secondary movements of migrants who move from one country to the next to seek asylum (ibid). This is particularly a priority in the European context; there are several directives intended to be followed by European member states, and others that are binding for Schengen associated countries like Norway (see the EU return directive 2008/115/EC).

Central to this thesis are the notions of “deviance” and the “deviant immigrant”. I use the following classical definition of deviance: “Behavior and characteristics that some people in society find offensive or reprehensible and that generates—or would generate if discovered—in those people disapproval, punishment or condemnation of, or hostility toward the actor or possessor” (Goode, 1997:37). In other words, by “deviant immigrant” I mean a person or type of person who is widely viewed with suspicion or hostility. The main objective of this thesis is to explore whether the notion of the “deviant immigrant” can be used to describe asylum seekers and refugees, as well as whether asylum seekers and refugees are being portrayed by the politicians and immigration authorities as deviant.

The fear of the stranger is attached to those of whom the state is uncertain and who are perceived as posing a “societal risk” (Aas, 2013a:244). The President of the United States of America, Donald Trump’s recent Muslim ban is an exemplary manifestation of the ever-great fear of the “stranger” in an international context (The Whitehouse, 2017). The “war on terror” that arose after 9/11 has led to discussions on safety that has in turn led to the “criminalization of foreignness” (Aas, 2013b:83). The practices enacted towards non-citizens are becoming similar to those used on criminals, according to Stumpf. Membership is becoming more selective and non-citizens are increasingly excluded (see Stumpf 2006).

Nevertheless, this thesis also notes the counter-image created in Norwegian civil society during the refugee situation Norway faced in 2015. Branches of the “refugee welcome initiative” were created on Facebook. According to a report on “Norwegians’ contribution towards the refugee situation”, the role the civil society played in improving the reception conditions of asylum seekers is mapped. 1.4 million Norwegians are said to have contributed in a diversity of ways during the refugee situation (Fladmoe, Sætrang, Eimhjellen et al., 2016).

### **The Immigration Act 2008**

The Immigration Act on which this thesis is focused is the "act May 15, 2008 No. 35 about immigrants’ access to the Kingdom and their residency here" that came into force on the first of January, 2010 (my translation). The general purpose of the Act is described in section 1 below:

Section 1. The Purpose of the act.

"The law shall provide the basis for the regulation and control of the entry and exit, of immigrants' residency in the Kingdom, in accordance with the Norwegian immigration policy and international obligations" (§1, my translation).

The formation of a law has several steps, and agreements made by a government, in this case a coalition government, are part of these steps that can lead up to a legal change (Backer, 2013). Interestingly, the stricter tone towards foreigners can be traced back to the agreements (see political platform 2013, Asylum settlement 2015) that led to the tightening to the Immigration Act 2008 (prop.16 L 2015-2016 and prop.90 L 2015-2016).

After noticing the many changes that have occurred since the refugee crisis of 2015, I noticed a trend whereby all the tightening in legislation intended to tackle the "bogus asylum seeker" (Cohen, 1972). The words used to describe the arrivals of migrants—supposedly not in need of protection—were many. Terms that attracted my curiosity were words such as "groundless asylum seekers", "economic migrants" and "anchor children" (see prop.90. L 2015-2016).

As a consequence of this, I concentrated on the proposed changes to the law that centred on "entry into the territory". The changes I will describe in chapter 2 are also based on the arguments used by the government in the agreements created prior to the propositions during the refugee crisis. In addition, I have witnessed how this written image of the "deviant immigrant" that I am interested in is being transferred to asylum politics. The asylum settlement (2015) was a crackdown measure to tackle the asylum crisis. The document has the title "measures to tackle the refugee crisis", and it can be interpreted as a symbolic example of a legislative agreement between many political parties in parliament to tackle those not in need of protection.

In this thesis, the focus is primarily on Facebook comments written by the Minister of Migration and Integration Sylvi Listhaug. I have chosen to focus on Listhaug since she, as the government authority on migration and integration as well as the voice of immigration, plays a central role in this opinion debate on who a "deviant immigrant" is. Her statements and those made by other politicians and immigration authorities will be selected from a larger sample that were made regarding those who arrived in 2015.

## **1.1 How is the image of the deviant immigrant reflected in Norwegian policy and public debate?**

This thesis is a critical analysis of the ways in which politicians and other immigration authority members have expressed themselves on the topic of immigrants, ways that I perceive to be portraying an image of a “deviant immigrant”. The public debate that I am interested in is those centred on defining those who crossed Norway’s borders in 2015.

To fully answer this research question, I will need to supplement it with three sub-questions. Each of these sub-questions will be dedicated a chapter in order to be examined in depth and separately.

### **1.1.1 In what way is the image of the deviant immigrant portrayed in Progress Party rhetoric?**

A new ministerial post for “integration and immigration” was created in Norway at the peak of the crisis to handle the large-scale influx of arrivals. Sylvi Listhaug from the Progress Party was appointed in this post (The Associated Press, 2015). It is possible to interpret this newly created post as an attempt to regain control in a country where the migration policy is based on a shared European asylum system designed to generate the same practices across the board. Listhaug’s arguments and newly created position can be understood as an attempt to re-establish the people’s trust in what Jewkes (2015) calls a low-trust political climate. I will analyse the rhetoric and written image of the unwanted/expelled/rejected or groundless asylum seekers on Listhaug’s Facebook.

Listhaug and the other politicians sometimes argue on the same points as those made in the propositions and practices for laws (circular letters). The difference is that the official documents use a more formal tone than the informal tone the immigration minister uses on her official Facebook page. I will discuss how although they might vary in the use of language, the written message can be traced back to the suggested changes<sup>2</sup> to the law that were made during the refugee crisis. To answer whether or not this is a correct interpretation, I will start by analysing Ministers Listhaug’s rhetoric on Facebook. I will use a relative systematic approach to collect data from Listhaug’s official Facebook page. I will follow her rhetoric from early 2016 to early 2017, rhetoric that I perceive to be painting an image of a

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<sup>2</sup>Which were later implemented.

“deviant immigrant”. I will then proceed to look at the similar rhetoric made by other Progress Party politicians.

### **1.1.2 In what way has the image of the deviant immigrant diffused to other political parties and authorities?**

The idea is to show how this rhetoric from the Progress Party had a spill-over effect on the rhetoric employed by the collaborative parties, the opposition and lastly the administrative organs. The similar rhetoric will be analysed from newspaper articles on this subject. I will focus on the coercive measures suggested by these politicians and immigration authorities and use them as examples of “crimmigration” – i.e. policies which criminalise immigrants and problems related to migration. I have noticed how the re-establishment of control has led to harsher methods of dealing with those unwanted in national territory.

The debates on social media can target a large group of the population, thereby potentially triggering what Mathiesen (2011:104-105) sees as the collective consciousness. The collective consciousness is the subjective feelings shared by the majority of the population. This collective consciousness might have changed due to the rapid change in the societal conditions, coinciding with the higher arrivals, and thus the politicians can be said to be using the media platforms to gain an insight in the current collective consciousness in the Norwegian society.

### **1.1.3 How has Norwegian civil society responded to the authorities’ portrayal of the refugees and asylum seekers?**

This chapter illustrates how representatives from Norwegian civil society have also tried to create counter-images in opposition to government policies and the image they produce of Norway. The chapter covers the political rhetoric statements formulated by the leaders from the Green Party (*Miljøpartiet De Grønne*) and the Socialist Left Party (*Sosialistisk Venstreparti*), who were opposed to the suggested measures to tackle this crisis. The data I have analysed is also based on research on the refugee situation that mapped Norwegians’ contribution towards the refugee situation (see Fladmoe, Sætrang, Eimhjellen et al., 2016). My main data is on the “refugee welcome initiative” that was formed during the refugee situation to assist those who crossed Norway’s borders (see Synne Sætrang, 2016).



Mathiesen (2010:321) emphasizes how social media facilitates the expansion of critical movements towards the political facades created by politicians. I likewise witnessed how critical movements were formed to help in areas where the authorities were lacking during the “refugee situation” (Sætrang, 2016). The aim of this question is to portray a different image than that of the “deviant immigrant” that is the subject of the other questions.

## 1.2 Clarification of concepts

### **Asylum seeker**

A person is referred to as an asylum seeker after an application for protection has been submitted in Norway. Until the person gets a decision letter on their application, they keep this status. The steps a person has to take are first to notify the police in Norway that they are seeking protection, whereby the police will then send the application to the immigration department (UDI) and the asylum seeker can lastly send it to the appeals board (UNE) if an unsatisfactory decision is made by UDI. After a decision has been reached, the person either gets recognized as a refugee or gets humanitarian leave to stay; otherwise he or she has to leave Norway after a final negative decision has been reached by UNE.<sup>3</sup>

### **Refugee**

The 1951 Geneva Convention with its 1967 protocol lays down the legal standards, and the states that have signed it are to abide in relation to the “territorial state protection of refugees”. Terje Einarsen mapped the implementation of the 1951 convention in Norwegian law and practice (1994). What he discovered was that although some persons do not get recognized as “convention refugees”, they are still in need of protection and might be granted this protection on “humanitarian grounds” in Norway (Einarsen, 1994:2).<sup>4</sup>

A person gets a residence permit if he or she fulfils the following criteria needed to get asylum in Norway according to UDI:

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<sup>3</sup> <https://www.udi.no/ord-og-begreper/asylsoker/>

<sup>4</sup> Nevertheless, the report on the needed revisions to the Immigration Act 2008 noted how protection on “humanitarian grounds” should be limited (NOU 2004:20).

- “Has a well-founded fear of persecution because of his/her ethnicity, origin, skin colour, religion, nationality, membership of a particular social group or political views (referred to as a convention refugee)” or
- “Faces a real risk of being subjected to the death penalty, torture or other inhuman or degrading treatment or punishment if he or she has to return to his/her home country”.<sup>5</sup>

## **Foreigner**

The bureaucratic system also operates with their own formalised terms and categorisations with which they choose to classify individuals, just as individuals have images of who a “foreigner” is and who a “Norwegian” is. The term “foreigner” is also used for “stateless persons” (Mohn, 2013:45). In this thesis, a foreigner can also mean a non-citizen or a rejected/expelled asylum seeker.

## **Migrant**

According to the Norwegian lexicon, a Migrant is a person who moves from one country to another. The term governs work migrants, refugees, student migrants, family migrants and others who cross borders to a different country regardless of it being voluntarily, forcefully, illegally or even legally. The discussion in 2015 was on whether those crossing Norway’s borders were migrants or refugees (Snl, 2015).

## **Immigrant**

Immigrant is not considered a juridical term in Norway, but is used to define persons that have moved to Norway (Mohn, 2013:45). Others even prefer to use the term “illegal immigrants” to highlight the illegal state in which some live (Fangen and Kjære, 2013).

According to the Norwegian lexicon, the Norwegian term for an immigrant is *innvandrere*. Those regarded as immigrants according to this definition are refugees, asylum seekers and other migrants who have moved to the country. The term also covers work migrants, student migrants and even family migrants (Snl, 2017). This broad term will assist

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<sup>5</sup> <https://www.udi.no/en/word-definitions/refugee/>

me in understanding how the political rhetoric consists of these different terms such as refugee, asylum seeker and migrant, which all fall under this term of immigrant.

### **Expulsion (*utvisning*)**

Chapter 8<sup>6</sup>, Section 66-72 of the Immigration Act of 2008 lists reasons that can lead to an expulsion from Norway. A foreigner without a residence permit can be given this decision, but an expulsion decision can also be given to those with a temporary permit and even to those with a permanent permit. The proportionality of each case must be considered, and rejection is determined and limited by the European Convention on Human Rights.<sup>7</sup> In the case of expulsion, leaving the country (Norway) is expected. There are also some rights that are lost after an expulsion decision has been reached. A foreigner loses the right to return to Norway, for either a limited period or permanently. This prohibition against returning is practiced by the other countries in the Schengen agreement as well.<sup>8</sup>

### **Rejection of entry (*bortvisning*)**

Rejection of entry is predominantly mentioned in Section 8-22 (§§8-22) of the Immigration Act 2008. According to the immigration unit, a rejection of entry is defined as a temporary prohibition that can allow for a return to Norway on a later basis, granted that the requirements for entry are fulfilled such as bringing a valid passport.<sup>9</sup>

### **Deportation**

Deportation is the practice of being escorted out of a country by the police. UDI have written on their website the characteristics of those at risk of being escorted out. The National Police Immigration Unit (*Utlendingsenheten*) with the help of the local police district at times are responsible for the deportations. A deportation costs the government and this is viewed as a debt that the deported person had to pay back to Norway. The back payment is compulsory for those wishful to return to Norway on later basis. Lacking a legal residence permit in

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<sup>6</sup> *Kapittel 8, §§66-72 av utlendingsloven.*

<sup>7</sup> [https://lovdata.no/pro/#document/NL/lov/2008-05-15-35/KAPITTEL\\_8](https://lovdata.no/pro/#document/NL/lov/2008-05-15-35/KAPITTEL_8)

<sup>8</sup> <https://www.udi.no/en/word-definitions/expulsion/>

<sup>9</sup> <https://www.udi.no/en/word-definitions/rejection-of-entry/>

Norway, or having received an expulsion letter (decision) from the immigration authorities (UDI) classifies for a deportation.<sup>10</sup>

## 1.3 The structure of the thesis

In this thesis, I will first go through the recent legal changes which have introduced a stricter immigration policy in Norway and then proceed to demonstrate and analyse how these policies have been communicated by the government, for example on Facebook. Following that I will show that these policies and the way they are communicated have had a spill-over effect on the rhetoric employed by political leaders from both the coalition parties and the opposition. Finally, I will discuss how representatives from Norwegian civil society have also tried to create counter-images in opposition to government policies and the image they produce of Norway.

In chapter 2 I will start with a description of the organization of the immigration authorities. I will then describe the various legal propositions and political agreements which have tightened and toughened Norwegian immigration practice in recent years. In doing so I will also begin an analysis of why and how these policies constitute a move from traditional immigration policies towards “cimmigration” policies (Aas, 2013b). Chapter 3 will outline the theories that will assist me in analysing this field. Chapter 4 will consist of the methodological reasoning for why I have chosen a media analysis of the two sides of the refugee situation. Chapter 5 is an analysis based on the Progress party political rhetoric portraying an image of a “deviant immigrant”. Chapter 6 is an analysis based on the similar image portraying the “deviant immigrant” that spread to other parties and to the administrative organs during the refugee crisis. Chapter 7 focuses on the counter-images created by Norwegian civil society in the form of volunteerism. This chapter symbolizes how there was a real refugee situation, and how civil society contributed in the improvement of the reception conditions during the higher arrivals. Chapter 8 is a chapter that discusses the interconnectedness between the background chapter (chapter 2) and the analysis chapters. Chapter 9 is the conclusion of this thesis.

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<sup>10</sup> <https://www.udi.no/en/word-definitions/deportation/>

## 2 Background information

This chapter will describe the organisation of the immigration authorities and the agreements that paved the way for tightening the Immigration Act of 2008. The documents include an agreement made in the coalition government, the asylum settlement from 2015 and lastly the two main legal propositions and circular letters created in the aftermath of the refugee crisis of 2015.

The legal sociologist Thomas Mathiesen describes how the sources of law are formed in a process filled with conflict that takes place both outside and within the attorney's field. This process is important to study since it displays how the sources of law have changed and are changing (Mathiesen, 2011:30). This relates to the arguments used regarding the sources of law (the legal propositions) that describe the panic that occurred in a context where the Ministry of Justice and Public Security were uncertain of the numbers of asylum seekers to expect. It is these abrupt changes suggested and implemented under Solberg's coalition government that my focus will cover.<sup>11</sup>

### 2.1 Organization of the immigration authorities

Chapter 10 of the Immigration Act of 2008 mentions how the immigration authorities are organized by law. Chapter 10 section 75 outlines the executive authority under the act. The parliament approves the needed regulations in the immigration field, after which the Act is then implemented by the King of Norway, the ministry of immigration and public security (JD), the immigration authorities (UDI and UNE) and other public bodies, including the police (§75).

#### 2.1.1 The Ministry of Justice and Public Security

The Ministry of Justice expanded into the Ministry of Justice and Public Security from the first of January, 2010 (UNE, 2017a). This ministry is responsible not only for public safety, and "emergency preparedness", but also for questions regarding migration and crime prevention. Norway's Minister of Migration and Integration, the aforementioned Sylvi

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<sup>11</sup> The Solberg government has been in power since 2013, and the recent changes have taken place while they have been in charge.

Listhaug, leads this ministry together with the Minister of Justice and Public Security Per-Willy Amundsen (FrP) (regjeringen.no, 2017a). Listhaug was appointed to this position on the 16<sup>th</sup> of December, 2015, a post that was created in response to the refugee situation faced by Norway (Press release: 187/2015).

In theory, this ministry has the expert knowledge needed for dealing with regulations needed in the migration field (UNE, 2017a). The ministry can employ instructions as part of their “emergency preparedness” when it comes to national security or even foreign policy. The ministry also exercises the power to instruct the Norwegian Directorate of Immigration (UDI) on issues pertaining to the interpretation of the law, and even in how “discretionary judgment” shall be reached (UNE, 2017a). The ministry has the overall responsibility for the country’s integration policy. The policy’s aim is to contribute to the integration of immigrants and their offspring (regjeringen.no, 2017b).

### **The police**

The police hold an executive role in the immigration field. They are responsible for registering the asylum applications and also for carrying out the first interview with those who are applying for asylum. This initial interview is part of the case preparation that UDI will receive. It is through this initial interview that the applicant’s level of credibility is determined (Sandbukt, 1992:18). The police have many other assignments, but I am limiting their job description to that which relates to migration. The police have the executive power to expel foreign nationals whom they believe to pose a threat to national security. The police immigration unit is responsible for the deportation of foreign nationals who do not leave on a voluntary or assisted level. The police are given the authority to use “coercive measures” when executing the act (the Immigration Act of 2008) (UNE, 2017a).

### **The Norwegian Directorate of Immigration (UDI)<sup>12</sup>**

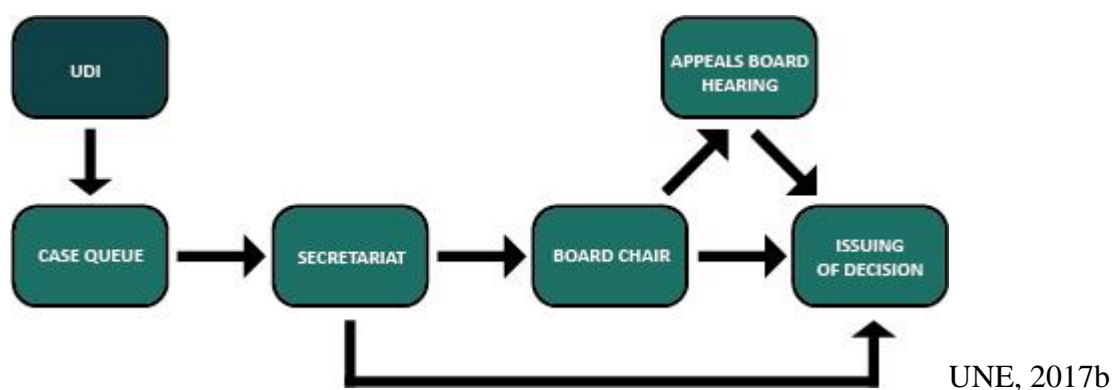
The Directorate of Immigration (UDI) is responsible for interviewing and processing applications from asylum seekers and foreign nationals who want to visit or live permanently in Norway. UDI is also responsible for those running asylum centres and is also the main directorate that reaches expulsion decisions (UDI.no, 2016)

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<sup>12</sup> UDI is the Norwegian abbreviation for *utlendingsdirektoratet*.

## The Immigration Appeals board (*Utlendingsnemda*)

The immigration appeals board is an appeals board where rejections made by the Norwegian Directorate of Immigration are handled.



The case procedure goes as shown above. A case is first sent from UDI and over to the Immigration Appeals Board. The cases go into a queue where the case's priority and the order of receiving the case are viewed up against each other. Then the secretariat decides whether this is a case where only two secretariats can reach the appeal decision or whether it needs to be sent up higher to a board leader. A board leader normally decides the outcome in most cases after a case worker sends over their decision letter. If the board leader determines that the case is more complicated, the leader then calls an appeals board meeting where they will reach a decision (UNE 2017, b).

## A governmental agreement (*Sundvollen erklæringen*)

The initial movement towards a stricter asylum politics can be noticed from this governmental agreement that was titled, "Political platform for a government formed by the Conservative Party and the Progress Party". The document mentions how the agreement also consists of coalition members the Liberal Party and the Christian Democratic Party (Political platform 2013:1).<sup>13</sup> Some suggestions for law arise from agreements made by coalition governments

<sup>13</sup> The agreement mentions "The four parties have agreed to work together to ensure that this new political majority is reflected in government policy" (political platform, 2013:1).

and this agreement laid the foundation for the changes in law made in 2015. Earlier examples of governmental agreements made in a coalition are the Soria Moria declaration (Stoltenberg II) and Sem declaration (Bondevik II) (Backer, 2013:17).

In this agreement, the initial movement from a migration to a crimmigration field can be noted from the section on immigration. Point E under this agreement has the title, “more effective case proceedings and faster return of people without a legal residence permit and criminals” (Political platform, 2013:21). Although the agreement does not explicitly describe the deviant immigrant, the government has expanded Trandum Immigration Detention Centre with 90 new places since the refugee crisis (EUB, 2017; politi.no, 2016b). The expansion indicates a higher focus on crimmigration measures of confinement and detention.

To accomplish this goal of faster returns, the agreement lists a number of bullet points on how to simplify the returns of non-citizens. Point 6 of the agreement suggests the following: “work to accomplish more return agreements and use Norway’s position to secure more agreements” (Political platform, 2013:21). To simplify this aim, one of the suggestions is to cooperate with the regions where the “groundless asylum seekers” come from. Point 9 of this agreement goes a little further in explaining how to accomplish this goal of cooperating with these regions:

“make more active use of the foreign service missions in the regions from which the bulk of asylum seekers with unfounded claims originate, in order to disseminate information about the limited opportunities for residence” (political platform, 2013:21).

As can be seen above, the foreign services that a country has placed in the local regions are supposed to act as an informational route on the lack of opportunities “for staying” in Norway. This point of the agreement is significant since it proves that the aim of the government is what Borgen (1998:88) describes as a comprehensive asylum policy. This type of policy focuses on where the refugees come from (ibid). The political aim nevertheless is to reach far beyond the nation’s borders to get the message across to those wanting to come to Norway by informing the “active” regions.



## Asylum settlement 2015<sup>14</sup>

The asylum settlement was signed on the 19<sup>th</sup> of November, 2015, and passed on by the parliament on the third of December, 2015. This document could possibly have contributed towards the tightening of the Immigration Act of 2008. This agreement was made as part of budget discussions. The following political parties agreed upon these measures: The Labour party (*Arbeiderpartiet*), the Conservative Party (*Høyre*), the Progress Party (*Fremskrittspartiet*), the Christian Democratic Party (*Kristelig Folkeparti*), the Centre Party (*Senterpartiet*) and the Liberal Party (*Venstre*). Surprisingly and with little precedent, the refugee crisis led to the oppositional political parties, such as the Labour Party, agreeing to make changes to the Immigration Act of 2008. Nevertheless, the Green Party and the Socialist Left Party did not sign this conciliation.<sup>15</sup>

This asylum settlement can be interpreted as a movement towards a crimmigration field. The agreement has the title, “*measures to meet the refugee crisis*”. The title strengthens my belief that this agreement had a huge influence on the tightening of the act. The document has 18 suggested measures on how to tackle the “refugee crisis”. The listed measures can be conceived of as a movement towards crimmigration policies through stricter immigration policies. The asylum settlement has a sub-title named “immediate measures”. Number 1 of these “immediate measures” states:

“Quickly prioritize the work of people who have had their application for asylum refused, and in particular prioritize the return of groups where this will have an effect on future inflows. The parliament continuously asks the government to make sure that the appropriate authorities have sufficient resources to be able to effectively carry out the work of returning these people. The post for sending convicted immigrants and asylum seekers with a final rejection should therefore be turned into an estimate for appropriation in the state’s budget” (Asylum settlement, 2015:1, my translation).

To be able to reach this aim of faster returns, the agreement lists seven bullet points that fall under this first measure. The points mention to: “differentiate various groups of asylum seekers in the case work”, to “ensure for an effective clarification of their ID,” and “create a expedited file for asylum seekers who have been caught for criminal activities” (Asylum

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14 Asylforliket 2015.

15See innst. 391 L-2015-2016:8.

settlement 2015:1, my translation). These suggestions echo measures and institutions put in place to tackle the “otherness” that Johansen et al. (2013:12) elaborate on. The ways to manage those who cross Norway’s borders are changing and so are the institutions meant to deal with them (ibid).

This asylum settlement demonstrates how actual societal changes (with the higher asylum arrivals) can lead to changes in law (Backer, 2013:18; Mathiesen, 2011:103). The changes in society, and not least the increased Storskog arrivals, led to legal changes. Other parties that signed this agreement (the Christian Democratic Party and the Liberal Party) have argued that the changes were more far reaching than what was agreed upon (innst. 39I L-2015-2016:10).<sup>16</sup>

In the following, I will describe the changes to the law that arose from events in European and Norwegian society during the autumn of 2015.

## 2.2 Propositions

A proposition for a law has the parliament as its primary aim. A proposition’s aim is to give the parliament a good foundation to argue for its suggestion. Traditionally, a proposition has a huge impact on how the adopted law is to be understood. Therefore, the “arguments, explanations and precisions” on the suggested legal changes are of importance (Backer, 2013:52-53). Similarly, I will describe the arguments used by the Ministry of Justice and Public Security in the propositions and discuss them later on in chapter 8.

There were two major law propositions that were created to deal with the asylum crisis that Norway faced in 2015. The propositions are known as Prop.90. L (2015-2016) and prop.16 L (2015-2016). The latter is also called “tightening” (*innstramninger*) and the former for “tightening II” (*innstramninger II*). The tightening was intended to last for two years and will be lifted on the first of January, 2018 (Prop.90 L 2015-2016:12).<sup>17</sup> All the proposed changes I will describe in relation to the propositions are changes that have been made to the law (see Lovvedtak 5 (2015–2016) and Lovvedtak 102 (2015–2016)).

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<sup>16</sup> This was likewise mentioned on the newly created website by NOAS (2017a): <https://www.rikestilstand.noas.no/regjeringens-innstrammingspakke>

<sup>17</sup> Since 1945 there have been 45 laws that have had the title “temporary” in Norway (Backer, 2013:130).

Backer (2013:130) states how temporary laws are relevant to deal with an overwhelming problem or in cases where more evaluation is needed. The ministry argues in prop.90 L (2015-2016:12) that the parliament will re-evaluate the laws after two years.

## **2.3 Proposition 16. L (2015-2016)**

Proposition 16. L (2015-2016) was recommended by the Ministry of Justice and Public Security on the 13<sup>th</sup> of November, 2015, and was approved by the cabinet (under the Solberg government) on the same day (Lovvedtak 5 2015-2016). The purpose of this proposition was to deal with the refugee crisis Europe and Norway were facing by the end of 2015. The larger arrivals of refugees caused a panic that can be seen in how the arguments for a change in the law start with a description of the difficulties of separating “refugees” from “migrants” (prop.16 L 2015-2016:6). The description can be seen as an orientation towards the parliament on the situation being faced and the government’s politics on the suggested area (Backer, 2013:53).

The government’s suggestion is prepared in different ministries and the suggestion is usually sent to a hearing before it gets incorporated into a proposition (Backer, 2013:17). However, prop.16 L (2015-2016:7) was installed without a hearing on the 20<sup>th</sup> of November, 2016. As mentioned above, abrupt changes in the climate of opinion can contribute to the formation of new legal rules (Mathiesen, 2011:104-105). This is particularly noticeable from the hastening of this proposition which took three days from the first to the second hearing in parliament before the law was tightened. The introduction of prop.16.L (2015-2016) ends with describing crimmigration measures to tackle this crisis.<sup>18</sup> To accomplish this, changes were proposed to Chapter 12 of the Immigration Act of 2008, which deals with detention.

### **2.3.1 Detention**

Detention is used to prevent unauthorised individuals from getting access to a country. It is practised by the authorities as a “non-punitive” administrative measure to confine individuals that the state is preparing for another immigration procedure (European commission, 2013:8). The ministry suggested a new "legal basis" in the law in section 106 centred on "arrest and

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<sup>18</sup> The changes from prop.16 L 2015-2016 that I will describe (and limit myself to) have been continued in prop.149 L (2016-2017).

imprisonment”. The “detention” is based on asylum seekers who are facing denial of their asylum application based on having already gained protection in another country or due to having resided in a safe country, as mentioned in section 32 first paragraph letter a and d (prop.16 L 2015-2016:18). The ministry suggested changes to chapter 12 of the Immigration Act of 2008 (prop 16.L 2015-2016) on detention measures. The arguments state how confinement is supposed to prevent “unauthorised entry” into the territory.

"the Ministry proposes to define section 106 a in the Immigration Act whereby, having had an application that has been refused on its merits, displays an element which speaks of there being a danger which is being withheld. This order supports and will allow the police to provide detention beyond one week in cases where this is necessary” (prop.16L (2015-2016:18, my translation).

The premise on which the ministry suggests these changes to “section 106 letter a” on detention measures is to detain as a consequence of an asylum application that will most likely be denied assessment (prop.16L (2015-2016:18, emphasis added). However, this confinement will only pertain for as long as the assessment is being made (prop.16 L 2015-2016:18).

Statistics collected by the European migration network measured both the impact and effect of detention measures on third country nationals. The impact had been problematic to measure effectively due to the scant amount of statistics provided by member states. However, the risk of absconding has proved to be very low, or even non-existent, when detention is used as an administrative measure according to the same report (European Commission, 2013:7). The need to detain even when an asylum application will most likely be denied supports the necessity for states to detain immigrants to reduce and avoid the risk of absconding. I believe the low-risk factor attached with detention was favoured by the Norwegian state in an era where the unknown identity is tied to what Aas (2013a:244) has termed “societal dangers”, and the presence of an irregular immigrant can be criminalised by the state based on their laws (Guild, 2009:15).

Trandum Immigration Detention Centre has expanded since the refugee crisis (politi.no, 2016b). The lack of space led to changes to “section 107” that afforded the immigration authorities the flexibility to place non-citizens in other places. The arguments for this law change were based on the needed flexibility to:

"... that to a greater extent it will be possible to locate immigrants who are detained elsewhere than in the immigration shelter at Trandum" (prop. 16. L 2015-2016:5, my translation).

The ability to place asylum seekers in other places than Trandum symbolizes how interconnected the immigration and criminal field are becoming. This change verifies the theory of crimmigration that notes how treatment of non-citizens is becoming increasingly similar to the treatment of criminals (Stumpf, 2006; Aas, 2013b; Aliverti, 2013; Franko and Mohn, 2015).

### **Denial of an asylum application**

"The Immigration Act section 32 first paragraph letter d provides the right to deny an application on its merits if the applicant has travelled to the Kingdom after having had residency in a State, or an area where the immigrant was not pursued, and where the immigrant will make an application for the consideration for protection (prop 16. L 2015-2016:11, my translation).

Within this argument above, those having resided in a safe state are to be denied from getting an asylum application that has been assessed after entering Norwegian territory. A significant point that can be analysed from this is that an immigrant is to be punished for having crossed a safe country (like Russia) and over to Norway. The stricter rules are based on the state having never authorized entry at the onset (Guild, 2009:52).

### **Circular letter GI-12/2015**

To ensure that this denial of assessment was practiced, UDI were instructed on how to deal with asylum applications from people that have entered Norway from Russia by the Ministry of Justice and Public Security (GI-12/2015). The purpose of the guidelines that came into effect on the 20<sup>th</sup> of October, 2015, was to assist the caseworkers to prioritize between cases and influence them in the areas of "interpretation of the law, the exercise of discretion and prioritization of cases" (GI-12/2015:1, my translation).

The stricter practices towards those coming from Russian border were due to a return agreement between Russia and Norway from 2007. The justice minister also explained how

this agreement would become central for dealing with those who already have a residence permit in Russia (Press release: 94 – 2015).

The circular letter GI-12/2015 came prior to prop.16 L and offered guidelines on how to deal with the Storskog applications. The debate focused on whether these people crossing over were indeed refugees or economic migrants. The idea of the irregular migrants choosing the “rational choice” route was discussed (as described in rational choice theory: Hirsch 2015). This same idea is found in the guidelines that describe:

"It is important that the Norwegian authorities quickly send a clear signal to people without the need for protection or who already have legal residence in a safe first country, and that immigration to Norway is controlled and strictly regulated" (G1-12/2015:2, my translation)

The “signal” being sent to those not in need of protection is precise. This signal is targeted at the migrants who are supposedly preoccupied with the idea of gaining the best outcome, out of different options available, in this case meaning different countries (Hirsch, 2015). These stricter guidelines were made to target asylum seekers who already had either a visa or a residence permit in Russia (G1-12/2015).

### **Circular letter GI-13/2015**

The second circular letter GI-13/2015 consists of instructions to the immigration authorities and was issued on the 24<sup>th</sup> of November, 2015. This second circular letter is stricter in its tone and suggested measures to manage the asylum seekers from Russia. This second circular letter was issued as part of the changes that came about from prop.16. L. The title of this circular letter is “the fast treatment of asylum applications from asylum seekers that have had a residence in Russia”, cf. section 32 and section 90 of the Immigration Act of 2008” (my translation):

"Furthermore, this opens the utl. section 90 fifth paragraph for failing to give a departure deadline when the immigrant is covered by the utl. 32 first paragraph; also, this right must be used in all such matters. In these cases, it will generally be a statement about immigrants who have resided in Norway for such a short period of time, such that it is not natural to have a deferred implementation or exit deadline” (GI-13/2015, my translation).

The idea of attachment stands central in the argument above. The non-citizenship led to the ministry leaving out a “departure deadline” for those coming from Russia to Norway to seek asylum. The coercive measures suggested are based on not being a member or a non-citizen (Stumpf, 2006; Fangen and Kjære, 2013; Guild, 2009; Aas,2013a; Aas, 2013b).

Another argument from this circular letter is how an asylum application can be assessed (*realitetsbehandlet*) in the cases where it is quicker to return someone back to their countries of origin instead of assessing cases pertaining to section 32, for example those passing through a safe third country.

"In addition, the application also deals with the merits of whether returning to the country of origin can be completed faster than the case can be handled as per utl. section 32" (GI-13/2015, my translation).

The administrative route has been described as a tool the immigration authorities use to deal with those who cross the nation’s borders. The administrative route is described as being a second punishment in the form of a removal from a state through expulsion to punish non-citizens who have already breached the criminal law (Aliverti, 2013:60; Johansen, et al., 2013:21; Franko and Mohn, 2015:169-170). Although the expulsion in this case is not necessarily connected to ordinary crimes committed, the argument by the ministry nevertheless portrays how this tool will be used to return people to their countries of origin or another safe third country. The punishment in this example is based on a state never having authorized entry at the onset (Guild, 2009:52).

## **2.4 Prop.90. L (2015-2016): Entry into Norway**

This second proposition was forwarded by the Solberg government and was recommended by the Ministry of Justice and Public Security on the 05. April 2016 and was approved by the government on the same day. Prop.90 L (2015-2016) emphasizes building on earlier agreements such as the Sundvollen Declaration and the asylum settlement that I earlier described (prop.90. L 2015-2016:9). This proposition has over 200 pages and is more extensive than the first strengthening, which focused mostly on detention, political management of UNE and rejection of entry (prop.16. L 2015-2016). This document was sent to a hearing that got 233 replies from organisations and individuals that have expertise in this field according to the governmental website. Most of these replies were negative reactions to

most of the proposed changes and were made by organizations that have an expertise in the immigration field (Hearing, 2015). I will narrow my focus on the suggested changes to Chapter 5, which pertains to “Entry into Norway” in this proposition. I will describe the measures suggested by the ministry that I perceive to be targeting the “deviant immigrants” from entering the country’s borders. The facts below are used to legitimize the need for the new law changes.

"In 2015 Europe experienced a historically large influx of migrants and refugees. The common European Border and Coast Guard Agency Frontex registered over 1.8 million" (prop. 90L 2015-2016:10, my translation).

The crossings of these borders during the refugee crisis have given rise to new ways to manage the situation. New ways of distinguishing between “foreigner, migrants, asylum seekers” have led to their own chains of control (Frontex) and administrative procedures (Johansen, et al., 2013:13).

#### **2.4.1 Section 9: Visa requirement**

The Ministry of Justice and Public Security suggested changes to section 9 of the Immigration act of 2008 regarding visa freedom for immigrants. The reason for the changes was due to the “unfortunate and misleading” connotation attached to the earlier formulation that stated that an asylum seeker "has (...) the right to entry without a visa" (prop.90 L 2015-2016:24, my translation). The ministry opted to use the following formulation that is similar to that used by the Schengen border regulation:

"An immigrant who is on the Norwegian border and is seeking protection (asylum) following the rules in Chapter 4, or otherwise provides information to suggest that the protection against expulsion under section 73 will apply, still has the right of entry without a visa, unless the application can be denied based on its merits under section 32.” (Prop. 90 L 2015-2016:22, my translation).

The ministry in the argument above wants to establish a limit to the entry into the country for immigrants without a legitimate reason. The changes to section 9 are intended to be in line with the stricter definition operated by the Schengen border regulation. The changes to this section are closely associated with the changes to section 32, which deals with denial of



assessment. Asylum seekers who will likely get their application assessed (due to the non-refoulement criteria) and who have not passed through a safe third country cf. section 32, are an exception to this rule.<sup>19</sup>

## **2.4.2 Rejection of entry in crisis situations**

The Dublin III regulation that had in reality ceased to function has led to an extra ordinary situation where Norway will not "consider themselves obliged to follow the procedures in the Dublin III-Regulation" (prop. 90 L 2015-2016:25, my translation). The ministry suggested an "extraordinary legal authority" to "section 32 fifth paragraph" to deny assessment of asylum applications.

"The King in Council may decide that the arrival directly from a Nordic State should form an independent basis for denial based on the merits of the application for protection (asylum) according to the Immigration Act section 32" (Prop. 90 L 2015-2016:34, my translation).

The reason for this extraordinary "legal authority" is in order to ensure that the Dublin III regulation can be put to the side. The ministry argues that there are two needed criteria for the allowance of this "extraordinary legal authority". The documents allude at these two criteria having been fulfilled:

1. "Firstly, a situation must have arisen whereby there are so many of arrivals of asylum seekers that it challenges the capacity for the number that Norway can receive" (prop. 90 L 2015-2016:34, my translation).

2. "Secondly, the internal border control must be present at the current Nordic border" (Prop. 90 L 2015-2016:34, my translation).

The checks made at the internal border are regulated by the "external border control law". This law limits whether border guards can "admit or refuse" access to third country nationals at the internal and external border checks (Guild, 2009:181). This means that Norway cannot deny entrance to third-country nationals as tied by this law. However, the ministry argues that the Dublin III regulation, having "ceased", has legitimated both Norway and Sweden to

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<sup>19</sup> This clarification on section 9 (§9) was inserted into the law (Innst. 391 L – 2015–2016:18).

implement an extended border control "on the inner Schengen border in line with the Schengen border regulation, article 23" (prop. 90 L 2015-2016:25, my translation).

The proposition suggests that police officers should, as a consequence of this extraordinary "legal authority" be allowed to reject the obligation to assess an asylum application that pertains to section 17 (rejection of entry) and also to section 9 (visa requirement) (prop.90 L 2015-2016:36). The authorities responsible for issuing rejections were suggested to be changed from UDI to the police. The ministry argued that the huge influx of asylum seekers makes it necessary to simplify the procedural rules in the immigration field (Prop 90 L 2015-2016:36). The simplifying of the procedural rules is intended only to be used in such an extraordinary situation.

Guild (2009:9) acknowledges how the massive expansion of the European legislation itself is raising concerns when it comes to views on sovereignty and security for states. The need for this extra ordinary "legal authority" proves how the massive expansion of the common European asylum system caused a challenge to the Norwegian state during the refugee crisis. The ministry emphasises this challenge with the following argument for needing the "legal authority":

"The proposed legal authority is thought to be applied in a situation where the Dublin-regulation formally applies, also for Norway, but where other European states do not register asylum seekers as they should do and where the prerequisites for a functioning Dublin-regulation fail" (prop. 90 L 2015-2016:34, my translation).

The ministry mentions the positive aspects of "a rejection of entry" when compared to an expulsion. The argument is how "a rejection of entry" carries a right to subsequent entry unlike an expulsion decision (Prop.90 L 2015-2016:26).

"Contrary to expulsion, a rejection of entry does not mean a future ban on entry. Whoever is rejected can therefore receive the right to enter at a later date if the terms of entry are fulfilled " (prop. 90 L 2015-2016:26, my translation).

Similarly, an investigation on voluntary return noted how it was preferred due to its lack of restrictions regarding return to the Schengen area. The prevention of a longer expulsion period from the Schengen area was viewed as favourable according to the respondents (Øien and Bendixsen, 2012:94).

The many arrivals of asylum seekers that arrived from Nordic countries failed to be registered at the first country of arrival as required by the Dublin III regulation (prop.90 L 2015-2016:25). The ministry argued that the influx of foreigners caused "... *the need for an effective means to control the influx over these borders*" (prop. 90 L 2015-2016:25, my translation). The rejections at the border are thus based on the state never having "authorized" the individual to enter the territory to begin with (Guild, 2009:52). The result is a society that resembles what Stumpf describes as non-members being left out with the creation of "borders, walls, rules and public condemnation" (Stumpf, 2006:419).

Nevertheless, illegally entering a state is "punishable" according to the Immigration Act section 108 (§108) and how Norway chose to deal with the Storskog refugees similarly supports this. Sylvi Listhaug elaborates on how decisions will be reached in 2016 and 2017 for those who applied for asylum in 2015. The Minister emphasised how those not in need of protection will quickly be returned. The argument for this is so that more resources are not used in the "criminal case chain".

"A swift return prevents people without the need for protection from seeking asylum in Norway. A swift return leads to other positive social effects in terms of crime prevention and a reduced use of resources in the criminal case chain. It is expected that many of the asylum seekers who arrived in 2015 will have their cases considered in 2016 and 2017." (Press release Nr: 117 – 2016, my translation).

According to Listhaug, the swift returns can on the one hand "prevent" people without the need for protection from applying for asylum in Norway, and on the other hand function as a crime prevention strategy that will lead to less resources being used in the "criminal case chain". Interestingly, the empirical research undertaken by Franko and Mohn led them to conclude that expulsion is increasingly being tied to crime control. Their research also noted how additional resources allocated to police departments to cover expulsions seminars, intended to lead to more deportations (Franko and Mohn 2015:161). The political focus through these seminars can be assumed to have led to 2500 expulsion decisions in 2014, which is a substantial increase from 190 decisions in 1991 (Franko and Mohn, 2015:153).

The legal sociologist Andenæs mentions how financial frames might limit how the law is practiced (Andenæs, 2003:12). The government suggested 110 million Norwegian crowns

(NOK) extra to the police and UDI to have a more effective ID declaration and return (Press release: 117 – 2016). This shows how the additional funding is intended to strengthen the agencies that deal with migration.

### **2.4.3 Coercive measures**

The use of coercive measures continues from the suggested measures in prop.16 L that were based on cases pertaining to “section 32 first paragraph letter a and d” (Prop. 90 L 2015-2016:37). Coercive measures are emphasized to be needed only rarely, primarily when dealing with “rejections of entry” at the border that have come about pursuant to the new “section 32 fifth paragraph”.

“... nevertheless, it cannot be ruled out that such a need will arise” (prop. 90. L 2015-2016:37, my translation).

The upper hand the ministry yearns for in the statement above is to signify state sovereignty and reclaim order (Dauvergne, 2004) in a time when the asylum influx was uncertain. The ministry argued for their right to gain, or rather to regain, control after the breakdown of the Dublin III regulation. To accomplish this goal, the rejection of entry (section 32 fifth paragraph) was supplemented with the possibility of using coercive measures such as detention (prop.90 L 2015-2016:37). Guild discusses the trials a country faces when its authority is challenged by the mere “existence” of an irregular individual in their territory (2009:52). It is these challenges the Norwegian authorities wanted to stave off by gaining the flexibility to use these coercive measures in the “rare” cases in which they were needed.

### **2.4.4 Dublin III Regulation ceased**

The Dublin regulation consists of all the EU countries as well as other non-EU nations in Europe such as Norway, Iceland, Switzerland and Liechtenstein. This collaboration mandates that an asylum-seeker can only seek protection (asylum) from the first country in which they arrive. This means that if an asylum-seeker that has already applied for protection in Russia, and then decides to come to Norway, that person will be returned back to Russia. UDI will not process an asylum application from a person who already has an application active in another EU or EEA country. The exception to this rule is if the applicant is under 18 years of

age and does not have a family living in the country where the first asylum application was registered (UDI.no, 2017).

"It is important that the Norwegian regulations provides the authority that allows the government to deal with a situation where a very high number of asylum seekers arrive from a neighbouring Nordic country and the Dublin regulation in reality has ceased to work. The King in Council should then be able to decide that asylum applications put forward on the border with neighbouring Nordic countries can be denied on their merits, so that the applicants can be rejected at the border" (Prop. 90 L 2015-2016:7, my translation).

The purpose of the whole proposition is to make Norway able to “handle” the inflow of asylum seekers with the failed Dublin III regulation. The European countries were facing difficulties with the Eurodac/Dublin system. The failure to register asylum seekers in Greece led to a system failure where the Dublin regulation failed to function as intended (prop.90L 2015-2016:7). The altering routes and the higher burden of accepting refugees and asylum seekers, who were scattered across Europe, were some of the points raised in a conference called “European Migration and Asylum Policies for the Future – Nordic Perspectives”, held in Oslo in the autumn of 2016. The conference discussed how there is a need in Europe of a common system to manage these secondary movements of people (Fafo, 2016).

The incorporation of international law into Norwegian legislation was argued for in *Norges offentlige utredninger* 2004:20. This was the official report that centred on the needed revisions to the old immigration act from 1988. One of the “mandates” the committee was given stated the following:

"10. Our involvement in the international community and our commitments under international law increasingly necessitate the adaptation of national regulations to international agreements" (NOU 2004:20:17, my translation).

The committee got the mandate to research how the “international obligations” should best be incorporated into Norwegian legislation. This can be seen in contrast to the changes made to Norwegian legislation during the refugee crisis. The ministry argued how Norway, being tied to the Dublin III Regulation as part of a European system, had not functioned as intended (prop.90 L 2015-2016:11). The international legislation that had been incorporated into

Norwegian legislation failed to function (ibid). The Dublin III Regulation deals with the secondary movement of asylum seekers and it is through this cooperation that the secondary movement of individuals is regulated. Individuals that have an application already active in another European country fall outside of the protection of the return directive (2008/115/EC 2013:26). This exclusion is based on the return directive not safeguarding the legal protection of migrants (ibid).

However, being similar to Norway's neighbouring countries is viewed as far more effective and beneficial.

"Sweden, Denmark, and Finland decided on an essential tightening ... it is very important for the Norwegian authorities to follow the developments, particularly in our neighbouring countries, because changes in these countries can quickly lead to particularly substantial consequences for the arrivals in Norway" (Prop. 90 L (2015-2016:13, my translation).

Staying alert to the developments in Norway's neighbouring countries—Sweden, Denmark and Finland—is mentioned as essential since changes in these nations can lead to fast and immense “consequences” regarding the arrivals of asylum seekers to Norway. The argument used in the above proposition is to stay a step ahead of the neighbouring countries, so that changes that are made externally would not affect Norway. The argument by the ministry has a notably rational choice mentality. As touched upon earlier, Hirsch discusses how states are purely egoistic and use strategic mentalities in the international system (Hirsch, 2015:3). These same ideas can be interpreted from the argument that advise Norway to be alert regarding developments in neighbouring countries. One particularly interesting example, from 2008, was a doubling of asylum seekers to Norway when compared to the previous year. The increase in asylum arrivals was limited to Norway, whereas other European countries did not get similar increases (Brekke, 2012:59).

A similar point of being alert on the developments in neighbouring countries is raised by Janmyr (2015). In it, she discusses how re-admission agreements can cause migration flows to neighbouring countries that are not yet signatory. Migration researchers such Brekke and Aarseth (2009), whom Janmyr points to, have realised that the re-admission agreement Sweden signed with Iraq, together with a stricter policy, might have caused a migration flow to Norway in 2008. The flow can be seen in the number of asylum arrivals, which increased

from 1,227 in 2007 to 3,137 the following year. This is a significant rise in the number of applications (Janmyr, 2015:9). The doubling in the number of asylum applications shows how the flows of asylum seekers possibly put a burden on Norway in 2008. Brekke (2012:67) similarly gives a possible explanation of this doubling in numbers as being due to the tightening of Swedish asylum policies, predominantly targeting Iraqi groups. This makes it understandable why the ministry emphasises being aware of cross-border developments, “particularly in our neighbouring countries” in the refugee year 2015 (Prop.90 L 2015-2016:13).

#### **2.4.5 The non-refoulement principle**

Presence in another country is not a right an individual has, but states that have committed themselves under the UN convention relating to the status of Refugees 1951 and the Geneva convention have agreed not to expel individuals to places where their lives are at risk (Guild, 2009:18). This is also known as the “non-refoulement principle”. The debate has been whether Norway has been breaching international law with the definition on what comprised a “safe” third country. The Norwegian authorities redefined who could get an asylum application assessed with these stricter directives. The Norwegian authorities viewed Russia as a safe third country and this led to those crossing over from the Russian border to be denied assessments of applications. To ensure that this practice was executed, the parliament removed the requirement that stated that the third country where the return was being made to was also required to assess the asylum application (prop.16 L 2015-2016:12, emphasis added).

"The criteria in section 32 letter d that this group in addition must have their application processed for protection in a third country, goes beyond Norway's international obligations" (prop.16 L 2015-2016:12, my translation).

To ensure that the removal of this requirement had an effect, the immigration appeals board (UNE) lost its independence, even though UNE had earlier been made independent to secure the rule of law for those who applied for asylum (Ot.prop.17 1998-1999). Political management of UNE was suggested, and the government had successfully managed to get this through in the first reform where the government created its own authority to direct UNE through orders instead of through the laws and "regulation" (prop. 16 L 2015-2016).

Sharon Pickering explains how an element of state sovereignty is an individual country's perceived right not to be interfered with, both legally and bureaucratically, from outside its own borders when it relates to issues occurring inside the respective nation's own borders (Pickering, 2005:18-19). The ministry in prop 90L (2015-2016:25) argued that the high migration rates across Norway's borders and those of its neighbours demanded the need for more "effective means" (prop.90L 2015-2016:25). This argument to instruct UNE in a political manner illustrates how nations are desiring to deal with migration issues on a national level due to the failed European asylum system that led to higher arrivals in Norway.

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The ministry, through the arguments in the propositions and circular letters above, attempts to describe how the migrants— asylum seekers and refugees—reached the Norwegian border. It is the failed Dublin III framework that is blamed for the "immense influx" across Norway's borders which has forced the government to put it to the side; such is the argument. It is the need to appear strict and to regain control that stands out as the most important changes in the legislation.

Although the term deviant immigrant is not used, the lack of "departure deadline" (G1-13/2015), and the use of "rejection of entry" at the border can be interpreted as coercive measures put in place to deter migrants from crossing Norway's borders. The sending of a "signal" is mentioned as an objective targeted at those not in need of protection (G1-12/2015:2). In combination with the changes to place asylum seekers in "other places than Trandum", these policies point to an intensification of coercive measures intended on tackling the "deviant immigrant". These changes highlight how interconnected the criminal and immigration fields are becoming (Aas, 2013b; Johansen, et al., 2013; Aliverti, 2013; Stumpf, 2006). The governmental agreement had many of the coercive measures listed two years before the refugee crisis occurred, and this shows how crimmigration measures were on the agenda long before 2015. A conclusion that can be drawn is that the prior agreement (Political platform, 2013), together with the asylum settlement, naturally paved the way for changes to the Immigration Act of 2008 (prop. 16 L 2015-2016 and prop.90 L 2015-2016).



# 3 Theory

The immigration field that I am trying to get an understanding of is quite complex and governed by many disciplines. To successfully answer my research questions, I have viewed it as necessary to apply theories from several disciplines, although this thesis is grounded on legal sociology.

The theory of crimmigration identifies how interconnected the immigration and criminal fields have become. I will use this theory to comprehend the stricter measures suggested and employed in the aftermath of the refugee crisis (Aas, 2013b; Johansen, et al., 2013; Franko and Mohn, 2015). The theory on the “deviant immigrant” (Aas, 2013b) will particularly assist in identifying both the individuals that fall under this category and the impacts this labelling can have on them. The crossing of these borders by different categories of individuals has led to measures of migration control. To understand the challenges brought about with these movements, I need to make use of migration research (Guild, 2009). Theory on the sociology of international law will assist me in describing how the Norwegian state adopted a rational-choice mentality, with stricter policies meant to deter economic migrants from crossing the nation’s borders (Hirsch, 2015). Legal sociologists note how abrupt changes in societal conditions can lead to abrupt changes in the law. This was similarly the outcome of the higher asylum arrivals in 2015. I will use the perspective of the public opinion to comprehend these changes and the impact this had on the public debate that surfaced as a result of it (Mathiesen, 2011). To conclude, media research will be employed to assist me in analysing the public debate that took place on media platforms such as Facebook on both sides of this refugee situation, both by politicians and civic groups (Mathiesen, 2010; Jewkes, 2015).

## 3.1 Crimmigration

Nicolay B. Johansen, Thomas Ugelvik and Katja Franko Aas have recently published the book titled *Krimmigrasjon? Den nye kontrollen av de fremmede* (2013), which plays a central role in this thesis and, more widely, in the study of crimmigration. This book discusses terms such as “foreigner, immigrant and asylum seeker” and explores how these are associated with new control and administration procedures, both on a national and on an international level (Johansen, et al., 2013:13). Different monitoring systems have been established on a national

level and international level (Johansen, et al., 2013:12). The establishment and strengthening of these systems is closely linked with how non-citizens are perceived in political circles as well as in the wider public. Do we see the non-citizens and newcomers as “friends or enemies, dangers or opportunities, criminals or guests”? Our basic perception of non-citizens significantly shapes how we deal with the “others” (ibid). The reactions of the government do differ on whether someone is an immigrant, an asylum seeker or a foreigner (Johansen, et al., 2013:12). An asylum seeker who seeks protection has rights until the decision is reached and normally a negative decision from the first instance can be appealed as discussed in chapter 2.

In contrast, an immigrant who has not applied for asylum and is living in the territory with an “unknown identity” will likely face “coercive measures” to identify him or her. The use of a false identity can lead to the authorities establishing institutions that are meant to target this “otherness” (Johansen, et al., 2013:12). This false identity is seen as an offence which can even lead to “coercive measures” being used (ibid). International cooperation and the formation of Frontex as a border control agency highlights the higher political priority the control of borders has in Europe (see chapter 2). These agencies are meant to return or cooperate on dealing with illegal or irregular immigrants (Johansen, et al., 2013).

Franko and Mohn (2015)<sup>20</sup> focus on the type of expulsion that arises due to a crime committed –or, as it is called in Norway, *utvisning*. In this article, they discuss the historical origin of the immigration control regime that we have today. They connect today’s control regime with the first immigration law, called *fremmedloven*, from 1901. This law was the beginning of a practice of separating citizens from non-citizens. However, the authors note how the citizenship law<sup>21</sup> from 1888 was the start of a movement towards separating citizens from non-citizens (Franko and Mohn, 2015:154-155). Whereas the banishment was practiced as a form of punishment in the past, we now have an administrative reaction through the tool of expulsion due to a crime committed that will likewise lead to a “territorial ban” (ibid

The empirical research Franko and Mohn undertook demonstrated that expulsion is increasingly being tied to crime control. The political focus on expulsion is mentioned as one of the causes of this. Additional funding to police departments and expulsion seminars are fulfilling the task and are leading to more deportations. 2400 expulsions in 2014 were due to a

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20 Norwegian title: “Utvisning som straff?: Om grensesnittet mellom strafferett og utlendingskontroll”.

21 Statsborgerskapsloven 1888.

crime committed (Franko and Mohn, 2015:153). The increase in the numbers of expulsions can be said to be an effect of the interconnection of the punishment and administrative routes according to the authors. Interviews done with an informant from an employee at the Oslo Police District noted how the Immigration Act works as an important tool that allows for flexibility in the solutions of everyday challenges such as “false identity” (Franko and Mohn, 2015:167). Their main critique is on how we have come to an administrative route that leads to expulsion via the use of criminal policy instruments, without tying these practices with a central «guarantee of rights». They argue that we need a “guarantee of rights” since this administrative route is used as a form of punishment (Franko and Mohn, 2015:154).

Johansen, Ugelvik and Aas have likewise argued that the criminal law system is even more likely to secure the rule of law than the administrative route, which includes UDI, UNE and PU (Johansen, et al., 2013:21). They acknowledge how a penalty (*straff*) is the instrument that can affect an individual’s freedom and privacy. The criminal law is more regulated than the Immigration Act (Johansen, et al., 2013:19). This makes it understandable why critics argue that it is more favourable for individuals to be convicted through the criminal system than to be given an administrative reaction, in this case meaning expulsion (ibid). The Police Directorate arrange “expulsion seminars” in the different police districts to raise awareness regarding expulsion measures (Franko and Mohn, 2015:161).

Ana Aliverti’s book (2013) on *Crimes of Mobility* is also highly relevant for the discussion of the crimmigration field. The convergence of immigration and criminal law has established a pick and choose system for authorities to use on non-citizens (my emphasis). Aliverti interestingly stated how the increase in ways to tackle those who cross a nation’s borders has led to an expansion in intervention methods. Some examples Aliverti gives are the “refusal of entry, executive removal and deportation” of immigrants (2013:60). The “double sentencing” (Wacquant, 2005) is used to tackle those who breach the criminal law, and then get a second punishment through the administrative route in the form of a removal from the state (Aliverti, 2013:60). The non-citizens are more visible for the immigration authorities since the police have the role of both policing the non-citizens as well as the declaration of their identities (Aliverti, 2013:62).

The Norwegian criminologist Katja Franko Aas has a chapter on the “deviant immigrant” in her book about globalisation and crime (2013b). Aas writes that the widespread stereotypes that asylum seekers are violent or terrorists pose a risk to social solidarity because

they create an “us” and “them” distinction. The image of the deviant immigrant has created social divisions and fuelled a “fear of the stranger” (Aas, 2013b:79). The fear of the stranger is attached to those of whom the state is uncertain and who are perceived to pose a “societal risk” (Aas, 2013a:244). The state’s wish to control and be aware of who is in the territory has led to this criminalised identity according to Aas. The measures used to tackle those who do not cooperate in making their identities known can vary from imprisonment to house searches. The measures employed are similar to those we associate with the investigation routines connected to crime (Aas, 2013a:244). The control of national borders is prominently becoming both a national and an international task for the police authorities (Aas, 2013b:78). Similarly, in a Norwegian context, the refugee crisis from 2015 gave the police an extended role in the work that was normally governed by UDI and UNE<sup>22</sup>. The police received the job to enforce rejections at the border and a job that was normally done by UDI (Prop 90 L 2015-2016:36).

A central difference between “the citizen” and “the immigrant” was also discussed by the migration researcher Elspeth Guild (2009:51), who makes it clear how the state has the ability to expel the immigrant and not the citizen. The citizen has the right to welfare policies like health care free education, unlike the immigrant who has to live under hidden circumstances (Guild, 2009:51). A person waiting for their decision is not the same as a person with a final rejection from UNE, as I describe in chapter 2.

Interestingly, Aas also sees how the image of the deviant immigrant is created in the aftermath of the convergence of immigration and crime (Aas, 2013b:78). The formation of this image has occurred through centuries, and the issues of “maladjusted individuals” tend to re-appear in new forms. In the historical context due to globalisation, the image depicted of “maladjusted individuals” is presented as being due to their foreign culture, which has in turn been fuelled by migration (Aas, 2013b:79, emphasis added). The distinction serves a function to differentiate between the “foreign” and the “national” (ibid).

Elspeth Guild similarly notes how the state decides the categorisation of the flows of people and the acts involved. The study of this relationship has led to the establishment of “migration” as an academic discipline (Guild, 2009:1). So then why do states expel foreigners? Martin Ruhs and Bridget Anderson (2006) give two answers to this question. The

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<sup>22</sup> Norwegian abbreviation for *Utlendingsnemda* (The Immigration Appeals Board).

first being that the state never “authorized” the individual to enter the territory to begin with, and the second being that the individual has “overstayed” their visit (Guild 2009:52). The countries’ state sovereignty or “authority” is challenged with the “existence” of an irregular individual on their territory (Guild, 2009:52). It is the idea to reclaim the territory that stands out to me as the reason leading to the control mechanisms that affect those who have crossed the border. This regain of control can be seen with how the Storskog refugees were handled, whereby those who seemed to have “groundless asylum applications” were rejected at the border (GI-12/2015).

Katrine Fangen and Halvard Andreasen Kjære (2013) explain that the nation state is built on the principles of exclusion and inclusion. For someone to be on the inside, someone else has to be on the outside. The distinction between who is within and who is outside the national state is upheld by the migration policies (Fangen and Kjære, 2013:25). Fangen and Kjære mention how the term “irregular immigrant” is a loose term which is dependent on the immigrants’ status, which is not fixed. They mention how a person can be illegal at one time and become legal in another, and vice versa (ibid).

This uncertainty about who an illegal immigrant is, when someone becomes an illegal immigrant and who decides (UDI, UNE and now even PU<sup>23</sup>) will be discussed in the analysis chapter. The time period between when you apply for protection (asylum) to rejection has also been challenged with the recent tightening to the Immigration Act 2008, denial of assessment and rejections at the border (see chapter 2). Fangen and Kjære discuss how they prefer the term “illegal” instead of “irregular” immigrant to reflect the illegalised state these persons are living under, and how their being is a breach of what the Immigration Act lays down (to return) (Fangen and Kjære, 2013:25).

The authors concluded that the exclusion policies might lead to the migrants not wishing to return back to their countries. This exclusion policies, due to a lack of work and residence permit, that the illegalised migrants are facing puts them in a position where there is no definable future in sight (Fangen and Kjære, 2013:41-42). The migrants might experience a dilemma between living in unwanted, hopeless situations where they are not getting a legal permit to stay and not wanting to return home. Living with others in a similar situation might be the solution in these cases (Fangen and Kjære, 2013:42). Others have raised the importance

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<sup>23</sup> PU is the Norwegian abbreviation for *Politiets Utlendingsenhet* (The Police’s Immigration Unit).

of nation states improving their image to be perceived as more “trustworthy”. This they state was particularly crucial for the irregular Nigerian migrants that returned through the assisted and vulnerable assisted return program. The irregular migrants might be hearing different stories, when it comes to assisted return, from others in similar situations. The stories can be based on experiences of not getting financial help to not being able to trust the host country (Erlend Paasche, Sine Plambech and May-Len Skilbrei, 2016:6).

Third country nationals are normally registered in the Schengen information system (SIS) belonging to the Schengen area. This is a system for monitoring asylum seekers and even irregular immigrants. Their passports will clearly indicate that they are irregular and will be stamped with a “deportation stamp” (Mohn, 2013: 55-56). This shows how labelling through rhetoric, terms (*legal/illegal*) and even ID documents being stamped as “deported” might have real consequences for the irregular immigrant facing return (either through assisted or forced). It is not only those facing forced return that are designated with labels. Other rejected asylum seekers are also labelled with terms such as “groundless asylum applications”. I will analyse more of the discussions of these coercive and disciplinary measures (fingerprints, electronic searches for asylum routes) in my analysis chapters.

The migration researcher Elspeth Guild on the other hand describes how a state has the right through law to label someone as an irregular immigrant, based on merely entering the territory. This presence is also a criminal offence that countries deal with in different ways (2009:15). The distinction between the citizen and non-citizen held forth in this view is based on protecting the territory, and particularly the immigration legislation that states have developed (Guild, 2009:18). Guild also notes how this distinction leads to an inclusion and exclusion which varies between the immigrants (Guild, 2009:51).

It is how these persons are illegalised and how this new state of being an “irregular immigrant” is dealt with by the state that is relevant for this thesis. An expulsion decision will lead to all permits the person might have to be taken away and a re-entry ban will be made (either temporary or permanently) (Mohn, 2013: 55-56). However, Fangen and Kjære note the positive aspects that can arise from this illegalised state. According to the authors, the exclusion can lead to inclusion in certain rights and opportunities that have come about due to this exclusion. One example of this is how the government allows aid agencies to provide health services to irregular immigrants (Fangen and Kjære, 2013:29). The aid provided by voluntary groups during the refugee situation will likewise be explained in chapter 7.

## **3.2 Deviance and conformity within international law**

Moshe Hirsch has published the book *Invitation to the Sociology of International Law* (2015), in which he provides a broader understanding of the formation of international law. Deviance means the violation of social norms and sociologists value the social context in which deviance is formed (Hirsch, 2015:4). Sociologists are preoccupied with how deviance is formed and why certain activities are regarded as deviant. Deviance can also be applied both to individuals and groups (Hirsch, 2015:5).

There are also different strategies used by international actors that have the authority to ensure that international rules are being followed. The following are some rules in the international field:

1. Non-legally binding rules (soft law), which are international norms that are not regularly enforced by control organs like ICJ.
2. Binding international rules (hard law), which are international legal rules that states are bound by and have to follow.

There are also monitoring organs that monitor whether states follow the “hard laws”. The monitoring discussions will mostly be based on “rejection of entry” at a Nordic border.

The social factors that have an impact according to Hirsch are explained in two paradigms below:

### **3.2.1 Rational choice paradigm**

The first one is called the “rational choice” paradigm, which describes the calculations made by an individual to reach a satisfactory gain. This paradigm assumes that individuals are preoccupied with the idea of gaining the best outcome out of different options available (Hirsch, 2015:3).

In simpler words, this paradigm assumes that individuals have calculated every available option and opt to choose the best one amongst many. This paradigm is rooted in the “realist approach” in international relations theory. This realist approach comes from the term

“realism” which is a prominent theory within international relations theory. Realists believe that nation states are playing their cards with a “rational choice” mentality in the international system. States are purely egoistic and have their own interest at heart in the game of international rules. They do this through rational choice strategies and thinking. Another way they do this is by interpreting and even adopting international rules as “instruments” for reaching their objectives (Hirsch, 2015:3). I noticed how countries in Europe adopted rational choice strategies to reduce the huge influx of asylum arrivals during the refugee crisis. Norway’s own changes in legislation and policies show how the country adopted rational choice strategies to deal with the refugee crisis as a nation state.

### **3.2.2 The sociological paradigm**

The second model that Hirsch (2015) mentions is the sociological paradigm in the international relations literature. One of the important distinctions between this model and the former is that individual choices are highly influenced by social factors like the norms and values that a state is known for. Thus, the compliance with a state is determined by the importance of norms, socialization and identities. Hirsch mentions that how a country chooses to act when it comes to breaching international law is based on the image they are willing to lose (Hirsch, 2015:4). We can say that some countries cannot afford to have a bad image while others can. Violating social norms can even be used by states to protect their territory. I will present the rhetoric of Norwegian politicians that describe how the sending of a stricter signal (in the immigration field) is viewed as reducing asylum based arrivals. I believe being perceived as an unattractive in which to seek asylum was used as a migration control measure during the refugee crisis, both in legislation and policies (see Asylum settlement and Progress Party program 2013-2017).

### **Social causes of international deviance**

Deviance is understood as the breaching of societal norms. The breaching of norms can be done by individuals, groups and states (Hirsch, 2015:4). One interesting point is how the breaching of societal norms can be used to understand the state’s actions, not only individuals.

Labelling theory is a constructionist approach in the discipline of sociology, and it is often used to study deviance. The labels can be given to people by, for example, the judiciary system where someone is for example labelled as a “refugee” in need of protection. The term



“irregular immigrant” can be a label that has its own diminishing consequences such as reduced rights to health services, travel and even the right to stay “in the realm”. Others have even found out the impact these labels can have on an individual after they are forcefully removed (deported) or even in the negotiations with third countries to take back their citizens. Labels such as a “sex worker” or “criminal” might make states reluctant to take back their own citizens (see Plambech, Paasche and Skilbrei 2016). The labelling approach is not limited to how states label those living within their realm. The labelling can also be done by international mechanisms or even persons that are entrusted with the job to ensure that the international rules are being followed (Hirsch, 2015:7). Both the labelling of non-citizens and the labels applied by international mechanisms are important for this thesis. Even others done by non-governmental organizations will be covered in chapter 7.

Another very important point that I find to be vital for my thesis is one that deals with the formation of identities as a group. Much of the legislation in the asylum field of Europe is based on cooperation between member states and even practices are shared through a common European asylum system. Identifying with a group is important in the constructivist approach in Sociology where “who we are” and “what we stand for” is formed in the meeting point with the other individuals that form a group. The identities made in the interactions in a group will lead to widespread practices. Hirsch mentions how the international norms are adopted and even “constitutive norms” are formed that define a group membership (2015:9). This solidarity that can be created in a group will help me to explain how member states (Dublin III regulation) are dependent on a common procedure when it comes to the handling of migration from one country to another.

Hirsch argues that states that are less exposed to international social control agencies are more likely to breach international legal rules. Hirsch in conjunction employs Durkheim’s term anomie to describe how individuals and now states are characterised by this condition. Anomie is a condition where an individual or a group decide to act in a way that is not based on the norms of society (Hirsch 2015:10). The norms that once had force to govern behaviour slowly lose their impact on individuals or even states. We can say that European states are increasingly breaching a “*pure international legal order*” built on a collective awareness; and due to this, there has arisen an anomic situation.

The asylum seekers that arrived to some countries in Europe failed to be registered at the arrival country. The Dublin III regulation, which regulates these practices, failed to

function and states in Europe did not register asylum seekers (see prop.90 L 2015-2016). This collective awareness in breaching a “*pure international legal order*” can be witnessed from how the Norwegian state reached quick decisions on the closing of borders and tightened the legislation (prop.16 L 2015-2016 and prop.90 L 2015-2016). This led politicians and different political parties that normally have a hard time to agree to come up with a joint plan to tackle this crisis.

States complying with their international obligation is something that is thought of especially with globalisation as well as in regards to the interconnectedness of countries through EU laws and other international conventions like the non-refoulement principle that my thesis is characterized by. States deviating from their international obligation is something that has been challenging for scholars to understand (Hirsch, 2015:2). The expansion in member states and similar practices governed by European legislation has put a huge burden and challenge on state sovereignty and even security. Sociologists explore the context that the deviance takes place in, and especially where it is derived from. The reactions to the deviant behaviour and how others react to this behaviour are important for sociologists (Hirsch, 2015). I am going to apply this concept of deviance to how the refugees and asylum seekers who arrived in 2015 have been talked about and dealt with.

### **3.3 The society’s impact on the law**

The legal sociologist Thomas Mathiesen has written a book called *Retten i samfunnet* (2011).<sup>24</sup> In this book, he gives an introduction into the sociology of law. Mathiesen firstly identifies the law (*retten*) as the collective system of formally sanctioned rules in a society,<sup>25</sup> and the institutions responsible for the realisation of these rules (Mathiesen, 2011:38). Another important term to define is “societal conditions”. In this thesis, I am interested in how the societal conditions have an impact on the legal rules. Especially how the refugee situation led both to changes in the law and volunteerism. First of all, Mathiesen defines the societal conditions as:

“the interactive relationship or social interaction that makes itself felt between people in and between small groups (such as the family or shared housing), in and between

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<sup>24</sup> The legal system in Society.

<sup>25</sup> Non-formally sanctioned rules are also given status as being part of the legal system (Mathiesen 2011:38).

small and large organizations (such as private and State business enterprises, trade unions and political parties, lobby groups and grassroots movements, etc.), and in and between the comprehensive social apparatus and sections of society (such as the educational apparatus, the church, social classes and the sexes.)" (Mathiesen 2011:40, my translation).

Mathiesen looks at the law's impact on society, society's impact on the legal rules and their inter-connectedness (Mathiesen, 2011:103). The first is society's impact on the law. With this example, the law is viewed from society's standpoint: society is taken as the point of departure, and then its relation to the law is explored. The second viewpoint is to look at the law's impact on society: the law is viewed from its own standpoint and then is explored in relation to society. The last part deals with the interaction between the law system and society: the interaction is sought to be understood by viewing the law from both standpoints (Mathiesen, 2011:28).

The viewpoint that is mostly relevant for this thesis is the first one: the society's impact on the law system (Mathiesen, 2011:28).

### **3.3.1 Thomas Mathiesen: Opinion's perspective**

Thomas Mathiesen (2011) also explores the opinion perspective in his book. The climate of opinion in society is one of the things that can have an impact on the legal system according to Mathiesen. These subjective experiences are those felt by a large group of the population and has its root in the happenings of the world. It is these subjective experiences that are felt by a collective—or a collective consciousness—that can lead to the formation of an opinion's climate. This collective consciousness is based on a threat that is about to change the societal conditions. It is this threat that leads to drastic changes in society, that will again be reflected in the laws. Whereas the norms in society gradually change, the opinion climate can abruptly change and lead to new measures and legal changes (Mathiesen, 2011:104-105).

Consequently, we can say that the climate of opinion abruptly changed with the refugee crisis that Norway and the rest of Europe faced in 2015. The climate of opinion abruptly changed with the creation of new legal rules to manage the huge arrivals of "migrants" and "refugees". This shift is evident in a Norwegian context where the focus

abruptly changed towards changes in the law (prop.16 L 2015-2016 and prop.90 L 2015-2016).

Mathiesen (2010:289), in his book on media sociology, discusses whether the internet can become a medium for “criticism, resistance and retort”. The power in the media is also relevant. The digital openness has its opportunities to break the traditional facade created by politicians and has also led the public to see through the facades created by politicians (2010:321). However, he states that we should not blindly undervalue or overvalue the opportunities to break through this facade through, for example, societal critics (ibid). This will be important when I look at the societal critiques that have come about due to the tightening of regulations as a result of the Immigration Act 2008, as well as the positive stories of welcoming refugees through the mass mobilization through Facebook groups and newspapers.

Mathiesen asks "is the fight over, has openness prevailed?" and he replies to his question with "not necessarily". The fight he is talking about is social media's openness for the strongest of forces outside of the internet. The politicians are dependent upon the traditional mass media's reach. Interestingly, he mentions how censorship also comes into force when they use these platforms. The censorship based on bureaucratic rules has a synoptic base (Mathiesen, 2010:323, my translation). Interestingly, the turn taken by Listhaug is the opposite of censorship. She uses words such as “sending a signal”, “unknown identities” and “criminals” on her official Facebook page (see chapter 5).

Yvonne Jewkes (2015) also raises relevant points; she points to how politicians create their own “politically advantageous” discourses. She mentions how Mathiesen (2015) traces imprisonment to societies with little political participation, and a generally low level of trust and confidence in their political institutions. The mentioned societies rely on creating “others” of outsiders and a fear of the foreigner and his or her culture. This fear is used to create “politically advantageous discourses” of crime and justice that the media circulate and share. The suggestions politicians came up with should also pass a “public acceptability” test where the punishment towards the offenders should be at the cost of what will not “incur the wrath of the taxpayer” (Jewkes, 2015:321). The rhetoric of politicians and especially the public debate in which they partook during the refugee crisis can be said to have been fuelled by discourses grounded on “fear” and “low trust”. I will use these points that Jewkes raises to

analyse the public debate the topic of refugees and migrants had provoked during the refugee crisis.

# 4 Methodology

## 4.1 Document analysis

The analysis of written text can give insight into the ideas and opinions that actors have. Textual analysis can also be useful to examine the different sides of a conflict and the way that actors argue and negotiate meaning (Bratberg, 2014:9). This is important in this case, where there are numerous sides in the conflict debating how to understand and deal with immigrants. Two main sides may be discerned in the conflict. On one side is the state with its problem-focused rhetoric and tightening of the Immigration Act of 2008. And, on the other side, civic groups in Norwegian society operate with their counter-images of refugees as individuals who are in need of protection and support.

### **Finding a focus for the thesis**

In the beginning of the thesis, I was interested in the changes in the terms from “voluntary” to “assisted return” (Prop. 110 L 2013-2014), and why some rejected asylum seekers would not return through this program. I was interested in interviewing asylum seekers about their decisions not to make use of the assisted return program put forward by the International Organization for Migration. Many had researched the topic, and after much thought I choose to look at the historical reasons why the Norwegian authorities had focused on assisted return in the Immigration Act of 2008. As a soon-to-be sociologist of law, I became interested in the diverse range of public documents that were available to the public. Legal propositions and questions raised in parliament by politicians became interesting. The official documents that piqued my curiosity were those that arose suggestions and/or modifications to the term “voluntary” as it slowly became “assisted” return.

This research process led me to discover how the return field is quite complicated and how practices are shared amongst the European countries. The depth in the field opened my eyes to the interconnectedness between assisted and forced return. The relationship between the two started to become intriguing after speaking to a mentor. Much of the previously collected data was interesting, but I had to limit my focus. I decided to narrow it down to look at how the return directive had helped the lives of third country nationals residing illegally in a host state, and how this directive was meant to secure the rule of law for those facing

deportations. My findings after two months of analysing this directive are that Norway had only one evaluation of member states (European commission, 2013) and they had not even submitted all the data, for example on number of detainees and practices, in the field. I could not see how this directive simplified the returns for both parties. The lack of documentation was first raised by the Norwegian Organization for Asylum seekers, who contacted different organs that were supposed to monitor the return of third country nationals. However, many of the organizations were not even aware of the role they had (NOAS, 2013). I also discovered how most of the emphasis in the return directive was on establishing “common minimum standards” that member states wishing to send back irregular immigrants were to obey (EU return Directive 2008/115/EC).

The first obligatory phase in the research process is to gain an insight into the sources that are relevant for what is being studied (Allern, 2015:39). The return field is not only governed by national practices, but also by international conventions such as the non-refoulement principle and different directives (see EU return Directive 2008/115/EC). Proper evaluation on whether these directives are followed up, both on a national level (see NOAS 2013, Sivil Ombudsmannen 2015) and on an international level (see European commission 2013 and European Migration Network 2014), is also important.

This led me to realize the European challenge that concerns the return field. This increased knowledge led me to realize that the challenges the Norwegian authorities had were being shared by their European counterparts. The interconnectedness of the issues regarding everything from “the use of detention and alternatives to detention” (EMN, 2014) to the return of “irregular immigrants” (European commission, 2013) is mapped in European migration research reports. I discovered that since 2013, policies and the toughening of Norwegian legislation were getting stricter; in other words, crimmigration measures were put on the agenda. I noted this shift in the changes in terms from “voluntary return” to “assisted return” and the higher prioritisation of forced return, to name but one example (Press release: 117 – 2016).

Throughout the research process, I learnt a lot about how the strengthening of the Immigration Act can happen instantly through instructions such as circular letters.<sup>26</sup> I tried my best to grasp the meanings in the reforms to the Immigration Act of 2008 and the circular

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26 see GI-12/2015.

letters that came during the refugee crisis. It took a lot of time to understand how the official documents were interconnected and which ones built on the other. Almost all the strengthening of the act<sup>27</sup> took place from November of 2015 to April of 2016.<sup>28</sup> Getting an understanding of the legal system was both difficult and time consuming. In the end, it allowed me to become more aware regarding how complicated the legislation can be in practice. There are not only national laws to consider, but there is also the matter of incorporating EU laws like the return directive (Prop. 3 L 2010–2011), which also governs the Immigration Act of 2008.

The news media is for most people the most important source for information on crime and the police's work on the area (Allern, 2015:183). The news media coverage of the refugee situation was extensive, with images of the ongoing situation (Fladmoe, Sætrang et al., 2016:35). I personally saw the news broadcast that showed the Syrians who were asked to cycle back to Russia from the Storskog border. This led me to focus on the news media as the entity that informed me on what coercive measures the Norwegian authorities had put in place during the refugee crisis. I followed the debate that took a large amount of space on social media, including various newspaper articles that mentioned the letters from EU officials. This led me to visit these different social media platforms in order to understand what has been said and by whom they were made. I noticed how Minister Listhaug is very vocal on her Facebook page, and the Ministry of Justice and Public Security also have their own Facebook page named "stricter asylum procedures in Norway".<sup>29</sup> This made me very interested in reading and analysing the ongoing events through Facebook and other social media.

This made me selective as a researcher since the prospective field in which I am trying to gain insight can be considered to be quite large-I could not use all the various public documents and still use Facebook and newspaper articles in my analysis. This made it necessary for me as researcher to be selective as Johannessen, Tufte and Christoffersen (2010:39) emphasise. I opted to supplement public documents with the social media data that had become relevant for the thesis. The idea was to focus on the concrete arguments used to describe the people crossing over to the Norwegian border. This new discovery made it clear for me what information I as a researcher should emphasise (Grønmo, 2016:176). I wanted to

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27 The propositions created.

28 See GI-12/2015, GI-13/2015, prop.16.L 2015-2016 and prop.90 L 2015-2016.

29 <https://www.facebook.com/asylumregulations/>



find the “constant” and “observable” traits in the political rhetoric on Facebook and newspapers (Bratberg, 2014:98) that were reflective of the changes made to the legislation. I specifically focused on the coercive measures, that were suggested to win support from the Norwegian people (Bratberg, 2014:10).

## **4.2 Qualitative media content analysis**

First, I have used the following definition of media analysis:

“The examination, interpretation and critique of both the material content of the channels of media of communication and the structure, composition and operations of corporations that either own or control those media. Media, in this sense, refers to what used to be called the mass media, the means of communication of information to large numbers of people – television, radio and newspapers. It now encompasses multimedia, the electronic networks of communication made available by the Internet (ECU Library, 2017).

This definition above is interesting since it notes a wide spectrum of ways in which media analysis can be used. What I found relevant for my thesis is how a media analysis can be employed to interpret and examine those who “either own or control those media” (ECU Library, 2017). This is particularly relevant for chapter 5 where I start off by looking at Listhaug’s official Facebook page.

Nevertheless, since I am undertaking media content analysis in this thesis, it is necessary to define what a content analysis is. Bratberg describes content analysis as a tool utilized to reproduce the content of a text (2014:85). The aim is to draw conclusions from these texts to circumstances beyond them, such as to theories (ibid). Another definition of a content analysis operates on the following view:

“...that the communication process is an aspect of the historical process...content analysis is a technique which aims at describing, with optimum objectivity, precision and generality, what is said on a given subject in a given place at a given time.” (Lasswell, Lerner and Pool, 1952) (ECU Library, 2017).

The content analysis will help me to pick out systematically and relatively the relevant texts from these media platforms and to make them comprehensible. The aim of this thesis is to

focus on how to analyse the image of the “deviant immigrant” that I have found in different media channels. The historical process is relevant since I am limiting myself to a media content analysis of both the positive and negative coverage of this refugee crisis. With positive I mean to say the stories of welcoming the refugees and asylum seekers who crossed Norwegian borders. With the negative I refer to the coercive measures suggested and the problem-focused rhetoric employed by the Norwegian authorities towards those entering the country.

## **Facebook**

I proceeded by looking at the changes described in chapter 2 that were based on the tightening of the legislation (see prop.16 L 2015-2016 and prop.90 L 2015-2016). I then checked whether the political climate found on Listhaug’s Facebook was reflective of the arguments used in strengthening the Immigration Act of 2008. Bratberg notes how a content analysis requires “a clear and defined empirical material” (2014:99). I focus specifically on the written image that I perceived to be painted of a “deviant immigrant” with the use of problem-focused rhetoric and the coercive measures suggested on her Facebook.

Bratberg (2014:99) mentions how it is unproblematic if the texts are analysed separately as long as they build on each other at the end. I likewise focused on the written image of the deviant immigrant on Listhaug’s Facebook, as seen in posts from 2016. The posts I have chosen are based on the immigration measures suggested by Listhaug and the government, and what the “results” of these changes to legislation have been. Listhaug, as Minister of Integration and Migration, has a key voice; her words are heard and are influential, which is why I have chosen to focus on examining her statements on Facebook. Most of the 10 chosen postings from Listhaug’s Facebook have been made in late 2016 to early 2017. The postings can be said to build on each other in a way that Bratberg (2014:99) emphasises to be of importance. Listhaug was appointed in her newly created position in December of 2015, which is the reason for why I have analysed quotes mostly from the year 2016 (The Associated press, 2015).

## **News media articles**

Newspapers found online are also a part of my data. I have picked out 40 newspaper articles that covered the refugee crisis faced by Norway and Europe. I have chosen different newspapers with an online presence to show how this debate has taken place. Bratberg (2014:92) mentions how content analysis is done in different way. The content analysis was focused on classifying the articles into themes. This classification was simplified by the titles the articles contained. Titles such as “the refugees must return home when the war is over” (NRK, 2016c) resulted in classification as a “negative article”. In contrast, articles such as “every third Norwegian helped the refugees” (NRK, 2016b) had a tone that resulted in a classification of “positive”. Titles such as these are central in articles since the title expresses the content and summarises the points (Allern, 2015:65).

The chosen newspaper articles in chapter 5 and 6 focus on the crimmigration measures suggested by politicians and central immigration authority figures. The aim was to choose newspaper articles that embodied the political discourses regarding the stricter changes in legislation that were appearing. I went back to the sources of information, which in my case were the propositions and policies, to ensure that some quality checking was done (Allern, 2015:18). I focused mostly on the articles that mentioned how Norway treated those crossing its borders. I have chosen both national and international newspapers that picked up on the stricter asylum policies Norway enacted in 2015. In the chosen news articles, I picked those that followed the changes and mentioned, for example, the crimmigration measures suggested by different politicians and other central immigration authority figures during the refugee crisis. This means that I could cross examine the newspaper sources with the information found in the propositions that Allern (2015:18) mentions being important.

Relatedly, chapter 7 covers newspaper articles that portray a counter-image of those who arrived. For example, this category includes the “refugee welcome” initiatives and politicians that had a more positive image of how to deal with the refugee situation. The role the newspapers and Facebook groups had in the mobilisation of volunteerism was analysed in this chapter. The newspapers in this section have been chosen based on the more “positive” titles and on how newspaper coverage led to volunteerism both during and after the refugee crisis. To accomplish this, I chose the newspapers that were reflecting the events of the refugee situation. News journalism has been said to reflect reality (Allern, 2015:183); it is the reality of the conditions of arrival that was likewise analysed in this chapter.

## Central reports

I have chosen three central reports financed by the cultural department through the centre for research on “civil society and voluntary return”,<sup>30</sup> each of which has mapped the contribution towards the refugee situation. The first report is titled “Norwegians’ contribution towards the refugee situation”, and<sup>31</sup> is based on a survey to mark the voluntary efforts before and after the increased refugee and asylum arrivals in the autumn of 2015 (Fladmoe, Sætrang et al., 2016:16) The analysis is built on data from the citizen panel that is run by the University of Bergen. The data was collected from randomly chosen respondents between the ages of 18 and 95. The respondents answered two internet-based survey questions (one in the spring and the other in the autumn). The data is based on 1190 respondents.

The second report is called “Not only a Facebook group: a case study of the Refugees welcome network in Norway”<sup>32</sup> (Synne Sætrang, 2016). This report is based on the group for refugee welcoming that coordinated voluntary engagement through Facebook. This report is based on interviews with seven anonymous individuals who were responsible for the creation of the different refugee welcome groups and branches.

The last report is based on a survey from 2016 that targeted the Norwegian population. The report looks at the social inequalities when it comes to the use of social media and social and political community participation. The data was collected by TNS Gallup. I generally focused on the new forms of collective digital action that this report discusses. This makes me reflect on the fact that the report was created for another purpose than that for which I used it. However, the report mentioned how social, voluntary and political efforts were central in how the civil sphere functioned during the refugee situation (Ivar Eimhjellen and Jørn Ljunggren, 2017:17). The data used by the report is based on 50,000 individuals, wherein a representative sample could be made for the Norwegian internet population (Eimhjellen and Ljunggren, 2017:26).

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30Original Norwegian title: “senteret for forskning på sivilsamfunnet og frivillig retur”.

31Original Norwegian title: ”nordmenns bidrag I flyktningssituasjonen”.

32Original Norwegian title: “Ikke bare en Facebook-gruppe”: En case-studie av Refugees Welcome-nettverket i Norge.

## **The relationship between the data**

Almost all of the data from these Facebook and newspaper platforms is written in Norwegian. Since I am writing this thesis in English, I have chosen to translate the data from Norwegian to English. I have also translated all other quotes from the legal propositions, the asylum settlement and circular letters in this thesis as well. The governmental agreement (political platform, 2013) had an English version, so I used the original translated document that was available to the public. Some of the words may be lost in the translation between languages and it is important to be aware of the methodological impacts of translating between languages. I have also attached the original quotes in both Norwegian and my English translation in order to document the translation for further examination (Appendix 1).

Originally, I wanted to have the changes made to the law as an analysis chapter. I was made aware of the methodological impacts of combining highly reliable and official documents alongside newspaper and Facebook coverage of this debate. This is why I have chosen to have the changes to the Immigration Act of 2008 as a background chapter and only focus on a pure media analysis. Instead, I have used the official documents mostly on the discussion chapter (see chapter 8).

Bratberg (2014:86) mentions how a form of coding, when it comes to content analysis as researcher, is to focus on “syntax”, with the use of “words, paragraphs or even sentences”. Another way to code is by using “logical functions” such as a statement or an argument (ibid). My selection process has been focused on picking out the “coercive measures” suggested in the political rhetoric that reflected the policies described in chapter 2 and which were created to tackle the crisis. This means that I have focused on both the “syntax” and “logical functions” in this thesis (Bratberg, 2014:86). There have been many changes made to the Immigration Act of 2008, but I had to limit myself to look for an image of a ‘deviant immigrant’. I did this by following the coercive measures suggested on social media to manage those who do not have a “right” to the country, namely migrants and asylum seekers.

## 4.3 Reflections made

### 4.3.1 Reliability

The newspapers' discourses during the refugee crisis focused on representatives from the different political parties. The newspaper shows the same political standpoint as of those I read from the committee treatment of tightening II (innst.391 L 2015-2016).

It is important to avoid misinterpreting the political debates by taking it for granted that they express the politicians' personal views (Grønmo, 2016:181). When I was reading the political discourses in the articles, I realized how some parties that had a more nuanced immigration politics were supporting the proposed coercive measures. To verify this political shift, I went to read innst.391 L 2015-2016, which had cited the political party leaders' arguments on each suggested change to the Immigration Act of 2008 (following prop.90 L 2015-2016). The party leaders have been cited by name in this official document, and I read it all to verify whether the newspaper rhetoric that mentioned the political party representatives I was quoting was reliable (innst.391 L 2015-2016). The reason for this was to be critical of the sources I was using, making it imperative to cross-examine it with other texts (Grønmo, 2016:177).

However, some of the political and immigration authority rhetoric has been based on press releases on the Norwegian governmental pages. Other politicians, such as Carl Ivar Hagen, have stood for their rhetoric and have supported their political messages on social media. Carl Ivar Hagen posted the article of his interview with the Norwegian newspaper *Aftenposten* on his official Facebook wall on the 20<sup>th</sup> of August, 2015.<sup>33</sup> In contrast, others articles were based on submissions the political leaders or experts themselves gave to the newspapers as part of the debate. These can be more trustworthy as they come from the source wishing to get the message out. This form of journalism is known as "commentary journalism". It has the essay as the main form of text. The commentator usually comments on happenings in the media or on facts (Allern, 2015:16).

The different reports on the refugee situation have been made for other purposes. However, the huge role that Norwegian volunteerism played has also been acknowledged in

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<sup>33</sup> *Aftenposten*, 2015a

the official documents (innst.391 L 2015-2016; Storskog rapporten, 2016; regjeringen.no 2016), and the reports were even financed by the cultural department. Official and governmental reports mentioning the volunteerism that was formed can strengthen the reliability of the reports in my view.

I have met challenges along the way, from learning how to operate “lovdata.no” to learning where the governmental reports can be found. Undertaking a media analysis involved screening many articles since newspaper coverage had been extensive. I found a website titled “*RORG samarbeidet*” (RORG cooperation) that contained an archive of the newspaper coverage, and it is here where I read about 60 pages of articles on the refugee crisis.<sup>34</sup> I stumbled upon this website more than halfway through my thesis process, but it forced me to re-evaluate the articles I had already chosen. This process led me to understand how the data collection process is unpredictable and that necessary changes can occur in the data collection phase (Grønmo, 2016:175).

The steps I have taken need to be explained so that the research project’s transferability will be possible. To do this, I have chosen different theories that will make it possible to grasp this field.

### **4.3.2 Validity**

After having worked as a translator (mostly taking part in pre-departure information) over the phone, I had an idea of how information was given to those who were awaiting return. This category included those who had received a first rejection from UDI and even those who had gotten a final rejection from UNE. The insight I gained from this experience made me aware of the difficulties in gaining access to places where immigrants are detained. Being aware of the difficulties in getting access to the necessary research places for collecting data is vital (Johannessen, et al., 2010:38). Another important thing in the research process is the distance between the researcher and the subjects. I chose to distance myself from the subjects that Bratberg notes to be of importance (2014:100) and to the rhetoric from different politicians. I found it important to portray how the changes to the law were based on broad agreement. I also found it vital to showcase how the refugee crisis of 2015 had a more nuanced picture than the image of the “deviant immigrant”. To show these nuances, I also mentioned the

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<sup>34</sup> <http://www.rorg.no/>

political discourses that distanced themselves from the tightening of the Immigration Act of 2008, and the chapter on counter-images portrays these nuances. The reason for this was to not oversee or to leave out other interesting texts that might not have been the initial perspective I was interested in. Counter-acting the one-sided focus that I had is important in research and is fruitful (Grønmo, 2016:180).

I also focused on the discourses carried out by central figures in the political and immigration field. The focus on the leaders that were already known to the public shortened the distance between the source and the public, which is important in a research project (Allern 2015:43-44). Since validity deals with whether the conclusions are legitimate, I believe focusing on central immigration authority figures makes my findings more legitimate. (Bratberg, 2014:101)

### **4.3.3 Generalisability**

It has not been an aim, or even possible, to generalise my findings with this thesis. It is impossible to conclude that this research can be transferred to similar phenomena (Johannessen, et., al, 2010). Although I did not have it as an aim to generalise my findings, I mentioned how other countries were similarly getting stricter asylum regulations and/or rhetoric in the aftermath of the refugee crisis.<sup>35</sup>

### **4.3.4 Ethical reflections**

The pre-existing knowledge affects the research process and assists a researcher to narrow down to a specific field of interest (Johannessen, et al., 2010:38). I started researching solely on assisted return as I was familiar with that process alone. I later realized that there was little knowledge of interest that I could contribute with in the time period I had due to the vast research done on this topic since 1991 by Jan Paul Brekke (2010a).

To be able to research a topic, you have to be aware of what it is. Any amount of knowledge will help a researcher to narrow down to a field that interests him or her and allows for creativity (Johannessen, et al., 2010:38). Although this pre-existing knowledge, fulfilling its role as a translator, made me narrow down to my primary interest area of assisted

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35 See: Hungary, USA and Germany, chapters 5-6



return and forced return. It also helped me to realise the difficulties that even I as a translator had in getting access to these places that would mostly use me for telephone translations.

I personally do not know anyone faced with either type of return or even an expulsion at the border. I have also never been at the risk of it as a Norwegian citizen by birth. As a translator, I was also a neutral participant that could only translate between the two parties. It would have been problematic for me as a researcher to start with no prior knowledge in this field (Johannessen, et al., 2010:39).

Additionally, I have tried to carry this neutrality with me in the research process. However, it is important to be aware of your perspective as a researcher since it can have an impact on how you both choose and interpret the texts (Grønmo, 2016:180). To be as value free as possible, I have used newspapers, public documents, European migration network reports and legal propositions that are available to the public—both on a national and international level. When I have used newspapers, I have used the stories of people who have already shared them publicly. I have also concentrated on the individuals behind the two initiatives created on Facebook during the refugee crisis. The secondary research with both interviews (carried out by others: see Sætrang 2016) and the public documents were of earlier anonymised research participants or participants that represent a central figure on both sides of the refugee crisis (the government versus the Norwegian people). I limited myself to the official Facebook page of Listhaug when analysing the rhetoric used on this page.

# 5 The deviant immigrant in Progress Party rhetoric

Historically, deviance has been associated with “maladjusted individuals” allegedly in need of state intervention. The “deviant immigrant” is portrayed as violent asylum seekers, Muslim terrorists and immigrant youth gangs according to Aas (2013b). Welfare countries have traditionally been prepared to deal with deviant behaviour and were even prepared to include these “maladjusted individuals” into society. Today’s migration situation makes this problematic, with this new type of deviance that is perceived as a threat towards the country’s own security and freedom. Aas (2013b:79) notes how this form of deviance based on otherness can create an “us” and “them” division.

The aim of this chapter is to analyse the image of what I perceive to be the “deviant immigrant”, produced by Sylvi Listhaug and other Progress Party politicians. Listhaug has used Facebook as a channel to inform her audience on the changes to legislative and asylum policies in the aftermath of the refugee crisis. As a consequence of this, I have chosen postings made from early 2016 to early 2017 in order to show what Listhaug believes the government has done to reduce the influx of people whom the party portrays as “deviant immigrants”.

Most of this chapter will be based on Minister Listhaug’s Facebook posts as well as newspaper coverage of her rhetoric, predominantly in the year 2016. The justification for this is my perception that Listhaug has become the voice of immigration for the Progress Party during a time in which they have full control of the Ministry of Justice and Public Security. However, my analysis also uses contextualizing information from the Progress Party’s program and homepage as well as Progress Party rhetoric made by other politicians and then picked up by newspapers. The goal of this is to portray this recurring image created of those who arrived in 2015.

## **The Progress Party programme and homepage**

The Progress Party program for the years 2013-2017 describes the party’s politics for that time period. The section that is relevant for this thesis is the section that pertains “immigration

policies”. Under the heading of “asylum seekers”, the program describes the problem that can arise from a continued increase from this group:

“There is reason to fear that the continued immigration of asylum seekers, of approximately the same extent that has been had in recent years, will lead to serious differences between ethnic groups in Norway. It is ethically irresponsible not to tighten immigration to prevent conflicts in Norwegian society. FrP<sup>36</sup> will pursue a restrictive policy regarding the granting of asylum. The Asylum Institute is a very important tool to provide protection to people who are threatened in real terms, and it must not be abused in any form.” (Action plan, 2013-2017:38-39, my translation).

An interpretation that can be drawn from this is that the Progress Party is intending on a restrictive asylum policy to “prevent conflicts” that can arise from this “us” and “them” distinction as discussed by Johansen, Ugelvik and Aas (2013). Listhaug’s and other Progress Party politicians’ rhetoric must be understood under this aim of the party. It is the perceived dangers and conflicts arising from this “otherness” (Johansen, et al., 2013) that I perceive these stricter rules to be based on.

### **Under immigration policies**



1. Pictures from the homepage of the Progress Party.

The above pictures appear under the section of immigration policies on the Progress Party website.<sup>37</sup> These are only a few pictures that show Muslim clothing and religious practice on the website under the different categories. The niqab has become a strong image in Western

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36 FrP is the Norwegian abbreviation for the Progress Party

37 <https://www.frp.no/>

society and the picture of the woman wearing the niqab arguably plays on the fear of the unknown and hidden—in this case a fear of the covered woman. The other picture depicts a situation that appears to take place in a mosque. This picture arguably plays on the fear of Islam and Islamic indoctrination, something that has become an increasingly central theme in Norwegian media as a result of the waves of terrorist attacks in Europe by the Islamic State. The images could be interpreted less cynically, but a critical reading of them makes sense when viewed in combination with the written texts that accompany them. The images above illustrate the descriptions of the deviant immigrant that Aas (2013b) elaborates on in her book. It is the fear of this unknown identity and the “otherness” attached to it (Johansen, et al., 2013) that can be interpreted by the use of these images. The two largest groups of refugees who came during the refugee crisis were from Syria and Afghanistan (Østby, 2017:10), which are both predominantly Muslim countries. These images can also be interpreted as a threat towards Norway’s own security and freedom, again following Aas (2013b:79).

## **New law proposals**

Sylvi Listhaug mentions the uncertainty at the Norwegian border during the refugee crisis in a press conference titled “Family Re-unification”. In this press conference; “forty larger and smaller law proposals and regulations” to the Immigration Act of 2008 are introduced to the Norwegian people. This can be seen in connection to what Mathiesen (2011:104-105) describes regarding how actual societal events are able to lead to abrupt changes to the law.

“The Directorate of Immigration states that there could be between 10,000 and 100,000 asylum seekers to Norway next year. If we are anywhere near the highest number mentioned, this can cause severe consequences for our welfare state”, states Sylvi Listhaug (NRK, 2015d, my translation).

The uncertainty at the Norwegian borders is mentioned by Listhaug, who uses the case decisions made by UDI for justifying the needed changes.<sup>38</sup> The minister states that if we are near 100,000 asylum seekers in 2016, it can lead to “severe consequences” for our “welfare society”. The uncertainty is further emphasized with the analysis that states that for every

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<sup>38</sup> The job of deciding on the expected asylum arrivals is done by UDI.

person that gets a visa, there is another 0.7 persons that will join them through family re-unification.

A conclusion that can be drawn is that it was not only the primary arrivals that were of concern to the government, but that the uncertainty regarding the secondary arrivals (through family re-union) were also used to legitimize these needed legal changes. An understanding that can be extracted from this is that the law was changed due to panic that arose from the uncertainty in the number of both primary and secondary arrivals.

## **5.1 Criminalising the unknown identity**

The increased focus on detention measures is evident in Ministry's argument for the need for "flexibility" to place asylum seekers in places other than Trandum Detention Centre in the first tightening of the legislation (prop.16. L 2015-2016:5). Sylvi Listhaug emphasises nevertheless the need for the government to consider the use of electronic tagging for three groups of people with illegal status living in Norway.

"The most important will always be the security of the Norwegian people. Now we will look at opportunities to use electronic tagging for some immigrants who are criminals and persons whose ID is unknown and as an alternative to the Trandum Immigrant Shelter for families with children" (Sylvi Listhaug, Facebook, 29.10.2016, my translation).

Trandum is Norway's only detention centre for foreigners awaiting to be deported, or in some circumstances even for the establishment of identity. This focus by Listhaug on alternatives to Trandum Detention Centre comes at a time where the ombudsman concluded that it was not a place for children (SOM, 2015). Trandum Detention Centre has 230 places and it is considered to be the third largest "prison-like institution" in Norway. Those held in this centre are foreign nationals that are either waiting for deportation or a declaration of an identity (Franko, 2017:225). The idea that electronic monitoring is viewed as an alternative to Trandum can be interpreted as a validation of control measures that target, and punish, the parents if not the children.

Electronic tagging is described as benefiting the security of the Norwegian people. Listhaug's comment can be interpreted as safeguarding the freedom that is limited to

Norwegian citizens. The distinction between the “foreign” and the “national” (Aas, 2013b; Franko, 2017) can be understood as amplified with this suggested measure of electronic monitoring. Interestingly, electronic monitoring was the alternative least implemented by law across both EU member states and Schengen associated countries (such as Norway) in the last evaluation report on the implementation of the return directive from 2013. Interviews done with officials from Norway noted how the use of electronic monitoring was practiced as part of the criminal law and “not in the case of irregular migration” (European commission, 2013:33). The suggestion to use electronic monitoring three years after the evaluation of the return directive (European commission, 2013:33) arguably shows how punitive measures associated with inflicting pain on non-citizens (Aas 2013b:89) are on the agenda in the immigration field. Sylvi Listhaug goes on to stress the necessity of “finger prints” and “facial recognition” systems in Norwegian society. The minister argues:

“For security reasons, we must have control of those who are in Norway. We are focusing heavily on greater control of ID’s and are tightening the requirements for biometrics such as fingerprints and facial recognition. This is important for the security of Norwegian society!” (Sylvi Listhaug, Facebook, 17.11. 2016, my translation).

The urgency to establish an identity can be read from the suggested measures above that are “important for the security of Norwegian society!”. The emphasis is on the unknown identity that is tied to security issues. Listhaug ensures what Jewkes (2015) has called “advantageous” political debates are taking place. This highlights how the fear created concerning foreigners with their unknown identities will be managed.

Stumpf mentioned how increasingly interconnected immigration and criminal law were becoming in a US context, and how undocumented immigrants were interpreted to be likely to commit crimes based on their prior illegal entrance into the country (2006:395). These same ideas can be noted from the immigration minister’s notice on prioritizing the identity of those already within Norway’s borders. These ideas are strengthened by an analysis from the National ID center, which states that there are “27,000” people with erroneous identities living in Norway. Sylvi Listhaug posted a link to an *Aftenposten* article about the increase in the amount of retractions of permits given on false grounds (2017a), and argues:

“According to the National ID Centre, there are up to 27,000 people with an erroneous identity in Norway. This shows the importance of prioritizing and uncovering those that exploit the system in order to reside here. A total of 1,425 people had their permits withdrawn last year. This work must be taken seriously!” (Sylvi Listhaug, Facebook, 19.01. 2017, my translation).

The uncertainty in the identity operated with by individuals has led to a “criminalized identity” according to Aas (2013a). This unknown identity is targeted with the use of coercive measures to get a “clarification of identity”. The state’s need to declare an identity is established through measures such as detention and house searches (Aas, 2013a:244). With this example, Listhaug similarly states that the erroneous identity will lead to going through residence permits already given based on false premises.

This unknown identity is even viewed as an offence that can lead to coercive measures being used (Johansen, et al., 2013:12; Aas, 2013a:244). Similarly, the evaluation report on member states’ usage and implementation of the return directive documented Norway’s usage of detention. The report discovered that detention in Norway was mostly practiced as part of the declaration process: to identify an irregular immigrant. In contrast, other countries detained third country nationals under the removal process (deportation) to avoid the risk of absconding (European commission, 2013). The revisiting of already given residence permits illustrates how the unknown identity associated with “societal dangers” (Aas, 2013a) is put on the agenda.

Critics argue that the only chance to legally enter Norway for people from safer third countries is either as an asylum seeker or through family reunification. The lack of legal routes to immigrate successfully to Europe will only increase the illegal routes used, according to researchers (Brochmann, 1997:45) This lack of legal options, I believe, has made it possible for countries and Minister Listhaug to prioritize knowing who is in their territory and to target persons that “exploit the system” to get a residence permit.

## **5.2 Coercive measures**

Sylvi Listhaug expresses how the authorities shall deal with criminal immigrants. The stricter rules were not limited to asylum seekers during the refugee crisis. “Necessary tools” are

needed to expel criminal immigrants. The minister describes this idea more explicitly in the extract below:

"The Norwegian authorities should have the necessary tools to send out immigrants who are criminals. Criminals should not escape deportation just because a deadline has expired. Like if you agree!" (Sylvi Listhaug, Facebook, 02.02.2016, my translation).

The quotation above implies that there should be a zero-tolerance policy towards criminal immigrants – they will not escape “deportation” from the Norwegian authorities due to a deadline expiring. In other words, coercive measures – in this situation that of deportation – should remain a possibility.

The reactions of the government do differ on whether someone is a citizen or an immigrant (Aas, 2013b; Guild, 2009; Johansen, et al., 2013; Franko and Mohn, 2015). Elspeth Guild explains how the state has the ability to expel the immigrant, and not the citizen (2009:51). The extract shows the stricter tone towards immigrants who are criminals. It is also important to highlight that the deportation of these criminal immigrants is through force and not through the voluntary assisted return programme<sup>39</sup> (Brekke, 2010a; Paasche, Plambech and Skilbrei, 2016). However, expulsion is increasingly used as a tool of crime control (Franko and Mohn, 2015:161).

Overall, the image of foreigners as criminals produces an “us” and “them” distinction that can create fear and lead to exclusion (Fangen and Kjære, 2013:25; Jewkes, 2015:321; Aas, 2013b:79). We have to remember, of course, that those forcefully removed consist also of people who have overstayed their right to remain. They are often not criminals in the sense that they have breached the criminal code, but have been found guilty of “overstaying in the realm” c.f section 108 pursuant to the Immigration Act of 2008 (§108).

## **Criminals and lies**

A year after Sylvi Listhaug posted the above comments on how criminal immigrants should be deported (Sylvi Listhaug, Facebook, 02.02.2016), the minister expanded her description and expressed the need to be tougher in order to reveal criminality, “lies” and those that pose

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<sup>39</sup> Not all immigrants with a previous criminal case are eligible for an assisted return (Brekke, 2010a).



a security threat. Her argument follows, “now we will change the law” (Sylvi Listhaug, Facebook, 03.03.2017) and attaches a link to an interview she did with ABC news channel on the same topic (ABC, 2017). The previous extract was targeted at criminal immigrants, whereas a year onwards, the focus is on asylum seekers in general.

"We must work harder to uncover criminals, lies and those who pose a security threat! Now we will change the law so the police have the opportunity as a routine to examine both mobiles and PCs" (Sylvi Listhaug, Facebook, 03.03.2017, my translation).

The use of “we” implies her position as a cabinet minister and it highlights how she, as a Progress Party representative, is acting on behalf of the government as the minister responsible for immigration. The claim of being effective has led to the Listhaug implying with this comment that the government has an obligation to stay ahead of those who pose a threat. The political message created in the above Facebook post is fuelled by a “fear of the stranger” (Aas, 2013b:79). These crimmigration measures suggested by Listhaug and the government seem to have some far-reaching consequences for the individuals concerned and their privacy. By way of the proposed changes, all asylum seekers are targeted in the attempt to be tougher and work harder in order to find criminals.

It is interesting how the previous extract from 2016 focused on the criminal immigrant who needed to be deported (Sylvi Listhaug, Facebook, 02.02.2016) Whereas now, the strategy is to cast a wider net and possibly to criminalize all asylum seekers as part of a “routine” to separate liars from criminals. This focus on stricter measures in order to discover crimes comes at a time where every third inmate in Norwegian prisons is now a foreigner (Franko and Mohn, 2015:153). What stands out is how the measures suggested are similar to those that can be associated with investigatory routines connected to alleged crimes (Aas, 2013a:244). Suspecting all asylum seekers can be an advantageous political discourse according to Jewkes (2015:321), who notes the effectiveness of not only the fear of the foreigner, but how the creation of this fear itself can legitimize the use of crime prevention measures such as searching mobile phones and PCs.

The asylum settlement had “immediate measures” to tackle the refugee crisis as an aim. The below suggestion was listed as the first point on how to tackle the crisis.

(1)” The post for sending sentenced immigrants or asylum seekers with a final rejection should be converted to an appropriation estimate in the state’s budget” (Asylum settlement, 2015:1, my translation).

This first point then makes understandable the stricter tone that Listhaug projects towards sentenced criminal immigrants and rejected asylum seekers who have obtained a final negative decision. The EU return directive (2008/115/EC) does not protect criminal third-country nationals (immigrants), and the states are left with the decision on how to return them, assisted by their own immigration legislation. The argument used by the Norwegian ministry in the incorporation of this directive is that third-country nationals who have committed a crime, are not governed by this directive. The immigration legislation that the other states have developed are supposed to decide the outcome of the case (Prop. 3. L 2010-2011:14).

### **5.3 Clear signals, clear rhetoric**

Sylvi Listhaug discusses the impact that rhetoric and signals have on Norway’s attractiveness. A while back, Brochmann discussed how the liberal asylum policies in several European countries had led to a “pull-factor” that had attracted many migrants. Most European countries were re-evaluating their asylum policies due to this fact (Brochmann, 1997:44). Listhaug attaches an article by *Klassekampen* where the former deputy director of UDI discusses how Listhaug’s symbolic politics has resulted in reduced asylum arrivals to Norway (Klassekampen, 2016). Listhaug likewise argues:

“Signals are important. Rhetoric has meaning for how attractive Norway appears! This is one of the reasons why Norway is among the countries in Europe that have received the fewest asylum seekers this year. Like and share!” (Sylvi Listhaug, Facebook, 13.12.2016, my translation).

Almost two decades after Brochmann discussed the impact of “pull factors”, the discussion is still relevant in a Norwegian context both on Facebook and in the arguments used by the Ministry of Justice and Public Security in prop.90 L (2015-2016). Listhaug has played on this rhetoric of a “pull factor” to highlight the effect it can have on Norway’s attractiveness. The usage of “clear rhetoric” has made Norway less attractive and has resulted in Norway being amongst the countries that have received the “fewest asylum seekers” in Listhaug’s view.

The critics emphasize how the stricter border controls in Europe could have possibly had an effect on the fewer arrivals to Norway (Østby, 2017:6).

This comment made by Listhaug implies how nicer countries with unclear rhetoric can be deemed to be more attractive. This stricter tone towards asylum seekers can be witnessed from other countries in Europe such as Hungary, which has decided to use measures such as building a wall to hinder asylum seekers from entering the country (Martin, 2016:5; Franko, 2017:234). Although Hungary started with building walls, the country has also taken the coercive measures a step further and has recently opted to automatically detain all asylum seekers (RTE, 2017). Trump's executive order 13769 shows how countries outside Europe, here meaning the US, are also getting tougher immigration policies with the suggestion of building a wall with Mexico and banning Muslims from six countries (The Whitehouse, 2017). How we perceive those crossing Norwegian borders is changing, and so are the measures and institutions made to come to terms with their "otherness" (Johansen, et al., 2013).

A year after the above post, the results of the changes to the Immigration Act of 2008 and the reasons for this accomplishment are alluded to. Norway's clear rhetoric has led to "the greatest decline" in asylum numbers, according to Listhaug. Under this interpretation, it is the symbolic message that has led to the desired decrease in immigration flows.

"Norway has the greatest decline in asylum arrivals in Europe. Clear signals, clear rhetoric and stricter policies are important! Norway is no longer on the asylum applicant's wish list. But as the Director of UDI says, this could turn around. Therefore, one must not waver like Ap but hold a steady course as that which is embraced by Frp and the Government!" (Sylvi Listhaug, Facebook, 12.01.2017, my translation).

Norway is no longer on "asylum applicant's wish list" according to Listhaug. The asylum institute's stricter policies have not corresponded to those that fit the image of the "cost calculating" individual that Hirsch (2015) discussed. The minister attaches an article to her comment where the UDI director discusses the decline in arrivals. The "greatest decline" in asylum applications has a limited celebratory tone since the trend "could turn around" according to the UDI director (Aftenposten, 2017b). The celebratory tone can be interpreted as portraying asylum seekers as being "populations one needs to be protected from" (Aas,

2013b:80). The symbolic message reaching the “would-be immigrants” is vital (Aliverti, 2013:126), specifically looking at the cost-calculating seekers (Hirsch, 2015) in this extract.

Listhaug alludes to the prospect of these policies wavering in the event that the Labour Party gains power. In spite of the decline in arrivals, Listhaug hints at the likelihood that this could turn, with verification from the “UDI director” (Aftenposten, 2017b). John Pratt, (2007:11) in his book *Penal Populism*, analyses how political parties may incorporate “elements of populism” to be elected. Listhaug, in stating that these policies may “waver” if left to the whims of the Labour Party, may be insinuating that the Labour Party does not operate with the needed capabilities that characterize penal populism (coercive measures), which led to the “*greatest decline in asylum arrivals*” in the first place.

Valenta and Berg (2012:13) state that Norway is one of the countries with the highest numbers of arrivals of asylum seekers in the world when viewed up against Norway’s population. These developments in the asylum field are likely to affect the majority of the population’s attitudes, and even their political preferences when it comes to an election (ibid). It is therefore understandable why the immigration minister writes “like and share!” after some of her posts on Facebook. Public opinion is crucial in a time when Norway has experienced a rapid change in the societal conditions, with over 30,000 asylum arrivals in 2015. One strategy the minister has employed is to utilize the media platform of Facebook.

## Norway’s deportation policy gets noticed



2. Picture from Listhaug’s Facebook

"This is an important signal which reaches out to the whole world through the New York Times. Being tough on the forced return and the change of course in Norwegian asylum policy under the Frp and this Government is becoming noticed. This is good! The time for talk is over – now there is a vigour that applies to the emoticon like (Y). We will maintain a strict policy, and it means that those who are rejected will be out. Either voluntarily or by force! Like and share if you agree! (Sylvi Listhaug, Facebook 14.11.2016, my translation).

Sylvi Listhaug states: “the time for talk has passed” and changes are being “noticed”. This is the first time the populist Progress Party has been in government in Norway, and the emphasis on strictness could be interpreted as the Progress Party establishing themselves as effective in a period where they are fully in charge of the Ministry of Justice and Public Security.

Nevertheless, the stricter policies suggested can be said to need public acceptance from Norwegian society. Listhaug similarly tried to get this acceptance through writing “like and share if you agree!” The public place can be described as a platform that allows networks to communicate relevant themes and points, where the meanings are given weight based on the positive or negative reactions they get (Habermas, 1999:74). The change from a debate on migration to a debate on crimmigration, with stricter politics based on leaving “voluntarily” or “by force”, is what the inquiring is grounded on.

The possibility to enter a country as an asylum seeker has hindered the “stop policies” that nation states wished for (Brochmann, 1997:44). The strict policies are meant for those who have received a rejection and are meant to leave either “voluntarily” or “by force” in Listhaug’s example above. The image of what looks like two police men deporting a man symbolises a deterrent “ceremony” that takes place for those who overstay in Norway. The image can remind those who have not yet left of the harsher proceedings associated with a forced return. Pursuant to these proceedings, some will have a short stay at a detention centre before they get sent back, while most are directly transported to the airport on the same day. The risk-calculations determine whether someone will only be followed to the flight and travel on their own, or if the police will also board the flight (Politi.no, 2016a). This practice of forced return seems quite brutal compared to the way irregular immigrants are treated through the proceedings of assisted return. They do not only get provided with financial support but also transportation assistance, and they are also included in the planning of the safe return (Brekke 2010a; Paasche, Plambech and Skilbrei, 2016). Folkesson mentions how

the government has tried many measures to make the rejected asylum seekers return. They even introduced waiting camps of a lower quality as a push factor to increase the returns (Folkesson, 2009:13). This shows how returning rejected asylum seekers and others has had a been a focus in Norway over the last two decades (see Altamirano, et al., 1998; Folkesson, 2009; Brekke, 2010a; Paasche, et al., 2016).

## **Worrisome developments**

Ideas on how society “ought to be” and how it actually is can be influenced by those who exert power. Knowledge and values are very influential and, when brought together, can be highly influential. For them to be effective, they have to be “communicated, exchanged, interpreted and explained” (Engelstad, 2013:73). In the extract below, Listhaug manages to do just this.

"It's a worrying development that some countries have opened for virtually uncontrolled immigration. Over 900,000 asylum seekers arrived in Germany last year and in the first half of the year in 2016 migrants were responsible for 142,500 criminal actions. Fortunately, we have not seen similar trends in Norway. It is important that we keep a steady course with a strong and sustainable immigration policy!" (Sylvi Listhaug, Facebook, 8.11.2016, my translation).

Aas (2013b:93) remarks how immigrants’ otherness is presented through political debates on media platforms. The minister attached an article partly titled “*migrants committed 142,500 crimes in Germany during the first six months of 2016*” to legitimate her Facebook post (Dailymail, 2016). The extract above can be interpreted as implying that crimes connected to “migrants” and “asylum seekers” are due to their “criminogenic” cultural traits that Aas elaborates on (2013b:93).

High rates of crime and unauthorized immigration lead to distrust in a state’s ability to solve the issues of both crime and immigration. As a consequence, politicians are forced to use the “sovereign power” of the state to reassure their population that they are committed to controlling both issues (Stumpf, 2006:413). In stating that “fortunately, we have not seen similar trends in Norway”, Listhaug is reassuring the population that the state has had the ability to control what she deems to be “uncontrolled immigration”. This shows how facts are presented from other countries to create an advantageous discourse of crime and justice that

Jewkes (2015:321) discusses: to make the people trust the government's immigration policies, in a time where there is lower trust in the government, in this case due to the refugee crisis.

A large part of the categorization of the flows of people and the normative definitions such as "insecurity issues" are decided by the state. The debate between political actors shifts from the "burden" in the first year to "crimes" in the following year (Guild, 2009:1-2). This is evident in the above extract that specifically ties 900,000 migrant arrivals to Germany in 2015, to the 142,500 crimes committed the following year. The extract also reveals how the debate in Europe has changed from simple migration, to having almost "uncontrolled immigration", to a crimmigration debate that mentions that migrants committed "142,500" criminal acts.

### Maintaining a humanitarian image

The tough asylum policies are meant to send a message to the supposedly cost-calculating migrants (Hirsch, 2015) and to make Norway less attractive. However, at the same time, these policies have possibly tarnished Norway's humanitarian image. Measures have been taken, which may be interpreted as strategies to improve or save Norway's image. For example, 500 million Norwegian crowns have been allocated to help those left behind in their countries with.

"Fewer asylum seekers to Norway allows us to save money this year. Through a stricter asylum policy, and with clearer signals that economic migrants without the right of protection will not be able to reside in Norway, and with the border controls in Europe we have received far fewer asylum arrivals to Norway than our neighbouring countries have. This means that we can help far more people who have fled from war and conflict. The Government and Frp are strengthening their effort by adding an additional 500 million to health care, education, and other necessities in the immediate area" (Sylvi Listhaug, Facebook 25.11. 2016, my translation).

Here we see Listhaug arguing that the signals that her government has been sending have in fact reached the "economic migrants", who do not have a claim to reside in Norway. The part that I find the most interesting is how these "signals" allegedly have produced the desired results and have led to "saved money". The government can be said to be using "the immediate area" as a way to re-build Norway's humanitarian image. A goal of the

government through the agreement from 2013 was to be able to use the “the immediate area” as a way to get tougher asylum policies through to the regions “from which the bulk of asylum seekers with unfounded claims originate, in order to disseminate information about the limited opportunities for residence” (Political platform, 2013:21).

The use of the “immediate area” has been a European aim ever since immigration first became a problem with the working immigrants that came in the 1970s. The idea put forth by the governments across Western Europe was that the labor migration was temporary. However, the migrants decided to stay and even reunited with their families (Brochmann, 1997:42). The fact that many migrants chose to stay led European asylum policies to focus on a comprehensive refugee policy based on helping in “the immediate area” (ibid).

This extract portrays the dilemma between appearing strict as a country with stricter asylum policies, whilst still maintaining an image of a Scandinavian welfare nation built on the principles of humanity. Thus, the extract can also be interpreted as defining the “the immediate area” as a place where the “real” and not the “economic migrants” are stranded. Critics note how this form of policies will undermine the fundamental right to seek asylum that has come with the refugee convention (Borgen, 1998:88).

## **Europe has to do as Australia**

The rhetoric described above, which disseminates the image of the “deviant immigrant”, is not only found on Sylvi Listhaugs Facebook page. Similar rhetoric has been used by other Progress Party members. The need to send a “signal” was also mentioned by Carl Ivar Hagen, a former leader of the Progress Party during the refugee crisis. Hagen discussed the strategies Europe should take to prevent boat refugees from finding their way to Norway in an interview with Aftenposten (Aftenposten, 2015a). The suggestion Hagen puts forth can be said to have a comprehensive refugee political mindset (Borgen, 1998:88).

“Europe must do as Australia and say that the refugees that arrive by boat will not under any circumstances be allowed to remain”, said Hagen, who will send the



refugees back over the Mediterranean to European sponsored refugee camps there (Carl Ivar Hagen, Facebook, 20.08.2015, my translation).<sup>40</sup>

In the beginning of 2001, a group dominated by Afghani asylum seekers fleeing from the Taliban boarded a vessel from the southern Indonesia and headed towards Australia. The nearest coast guard was contacted and they were rescued by a ship named “Tampa”. The Australian government closed their territorial seas for the group of asylum seekers on board the vessel, and they were prevented from entering Australia (Dauvergne, 2008:51). Although Australia is not in Europe, the Tampa episode sent a signal that can be reflected in the ways international refugee law is bent in a European context (Dauvergne, 2008:53). The fact that Hagen argues that Norway should follow in Australia’s footsteps emphasises how the “MV Tampa” episode has had an effect on Norway and has inspired ways to send a signal and to secure national territories from what Aas (2013b:80) describes as “populations one needs to be protected from”.

The sending of a signal has moved away from those crossing Norway’s borders and over to those whom the nation helps to survive in the Mediterranean Sea with the suggestion above from Carl I. Hagen. Political reconciliation talk is often used to bind happenings of the past to the current in order to present a common reading (Bratberg, 2014:10). This example with Australia is likewise used to make an understanding of the present crisis in the Mediterranean Sea.

The measures used to tackle the deviant immigrants have moved “to sea” with this suggestion by Hagen, and the rejection is not limited to those that arrive at Norway’s doorstep (Aliverti, 2013:2). Similarly, Franko (2017:227) notes how Norway’s being a part of Frontex border control agency enables the Norwegian police<sup>41</sup> to follow events happening on our “external border” at all hours of the day. This puts a certain responsibility on states where the deaths of refugees in the Mediterranean Sea are considered as deaths within their territory (ibid).

The Secretary of State, Jøran Kallmyr from the Progress Party, rejects the criticism Norway received from Amnesty International Norway regarding the breaching of

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40 Hagen posted this summary from his interview (Aftenposten, 2015a) on his official Facebook page to verify that he did indeed come up with this strict suggestion on the same day the interview was published. See:

<https://nb-no.facebook.com/carlihagen/posts/10153587590593792>

41 Via Kripos.

international law and the violation of human rights with their circular letter (GI-12/2015). After being asked the following question in an interview: Does this mean that Norway cannot accept some asylum seekers because they all come through a safe country? Kallmyr responded with the following:

“It has never been intended that asylum seekers should move from one safe country to the other on the lookout for the ones that provide the best economic conditions” (NRK, 2015a, my translation).

The points that Kallmyr raises are based on hindering asylum seekers from being able to move in the search of the “best economic conditions”. Kallmyr is commenting on the first circular letter that was related to the treatment of the Storskog asylum applications. The circular letter also led to “rejections of entry” at the Storskog border. Dauvergne, in contrast, discussed how the refugee convention limits whether states can close or open their borders (2008:50-51), since this convention is based on what Hirsch (2015) defined as the “hard laws” that signatory countries are to obey.

The Ministry of Justice and Public Security<sup>42</sup> states that the intention of making the asylum field stricter was to handle the huge influx of asylum seekers from Russia, in a press release titled “tightening in the asylum field”.<sup>43</sup> The main points from this press release are based on instructing the appeals board (UNE) when it comes to not processing an asylum application from someone who has passed through a safe country first (Russia in this example).<sup>44</sup> Anundsen elaborates on this:

“In the current situation, there is a need to quickly take action based on events in the world, or because policy in other countries will be added to, says the Minister” (press release: 102-2015, my translation).

The news from other countries that Anundsens refers to are centred on those other countries operating in a realist manner (Hirsch, 2015:3). The refugee crisis led to many countries thinking strategically. The “need to quickly take action” centred on separating real refugees from migrants who have passed a safe third country. By the beginning of 2016, the European

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42 Anders Anundsen was Minister of Justice until the end of 2016; he has now been replaced by Per-Willy Amundsen (FrP)

43 Original press title: “*Innstramminger på asylfeltet*”.

44 This ministry is responsible for the asylum field and can instruct the other immigration authorities e.g UNE and UDI

Union had responded to the asylum crisis and steps were taken to share the burden of the asylum seekers between member states. The response was rather lukewarm, and countries like Sweden witnessed more than one hundred thousand refugees in 2015 (Martin, 2016:5). I believe that the need for Norway to be similar to its neighbours stems from the fact that strictness gives the desired results. Realists believe that nation states are playing their cards with a “rational choice” mentality in the international system (Hirsch, 2015:3). This same mentality can be read from Anundsen’s statement of being aware of the “events in the world”; particularly the changing “policies”.

Norway tried to build a fence on the Russian border, and some have called it a symbolic border fence (Franko, 2017:234). This was picked up by international newspapers, and one was titled “Norwegians laugh at new fence on Russian border” after the journalist spoke to some local people on what they thought about the planning of a border fence (BBC, 2016). Sweden introduced border controls in November of 2015 (Aftenposten, 2015e) and Norway soon followed suit a week or so later (NRK, 2015c).

Franko (2017:234) discussed how the need to protect borders has led to symbolic effort for national states to stay ahead of threats that have come with risk filled “global flows”. The examples given above portray how Norway likewise changed and added to their “policies” in a national effort to stay ahead of migration flows that were uncertain during the refugee crisis, when neighbouring countries like Sweden experienced 100,000 asylum seekers in a year (Martin, 2016:5).

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In the above section, I analysed postings on Minister Listhaug's Facebook page and showed how these have reached far and beyond Norway's borders. I have mostly focused on the year 2016, when Listhaug argued that the strengthening of the Act of 2008 had lessened the influx of "economic migrants". I also included Progress Party rhetoric made by other politicians to show how this same rhetoric was common to other politicians from the party.

This chapter shows how the Facebook posts, press releases, and newspaper articles are a reflection of the stricter legislation and asylum policies. Listhaug asking her followers to "like" and to "share" her posts acknowledges the importance of the support from the people (voters). Her rhetoric concentrates on how the "economic migrants", and not real refugees, are to be tackled. I believe my analysis of the political rhetoric on her official Facebook page, together with comments by other politicians, reveals how an image of a deviant immigrant has been created and politically exploited in Norway.

## 6 The evolving deviant immigrant

The image of the deviant immigrant that I presented in the previous chapter has had a spill-over effect on the rhetoric employed by political leaders from both the coalition parties<sup>45</sup> and the opposition. Interestingly, the effect of this rhetoric can be witnessed from the stricter tone and suggested measures towards those who arrived in 2015. The aim of this chapter is to show the presence of this image in the rhetoric that moved from the Progress Party and reached the administrative organs.

### Send a signal

The reliance on sending a signal to reduce the asylum arrivals to deviant immigrants was not limited to Sylvi Listhaug. The Norwegian Prime Minister Erna Solberg from the Conservative Party stated how asylum seekers from Afghanistan, crossing from the Russian side of the border, would get faster assessment of cases. The following suggestion was made by the prime minister:

“When it comes to asylum seekers arriving from Russia, we see that many have residency permits, but they may come because they feel that they are in a difficult situation financially, and because they have heard rumours that everyone is able to reside in Norway, said Solberg to the newspaper ... This will send a clear signal that these cases will be swiftly processed, and that those who will not be allowed residency will be returned” (Aftenposten, 2015d, my translation).

The statement made by the Prime Minister shows how the asylum seekers from Afghanistan were to be managed. The Prime Minister blames the arrivals on the impact of rumours that allegedly create higher arrivals in Norway. One of the three largest groups of asylum seekers to arrive in the year 2015 were Afghans (Østby, 2017:10). Østby also states that there have been more rejections in applications from Iraqis and Afghans (ibid:11).

The asylum arrivals to Norway by Afghani nationals witnessed a substantial increase from 580 applications in 2014 (UDI, 2014) to 7000 applications in 2015 (UDI, 2015d). The largest group of minors came from Afghanistan during the refugee crisis where 3,424 out of 5,297 were Afghani nationals (Prop.90 L 2015-2016:66). Erna Solberg emphasizes the need

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<sup>45</sup> That signed the *political platform* (2013).

to end the rumours regarding that the idea that “everyone is able to reside in Norway”. The ministry extended the list of safe third-countries to consist of provinces in Afghanistan in order to send this stricter signal by the second round of stricter measures (see: prop.90 L 2015-2016). Afghani minors between 16-18 years were also given refugee status based on “humanitarian grounds” due to not having a guardian if returned (Prop.90 L 2015-2016:66, emphasis added).<sup>46</sup> The emphasis on this group in both the legal proposition and in the political rhetoric can be interpreted as measures put in place to tackle the “deviant immigrants” from Afghanistan.

Although the law was abruptly changed, there was a broad agreement for the stricter measures that can be witnessed from the asylum settlement. In an article by the Norwegian paper *Dagbladet* with the title “Norway gets Europe’s strictest asylum policy”, the Christian Democratic Party leader is mentioned as having been initially critical towards the governmental parties’ suggested measures to tackle the refugee crisis. However, Hareide’s political shift can be noted from the statement below:

“The KrF leader Knut Arild Hareide, who was critical of the ruling parties’ proposal for measures, says now that he is satisfied with the agreement, which according to him will safeguard the asylum seekers with the greatest need for protection. “It’s good that 161 of 169 parliamentary representatives endorse the agreement. This will put Norway on trial, but it is a trial that we’re going to endure, he said”. (Dagbladet, 2015b, my translation).

The “trial” that Norway is going through has united the opposition and the government in my understanding of Hareide’s statement above. Passing the “trial” that Norway was facing is what the aim was. Hareide was satisfied with the agreement, which “will safeguard the asylum seekers with the greatest need for protection”. It is important to understand that although some of the political party representatives are more vocal than others, the crackdown measures that were created in the aftermath of the refugee crisis had broad agreement. This

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<sup>46</sup> The reason for the temporary and restrictive permits towards minors (under 18) was “to prevent children from being sent to Europe and Norway alone” (prop.90 L 2015-2016:8, my translation).

broad agreement can be noted from 161 out of the 169 parliament representatives supporting it.

In a Party leader meeting held by NRK, the Centre Party leader Trygve Slagsvold Vedum discussed how the Syria deal should have been made long before the refugees started crossing the controversial route of Storskog. The following suggestion made by Vedum is centred on the quota regarding how many can be accommodated by a state.

“The agreement that Norwegian municipalities will take in a quota of 8000 Syrian refugees over three years, is a one-time phenomenon ... There should be support in the population over time to accommodate the refugees. The municipalities must have the possibility to do the job of integration. We can't just take a lot of people and place them in camps.” (Dagbladet, 2015a, my translation).

The Centre Party leader elaborates on the challenges that can come from accepting a lot of people without possibilities to integrate them. Vedum stated that the Syria deal should be a “one-time phenomenon”. The mentioning of it being a “one-time phenomenon” portrays a strict immigration suggestion from The Centre Party’s side during the refugee situation.

This broad agreement based on the asylum settlement can be highlighted with another article partly titled “Støre at Storskog...”, where the Labour Party Leader – Jonas Gahr Større – is pictured at the Russian border surrounded by police officers. This questioning by *Aftenposten* was done on the same day that the coalition government was presenting its suggestions on how to tackle the asylum influx.<sup>47</sup> Større was asked whether he would say “no” to any of the points-referring to the 15 suggestions presented earlier in the afternoon. To which he replied:

“The main image is that we agree. We must send a signal that Norway is not a more attractive country to seek residency in than the neighbouring countries. From Ap’s side there are also some concrete proposals for measures, especially related to the strengthening of UDI and the National Police Immigration Service, for faster processing and the return of those who are rejected.” (Aftenposten 2015f, my translation).

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47 On this day, the asylum settlement was presented.

From the statement above, coercive measures from the Labour Party's side include: "strengthening UDI, the police's immigration unit and faster returns for those rejected". Større mentions how the tightening legislation prevented people who had passed through a safe third country from entering Norway to apply for asylum. The Labour Party leader stated that the aim is to send a signal that Norway "is not a more attractive country to seek residency in than the neighbouring countries" (Aftenposten, 2015f).

The idea of appearing unattractive has led to a punitive political climate in modern societies that are meant to serve a symbolic image (Aas, 2013b:101). This punitive political climate can likewise be witnessed from Støre's argument of not sending a signal of appearing "more attractive" than neighbouring countries. One way I have interpreted that this signal will be sent is through strengthening the agencies that carry out these coercive measures and are the first meeting point with those crossing over. As previously explained the use of such coercive measures is a sure sign that crimmigration policies are being adopted – here with broad political support.

Johansen, Ugelvik and Aas (2013:12) discussed how institutions are created to tackle these new categorizations of people: asylum seeker, refugee, migrant. The practice of strengthening the agencies that deal with migration can be interpreted as confirming this idea. It is the ability to be equipped as a country to tackle the challenges that come with migration (through new routes) that these suggestions are based on in regards to the statement made by Støre. This idea is made credible by his emphasis on strengthening the agencies that carry out the coercive measures.

### **Changed climate of opinion**

Germany received over one million refugees from Syria and Iraq due to their open-door policy for refugees in 2015. The high arrivals put pressure on Angela Merkel due to the rapid societal changes in Germany. This higher pressure is illustrated with a video where the Chancellor makes her opinions regarding repatriation clear. Merkel's stricter tone towards immigration can be witnessed from the following statement, which she made at a party meeting held by the CDU. "When peace comes to Syria, and when IS is defeated in Iraq, then they must return to their home countries" (NRK, 2016c, my translation).



Merkel states how Syrians have temporary residence permits and are expected to return once the war is over. The article also informs that 1.1 million refugees predominantly from Syria arrived to Germany, and that they had to return home just as the 70% of the refugees from the earlier Yugoslavian wars did (NRK, 2016c). The article describes how the Chancellor of Germany had been challenged by the events in Cologne and, most noticeably, the women who had been sexually assaulted. The article also mentions how her governmental party is losing popularity due to the handling of the refugee crisis following the higher arrivals of refugees to Germany (NRK, 2016c).

The consequences of the changed climate of opinion that Mathiesen (2011) discusses are visible with the emphasis on tackling crime after finding out that 18 out of the 29 interrogated were asylum seekers. The article from *Aftenposten* uses a picture of a police car in front of Cologne's main train station, which gives meaning to the story being told. This context is significant since it is here where the sexual assaults had taken place during the New Year celebrations. The article tells how the police received 131 police reviews from the incident on the 31<sup>st</sup> of December, 2015, which complained of sexual assaults, theft and body harm. The article also describes how the police were earlier reluctant to state that those being investigated consisted of asylum seekers. However, they now clarify that 16 of those being investigated have a North African origin. The main focus of the article is on clarifying the background of those behind the assaults in Cologne (Aftenposten, 2016).

The head of the Norwegian Security Services (PST), Benedicte Bjørnland, was invited to "*Rikskonferansen*" (the National Conference) on the theme: "People and defence" that took place in Sälen, Sweden. From the podium, Bjørnland focused on the possible security threat to Norwegian society – i.e. the crimmigration perspective.

"A robust and growing immigration, especially from the Muslim countries, can also lead to other challenges in the long term. A high number of asylum seekers arriving at local communities can have unfortunate consequences. ... It cannot be taken for granted that the new population groups will automatically adapt to the norms and rules of Norwegian society ... If in the long run there is an emergence of a parallel society, radicalization and extremist environments provide a challenge for the security service" (TV2, 2016, my translation).

In this press conference, the PST's head discussed the issues brought about by immigration from Muslim countries that can lead to "other challenges". Bjørnland also foreshadowed the long-term impacts that can lead to challenges for the police's security services, of which she is the head. The journalist starts the clip with descriptions of what Sweden is struggling with, such as "many refugees, criminal gangs, increased conflict and radicalization". The journalist then proceeds to mention how Bjørnland is raising these challenges that the Swedish "find difficult to talk about". Sweden received a high number of asylum seekers in 2015, when the country witnessed more than a hundred thousand refugees (Martin, 2016:5). The journalist is here alluding to challenges facing capacity that Sweden might be facing with these higher arrivals.

According to Altheide (2006:117), a politics of fear is grounded on a discourse of fear. The government and police officials dominate how crime is framed. These discourses are based on descriptions of social life as filled with "dangers" and the identification of "potential victims" (ibid). These elements that Altheide describes can be noticed from the warning raised by the head of the Norwegian security services in this conference. The warnings Bjørnland raises on the "unfortunate consequences" that can arise from populations that do not "adopt to the norms and rules" can be understood as discourses grounded on fear. The discourses can also be interpreted as building on today's risk-obsessed society where we can all be potential victims (Jewkes, 2011:51).

### **Instructions passed on to the administrative organs**

According to Mathiesen, it is important to study the institutions within the legal system that are responsible for the execution of the delegated legislation (2011:38-39). The government suggested and successfully managed to manage the Immigration Appeals Unit (UNE) politically via prop. 16 L (2015-2016). The fact that UNE lost its independence as an appeals unit shows how the government took over UNE to ensure that the stricter rules towards those crossing over were fulfilled by PU and UDI.

The UDI director's stricter tone towards those I have interpreted to be "groundless asylum seekers" from Afghanistan, was mentioned in the local newspaper *Bergen Tidende*. The article states how those crossing from the Storskog border were informed on this new route via the internet. This led to UDI using the internet to get their message across.

*Afghanis without need for asylum coming from the #Arctic-route from #Russia, risk being sent to #Kabul. 500 returned from #Norway 2014/15*

*-UDI(@utlendingsdir) November, 5, 2015 (Bergens Tidende, 2015).*

Mathiesen described how the use of the internet in a legislative manner would take a larger place in society (2011:259). The immigration unit practiced a legal use of the internet in such a way to get this stricter message through to Afghani nationals. The stricter note can be based on the idea that the refugees that were expected, were from Syria. The stricter tone towards Afghani nationals can be witnessed from the outcome of asylum decisions reached for 2016, when compared to 2015. In 2015, 44% of Afghanis were granted asylum by UDI (UDI, 2015a), whereas in 2016 the number stood at 24% (UDI, 2016a).

The UDI director emphasizes how the decline in asylum arrivals will lead to re-opening of old cases to find those who have lied in their asylum applications. It is the unknown identity that is prioritized (Aas, 2013a) with this extract. The tone of the article shows how the debate has shifted from a migration debate to a crimmigration debate in less than a year. With this shift, the unknown identity is prioritized.

“Dive down into cases where you suspect that asylum seekers have been using a false identity or have given the wrong nationality. Then they will be able to lose their residency permits to stay in Norway. This applies, amongst others, to Somalis who actually come from neighbouring countries and the Palestinians who do not come from the Palestinian territories.” (Aftenposten, 2017b, my translation)

The unknown identity and the re-opening of these cases show how the establishment of identity is on the agenda. The use of a false identity is even mentioned as an everyday challenge for the police (Franko and Mohn, 2015:167). The use of the words “dive down in cases”, symbolizes the many cases that will be re-opened and how the unknown identity will be fought. The immigration unit director states how the re-opening of these cases will lead to lost residence permits to those who have used a “false identity”. The point made by Fangen and Kjære about how a person’s status is not fixed is relevant in this case. They stated that a person can go from being recognized as legal to illegal, and vice versa, quite quickly (2013).

The practice of the Norwegian authorities for the last two decades has been to increase the individual responsibility for declaring an identity and cooperating to make a return

possible when the need for protection is not fulfilled. A report from an inter-ministerial working group in 1992 (Ministry of Local Government and Labour)<sup>48</sup> suggested that everyone who comes to Norway should be under constant revision, with the immigration authorities having an idea of “return” in the back of their heads. The people who should be constantly revised should even consist of those with a residence permit, according to this report. The argument was that the resources that would be saved on these returns would be used to take in new refugees in need of protection (Brekke, 2010a:15). However, the re-evaluation in these is based on the assumption that an immigrant is operating with a false identity on the outset. It is the unknown or false identity that is targeted, and not whether the humanitarian basis for stay is still fulfilled or not.

The police immigration unit is responsible for returning those who have received a rejection from the Immigration Unit (UDI) or the second rejection from the immigration appeals board (UNE). The police immigration unit stated the following:

“In 2015, there were 7,825 forced returns. We were informed that this is eight percent more than the previous year, and a new record” (Nettavisen 2015, my translation).

In this press conference, the Minister Listhaug commended the accomplishment of these higher returns. The mentioning of a “record” highlights the stricter practices towards those who are not in need of protection. It is the strengthening of the agencies that are meant to tackle the different categories of asylum seeker, migrant and others, categories that were raised Johansen, Ugelvik and Aas (2013), that has been accomplished with this example.

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<sup>48</sup> Norwegian name: *Kommunal- og arbeidsdepartementet*.

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In this chapter I have tried to show how the rhetoric employed by the Progress Party had a spill-over effect on the collaborative parties, the opposition and over to the administrative organs. Similar measures of how to tackle the deviant immigrant are suggested by political leaders from different parties. To show the nuances, I started with the Conservative Party, who are in government with the Progress Party. I then proceeded to the Centre Party and the Labour Party. The chapter nevertheless also shows the nuances in the refugee and asylum policies being suggested. The asylum settlement had broad agreement and this is symbolized by 161 out of 169 parliament members standing behind it.

The image of the deviant immigrant that I analysed previously (in chapter 5) has spread from the Progress Party to the opposition, and can be said to have reached the administrative organs as well during the refugee crisis. By stating the “administrative organs”, I refer to the immigration and police authorities. The aim of this chapter was to portray how this image spread through media coverage from countries such as Germany and Sweden and over to the Norwegian administrative organs. The changes in legislation led to stricter asylum policies that were delegated to the immigration authorities. The immigration authorities were instructed on how to deal with those entering the country. UDI was given instructions from the Ministry of Justice and Public Security and the Police’s Immigration Unit got more funding to increase the practice of forced returns. The higher crimes committed by asylum seekers in other parts in Europe led to the Norwegian security services putting the management of this deviant immigrant to the top of the political agenda. The chapter also shows how Norway is trying to learn from other countries in Europe such as Germany and Sweden, who received massive arrivals in 2015 when compared to Norway.

## 7 Counter-images

In the last two chapters, I analysed the Progress Party rhetoric that I considered to be constructing an image of a deviant immigrant. Furthermore, I described how this rhetoric had a spill-over effect on other parties and Norwegian state's administrative organs. This chapter will cover a counter-image created of those who crossed into Norway in 2015. The counter-image, which had a more positive image of those who crossed Norway's borders in the autumn of 2015, will primarily be illustrated through initiatives created by groups of people within Norwegian civil society.

The gap between a story and reality is what tends to lead to conditions for mobilization (Polletta, 2006:17). Research on the refugee situation has identified a gap between the political discourses that surfaced during the refugee situation and the reality of the poor reception conditions outside of the police's immigration unit in Tøyen. This gap is argued to have contributed to the mobilization of volunteers (Fladmoe, Sætrang et al., 2016).

To support my analysis, I will predominantly use a survey conducted before and after the increased refugee and asylum arrivals in the autumn of 2015. The report looks at the Norwegian's contribution to the refugee situation. The report is written by Audun Fladmoe, Synne Sætrang, Ivar Eimhjellen, Kari Steen-Johnsen and Bernard Enjolras (2016).<sup>49</sup> The report opts to use the term "refugee situation" due to the difficulties faced in defining those who entered Norway (Fladmoe, Sætrang, Eimhjellen et al., 2016). I will likewise utilise the term "refugee situation" instead of "refugee crisis" in this chapter.

### **The Green Party and the Socialist Left Party**

In the previous chapters, I analysed the rhetoric of politicians representing the parties that stood behind the asylum settlement. I portrayed how this political agreement that was made in parliament made way for a stricter asylum policy. Nevertheless, two political parties in parliament decided to opt out of this broad agreement that came about with the asylum settlement. Interestingly, the two leaders' reasoning for withdrawal was mapped in an interview done by *Klassekampen*, a left-wing Norwegian newspaper. The Green Party leader,

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<sup>49</sup> Original title: "nordmenns bidrag I flyktning- situasjonen 2015-2016".

Rasmus Hansson, argued the following to explain why his party withdrew from this agreement:

“Instead they have put in severe cutbacks in the living conditions and rights of asylum seekers, which are not urgent measures. This is a more general and restrictive refugee and immigration policy. They choose to do so at the expense of a broad majority that they even said they wanted to have.” (Klassekampen, 2015, my translation).

Hansson raises the issue of “severe cutbacks” in the rights of asylum seekers as having contributed to the party’s withdrawal of support to this asylum settlement. The Green Party leader mentions how the government on the one hand wants a broad agreement, whilst on the other are operating with a “restrictive refugee and immigration policy”. A conclusion that can be drawn is that the Green Party did not see this stricter approach as necessary based on the suggestions that the party did not view as “urgent”.

The Socialist Left Party leader Audun Lysbakken stated the following:

“The alliance between the Conservatives, the Progress Party and Labour regarding Norwegian refugee policy has been revived. It means that Norwegian refugee policy has taken a long step to a stricter and more aggressive direction on integration.” (Klassekampen, 2015, my translation).

The Socialist Left Party leader viewed the unity formed between the Conservatives, the Progress Party, and Labour as having led to a movement in the Norwegian refugee policy towards a stricter and more hostile territory.

The replies both Lysbakken and Hansson gave in this interview emphasise how their withdrawal of support was based on the restrictive policies being forwarded. A conclusion that can be drawn is that it is the illegalised state that the asylum seekers would be facing, as described by Fangen and Kjære (2013), that they viewed as problematic. With this asylum settlement, Hansson pointed to the “severe cutbacks in living conditions”, whereas Lysbakken to the “stricter and more aggressive direction”.

## **Alan Kurdi**

The crisis was embodied with the tragic individual destiny of the three-year old Alan Kurdi, who drowned in the Mediterranean Sea. The picture of Alan Kurdi circulated a few days before the first cloth collection campaign carried out by the refugee welcome initiative. The image of the three-year old was the start of an “enough is enough” movement, where people witnessed the gravity of the refugee situation through the media (Sætrang, 2016: 28-29).

Mathiesen (2010:26) argues how the mass media in modern society functions in a “synoptic” way. Mathiesen explains how this synoptic base is established in situations where a large crowd focuses on something common. The example above with Alan Kurdi exemplifies this situation where the many viewed the few (2010:20).

Social movement scholars raise how shared values are vital for individuals to feel a moral obligation needed for effective collective action (Polletta, 2006:6). People mobilize based on emotions, and this emotion creates a national bond needed for people to make sense of a situation (Polletta, 2006). Polletta likewise discusses how bonds are created that mobilize larger groups of people (2006:13-14). Such a bond arguably formed in the autumn of 2015 and was shared by the 1.4 million Norwegians who helped in the refugee situation in different ways (Fladmoe, Sætrang, et al., 2016). A conclusion that can be drawn from this is that the Norwegian people were affected by news from the outside that gained attention on the inside (Mathiesen, 2010:27), with the Alan Kurdi story being an illustrative example.

## **7.1 Mobilization of volunteerism**

The refugees arrived at Tøyen in Oslo, where the police immigration unit is located. The large number of arrivals in the autumn of 2015 led to the police struggling to register all the asylum seekers. This led to a strain on the governmental reception conditions, which could not keep up with the huge arrivals over a short-time period (Sætrang 2016:25; Storskog rapporten, 2016; Fladmoe, Sætrang et al., 2016). The asylum seekers and refugees from Syria, Afghanistan and Eritrea, among others, were stranded outside the police’s immigration unit in Oslo. A research on the refugee situation Norway was facing discovered how newly created initiatives by private groups on Facebook played a substantial role in the mobilization of volunteerism (Fladmoe, Sætrang et al., 2016:9). The use of Facebook as a channel for



mobilisation was effective as Facebook is regarded as the biggest social media platform used daily by the Norwegian population (Eimhjellen and Ljunggren, 2017:9).

### 7.1.1 Refugees welcome to Norway

Synne Sætrang (2016) wrote a report named “Not only a Facebook-group: A case study of the refugee welcome network in Norway”. In this report, Sætrang describes the role this initiative played in the mobilization of volunteerism during the refugee situation. The report studies the refugee welcome (RW) network as a social movement due to the speedy increase in members. The figures behind this initiative describe their organization as something that blossomed from a “civil movement”.<sup>50</sup> Seven central figures in the formation of different RW groups were interviewed, where some characterized their work as a national “*dugnad*” (Sætrang, 2016:18).

*Dugnad*<sup>51</sup> can be interpreted to be a Norwegian cultural trait where everyone is expected to contribute. As many as three out of five Norwegians answered that they had done some *dugnad* for an organization in the last 12 months (Sætrang, 2016:11). The volunteerism through this *dugnad* can suffice to establish a counter-image of those who arrived as people in need of Norwegians’ help. This is similarly supported by the report on the refugee situation, which states that 22.4% (proportion of the population) contributed with money whereas 16.8% gave clothes/food/equipment (Fladmoe, Sætrang et al., 2016:16). The contribution through this *dugnad* portrays a different image than that created by the political discourses analysed in the previous chapters.

The refugee welcome initiative mentions how the coordination to help the refugees took place online (Sætrang, 2016). Very few, in fact only 0.7% of those who contributed during the refugee situation, helped with editing or modernizing websites (Fladmoe, Sætrang et al., 2016:16). These new modes of voluntary engagement can be interpreted as having simplified the Norwegian *dugnad*. An understanding that can be made is that the Refugee Welcome initiative did indeed play on the Norwegian *dugnad* to mobilize “bonds of nationhood” that Polletta described (2006:13-14). The gathering of individuals through initiatives created online sufficed to simplify the Norwegian *dugnad*.

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<sup>50</sup> Original text: “*folkebevegelse*”.

Mathiesen states how collective norms spring from the collective consciousness found in society, an interpretation derived from Durkheim. They first become visible in the face of a threat that is about to change the conditions of society (2011:104-105). On the one side, the refugee situation led to vast and abrupt changes to Norwegian legislation and policies (see: chapter 2).<sup>52</sup> On the other side, the Norwegian civil society apparatus was also quick to react with volunteerism (*dugnad*) during the refugee situation. A study found that 1.4 million Norwegians contributed in diverse ways towards improving the arrival conditions (Fladmoe, Sætrang, Eimhjellen et al., 2016). The mobilisation to help those arriving can be understood as a need to restore a collective norm of volunteerism (*dugnad*) found in the Norwegian society that Mathiesen described.

The report made by Synne Sætrang additionally emphasises how the refugee welcome groups are “not only a Facebook group” (2016). The title of the report hints at the significant and varying role this initiative played in improving the arrival conditions for the asylum seekers and refugees. The voluntary initiatives are argued to have secured the rule of law for the newcomers in a time where there were “hard fronts” (Sætrang, 2016:25). The movement and initiatives that were created worked to disseminate information, and many of the refugee welcome groups took on a “supervisory role” at the reception centres (ibid). Many temporary reception centres were created during the refugee situation. The immigration unit had acquired 3,180 places within the beginning of November 2015 (UDI.no, 2015).

One informant from the RW groups mentioned how the motivation to create the group arose from being in “poor humane Norway”, which had become unrecognizable (Sætrang, 2016:25). Yvonne Jewkes discusses how the punishment that the politicians suggest is limited to that which will not “incur the wrath of the taxpayer” (2015:321). The hard frontlines in the domains of policies and political rhetoric can be said to have contributed to the creation of this counter-image of groups assisting those crossing into Norway.

The opinion-based perspective of Thomas Mathiesen (2011) can be employed to explain how the subjective experience felt by the leader of this refugee welcome group was similar to that of the many (a collective). The increased number of members of the group portrays how the collective consciousness in the population did not match the political discourses circulating during the refugee situation. The collective consciousness can explain

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52 Prop.16 L (2015-2016:7) was instilled without a hearing.

how the coming together, and especially the formation, of a “collective consciousness” can be powerful enough to gradually change society, and even the laws (Mathiesen, 2011:104-105).

Exclusion in the form of poor reception conditions was averted by the voluntary groups. The “illegalized state” that the refugees were facing was saved by the voluntary groups, which clothed 80% of those who arrived in 2015 (Sætrang, 2016:42). This points to Fangen and Kjære’s point of how the illegalised state the immigrants are living under, as leading to inclusion in certain rights and provisions. The government allows and even finances aid agencies to provide health services to irregular immigrants (Fangen and Kjære, 2013:29). The importance of the aid provided by voluntary initiatives created during the refugee situation was similarly mentioned by the police in the Storskog report (2016).<sup>53</sup> The new stories created through this mass mobilization on Facebook led to a more positive image of those crossing into Norway. Although these newly created initiatives on Facebook received a lot of attention, the traditional organizations remained where most of the contributions were made (Fladmoe, Sætrang et al., 2016).

### **7.1.2 Dråpen i havet**

The Norwegian Trude Jacobsen was nominated for the “Norwegian heroes” award for her initiated organisation “dråpen i havet” (a drop in the ocean) located in Greece. The article describes how Jacobsen had five children when she decided to go down to Greece, where 60,000 refugees were stranded. The documentation of her journey on Facebook led to a mobilization of 1,700 volunteers from 30 countries who came down to work in fields in Greece. Jacobsen states how she is now employed through her initiated organisation, where she takes Skype meetings with the volunteers in Greece. Jacobsen describes her job as consisting of: “...no ordinary working hours, I work nearly seven days a week” (VG, 2016b, my translation). This example with Jacobsen identifies how there were refugees desperately in need of help. Jacobsen leaving her job to establish this organization shows how ordinary Norwegians helped during the refugee situation. This example contributes to create a different image than that of the “deviant immigrant”.

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<sup>53</sup> The role the volunteers played was also acknowledged in the committee treatment of the changes to prop.90 L 2015-2016. The Labour party, the Centre party and the Socialist Left Party acknowledged “the formidable effort that the volunteering lined up with” (innst. 391 L 2015-2016:11).

Jürgen Habermas (1999:75) states how voluntary associations are not as visible as the mass media and larger public relations agencies, but that they consist of the main portion of the citizenry nonetheless. These actors derive from the civil society and “make up”, or create, a cause unlike the others that only “perform” at the forefront (ibid). This is relevant when I look at Jacobsen’s case and how her newly initiated organisation might have been influential. Jacobsen was nominated for the “Norwegian heroes” award for her initiative. The example of Jacobsen portrays how her newly started Facebook group worked to create a real image of the refugee situation taking place in the Mediterranean Sea. Her Facebook journey let the Norwegian Facebook population follow the refugee situation in a way that was not limited to what is readily available for consumption in the manner that Aliverti (2013:2) describes.

## 7.2 The power of the media

The Norwegian media landscape has witnessed changes since Rokkan (1966) stated that the media was the third channel. The traits that characterized the media as the third channel were NRK’s monopoly as a news channel (Heidar and Saglie, 2002:287). However, in 1992, this monopoly was abolished, and TV2’s news channel started their broadcasts soon afterwards. Since then, the press has detached itself from the political bonds that once existed to focus on competitiveness between news channels (ibid). The media, however, has power according to Mathiesen, who divides the media’s power into the “power behind the media, the power around the media and the power in the media”.

The power in the media that Mathiesen (2010:17) mentions is particularly important to mention in order to grasp the role played by the media in portraying the developments in the refugee situation. In an article, the newspaper editor of *Aftenposten* Håkon Borud expressed his view on the refugee situation. The article contains three pictures: one with the reception centre head at Refstad; another where a Syrian girl is holding a drawing of what she has fled from in a rail station in Budapest, and the last picture is based on a school class from Oslo that had sold toys and held a bake sale for the refugees. The three pictures summarise the different perspectives on the refugee situation: the refugee’s side, the reception centre (the government), and lastly from civil society. The three pictures symbolise the united effort needed that the rest of the interview emphasises.

“No one can be unaffected by our time’s greatest refugee disaster. Aftenposten will listen with respect to those who are now sceptical of this development. At the same time, we as fellow human beings must take inward millions of people who are on the run only from Syria. They need help”, emphasises the News Editor Håkon Borud (Aftenposten, 2015c, my translation).

Brochmann indicates how the newspapers can create a “mot-opinion” (Brochmann, 1997:173). This “mot-opinion” can be viewed in the way Borud states; “*Aftenposten* will listen with respect towards those who are sceptical towards this development”. Borud states that he will listen and respect both sides of the refugee situation. However, as “fellow human beings”, he stresses that we must acknowledge the humanitarian disaster where refugees are fleeing.

Although social movements are usually based on a break from the “dominant cultural code”, they are also shaped by this very culture (Johnston and Klandermans, 1995:6). The movements Borud notes fall into two opposing groups. I interpreted one segment of the refugee situation as being concerned with the arriving economic migrants who are better off in neighbouring areas. The group with this viewpoint can be understood to be concerned with the long-term consequences of immigration to Norway. The opposing group can be said to indicate that the need for immediate help trumps all of this. This latter viewpoint is supported by a report which stated that those behind the initiatives were not preoccupied with the status of those who arrived, but rather the poor reception conditions that met them upon arrival (Fladmoe, Sætrang et al., 2016).

It is also important to reflect back on the refugee situation faced in Europe after the First World War. Fridtjof Nansen was appointed as the leader of the nation’s first High Commission for Refugees in Norway in 1921. The definition then of a refugee was a person who had lost protection in a home state, unlike the non-refoulement criteria that is required today. This led to the issuing of the Nansen passport to many refugees in Europe who did not have a state. It is even believed that 450,000 copies of this passport were issued to refugees (Vogt, 2015). It can be argued that Borud is stating that although some are “sceptical”, our “dominant cultural code” as fellow human beings requires one to help. Historically, Norway has contributed much to help refugees, and contributing to alleviate a refugee situation can be qualified to be a “dominant cultural code” that Johnston and Klandermans (1995:6) describe.

The example with Håkon Borud shows how the “power behind” and “in the media” that Mathiesen (2010:7) discusses are relevant in this case, with the portrayal of humanity from the power behind the article in *Aftenposten* towards those fleeing from war.

The role the media played in this mobilisation is crucial to describe. The digital openness I believe allowed the RW initiative to let the masses see the few (Mathiesen, 2010:24) The media and newspapers were following the growth in this initiative. The following articles are examples of how the newspapers reported on this rapid growth in members: The voluntary organization “refugees welcome to Norway” gained many members in a short period of time, and the expansion led them to grow out of their small offices in Tøyen (TV2, 2015). The article also mentioned how TV2 News offered an empty space, with one month rent-free for the voluntary organization (TV2, 2015). This mass mobilisation to help the refugees consisted of 14,000 members by the beginning of September 2015 according to another article (Document, 2015). Almost one week later, by the seventh of September, the number of members was estimated to have been at around 80,000 (TV2, 2015). The campaign reached different municipalities that created their own versions, such as “refugee welcome to Nord-Trøndelag”, “refugees welcome to Buskerud” and “refugees welcome to Finnmark”. These are just a few of the branches of “refugees welcome” made by groups of people (Aftenposten, 2015c).

These few articles highlight how the media was following this mass mobilisation or increase in members on Facebook. This can be interpreted as Facebook becoming a medium for what Mathiesen called “criticism, resistance and retort” during the refugee situation (2010:289).

Interestingly, a report made by the police on the refugee situation explained how the lack of a communication adviser at Østfold police district had made it difficult to answer the questions posed by the media to the police. The report’s title mentions that the nature of a crisis is its “uncertainty”, and that there was a steep learning curve leading (Storskog rapporten, 2016). I likewise noticed how the newspaper coverage was informative on what was occurring and how the civil society could contribute in my research process. An article published by *Aftenposten* listed all the voluntary organizations and initiatives made by individuals on Facebook by the beginning of September 2015 to inform their readership on how to help (Aftenposten, 2015c). The media coverage let the Norwegian public in on the current situation at both at the Storskog border and Tøyen police’s immigration unit. The

media coverage and the power behind the media (such as the example with Håkon Borud) signifies the influence the media might have had during the refugee situation.

## **The media coverage**

The media has a huge influence on what we are able to view. In September 2015, whilst the crisis was at its peak, there were over 1,000 newspaper articles containing the words “police’s immigration unit”, and more than 800 articles containing the word “refugee” (Fladmoe, Sætrang, et al., 2016:35). This coverage predominantly led the Norwegian public to follow the refugee situation that had reached their doorsteps. The rejection of the refugees was not limited to the shores (Aliverti, 2013). The newspaper coverage showed how the police were struggling to register the increased number of asylum seekers that were stranded outside the police’s immigration unit at Tøyen. The mass, round-the-clock coverage of the situation is known as the “CNN effect”. This theory sees how media coverage can cause the attention of a population to be focused on specific issues. This theory notes how mass coverage influences both foreign policy and the public opinion. The footages of starving children in Somalia led to pressure from the US public, leading them to send troops there (The CNN effect, 2002). Likewise, the picture of the three-year-old Alan Kurdi influenced both public opinion and the refugee crisis coverage. A report on the media coverage of the crisis noted how this picture led to more positive humanitarian stories about migrants that increased by threefold in Germany, Italy and Portugal after the photograph was published. However, the report also mentions how this positivity was short-lived.<sup>54</sup> (EJO, 2015).

Mathiesen emphasises how the media has the power to let the masses see the few. Modern society is characterized by this trait (2010:24). Similarly, Mona Underdal-Loktu (43), behind the “Refugees Welcome to Asker and Bærum”, explained how her engagement was ignited by a news story. The news story where she first saw those fleeing acted as a catalyst for her to start this organization, which now has 2,400 members, where 240 are active volunteers. The setting of the interview undertaken by this local newspaper is symbolic. The interview is conducted with Underdal-Loktu sitting around a dinner table, in a studio flat of a 28-year-old Syrian man who came during the refugee situation, whom her group helped (Budstikka, 2017).

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<sup>54</sup> Eight European countries’ news coverage from different national newspapers was analysed.

Similarly, Eimhjellen and Ljunggren raise the issue of how individuals are said to be increasingly active, and not passive, consumers of mass communication from organisations. The duo also specify how individuals are members of flexible networks and less tied to permanent social groups, which enables individuals to gain information from different platforms (2017:12). Interestingly, Underdal-Loktu likewise stated how they would not have managed what they had accomplished without Facebook (Budstikka, 2017). The example of Mona Underdal-Loktu shows how she was not a passive bystander to what she saw via traditional mass media (Mathiesen, 2011:258). It can be interpreted that Facebook was used to gather groups of individuals through the tools of information and dialog (ibid).

Social media is mentioned as a digital network structure that creates innovative ways for ordinary people to mobilize and reach out to larger groups of people in society (Eimhjellen and Ljunggren, 2017:20). The refugee welcome initiative clothed 80% of those that arrived during the refugee situation (Sætrang, 2016:42). This improvement of the arrival conditions was made possible with the role the media played in portraying the level needed of humanitarian action (Sætrang, 2016). This report states how the panic that led to a collapse in the immigration reception conditions was rectified by the voluntary organisations and individuals. The chaos that was portrayed in the news led to more volunteers (ibid).

“Annex” was an artist group of four working for a more “humane and solidarity-based attitude towards the global refugee crisis ” in the summer 2015. They helped with serving food to the refugees and asylum seekers that were stranded outside the police’s immigration unit in Tøyen (Dagsavisen, 2015, my translation). Similarly, interviews with the central figures behind the RW movement discussed how the reception conditions started with a simple “dinner serving” initiative, eventually growing into a large-scale organization (Sætrang, 2016:26). The media coverage acted as an informational disseminator on where the refugees were stranded and what material aspects they were lacking (Sætrang, 2016). The panic that had occurred, and was covered by the media according to their criteria of “news values” (Mathiesen, 2010), led to the establishment of groups that showed solidarity towards those fleeing.

The solidarity consisting of the country’s “humanitarian culture” is what the Norwegian people are bringing forth, according to the Norwegian President of Red Cross Sven Mollekleiv. In this article published by *Aftenposten*, several leaders of the different traditional organisations, such as “Norwegian Church Aid”, “Norwegian Refugee Council”



and the “Norwegian People’s Aid”, described how the civil society could contribute and directed on what they have received so far of help. Nevertheless, the statement made by the Norwegian president of Red Cross Sven Mollekleiv stood out. Mollekleiv sees that the authorities need the help of the “42,000” voluntary people registered at the Norwegian Red Cross.

“We see now that the Norwegian people are getting the best from our humanitarian culture. All of our 42,000 volunteers are equipped to assist the authorities” (Aftenposten, 2015b, my translation.)

The unpreparedness of the crisis is most likely why the president is reminding us of the humanity in our “dominant culture”. Half of the contributions during the refugee situation were made through traditional voluntary organisations, whereas 1/5 were through informal ways, i.e. own organizing or through the initiatives (Fladmoe, Sætrang, et al., 2016). This illustrates that the traditional organisations remained where most of the contributions were made, although innovative ways of gathering people were created online. The online mobilisation can be interpreted to have formed a counter-image of those crossing Norway’s borders. This online mobilization can be acknowledged to have led to a different image than that of “the other” that Johansen, Ugelvik and Aas (2013) described.

Minja Tea Dzamarija (2017:16) researched on the Bosnian reception conditions in the 90s and references how the media described the more effective reception conditions faced then, as a national effort that consisted of “solidarity, empathy and enthusiasm”, and where everyone helped. This reaffirms Mollekleiv’s ideas regarding how the Norwegian people bringing forth the best from their humanitarian culture by way of voluntary work.

### **7.3 The nuances of public opinion**

Guri Jørstad Wingård is behind the organisation Refugees Welcome Norway, and her chronicle is centred on the refugee situation in 2015, when the government focused on the material aspect of the crisis (bicycles) in her view. A documentary focused on the bicycles rather than the people, according to Wingård, who attempts to make it clear that it was about the “5,500 individuals” who were rejected at the Storskog border in a commentary article.

“Whatever the political views on the regulation of immigration and asylum policy, it is these people with their own lives and rights ... But it was not bicycles that came to Norway, it was people. 5,500 individuals” (Dagbladet, 2017, my translation).

The rejection of entry at the Storskog border failed to respond to the refugee situation in a humane way according to Wingård. The debate effectively centred on bicycles instead of recognizing that the crisis was about human beings (Dagbladet, 2017). Others have moreover portrayed how there are over 232 million international migrants in the world today. The figures regarding refugees and internally displaced persons stood to be more than 60 million by the end of 2014 (Martin, 2016:5).

The United Nations High Commissioner for Refugees Pia Prytz Phiri, representing Northern Europe, specified how Norway could not refuse to assess asylum applications from Storskog. Phiri’s meeting with Sylvi Listhaug was on the recent strengthening of the Immigration Act of 2008 and the practices that had been passed down from the Ministry of Justice and Public Security. Phiri hinted at the refugee convention and stated how Norway was breaching international conventions:

“The conventions state that everyone has the right to seek asylum... We have problems with how we look at Russia as a safe country of first asylum. It's difficult to obtain an asylum procedure in Russia” (VG, 2016a, my translation).

The labelling of a state is accomplished by international mechanisms or, in some situations, even persons that are entrusted with the authority to ensure that the international rules are being followed (Hirsch, 2015:7). The visit from Phiri on behalf of the United Nations illustrates how international mechanisms can ensure that rules are not breached. Dauvergne comparably sees it as worth acknowledging that we are facing a crisis where international refugee law is tied to illegal migration and its issues. Refugees are not illegal migrants, but the refugee convention has failed to specify that a person has a right to enter another country. It is this fact that has arguably caused states to deny refugees as a result of “illegal entry” (Dauvergne, 2008:50). These elements Dauvergne brings up can be observed in how Norway as a state dealt with the Storskog refugees for whom Wingård advocates on her opinion piece in *Dagbladet*.

The public opinion of the Norwegian population towards immigration was mapped in an Ipsos research project accomplished in cooperation with the Nobel Peace Centre.<sup>55</sup> The interviews were with 947 randomly selected people all over Norway, who were a representative selection of the population (from 17 years of age and older). The project discovered that the attitudes towards immigration had improved since the refugee situation began. The research was done between the 20<sup>th</sup> and the 22<sup>nd</sup> of February, 2017, which is relevant since it was after the worst crisis of the refugee situation. The majority of the Norwegian population believe that immigration is positive according to this research. 53% answered that immigration was mainly good for Norway compared to 45% who answered the same a year prior. What I found interesting is how the same study had been made twice – in February 2015 and February 2016 – and the changed attitude could be recognized (Dagsavisen, 2017).

The integration of the many refugees that arrived during the refugee situation turned out to become a part of the political debate. This made researchers reflect back on the situation with the Bosnian refugees who arrived in the 90s. An article discusses how most Bosnians have successfully integrated into Norwegian society, and is hinting that there is hope for the many Syrians who arrived in 2015. The adaptation of the Bosnian refugees to Norwegian values is characterized by their “invisibility” in the Norwegian society. The Bosnians’ employment levels are shown by statistics to not differ from the employment levels of Norwegians. The reason given for this high success rate is tied to the Norwegian reception conditions at the time (Hegnar, 2015). Similarly, Dzamarija (2017) wrote the article “Displaced persons from Bosnia and Herzegovina arriving in Norway in the 1990s; Bosnians, the integration champions?” In this article, Dzamarija discusses how Bosnians have successfully integrated into the Norwegian society, stating how 35% percent of Bosnians in Norway have higher education compared to 32% of the Norwegian population (2017:1).

Success stories behind the refugees that came during the refugee situation in 2015 have also been covered in the news. The Syrians were a new refugee group to Norway, although Norway had earlier experienced Bosnians and Iraqi refugees who had similarly fled from “war-torn areas” (Østby, 2017:18). The tendency of the newspapers has been to show the individual destinies of refugees (Mathiesen, 2010), and in this case the successful

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55 IPSOS is an organization that specializes in opinion research of interest to the public:  
<https://www.ipsos.com/nb-no/sosial-forskning-omdomme-ipsos-politikk-samfunn>

integration stories. Twenty year-old Talaat is mentioned in a news article titled “Syrian-Talaat”. His Syrian background is highlighted to demonstrate how he has made it in Norwegian society. In his brief time in Norway he has had three jobs, and the image of him with a rolling pin making falafels is used as a background picture (NRK, 2017).

Critics argue that public opinion can be exploited by the media and by political developments. It is a complicated interaction between politicians, who always have the power of definition behind the “opinion” (Brochmann, 1997:171). This is similar to Jewkes’ point of opinions being used to support “politically advantageous” discourses (2015). The power of the opinion was also mentioned by Mathiesen (2011:104-105), who stated how it may possibly even lead to changes to the law in the face of a common threat. These critical suggestions make it problematic to draw an accurate hypothesis regarding the role of the public opinion.

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This chapter has analysed the counter-image that was formed in Norwegian civil society during the refugee situation. A counter-image was presented by several central figures emphasising that Norway was facing a real refugee situation where people needed help. The Socialist Left Party and The Green Party leaders stated their withdrawal from the asylum settlement. The counter-image was also presented in the media through the distribution of the picture of Alan Kurdi. The chapter has also shown how the refugee situation led to over 1.4 million Norwegians contributing in different ways to improve the reception conditions of those who arrived in 2015 (Fladmoe, Sætrang et al., 2016). This chapter displayed how the initiatives created online, such as the Refugee Welcome groups, have improved the “illegalized state” faced by the asylum seekers and refugees. The prominent role the initiatives played was even mentioned by the different political parties in the committee that was responsible for the second round of strengthening to the Immigration Act of 2008 (innst.391 L 2015-2016:12). This chapter shows how this mobilization can also be interpreted as a form of political protest towards the government’s asylum policy.

# 8 Discussion

## 8.1 The changing policies

My analysis reveals the manner in which adopting a negative image with a stricter rhetoric and immigration policy has been a strategy Norway employed as a measure of migration control. It seems to me that the main method to stop the deviant immigrant has been through “sending a signal”. This sending of a signal has been mentioned in most of the agreements and propositions discussed in chapter 2. This stricter tone and policies towards immigrants by the Norwegian authorities stems, in my opinion, from the changing policies in other countries. The then-Norwegian Justice Minister Anders Anundsen stated the following: “In the current situation there is a need to quickly take action based on events in the world, or because the policy in other countries will be added to” (press release number 102-2015, my translation). This quote by the former Norwegian Justice Minister summarizes my feelings after doing this thesis. The argument of Anundsen is grounded on that fact that policies in other countries were changing (or being added to), and therefore Norway had to follow suit.

The Norwegian government faced a challenge in experiencing the highest number of asylum seekers in any year in 2015 (UDI, 2015c). Making Norway unattractive through adding and changing policies was used as a strategy of migration control. Norway quickly changed their policies where the political parties in parliament<sup>56</sup> agreed on the “asylum agreement”, which led to amendment of the Immigration Act of 2008. The department removed the requirement that stated that the third country where the return was directed should assess the application (prop.16 L 2015-2016:12). This prevented those crossing over from safe third countries from getting asylum applications processed, and quick returns were made. Nevertheless, in the second round of changes, the department went further with stricter policies and argued for an “extraordinary legal authority” to the Immigration Act’s section 32. This legal authority was to put the Dublin III regulations to the side and reject entry to those arriving “directly from a Nordic State” in a time when Norway was experiencing a large volume of arrivals (Prop. 90 L 2015-2016:34, my translation).<sup>57</sup>

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<sup>56</sup> Except the Socialist Left Party and the Green Party.

<sup>57</sup> These changes to Norwegian legislation seem to support Brekke’s findings on how Norway’s being both “within” and “outside” the EU has been problematic for Norway as a nation. Brekke defined this dilemma as

The changes that have occurred in the last two years in Norwegian legislation and policy can be interpreted as moving towards a merging of the criminal and immigration field, as explained by a number of studies (Aas, 2013b; Johansen et al., 2013; Franko and Mohn, 2015). The norm-breaching migrant has been targeted with the newest tightening to the Immigration Act of 2008. The first proposition 16 L (2015-2016:7) was installed without a hearing, and the second proposition was largely criticized (233 hearing replies) (Hearing, 2015).

Although my focus has been on Norway, similar practices are being followed and rational choices have been practiced by many other countries in the West as I have shown (see Hungary, Germany, USA). The refugees who were deterred from Norway's border went to other countries in Europe to seek asylum. In 2016, Norway received 3,812 cases in which they were to take responsibility for an asylum seeker from another Dublin Agreement member state (UDI, 2016b). In contrast, just one year prior, Norway was requested to take responsibility for 1,648 cases due to Norway being the first country of arrival (UDI, 2015b). The Dublin III regulation that the government had begun to ignore, based on the argument that it had "ceased" (Prop.90 L 2015-2016:7), led to the many referrals in 2016. The media followed the asylum seekers arriving back again, where one article called it "the new asylum stream", and described how 2,300 asylum seekers had been sent back during September of 2016 (NRK, 2016a, my translation).

The period from the fourth quarter of 2015 to the first quarter of 2016 witnessed a 95% fall in the number of asylum seekers to Norway, whereas the number for the whole of the EU was at 33% according to Eurostat figures (Østby, 2017:6). The number of asylum arrivals reduced to 3,460 in 2016 and the UDI director Frode Forgang suggested that these signals might have been the cause. However, he emphasizes how this decline in arrivals could abruptly change again in the future (Aftenposten, 2017b). This view of the UDI director has been challenged by critics who tie the decrease in asylum arrivals to the stricter border controls found in Europe, combined with the deal formed between EU and Turkey (Østby, 2017:6).

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Norway being a "casual participant" in the asylum policy forums held by the European commission (Brekke, 2010b:9).

Overall, we can see a pattern of harsher European policies where Norway is getting noticed above this for its own harsher changes, such as the treatment of the Storskog refugees, sending Syrians back to Russia on bikes. Newsworthy stories that are meant to send a signal stating “you are not welcome” to Norway were considered effective according to the political discourses analysed. The internet and in particular social media played a substantial role in getting the stricter message out to the “deviant immigrants”. The use of the internet in a legal context (Mathiesen, 2011:259) was used as a measure of migration control by the Norwegian authorities during the refugee crisis.

## **8.2 The political rhetoric as reflective of the legislative documents**

I have analysed Facebook developments and political rhetoric created during the refugee crisis, and tried to understand them in light of the legislative documents. The political discourses picked up by newspapers and those posted on Listhaug’s official Facebook page have been analysed.

My analysis of this image of the “deviant immigrant” has, of course, some limitations. My analysis of the Progress Party’s rhetoric is mainly limited to statements formulated by Listhaug. I am aware that the Progress Party has member that have different opinions than Listhaug, but for the sake of clarity I chose to focus only on Listhaug because she is the Minister of Immigration and Integration in Norway. I also recognized how she may be considered to be the most influential voice when it comes to dealing with and publicly portraying immigrants as deviants.

The stricter tone towards asylum seekers and refugees since 2013 is reflected in the arguments used in the changes to the Immigration Act of 2008 (see prop. 90 L 2015-2016) and prop.16 L (2015-2016). I noticed how this stricter tone projected towards immigrants was not limited to legislative and asylum policies. The media platform of Facebook was utilized by Listhaug to discuss these suggested and implemented changes to the law. The proposed changes (prop.90 L 2015-2016) were even suggested and implemented before Listhaug posted some extracts on her official Facebook page. It once again shows how political rhetoric on Facebook is reflective of the tightening to the Immigration Act of 2008. It seems as though this strengthening of the legislation needed a further sense of justice on Facebook with its

1.86 billion actively monthly users. The number of Norwegian users is estimated to be at around 3.3 million Norwegians above the age of 18. Figures from Statistics Norway (SSB) (2005; 2016) shows how 97% of households in Norway have access to internet and that over 70% of the Norwegian households use Facebook (SSB, 2016) on a daily basis (Eimhjellen and Ljunggren, 2017:9).

The political rhetoric that I analysed was mostly from 2015-2016. Norway was soon facing an election, where attracting followers and getting votes to stay in government was vital. To do this, Listhaug had employed Facebook, with many followers. The minister frequently asks her followers what they think about some issues such as “family reunification” and “integration”, where she asks her followers to please “like and share” the message she has written. The higher response rate gives the populist Progress Party an idea of when they have touched on a sense of justice. Listhaug also attaches some facts such as how the numbers of asylum arrivals have decreased and the number of people with an unknown identity in the territory. She legitimizes some of her comments with statements made by immigration authority figures in newspapers. The rhetoric she uses is based on what I perceive to be “support measures” based on attacking and striving for one’s case (Bratberg, 2014:163) and symbolic messages to “would-be immigrants” (Aliverti, 2013:126).

Sylvi Listhaug as a politician has utilized Facebook to get her political message out, and she recognizes the impact that signals have in reaching the “whole world through New York Times”. This publicity and being “noticed” is “good” (Sylvi Listhaug, Facebook 14.11.2016, my translation). Globalisation has made the world a smaller place, and things happening in Norway are reaching the other end of the world, as can be seen with the New York Times mentioning the stricter Norwegian return practice (ibid). Engelstad recognises how the national news climate in Scandinavia is produced and forms its base in a “global public sphere” (Engelstad, 2013:73). Media attention is vital for political parties to get their message across. The mass media is mentioned as the most important source of political information (Heidar and Saglie, 2002:287) and also as the arena where the majority of people form their political views (Castells, 1997:62). Listhaug’s Facebook page informs people on the proposed and needed changes in the law. Her Facebook page also works informationally in order to get more electoral votes. As of the 22<sup>nd</sup> of February, 2016, Listhaug has 113,321 likes on her official Facebook page, a fact which also shows the influence that having the debate on Facebook can have.



I believe this stricter tone and portrayal of immigrants as deviant diffused from the Progress Party to other political parties and even the immigration authorities. Interestingly, a similar rhetoric depicting an image of a “deviant immigrant” can be read from the opposition. The Labour Party leader was asked if he agreed with the government with the points they presented in the asylum settlement. Jonas Gahr Større’s reply was: “The main image is that we agree. We must send a signal that Norway is not a more attractive to seek residency in than the neighbouring countries” (Aftenposten, 2015f, my translation). A stricter immigration policy was likewise suggested by the Centre Party leader long before the asylum agreement was signed. Trygve Slagsvold Vedum stated how the quota for refugees that Norway should take in should be a “one-time phenomenon” (Dagbladet, 2015a). The prime minister Erna Solberg of the Conservative Party pointed to the impact that “rumours” have (Aftenposten, 2015d), whereas the previous Justice Minister Anundsen from the Progress Party blamed the existing “policies” in other countries (press release:102-2015). These examples signify how the Progress Party was not the sole cause of the rhetoric; the spill-over effect went both ways. This idea of the migrants operating with cost-calculating mentalities (Hirsch, 2015:3) can be interpreted as being promoted by the rhetoric and imagery described above.

Although the tightening to the Immigration Act of 2008 had broad agreement, the committee treatment of the second round of changes is important to examine further. The argument in this document is that the asylum settlement had more far-reaching changes than what was agreed upon by the political parties. The Green Party and the Socialist Left Party did not sign the asylum settlement that paved way for the stricter measures applied to the Immigration Act of 2008 (innst.391 L 2015-2016:8). Nevertheless, the Christian Democratic Party and the Liberal Party were not satisfied with the extent to which this agreement’s 18 points have been used to make the changes to the law (innst.391 L 2015-2016:10).

### **8.3 The administrative organs**

The immigration authorities were given more direct instruction, especially the immigration appeals board (UNE) and the police immigration unit (PU). The police officers were given the authority to reject asylum seekers at the Norwegian border when the Dublin III regulation was put to the side (see: prop.90 L 2015-2016). The police immigration unit was also encouraged to get stricter regarding return practices, as an extra 110 million NOK in funding was established to increase the forced return (Press release: 117 – 2016). The stricter policies led

to 8% more forced returns in 2015 when compared to the previous year according to the Police's immigration unit leader Kristin Ottesen Kvigne (Nettavisen, 2015). The political focus on expulsions is one of the causes of the increase in the number of deportations (Franko and Mohn, 2015). The instructions that were passed down from the Ministry of Justice and Public Security promoted the stricter tone and practices the administrative organs practiced towards the immigrants.

The changes to the Immigration Act of 2008, and especially the instructions that were passed on to the immigration authorities, are of importance. The Immigration Appeals board had been made independent in 1997 to secure the rule of law for asylum seekers (Ot.prp. nr. 17 (1998-99)). However, the refugee crisis led to the political management of UNE by the Ministry of Justice and Public Security. With this political management of UNE came directions centred on how to deal with cases, most noticeably the "rejections of entry" for those crossing from neighbouring countries. However, reactions did come from the administrative organs themselves, as can be seen by those who urged the Sylvi Listhaug to reverse this political instruction in response predominantly to the treatment of those who crossed from the Storskog border (VG, 2016c).

## 8.4 The counter-image

Mathiesen discusses whether the internet can become a medium for "criticism, resistance and retort" (Mathiesen, 2010:289). As I have analysed in the chapter on counter-images, we have seen how individuals created groups online of volunteers to improve the poor arrival conditions for asylum seekers in 2015. This story of Alan Kurdi made people decide a course of action that was seen by way of the increased mobilisation of volunteers (Sætrang, 2016: 28-29). The poor conditions outside the police's immigration unit at Tøyen led to the mobilization of individuals through Facebook with the formation of groups such as "refugees welcome" and "*dråpen I havet*" (a drop in the ocean). The quick growth in members on Facebook highlights the role Facebook played in the mass mobilisation of private volunteers (Fladmoe, Sætrang et al., 2016:9).

It has been vital to have the reports published regarding the role of Facebook on the Norwegian population's contribution towards the refugee situation. The reports focused on the refugee situation as much has happened in the year from 2015 to 2016. Kjære and Fangen

(2013) mentioned how the illegalised state that individuals are living in has led to inclusion in other areas. As I have mentioned in several places, the volunteerism during the crisis shows how the “poor reception conditions” outside Tøyen immigration unit led to a higher focus on securing the rule of law for the asylum seekers and refugees who arrived. The “poor image” that Norway had received led to a fight to restore a dominant cultural trait of “*dugnad*” that the Norwegian population use as a cultural referent. The report also mentions how the voluntary initiatives helped the government in the most acute phase with accommodation, clothes, health services and activities in the reception centres at a time where the governmental reception conditions could not keep up (Fladmoe, Sætrang et al., 2016:9-10).

This digital openness is argued to have led the Refugee Welcome initiative and others to see how they could contribute help through distributing real stories and images of people in need. Andrews notes how a counter-narrative is something that an author gives meaning to (2004:5). The counter-narrative presented through this mass mobilization represents a more positive counter-image of real refugees and asylum seekers in need of help.

## 9 Conclusion

This thesis is a critical analysis of the authorities' rhetoric during the refugee crisis. It has viewed the public debate in Norway brought on by the refugee crisis and analysed this in light of policies introduced to tackle the influx of asylum arrivals. I have presented different arguments from the two sides of this conflict: the government on one side and the representatives from groups in the Norwegian society that had a different image of those who arrived on the other. My research question has been wide-ranging, and the focus on media analysis has made me touch on some themes more than others. I included the chapter on counter-images to highlight the nuances that do not necessarily appear clearly.<sup>58</sup>

The central argument for the introduction of these new legal rules in the proposition was to reduce the "large influx" of asylum arrivals (prop.90 L 2015-2016). The government viewed the increased arrivals as a real burden. The arrival conditions collapsed due to the unpreparedness for this crisis. These abrupt changes put tackling the issues related to migration on top of the political agenda in Norway in a year where the country experienced the highest arrivals of asylum seekers on record (UDI, 2015c).

The description of the deviant immigrant, and how this image has evolved due to globalisation, has been useful as a theory (Aas, 2013b). This was especially the case when I used it to analyse the political rhetoric that I perceived to be fitting this description of a "deviant immigrant". The theory on crimmigration has likewise been useful in regards to interpreting how the different categorisations of people are dealt with as well as how the proposed coercive measures are changing with migration and are seemingly starting to resemble those used in the criminal field (Johansen et al. 2013; Aliverti 2013; Franko and Mohn 2015; Stumpf 2006). The separation of refugees from economic migrants led to denial of assessing groundless asylum application at the Norwegian borders (GI-12/2015). The declaration of an identity and reaching of fast asylum decisions led to the placement of asylum seekers in places other than the Trandum Immigration Detention Centre (prop.16 L 2015-2016). This, together with the rejection of entry, visa requirements and extension of safe

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<sup>58</sup> I could have included replies that came from non-governmental organisations, but I preferred to focus on a pure media analysis.

third countries portrays the stricter tone projected towards those who arrived in 2015 (prop.90 L 2015-2016).

The political and administrative discourses that I have analysed were made in a time when the number of expected migrants was uncertain. The discourses centred on how to protect Norwegian territory in one of the worst refugee crises the world has experienced since the Second World War. The department likewise argued how the arrivals were uncertain and urged the need to stay alert on the developments in Norway's neighbouring countries (Prop. 90 L (2015-2016:13).

Aas (2013b:101) mentioned how the idea of appearing unattractive has led to a punitive political climate in modern societies that is meant to serve a symbolic image. This punitive turn that Aas describes could likewise be noted from the political discourses analysed. Sylvi Listhaug argued that the stricter signals sent in 2015 reduced asylum arrivals by the following year (Facebook, 13.12.2016). The ministry likewise argued how measures from Norway's side can possibly have reduced the asylum arrivals by the following year (prop.90 L 2015-2016:11).

Appearing strict and sending a signal of being strict has been argued for by politicians and the ministry as a measure of migration control. Norway as a state had achieved this by adopting rational choice strategies and thinking with their policies. Another way they did this was by interpreting and even adopting international rules as "instruments" for reaching their objective, which was to make Norway unattractive (Hirsch, 2015:3). One such example can be by regarding Russia as a safe third country, and by removing the requirement that stated that the third country where the return was being made to should assess an asylum application. The department argued how the requirement "*goes beyond Norway's international obligations*" (prop.16 L 2015-2016:12, my translation).

The analysis illustrates how the Norwegian authorities are establishing own channels and Facebook pages in the traditional arena of the mass media (Mathiesen 2011:258) to get their message out to the "deviant immigrants". I analysed the rhetoric used by the Progress Party, which might have diffused to the other political parties and immigration authorities. The argument here is not that the Progress Party is the sole cause of the rhetoric, rather that the spill-over effect goes both ways. The argument here is not that Listhaug and the Progress Party are the sole party responsible for portraying immigrants as deviants. Listhaug

influences, and is influenced by, other opinion-makers when it comes to representing immigrants. However, since Listhaug has such a central role (as the Minister of Integration and Immigration) and such a vast following on the social media, there is reason to believe that she has played a crucial role in framing immigrants as unwanted and deviants.

The reports on the refugee situation display how volunteerism was established during the refugee situation. Certain groups in Norwegian society that were opposed to the government's policies and stricter approaches to legislation were represented on this side of the conflict. The refugee welcome group started by Guri Jørstad Wingård developed into several branches, and the rapid increase in members was followed by the media. The public debate on this side of the conflict was to portray an image of asylum seekers and refugees in need of help. Social media played a substantial role in this volunteerism, and Facebook was argued to have "reduced the threshold to participate" (Sætrang, 2016).

Hirsch employs Durkheim's term "anomie" to define how states are characterised by this condition. Anomie is when a state acts out of character when it comes to the norms they are known for (Hirsch 2015:10). I also believe that this tougher political rhetoric based on sending a "signal" led to civic groups in Norway wanting to restore an image of Norway as a humanitarian nation. Some mentioned how the unrecognisable image of Norway was the reason behind the creation of their refugee welcome branch (Sætrang, 2016:25). This refuted image led to an increased volunteerism and ignited the Norwegian cultural trait of "*dugnad*" (volunteerism), where 1.4 million Norwegian are claimed to have contributed in diverse ways (Fladmoe, Sætrang, Eimhjellen et al. 2016).

To conclude, the Norwegian authorities were caught off guard with the higher levels of arrivals Norway experienced in 2015. These arrivals put a strain on the government's arrival conditions (Storskog rapporten, 2016), which again led to political parties in parliament making a joint agreement to tackle the refugee crisis (Asylum settlement 2015). The descriptions of those crossing Norway's borders then led to the construction of the immigrant as deviant. I believe this image created of those who arrived in 2015, both in the policies and authorities' rhetoric, can lead to an "us" and "them" distinction (Johansen et al. 2013; Aas 2013b).

## **Further research**

It would be interesting to see the consequences of these changes to the law made in a state of panic if they were to be made permanent.<sup>59</sup> I chose to focus on the proposed changes that concentrated on “entry into Norway”. The stricter rules for laws concerning those already in the territory, such as temporary residency permits for Afghani minors between 16-18, and the stricter rules when it comes to family reunion, would also be interesting to look at.

**NUMBER OF WORDS: 39 750**

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<sup>59</sup> Prop.16 L 2015-2016 has already been continued in prop.149 L (2016-2017) on the 16.06.17.

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# Attachments

## Appendix 1: Quotes

### Chapter 1

“lov 15.mai 2008 nr.35 om utlendingers adgang til riket og deres opphold her”

§ 1.Lovens formål

“Loven skal gi grunnlag for regulering av og kontroll med inn- og utreise, og utlendingers opphold i riket, i samsvar med norsk innvandringspolitikk og internasjonale forpliktelser”

"act May 15, 2008 No. 35 about immigrants access to the Kingdom and their residency here"

Section 1. The Purpose of the act.

"The law shall provide the basis for the regulation and control of the entry and exit, of immigrants' residency in the Kingdom, in accordance with the Norwegian immigration policy and international obligations"

«Asylforliket 2015»

"Asylum Settlement 2015”

### Chapter 2

Soria-Moria plattformene (Stoltenberg II) and Semererkleringen (Bondevik II)

The Soria Moria-Platforms (Stoltenberg II) and The Sem Declaration (Bondevik II)

“1.prioritere arbeidet med raskt av personer som har fått avslag på sin asylsøknad, og I særdeleshet prioritere retur av grupper der dette vil ha effekt på tilstrømmingen fremover. Stortinget ber regjeringen kontinuerlig sørge for at aktuelle myndigheter har tilstrekkelig med ressurser for å kunne drive et effektivt returarbeid. Post for utsendelse av straffedømte utlendinger og asylsøkere med endelig avslag bes derfor omgjort til en overslagsbevilgning i statsbudsjettet». (Asylforliket 2015:1)

“Quickly prioritize the work of people who have had their application for asylum refused, and in particular prioritize the return of groups where this will have an effect on future inflows. The parliament continuously asks the government to make sure that the appropriate authorities have sufficient resources to be able to effectively carry out the work of returning these people. The post for sending convicted immigrants and asylum seekers with a final rejection should therefore be turned into an estimate for appropriation in the state's budget"

“differensiere ulike grupper asylsøkere i saksbehandlingen”, to “sikre en effektiv ID-avklaring”, “opprette en hurtigfil for asylsøkere som blir tatt for kriminelle handlinger”

"differentiate various groups of asylum seekers in the case work", to "ensure for an effective clarification of their ID," and "create a expedited file for asylum seekers who have been caught for criminal activities"

The department suggested a new “hjemmel” in the law, §106 centered on “pågrep og fengsling”.

The department suggested a new "legal basis" in the law in section 106 centred on "arrest and imprisonment".

«departementet foreslår å presisere i utlendingsloven §106 a at det å ha fått en søknad nektet realitetsbehandlet, er et moment som taler for at det foreligger unndragelsesfare. Dette vil legge til rette for at politiet vil få medhold i fengsling også utover en uke i de tilfeller dette er nødvendig»

"the Ministry proposes to define section 106 a in the Immigration Act whereby, having had an application that has been refused on its merits, displays an element which speaks of there being a danger which is being withheld. This order supports and will allow the police to provide detention beyond one week in cases where this is necessary "

“ ...at det i større grad vil være mulig å plassere utlendinger som blir frihetsberøvet andre steder enn i utlendingsinternatet på Trandum.”

"... that to a greater extent it will be possible to locate immigrants who are detained elsewhere than in the immigration shelter at Trandum."

«Utlendingsloven § 32 første ledd bokstav d gir adgang til å nekte realitetsbehandling dersom søkeren «har reist til riket etter å ha hatt opphold i en stat eller et område hvor utlendingen ikke var forfulgt, og hvor utlendingen vil få en søknad om beskyttelse behandlet»

"The Immigration Act section 32 first paragraph letter d provides the right to deny an application on its merits if the applicant has travelled to the Kingdom after having had residency in a State, or an area where the immigrant was not pursued, and where the immigrant will make an application for the consideration for protection"

«Det er viktig at norske myndigheter raskt sender et tydelig signal til personer uten beskyttelsesbehov eller som allerede har lovlig opphold i et trygt førsteland, om at innvandringen til Norge er kontrollert og strengt regulert»

"It is important that the Norwegian authorities quickly send a clear signal to people without the need for protection or who already have legal residence in a safe first country, and that immigration to Norway is controlled and strictly regulated"

“Videre åpner utl. § 90 femte ledd for å unnlate å gi en utreisefrist når utlendingen omfattes av utl. 32 første ledd; også denne adgangen må brukes i alle slike saker. I disse sakene vil det

gjennomgående være tale om utlendinger som har oppholdt seg i Norge i så kort tid at det ikke er naturlig med utsatt iverksettelse eller utreisefrist”

"Furthermore, this opens the utl. section 90 fifth paragraph for failing to give a departure deadline when the immigrant is covered by the utl. 32 first paragraph; also this right must be used in all such matters. In these cases it will generally be a statement about immigrants who have resided in Norway for such a short period of time, such that it is not natural to have a deferred implementation or exit deadline "

“Søknaden kan dessuten realitetsbehandles dersom retur til opprinnelseslandet kan gjennomføres raskere enn en behandling av saken etter utl. § 32»

"In addition, the application also deals with the merits of whether returning to the country of origin can be completed faster than the case can be handled as per utl. section 32"

“I 2015 opplevde Europa en historisk stor tilstrømming av migranter og flyktninger. Det felles Europeiske grensevaktbyrået Frontext registrerte over 1.8millioner»

"In 2015 Europe experienced a historically large influx of migrants and refugees. The common European Border and Coast Guard Agency Frontex registered over 1.8 million”

«En utlending som er på norsk grense og som søker beskyttelse (asyl) etter reglene i kapittel 4, eller for øvrig gir opplysninger som tyder på at vernet mot utsendelse etter § 73 vil komme til anvendelse, har likevel rett til innreise uten visum, med mindre søknaden kan nektes realitetsbehandlet etter § 32.»

"An immigrant who is on the Norwegian border and is seeking protection (asylum) following the rules in Chapter 4, or otherwise provides information to suggest that the protection against expulsion under section 73 will apply, still has the right of entry without a visa, unless the application can be denied based on its merits under section 32.”

«anse seg forpliktet til å følge prosedyrene i Dublin III-forordningen»

"consider themselves obliged to follow the procedures in the Dublin III-Regulation"

“..Kongen i statsråd kan beslutte at ankomst direkte fra en nordisk stat skal være et selvstendig grunnlag for å nekte realitetsbehandling av søknad om beskyttelse (asyl) etter utlendingsloven § 32»

".. The King in Council may decide that the arrival directly from a Nordic State should form an independent basis for denial based on the merits of the application for protection (asylum) according to the Immigration Act section 32"

“ekstra ordinære hjemmel”.

"extra ordinary legal authority".

1.«For det første må det ha oppstått en situasjon med så høye ankomster av asylsøkere at det utfordrer kapasiteten for hvor mange Norge kan motta»

1. "Firstly, a situation must have arisen whereby there are so many of arrivals of asylum seekers that it challenges the capacity for the number that Norway can receive"

2. «For det andre må det være innført indre grensekontroll ved den aktuelle nordiske grensen»

2."Secondly, the internal border control must be present at the current Nordic border"

“på indre schengen-grense I tråd med Schengen grenseforordning artikkel 23”

"on the inner Schengen border in line with the Schengen border regulation, article 23"

“Den foreslåtte hjemmelen er tenkt gitt anvendelse i en situasjon hvor Dublin-samarbeidet formelt gjelder, også for Norge, men hvor andre europeiske stater ikke registrerer asylsøkere slik som forutsatt, og hvor forutsetningene for et fungerende Dublin-samarbeid svikter» (prop.90 L 2015-2016).

"The proposed legal authority is thought to be applied in a situation where the Dublin-regulation formally applies, also for Norway, but where other European states do not register asylum seekers as they should do and where the prerequisites for a functioning Dublin-regulation fail"

«I motsetning til utvisning, innebærer ikke bortvisning et fremtidig innreiseforbud. Den som blir bortvist kan derfor få rett til senere innreise dersom vilkårene for innreise da er oppfylt»

"Contrary to expulsion, a rejection of entry does not mean a future ban on entry. Whoever is rejected can therefore receive the right to enter at a later date if the terms of entry are fulfilled "

“...behov for effektive virkemidler for å kontrollere tilstrømmingen over disse grensene»

"... the need for an effective means to control the influx over these borders"

«Rask retur forebygger at personer uten beskyttelsesbehov søker asyl i Norge. Rask retur medfører også andre positive samfunnseffekter i form av kriminalitetsforebygging og redusert bruk av ressurser i straffesakskjeden. Det forventes at mange av asylsøkerne som ankom i 2015 vil få sin sak behandlet i 2016 og 2017» .

"A swift return prevents people without the need for protection from seeking asylum in Norway. A swift return leads to other positive social effects in terms of crime prevention and a reduced use of resources in the criminal case chain. It is expected that many of the asylum seekers who arrived in 2015 will have their cases considered in 2016 and 2017"

«§ 32 første ledd bokstav a og d»

“section 32 first paragraph letter a and d”



«...det kan likevel ikke utelukkes at et slikt behov vil oppstå»

"... nevertheless it cannot be ruled out that such a need will arise"

“Det er viktig at norsk regelverk inneholder hjemler som setter regjeringen i stand til å håndtere en situasjon hvor det ankommer et svært høyt antall asylsøkere fra nordiske naboland og Dublin-samarbeidet i realiteten har opphørt å fungere. Kongen i statsråd bør da kunne beslutte at asylsøknader fremsatt på grense mot nordisk naboland kan nektes realitetsbehandlet, slik at søkerne kan bortvises på grensen»

"It is important that the Norwegian regulations provides the authority that allows the government to deal with a situation where a very high number of asylum seekers arrive from a neighbouring Nordic country and the Dublin regulation in reality has ceased to work. The King in Council should then be able to decide that asylum applications put forward on the border with neighbouring Nordic countries can be denied on their merits, so that the applicants can be rejected at the border"

“10. Vårt engasjement i det internasjonale samfunn og våre folkerettslige forpliktelser medfører i økende grad behov for tilpasning av nasjonalt regelverk til internasjonale avtaler»

"10. Our involvement in the international community and our commitments under international law increasingly necessitate the adaptation of national regulations to international agreements"

“Sverige, Danmark, og Finland besluttet vesentlige innstramminger...det er svært viktig for norske myndigheter å følge med på utviklingen særlig i våre naboland, fordi endringer i disse landene kan få raske og spesielt store konsekvenser for ankomstene til Norge».

"Sweden, Denmark, and Finland decided on an essential tightening ... it is very important for the Norwegian authorities to follow the developments, particularly in our neighbouring countries, because changes in these countries can quickly lead to particularly substantial consequences for the arrivals in Norway."

“Vilkåret i § 32 bokstav d om at denne gruppen i tillegg må få behandlet en søknad om beskyttelse i tredjelandet, går videre ut over det som følger av Norges folkerettslige forpliktelser”

"The criteria in section 32 letter d that this group in addition must have their application processed for protection in a third country, goes beyond Norway's international obligations"

“forskrift”.

"regulation".

#### **Chapter 4**

“de interaksjonsforhold eller social samspill som gjør seg gjeldende mellom mennesker I og mellom smågrupper (som familien, bofellesskapet.), i og mellom små og store organisasjoner

(som private og statlige forretningsforetak, fagforeninger og politiske partier, pressgrupper og grasrotbevegelser osv.), og i og mellom omfattende sosiale apparater og inndelinger i samfunnet (som utdanningsapparatet, kirken, samfunnsklassene og kjønnene.)»

"the interactive relationship or social interaction that makes itself felt between people in and between small groups (such as the family or shared housing), in and between small and large organizations (such as private and State business enterprises, trade unions and political parties, lobby groups and grassroots movements, etc.), and in and between the comprehensive social apparatus and sections of society (such as the educational apparatus, the church, social classes and the sexes.)"

Mathiesen asks "er kampen over, har åpenheten seiret?" and he replies his question with "ikke nødvendigvis".

Mathiesen asks "is the fight over, has openness prevailed?" and he replies to his question with "not necessarily".

## **Chapter 5**

«Det er grunn til å frykte at en fortsatt innvandring av asylsøkere, av bare tilnærmet det omfang som man har hatt i de senere år, vil føre til alvorlige motsetninger mellom folkegrupper i Norge. Det er etisk uforsvarlig ikke å stramme inn denne innvandringen for å forebygge konflikter i det norske samfunn. Fremskrittspartiet vil føre en restriktiv politikk når det gjelder å innrømme asyl. Asylinstituttet er et meget viktig verktøy for å gi beskyttelse til mennesker som er reelt truet, og må ikke misbrukes i noen form.»

"There is reason to fear that the continued immigration of asylum seekers, of approximately the same extent that has been had in recent years, will lead to serious differences between ethnic groups in Norway. It is ethically irresponsible not to tighten immigration to prevent conflicts in Norwegian society. Frp will pursue a restrictive policy regarding the granting of asylum. The Asylum Institute is a very important tool to provide protection to people who are threatened in real terms, and it must not be abused in any form."

«Utlendingsdirektoratet sier at det kan komme mellom 10.000 og 100.000 asylsøkere til Norge neste år. Er vi noe i nærheten av det siste tallet, kan det få voldsomme konsekvenser for vårt velferdssamfunn»

"The Directorate of Immigration states that there could be between 10,000 and 100,000 asylum seekers to Norway next year. If we are anywhere near the highest number mentioned, this can cause severe consequences for our welfare state"

Det viktigste skal alltid være sikkerheten til det norske folk. Nå vil vi se på muligheter for å bruke elektronisk fotlenke for enkelte kriminelle utlendinger, personer med ukjent ID og som et alternativ til Trandum utlendingsinternat for barnefamilier»

The most important will always be the security of the Norwegian people. Now we will look at opportunities to use electronic tagging for some immigrants who are criminals and persons

whose ID is unknown and as an alternative to the Trandum Immigrant Shelter for families with children”

«Av sikkerhetshensyn må vi ha kontroll med de som er i Norge. Vi satser kraftig på mer ID-kontroll og strammer inn kravene til biometri som fingeravtrykk og ansiktsgjenkjenning. Dette er viktig for sikkerheten i det norske samfunnet!»

“For security reasons, we must have control of those who are in Norway. We are focussing heavily on greater control of ID’s and are tightening the requirements for biometrics such as fingerprints and facial recognition. This is important for the security of Norwegian society!”

«Ifølge Nasjonalt ID-senter er det opp mot 27.000 personer med gal identitet i Norge. Dette viser viktigheten av å prioritere å avdekke de som jukser seg til opphold. Hele 1.425 personer fikk trukket tilbake tillatelsen i fjor. Dette arbeidet må tas på alvor!»

“According to the national ID Centre, there are up to 27,000 people with an erroneous identity in Norway. This shows the importance of prioritizing and uncovering those that exploit the system in order to reside here. A total of 1,425 people had their permits withdrawn last year. This work must be taken seriously!”

“Norske myndigheter skal ha de nødvendige verktøyene for å få sendt ut kriminelle utlendinger. Kriminelle skal ikke slippe unna utvisning bare fordi en tidsfrist har gått ut. Lik hvis du er enig!»

"The Norwegian authorities should have the necessary tools to send out immigrants who are criminals. Criminals should not escape deportation just because a deadline has expired. Like if you agree!"

«vi må gå hardere til verks for å avdekke kriminelle, løgn og de som utgjør en sikkerhetstrussel! Nå vil vi endre loven så politiet har mulighet til å undersøke både mobiler og PCer som en rutine»

"we must work harder to uncover criminals, lies and those who pose a security threat! Now we will change the law so the police have the opportunity as a routine to examine both mobiles and PCs"

“(1) Post for utsendelse av straffedømte utlendinger og asylsøkere med endelig avslag bes derfor omgjort til en overslagsbevilgning i statsbudsjettet».

“(1) The post for sending sentenced immigrants or asylum seekers a final rejection should be converted to an appropriation estimate in the State’s budget.”

«Signaler er viktig. Retorikk har betydning for hvor attraktivt Norge fremstår! Det er en av grunnene til at Norge er blant landene i Europa som har fått færrest asylsøkere i år. Lik og del!»

“Signals are important. Rhetoric has meaning for how attractive Norway appears! This is one of the reasons why Norway is among the countries in Europe that have received the fewest asylum seekers this year. Like and share!”

«Norge med størst nedgang i asylankomster i Europa. Tydelige signaler, tydelig retorikk og strengere politikk er viktig! Norge er ikke lenger på asylsøkernes ønskeliste. Men som UDI-direktøren sier kan dette snu. Derfor må man ikke vingle som Ap men holde stø kurs som FrP og regjeringen!»

“Norway has the greatest decline in asylum arrivals in Europe. Clear signals, clear rhetoric and stricter policies are important! Norway is no longer on the asylum applicant’s wish list. But as the Director of UDI says, this could turn around. Therefore, one must not waver like Ap but hold a steady course as that which is embraced by Frp and the Government!”

“Dette er viktig signal som når ut til hele verden gjennom New York Times. Trøkket på tvangsretur og kursendringen i norsk asylpolitikk under FrP og denne regjeringen blir lagt merke til. Det er bra! Tiden for prat er forbi - nå er det handlekraft som gjelder Uttrykksikonet like(Y) Vi skal føre en streng politikk, og det betyr at de som får avslag skal ut. Enten frivillig eller med tvang! Lik og del hvis du er enig!»

"This is an important signal which reaches out to the whole world through the New York Times. Being tough on the forced return and the change of course in Norwegian asylum policy under the Frp and this Government is becoming noticed. This is good! The time for talk is over - now there is a vigour that applies to the emoticon like (Y). We will maintain a strict policy, and it means that those who are rejected will be out. Either voluntarily or by force!"

«Det er bekymringsfull utvikling i enkelte land som har åpnet for en nærmest ukontrollert innvandring. Det kom over 900 000 asylsøkere til Tyskland i fjor og det første halvåret i 2016 står migranter for 142 500 kriminelle handlinger. Heldigvis har vi ikke sett lignende tendenser i Norge. Det er viktig at vi fortsetter en stø kurs med en streng og bærekraftig innvandringspolitikk!»

"It's a worrying development that some countries have opened for virtually uncontrolled immigration. Over 900,000 asylum seekers arrived in Germany last year and in the first half of the year in 2016 migrants were responsible for 142,500 criminal actions. Fortunately, we have not seen similar trends in Norway. It is important that we keep a steady course with a strong and sustainable immigration policy!"

«Færre asylsøkere til Norge fører til at vi sparer penger I år. Gjennom strengere asylpolitikk, tydeligere signaler om at økonomiske migranter uten rett på beskyttelse ikke vil få opphold I Norge, og grensekontroller I Europa har vi fått langt lavere asylankomster til Norge enn våre naboland. Dette gjør at vi kan hjelpe langt flere mennesker som har flyktet fra krig og konflikt. Regjeringen og FrP styrker innsatsen med 500 millioner til helsehjelp, utdanning, og andre nødvendigheter i nærområdene»

"Fewer asylum seekers to Norway allows us to save money this year. Through a stricter asylum policy, and with clearer signals that economic migrants without the right of protection will not be able to reside in Norway, and with the border controls in Europe we have received far fewer asylum arrivals to Norway than our neighbouring countries have. This means that we can help far more people who have fled from war and conflict. The Government and Frp are strengthening their effort by adding an additional 500 million to health care, education, and other necessities in the immediate area»

«Europa må gjøre som Australia og si at båtflyktingene ikke under noen omstendigheter får bli, sier Hagen, som vil sende flyktingene i retur over Middelhavet til europeisk sponsede flyktingleire der»

"Europe must do as Australia and say that the refugees that arrive by boat will not under any circumstances be allowed to remain," said Hagen, who will send the refugees back over the Mediterranean to European sponsored refugee camps there"

«Dette betyr jo at Norge ikke kan ta imot noen asylsøkere fordi alle kommer via et trygt land?– Det har aldri vært meningen at asylsøkere skal bevege seg fra det ene trygge landet til det andre på let etter de som gir best økonomiske betingelser, svarer Kallmyr»

"Does this means that Norway cannot accept some asylum seekers because they all come through a safe country? It has never been intended that asylum seekers should move from one safe country to the other on the look out for the ones that provide the best economic conditions, responds Kallmyr”

“I dagens situasjon er det er behov for raskt å iverksette tiltak på bakgrunn av hendelser i verden, eller fordi politikken i andre land blir lagt om, sier statsråden»

" In the current situation there is a need to quickly take action based on events in the world, or because the policy in other countries will be added to, says the Minister”

## **Chapter 6**

“Når det gjelder asylsøkere som kommer fra Russland, ser vi at mange har oppholdstillatelser, men kanskje kommer fordi de føler at de er i en vanskelig situasjon økonomisk, og fordi det har dannet seg et rykte om at alle får opphold i Norge, sier Solberg til avisen ... Da vil det sende et tydelig signal dersom disse sakene behandles raskt, og at de som ikke skal ha opphold returneres»

"When it comes to asylum seekers arriving from Russia, we see that many have residency permits, but they may come because they feel that they are in a difficult situation financially, and because they have heard rumours that everyone is able to reside in Norway," said Solberg to the newspaper ... This will send a clear signal that these cases will be swiftly processed, and that those who will not be allowed residency will be returned”

«KrF-leder Knut Arild Hareide, som var kritisk til regjeringens forslag til tiltak, sier nå at han er fornøyd med avtalen, som ifølge ham sikrer asylsøkerne med størst behov for

beskyttelse.- «Det er bra at 161 av 169 stortingsrepresentanter stiller seg bak avtalen. Dette vil sette Norge på prøve, men det er en prøve vi skal bestå, sier han.»

“The KrF leader Knut Arild Hareide, who was critical of the ruling parties’ proposal for measures, says now that he is satisfied with the agreement, which according to him will safeguard the asylum seekers with the greatest need for protection. - “It’s good that 161 of 169 parliamentary representatives endorse the agreement. This will put Norway on trial, but it is a trial that we’re going to endure, he said”.

“avtalen om at norske kommuner skal ta imot 8000 syriske kvoteflyktninger over tre år, er en engangsforteelse... Skal det være støtte i befolkningen over tid til å ta imot flyktninger, må kommunene ha mulighet til å gjøre jobben med integrering. Vi kan ikke bare ta imot en masse folk og plassere dem i leire, ”

"the agreement that Norwegian municipalities will take in a quota of 8000 Syrian refugees over three years, is a one time phenomenon ... There should be support in the population over time to accommodate the refugees. The municipalities must have the possibility to do the job of integration. We can't just take a lot of people and place them in camps."

« Hovedbildet er vi enige i. Vi må sende et signal om at Norge ikke er et mer attraktivt land å søke opphold i enn nabolandene. Fra Aps side vil vi også ha med oss noen konkrete forslag til tiltak, særlig knyttet til styrking av UDI og Politiets utlendingsenhet, raskere saksbehandling og raskere retur for dem som får avslag»"

"The main image is that we agree. We must send a signal that Norway is not a more attractive country to seek residency in than the neighbouring countries. From Ap’s side there are also some concrete proposals for measures, especially related to the strengthening of UDI and the National Police Immigration Service, for faster processing and the return of those who are rejected "

«Når freden kommer til Syria, og når IS blir nedkjempet i Irak, da må dere returnere til hjemlandene»

«When peace comes to Syria, and when IS is defeated in Iraq, then they must return to their home countries”

“En sterkt økende innvandring, særlig fra muslimske land, kan også medføre andre utfordringer på sikt. Når det kommer et høyt antall asylsøkere til lokalsamfunn, kan dette få uheldige konsekvenser... Man kan ikke ta for gitt at nye befolkningsgrupper automatisk tilpasser seg normer og regler i det norske samfunnet... Hvis man på sikt får fremvekst av parallelle samfunn, radikalisering og ekstremistmiljøer, så har vi en utfordring som sikkerhetstjeneste»

A robust and growing immigration, especially from the Muslim countries, can also lead to other challenges in the long term. A high number of asylum seekers arriving at local communities, can have unfortunate consequences. ... It cannot be taken for granted that the new population groups will automatically adapt to the norms and rules of Norwegian society

... If in the long run there is an emergence of a parallel society, radicalisation and extremist environments, provide a challenge for the security service "

«Dykke ned i saker der man mistenker at asylsøkere har brukt falsk identitet eller oppgitt feil statsborgerskap. Disse vil da kunne miste sine tillatelser til opphold i Norge. Gjelder blant annet somaliere som egentlig kommer fra naboland og palestinere som ikke kommer fra de palestinske områdene.»

"Dive down into cases where you suspect that asylum seekers have been using a false identity or have given the wrong nationality. Then they will be able to lose their residency permits to stay in Norway. This applies, amongst others, to Somalis who actually come from neighbouring countries and the Palestinians who do not come from the Palestinian territories."

«I 2015 ble det foretatt 7825 tvangsreturer. Dette er åtte prosent flere enn året før, og ny rekord»

"In 2015, there were 7,825 forced returns. We were informed that this is eight percent more than the previous year, and a new record said the"

## **Chapter 7**

«I stedet har de puttet inn alvorlige innstramminger av levevilkårene og rettighetene til asylsøkere, som ikke er hastetiltak. Dette er mer generell restriktiv flyktning- og innvandringspolitikk. Det velger de altså å gjøre på bekostning av det brede flertallet de selv sa de ville ha»

"Instead they have put in severe cutbacks in the living conditions and rights of asylum seekers, which are not urgent measures. This is a more general and restrictive refugee and immigration policy. They choose to do so at the expense of a broad majority they even said they wanted to have,"

«Alliansen mellom Høyre, Frp og Ap i norsk flyktningpolitikk er gjenopplivet. Det betyr at den norske flyktningpolitikken flytter seg et langt steg i en strengere og mer integreringsfiendtlig retning, sier Lysbakken til Klassekampen.»

"The alliance between the Conservatives, the Progress Party and Labour regarding Norwegian refugee policy has been revived. It means that the Norwegian refugee policy has taken a long step to a stricter and more aggressive direction on integration"

«Ingen kan være upåvirket av vår tids største flyktningekatastrofe. Aftenposten skal lytte med respekt til de som nå er skeptiske til utviklingen. Samtidig må vi som medmennesker ta innover oss at millioner av mennesker er på flukt bare fra Syria. Disse trenger hjelp, understreker nyhetsredaktør Håkon Borud»

"No one can be unaffected by our time's greatest refugee disaster. Aftenposten will listen with respect to those who are now sceptical of this development. At the same time we as fellow

human beings must take inward millions of people who are on the run only from Syria. They need help, emphasizes the News Editor Håkon Borud "

«Vi ser nå at det norske folk henter frem det beste fra vår humanitære kultur. Alle våre 42.000 frivillige er rustet til å bistå myndighetene»

“We see now that the Norwegian people are getting the best from our humanitarian culture. All of our 42,000 volunteers are equipped to assist the authorities”

«Uansett politisk syn på innvandringsregulering og asylpolitikk, så er dette mennesker med egne liv og rettigheter...Men det var ikke sykler som kom til Norge, det var mennesker. 5500 individer”

“Whatever the political views on the regulation of immigration and asylum policy, it is these people with their own lives and rights ... But it was not bicycles that came to Norway, it was people. 5,500 individuals»

“Konvensjonene sier at alle har rett til å søke asyl...Vi har problemer med hvordan ser på Russland som et sikkert asylland. Det er vanskelig å få en asylprosedyre i Russland»

"The conventions state that everyone has the right to seek asylum...We have problems with how we look at Russia as a safe country of first asylum. It's difficult to obtain an asylum procedure in Russia,"