



Jan-Paul Brekke

## The struggle for control

The impact of national control policies on the arrival of  
asylum seekers to Scandinavia 1999 – 2004

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Institute for Social Research  
Munthes gate 31  
Postboks 3233 Elisenberg  
0208 Oslo  
Norway  
[www.socialresearch.no](http://www.socialresearch.no)

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## Preface

This study was conducted during the second half of 2003 and the first months of 2004. The topic is the relationship between national asylum policies and the arrival of asylum seekers. Perhaps surprisingly, this is a topic where there has not been done a lot of research in recent years. Here it is discussed within the context of the Scandinavian area. It is also asked what the consequences are for neighboring countries when one country changes its asylum policy – in other words the question of *burden sharing*.

Designed as a preliminary study, the emphasis is placed on bringing questions and discussions to the fore more than supplying thorough analyses. The empirical basis is a combination of statistical material and qualitative interviews with centrally placed civil servants. I wish to thank those that contributed by sharing their thoughts and opinions about the complicated and sensitive issue of asylum policy.

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Oslo, October 2004

Jan-Paul Brekke



## Policies and arrivals

Knowing the precise effects of policy measures on beforehand is hard, if not impossible. There will always be uncertainty and insufficient knowledge in addition to the challenges of predicting how the people concerned will respond. One area where this is perhaps particularly evident is in the field of asylum policies. Given its transnational character, the processes involved are complex. It is difficult to establish what the relationship is between policies and for example the number of asylum seekers that arrive in a certain period.

Over the last decade the number of asylum seekers arriving to the Western European states has varied greatly. The massive outflow from the war in the former Yugoslavia at the beginning of 1990s was followed by a decline. At the turn of the century, however, the numbers again rose. In Scandinavia this apparently elicited three very different responses. Following a center-right election victory in 2001, a range of restrictive measures were introduced in Denmark. In Norway high numbers in 2002 made the Government look to their Danish neighbors. Sweden seemed to stay on a more generous path, waiting until the beginning of 2004 before following suit.

The measures taken in Denmark gave a sharp drop in the number of arrivals. In Norway fewer came in 2003 than the year before, seemingly as a result of the restrictive tone set by the Government. However, the number of arrivals dropped by 20 per cent in the whole of Western Europe compared to the year before (UNHCR February 24, 2004). In 1999 all three Scandinavian countries received approximately 12000 applications. Three years later the number for Denmark was halved, the Norwegian had reached 17000 and 33000 sought protection in Sweden.

There are two questions that I seek to answer in this report. Firstly: What is the relationship between national asylum policies and the number of asylum seekers? Here there is an underlying discussion on whether policy matters or not. Secondly I want to discuss: How do political measures in the asylum area taken in one country affect the number of arrivals in others? Based on a study with a limited time frame, the discussions will be exploratory rather than supplying in-depth analysis.

The following discussion and analysis are based on mainly publicly available statistical data from the three countries. The numbers were then presented to key informants in the areas of immigration law, immigration policy and reception administration. These qualitative interviews left me with a range of interpretations of the numbers and the effect of different restrictive measures. My informants were based in Norway and this will therefore be my main case. It became evident here that even the people working within the system have widely different views on the impact of national control policies on the number of arrivals. The information about the Swedish and Danish cases was obtained from official data sources, but also from debates in media and informal talks with civil servants and researchers.

The question of policy impact can be sorted into two opposing theses. One says that there is a *strong* relationship between the asylum policies and the number of arrivals. What the national governments and legislative institutions do in this field will have direct impact on the choices and actions of people seeking protection. I will present both statistical indications and unique cases to support this statement.

The other thesis states that there is a *weak* relationship. There are factors outside the actions of governments and other national authorities that really matter when one is to explain the variations in the number of arrivals. It is not hard to find evidence to support this statement either.

This report sees the complex field of asylum policies from the perspective of the Scandinavian and particularly the Norwegian Government. The focus is on control. In other publications I have explored other sides to refugee- and immigration policy. One of these is the authorities' efforts to prepare asylum seekers for integration (Brekke 2001). Another viewpoint on asylum policies is that of the asylum seekers themselves. How they experience the regimes for access, processing and later integration or return, will however not be discussed here (see Brekke 2004). The field of control policies will be illuminated from various angles. It is important to note that I will not discuss the conditions in the asylum seekers' countries of origin that cause them to leave. Neither will I comment on the complicated question of so-called *mixed flows* – i.e. that people with migratory motives enter the asylum process along with so-called legitimate refugees.<sup>1</sup>

First I will give some background information of why the topic of arrivals is on top of the national agendas in Scandinavia. I will also comment on some recent research that deals with the impact of control policies. Then I will go into some of the characteristics of the Norwegian control regime, followed by

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1. These are important and complex topics. So is for example the question of how restrictive control policies risk fending people off that have legitimate claims for protection. This report, however, is limited to seeing the field of asylum policy from the stance of the nation states.

some comments on the differences within Scandinavia. The description of the Norwegian regime is accompanied by evaluation given by key actors in the field of the importance of the various policy instruments. This is followed by a discussion on burden sharing, with a dispute between Sweden and Denmark in 2002 as the starting point. The possible cross border effects of national policies seem highly relevant for understanding the fluctuating arrival numbers. Two cases of policy intervention in Norway are then used to further explore the relationship between policy and arrivals. The final section includes a discussion of the impact of policies on arrivals.

## Background

The starting point of this study was in the last months of 2002. Faced with an increasing number of asylum seekers, the Norwegian authorities considered various measures that could reduce the inflow. There was uncertainty attached to what the effects would be of the different measures. From the outside it looked as if the Government reacted to this situation by pulling all the *leavers* at the same time.<sup>2</sup>

So what are the effects of political measures in this field? One place to start to answer this broad question is to look at the restrictive instruments that are available to the responsible national authorities. I will briefly present some of these before I make a few points on the importance of the international context and the ideological context of the Scandinavian asylum policies.

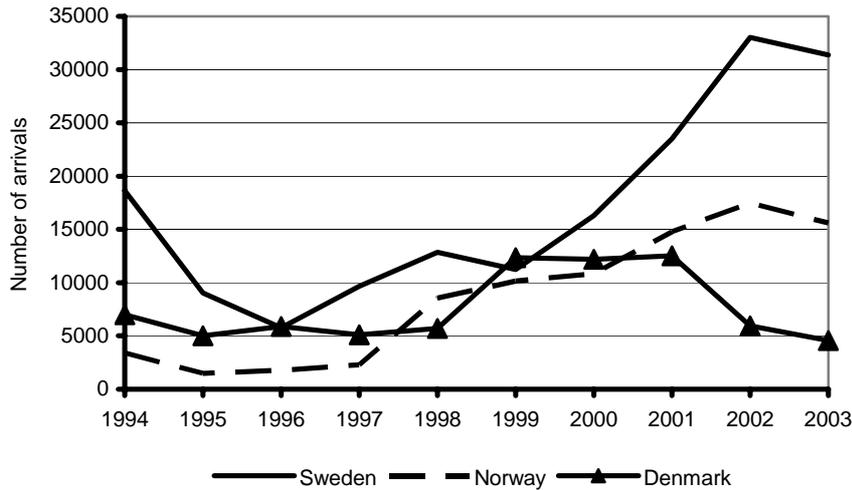
The list of elements that can be manipulated by the national authorities is long. A first step in getting an overview is to divide them into three periods in the asylum-seeking process. The first set of rules and regulations that can be changed in a more restrictive or liberal direction is directed at the phase before an application is presented. This one could call the *preventive regime*. They include among others visa policy, carrier sanctions, and information campaigns. The restrictive versions of these national policy-packages have been termed *no entry policies* (Hathaway 1992).

The next set of conditions that can be manipulated are the ones that regulate the application period. This goes from the moment the asylum seekers apply until their cases are decided and return or residence permit is achieved.

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2. The concept *leaver* is not randomly chosen. After the interviews for this study, I was left with the impression that underlying mechanical metaphors were central for understanding the Government's thinking in the field of asylum management. *Human engineering* may be a contradiction in terms. An underlying assumption here is that an superfluous broad set of measures in this field could lead to negative effects for the asylum seekers, but could also have unwanted political consequences for the authorities.

Figure 1. Arrivals to Scandinavia 1994 - 2003



Here a wide range of measures can be made more or less strict. They include the right to work, access to language courses, living conditions in reception centers, financial support, the access to legal advice as well as the possibility to appeal a negative decision. Here I will operate with the term *asylum regime* to describe this part of the national control regimes.

The final set of instruments refers to the conditions for residency after a positive decision has been given. Here the access to family reunification may seem pivotal. But there are also others that have been discussed in the Scandinavian cases. They include conditions for local settlement, access to language and other courses, vocational training, financial support among others. I call this the *integration regime*.

In total, more than twenty-five different measures were mentioned during my interviews. My informants differed on which of the three periods that was the most central if one wanted to influence the number of arrivals.

As a comprehensive concept, all three aspects of the reception and asylum-policies are often called national control regimes. The question of control has several different aspects. Some distinctions are needed to set up the discussion that will be presented at the end of this report.

If one presupposes that stability and predictability are factors that make bureaucratic management easier, the fluctuations in arrivals to Scandinavia

over the past ten years do not seem ideal.<sup>3</sup> Looking at the numbers in figure 1 one can see the aftermath of the 1992-93 war in Bosnia, the low tide in the mid-nineties followed by the build up and a new high point in 2002.

Since before the war in Bosnia there has been an internal discussion within the immigration authorities in both Norway and Sweden on how to gain greater control over the field (Schori 1990, Norwegian Ministry of Justice 1993). The motto has been to move from a *reactive* to a *proactive* stance on refugee and asylum questions. The fluctuating numbers can be said to pose several challenges to the governments as well as to their bureaucratic counterparts that are set to carry out the policies.

Among these are disadvantages with not being able to plan ahead. Financial and manpower budgets are dependent on a certain degree of predictability. With numbers doubling or falling by several thousand from one year to the next, or even within the same year, remaining on top of the situation becomes a challenge. In periods with large increases in the number of arrivals, it is difficult to have sufficient numbers of people that are qualified to process the asylum cases. In these situations, the result will normally be that the time needed to process each case increases, something that have other negative effects for all parties involved.

But there are also more advanced negative effects on the national level stemming from the fluctuations. The political actors in charge can be perceived by the electorate as not having control. It can appear as if the number of asylum seekers is caused by factors outside of the national political sphere, factors that are actually outside of the political actor's control. As the title of this report indicates, I see it as a *struggle for control* in the field of asylum policies. And this is a struggle where the national governments only partially know the effects of their tools and are able to influence the number of asylum seekers 'choosing' their country.

## A recent study

In a study from 2002, Thielemann looked at a series of possible causes for the fluctuations in asylum numbers across 20 OECD countries in the 1990s. His paper was widely distributed among the Nordic immigration authorities, following a joint conference in December 2002. He divided the causes into five categories and asked 'Does policy matter?' (2002). Economic factors along

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3. Again; here I follow the path laid out of seeing these topics strictly from the perspective of the receiving Government. To what extent the numbers are outflow-driven is not discussed in this report.

with past migration, liberal traditions and policies of deterrence were all considered in his model.

According to Thielemann, countries with low unemployment and with a substantial presence of earlier arrivals received a higher number of applications. In addition he found that recognition rates and the regulation of access to the labor market during the asylum period contributed to higher numbers.

One of his conclusions was that short-term welfare maximization did not guide the asylum seekers, but rather the factors mentioned above. In addition he found that the asylum seekers' perception of the *relative liberalness* of a particular host country was important (Thielemann 2002:27). This led him to the rather weak conclusion that what caused the variations in arrivals were 'factors that, at least in the short and medium term, are not fully within the reach of asylum policy makers' (2002:27). In other words – policy measures have little or no immediate effect.

Several aspects of Thielemann's paper are interesting. Before I present the data in the next section, I will only mention two points that will be brought into the discussion later. I will argue that the paper underestimates Governments possibilities to manipulate what Thielemann calls 'reputation' factors, something that I will call *image management*. Secondly this study will show that studies based on broad indicators across many cases may miss the finer *mechanisms* of the interplay between policy adjustments and number of arrivals.

As one may have figured out, the Thielemann paper would support the thesis of a *weak* relationship between national policy and arrivals. Before I take on the support for the two different views of the field, I will give a brief introduction to the Norwegian control regime and supply an overview over the various instruments at hand for the authorities. I will then return to the Danish and Swedish cases later.

## The tools at hand

In my interviews I asked Norwegian civil servants to evaluate the impact of various instruments on the asylum numbers. Here I will divide their comments to the policy measures into three. Parallel to the phases of the asylum-seeking process I label these the *preventive regime*, the *asylum regime*, and the *integration regime*.<sup>4</sup>

### The preventive regime

I presented my informants with a list of measures that regulate the access to the country and asked them to comment. The first part of the list included; visa restrictions, lists of safe countries, carrier sanctions, Norway's introduction to the Schengen cooperation, Eurodac, cooperation according to the Dublin I and II agreement, return to so-called third countries, information campaigns in countries of origin, international police cooperation, and finally efforts to promote peace, reconciliation and help prevent the causes for flight. Some parts of this preventive or no-entry regime could be used to promote a more restrictive national and international policy, while others, like the Schengen agreement, aimed at increasing the movement of people across the borders of its member states. Let me comment on some of the elements within the Norwegian preventive regime.

The possibility for the Norwegian Government to influence the number of arrivals through the use *visa restrictions* was practically eliminated in February 2001 when Norway became a party to the Schengen agreement. Some informants said that the increase in the number of asylum seekers coming to

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4. Zetter et. al. (2003) gave an account of the impact of national asylum policies for the EU countries in a study done for the Home Office in the UK. They divided the measures into three phases and labeled them *pre entry controls*, *reception and status determination*, and finally *welfare and support services* (2003:22-54).

Norway shortly after this was not incidental. In figure 1 we could see that the increase for Norway was more than 35 percent compared with the year before.

In 2001 Schengen and the 'Europe without borders' was introduced. There was a huge inflow right after the border was opened. In any case, the two phenomenon appeared close in time. The compulsory visa requirements were substituted for visa exemptions under the agreement. East Slavonia was one example. We tried to avoid it but had to open up to people coming from that area (Civil servant, fall 2003).<sup>5</sup>

At the same time one was aware that the visa practices in the various Schengen member countries varied. In other words there was some room for national influence and idiosyncrasy. This part of the regime could also possibly be used to negotiate return programs in countries of origin.

The use of lists of so-called *safe countries* was disputed in Norway. In Europe the idea was introduced and discussed in the early 1990s. The IGC, a forum for governments of receiving countries, also discussed this at the time.<sup>6</sup> Today such a list exists and is used by the Norwegian immigration authorities. One way that this list is used is to decide up front whether a case should enter into the fast, medium or slow paced line of processing.

Today the question of *white lists* is one topic in the European Union's efforts to expand the area for a common European Asylum System (CEAS). Asylum seekers from white-listed countries are normally not considered to be in need of international protection. Within the CEAS process, and within the UNHCR, there has been talk of another list of countries from which the plausible causes for asylum are even slimmer. Such lists would for example include the new EU member states. These countries are referred to as *super safe*.<sup>7</sup>

The Schengen agreement also meant that the control on the borders between member states was reduced. It was replaced with control on the outer borders of the area.

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5. This effect of the introduction to the Schengen area was confirmed in a report from the Nordic Aliens Committee (2004:5).

6. IGC is short for: Intergovernmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia. This organization or forum can be seen as an informal *backstage* for receiving governments where they can coordinate efforts and discuss current events outside the scrutiny of press and public.

7. Meeting with representatives from the UNCHR's Stockholm Office, April 2004, Institute for Human Rights, Oslo. It is important to note the difference between 'safe countries of origin' and 'safe third countries'. Seekers coming from the first category will have their applications handled, often in a fast track manner. Those coming from the latter category will normally be rejected without being given the chance to apply.

There are a limited number of planes and boats that have Norway as a point of entry into the Schengen area. Apart from this, the immigration control is limited to so-called 'inland controls' (Norwegian: Grensenære kontroll). These are meant to stop illegal immigration after the border has been crossed. There has to be concrete reasons to suspect someone before their identity and reasons for entering the country can be checked.

Closely linked to the entry into the Schengen area, the use of *carrier sanctions* has caused worries for the Norwegian Governments over the past decade. Introduced in 1991 for the first time, the paragraph remained unused and largely un-debated until the entry in 2001.<sup>8</sup> The idea is that the companies providing transportation into the country shall be responsible for their passengers carrying legitimate papers. If irregularities are detected, the companies can be fined, and they have to provide for the return of the persons to the point of departure. Formally the Norwegian authorities should have started applying these sanctions three years ago. The rule was applicable only to transportations coming directly from non-Schengen countries.

When asked about how the law of carrier sanctions had been applied, my informants gave differing answers. I took this as a sign that carrier sanctions had not become the big and problematic topic for public discussion that they had feared. In Sweden the discussion became public.

We had expected an intense debate over this and we hoped that we did not have to activate the *passive* paragraph. Sweden tried to avoid it as well. There the measure was met with a strong opposition in the Parliament. But then a new EU directive was launched that meant they would have to implement the paragraph (Civil servant 2004).

As of the spring 2004, the situation in Sweden was still not solved regarding the directive on carrier sanctions. In Sweden this was only one of several occasions where the Government struggled to secure political backing for restrictive measures.

In Norway it is perhaps surprising that my informants did not agree on whether the paragraph actually had been applied in concrete cases. Had there been any such fines issued? Had it been put into effect?

No, we have not introduced it or put it into practice. The companies have to pay for the return ticket, but they are not fined. (To the same effect) it has been suggested that the companies should make photocopies of all the passengers travel documents before or during the travel, this to secure that they do not

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8. Paragraph 93 in the Law Regulating Foreigners Entry into the Kingdom (1992) (Norwegian: Utlendingsloven).

lose or destroy their documents before they arrive (Civil servant, December 2004).

Another civil servant stated that carrier sanctions were being used and fines had been issued. However,

The extent to which the instrument is being used is limited today. I have heard that they had detected irregularities on some Aeroflot flights coming from Russia. But we are only talking about a maximum of ten per year. You have to ask the local police to get an exact number.

The local police that is in charge of the Oslo Airport said that the paragraph had remained passive for some years, but that fines now were being issued (Phone Romerike police station June 24. 2004).<sup>9</sup>

When my interviews were held, the new European cooperation on identification through a common database – the *Eurodac* – had only been in place for a few months.<sup>10</sup> Already, however, the system had proved effective.

This seems to be an important development and is effective for the time being (until the asylum seekers find a way to circumvent it). We have always wondered how many of the people that arrive in Norway have already applied in other countries within the EU. Now we know. Denmark is a problem here however. They are not part of the Eurodac system and we have no agreement on return to Denmark (Civil servant, December 2004).

Using fingerprints of asylum seekers, the Eurodac allows for a rapid identification of people that have applied elsewhere in Europe. The premise for this to be an effective system is that Schengen countries that are the traditional points of entry into the area have to fulfill their obligations to register all applicants. Informants both in Sweden and in Norway stated that there had been doubts whether the countries on the south perimeter actually did this. Italy and Greece were among the countries mentioned. By doing so, these countries avoided the risk that asylum seekers later would be returned to them from inland and northern parts of Europe under the Dublin regulation. Some held this to be a transitional problem and that it was about to be solved.

When a group of asylum seekers came from Bulgaria to Norway with seemingly unfounded applications in 2000, the Norwegian authorities for the first time used an *information campaign* in the applicant's home region to stop

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9. In fact, in 2003 air companies were fined more than 2 million Norwegian kroner (250 000 €). The rules applied to companies that had flights originating outside the Schengen area. According to the police informant, the majority of the disputed passengers came from the states that later joined the EU in 2004.

10. The Eurodac is a part of the cooperation connected to the so-called Dublin agreement.

people from coming. Employees from the local embassy joined forces with employees from the National Directorate of Immigration (UDI) and held information meetings. It turned out that the Bulgarians all came from the same town, something that made it easier to get the information across. People from the region stopped coming, and my informants held the campaign to be a success. Some explained the success of this and a similar campaign in Rumania a year later by pointing to the strong cooperation from the local and national authorities. Both countries wished to show that this was a field they could handle. According to my informants, this was partly due to their wish not to lower their chances of future EU memberships.

Following the round in Bulgaria, the Norwegian information strategy was expanded to include television reports describing the conditions for asylum seekers in Norway. The idea was to invite TV-teams from the Ukraine, and later from Russia, and give them access to the reception centers. When aired in the potential asylum seekers' home countries, the reports could help counter overly optimistic prospects of the access to a better life through applying for asylum in Norway.

There was a dilemma attached to the use of TV-reports to present the *real* story of the Norwegian asylum system. The portraying of reception centers and interviews with asylum seekers outside could be perceived differently by different groups of potential asylum seekers. For some the effect would perhaps be the desired deterrence, while others could be turned on to the idea of trying their luck. A room with bulk beds may look crowded to some but clean and orderly to others. But my informants saw the campaigns' potential for having additional positive effects.

The information campaigns can also be seen as a measure against the organized smugglers. The campaigns secure that information is made available to more people. The information given may differ and challenge the one that the smugglers provide. Thereby people are less at risk of being misled by the smugglers (Civil servant, September 2003).

These anti-propaganda campaigns have not been evaluated, and they received negative attention in Norway. My informants did hold them to have a dampening effect on the arrivals from the target areas. It was however suggested that their effect could depend on among other things; the type of problem or conflict causing the outflow and the geographical distance from the country of origin.

Finally in this short review of the preventive regime in Norway, a short comment on the efforts being made to do stop refugee-producing conflicts from emerging and lessen the effects from the ones that occur. From the early 1990s (Brekke 2001), it has been a goal for the Norwegian Governments to work toward a *comprehensive refugee policy*. For the purpose of this report,

the measures fitting this category are not directly relevant. The effects of conflict prevention, peace negotiations and efforts for reconciliation are by nature processes that stretch out over time. These are long-term efforts that only partly can be subsumed under the cap of national control regimes.

## The asylum regime

The conditions for reception, screening and processing of asylum application could be seen as one long list of measures that could be tightened or loosened. The Norwegian *asylum regime* would include; the handling of asylum seekers without identification papers, the treatment of unaccompanied minor asylum seekers including the practice of age-verification, as well as the use of *fast track* procedures including a *48-hours* track for presumed unfounded applicants. But it would also include the living conditions in the reception centers, the access to the labor market, activity programs during the waiting period with or without language courses, the use of special or enforced centers and of course the level of benefits and financial support. In addition to these factors one should consider process-related elements like the rate of recognition, the spread of convention and subsidiary statuses, the access to appeal, the programs for repatriation and forced return, temporary protection schemes and the handling of rejected asylum seekers that for various reasons cannot return to their home country. As one can see, the list is long and could even be described in more detail.

Let me mention a couple of points and evaluations that my Norwegian informants made about the effectiveness of these elements as instruments for control.

The testing of asylum seekers that arrive on their own and claim to be younger than 18 years old was introduced in 2002 and attracted some attention in the Norwegian media. It has been documented that this can be a problematic process for the asylum seekers (Brekke 2004). It is not straight forward seen from the authorities' perspective either.

It lies on the authorities to prove that they are in fact 18 or older. People with grey hair have tried to present themselves as under aged. They take x-rays of their hands and yes, I think it has an effect. The information that we check their age travels back from those that are in reception centers to potential applicants that are still in their home country. It is not only a measure of deterrence. It is also done to protect the younger persons living in specially suited surroundings against the company of often older men (Civil servant September 2003).

The general conditions during the waiting period have been tightened in several rounds since 2002. This year saw the first cut in the financial support for the asylum seekers. It has since been further reduced. Since 2003 people with a final rejection that receive food in reception centers receive no pocket money. In the same year courses in the Norwegian language were also removed from the reception program.

We have made cuts in the program for the asylum seekers waiting for a decision. It is quite clear that this has had an impact on the number of arrivals. As a compensation for this withdrawal of offers while they are waiting, we have reserved a smaller amount that reception centers or groups can apply for to initiate activities on their own. The goal is rather to shorten the duration of the asylum process. That is our priority (Civil servant September 2004).

In December 2003 the Ministry of Local Government and Regional Development met with representatives from the Directorate of Immigration. A delegation had visited the Netherlands and had been introduced to their 48-hours process. At the meeting it was decided to import the model and use it for the so-called *unfounded applications*. The decision was put into practice in record time. In January 2004 the first cases were processed within two days and nights.<sup>11</sup>

The 48-hour rule was initiated and administered by the Ministry of Local Government and Regional Development. It was meant for presumed unfounded cases. When it was put into place we got a sharp drop in this type of arrivals. In fact the numbers dropped dramatically from the time the change in policy was announced (Civil servant December 2003).

For the people working with the effectuation of return of rejected asylum seekers, this new measure was welcomed. The short stay in special reception centers made it easier for them to handle their part of the job swiftly.

After such a short time in the country they have less network, one knows where they are and they have fewer possibilities to hide. It is also easier for us to get hold of traveling papers because the center where they are held is situated close to the embassies in Oslo (Civil servant December 2003).

How important are the conditions during the application period? Some of my informants felt that it was essential to differentiate between different types of asylum seekers coming to Norway. For some with a low level of *investment* in

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11. This way of counting 48 hours differ from the practise in the Netherlands where the same label refers to a final decision being made within 48 *working* hours.

the asylum project, the conditions may play a more important role than for other groups.

It will make a big difference whether they have paid thousands of dollars to get to Norway. Then they are in one type of situation. Another type would be for those who paid 50 dollars to come from let's say Bulgaria. For this last group free meals and boarding is important. Changes in the waiting conditions may have an effect on this group.

The overall goal of making the *asylum regime* more restrictive was to avoid making the conditions a magnet in itself. A sober standard, it was argued by my informants, also signaled to the asylum seekers already inside the system that they should expect no luxury. The most important effect of these measures, however, was that they contributed to the larger image of the Norwegian control regime. I will return to this shortly. First, however, some comments are needed on the final set of instruments that were present on the *control panel* of the Norwegian Government during the five-year period.

## The integration regime

There are several processes and possible measures that overlap between this regime and the conditions during the waiting period.

One of these is the handling of the groups of rejected asylum seekers that are so-called *non-returnable*. In Norway different strategies aimed at making these people return have been tested. Seen from the Norwegian authorities' point of view, the problem often is that the asylum seeker's home country either has a Government that does not wish them to return, or that there is no Government in place to negotiate a bilateral agreement of return. One strategy that has been tried out is to gradually take away the asylum seekers' incentives for staying while increasing the incentives for leaving 'voluntarily'.

Other important factors of the integration regime are the rules for access to the benefits of the welfare state. Some of these depend on the individuals' status as *de facto* or convention refugees.

Both in Denmark and in Norway there is another set of measures that subsume under this heading that has received attention over the past two years. The rules regulating *family reunification* have been changed in the two countries. As the other measures under the integration regime, initiatives taken by the governments aim at both refugees and other newly arrived immigrants. However, some measures were especially tailored to have a dampening effect on the number of arrival of asylum seekers. An example here was the introduction of a financial guarantee requirement in cases where

*de facto* refugees applied for family unification.<sup>12</sup> The arguments used by the authorities did not point openly to the possible restrictive consequences. Instead the possible positive consequences for integration were put forward; those who want to bring their families have to work. Working will secure integration.<sup>13</sup> A related part of the integration regime that has been intensely debated in the two countries is the rules for marrying foreign nationals.

In addition to these three policy regimes, several factors must be expected to have effect on the number of arrivals. The international policy context has been mentioned already along with events and conditions in the areas of origin. As Thielemann noted, one should add the availability of work, the presence of people from the home countries already in exile, along with the special ties and obligations between the receiving and the sending country (2002). This last factor has traditionally not been on the table in the Norwegian debate on refugee policy. However one could ask whether participation in 'humanitarian interventions', like the one in Kosovo, or long term development engagement in certain areas, should qualify as being accompanied by special obligations with regard to the reception of asylum seekers and refugees.

My informants were also aware of other even more basal characteristics of Norway as a destination country.

The big question is why they come to this country. On the one hand we have traditionally thought that Norway is not their first choice - they come here after having tried other possibilities or wish to move on once they are here. The reason is that the climate is not the best, the language is difficult, we are a small country without a colonial past and we are not geographically close to the major sending countries. All this should indicate few arrivals. On the other hand there are several favorable sides to coming here (Civil servant September 2003).

To sum up this section, there is a long list of policy instruments that together constitute the *control regime* in Norway. In addition to the real-politics side of the regime, the 'setting' of the various measures in sum gives off an *image* of Norway as a destination country. There is not necessarily congruence between the image the Government and the immigration authorities want to *give* and the one that is *given off*, or perceived by the potential asylum seekers.<sup>14</sup>

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12. *De facto* or *subsidiary status*, mean that the asylum seekers are granted a status that qualifies them for residency but not according to the 1951 Convention.

13. Interestingly, the same line of argument was used by an earlier government headed by the same Prime Minister in the late 1990s when the rules for family reunification were made more liberal.

14. These concepts are extrapolated from the field of impression management originating with the anthropologist Erving Goffman (1959) (In Norwegian: *skillet gir og avgir*).

## The neighboring regimes

In the introduction to this report I gave a brief description of the three control regimes. Denmark was portrayed as the country that introduced the more restrictive measures, and did so before Norway and Sweden. Here I will comment briefly on some diverging elements between the three regimes.

### Denmark

The ranking of the restrictive character of the regimes can find support for example in a recent study made by a group gathered by the Danish Ministry of Refugees, Migration and Integration (2004:7).<sup>15</sup> In their report the policies towards foreigners in Denmark and Sweden are compared on twelve accounts.<sup>16</sup> On four of them the two countries had more or less the same regulations. On the remaining eight Denmark had the more restrictive policy. The committee wrote:

In the areas where there are differences between the countries, Denmark in general leads a more restrictive policy than many of the other countries. This especially goes for the restrictions for family reunification, but also to some degree when it comes to the conditions to attain permanent residency and citizenship (Danish Ministry of Refugees [...] 2004:4).

It should be noted that the study's comparison of restrictiveness did not include the whole range of instruments that has been listed in this report. A detailed study of the three regimes and their convergent or divergent practice would be interesting. The Nordic Aliens Committee's study of the handling of two separate groups of asylum seekers in the three countries is a contribution in this direction (2004). A detailed comparison of the three regimes will have to wait until a later and broader study. There is however room for a handful of comments related to the design of the three regimes. Unfortunately the Nor-

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15. The group was organized by the Danish Ministry for Refugees, Immigrants and Integration and was called 'The think-tank for challenges to the efforts for integration in Denmark' (Danish: Tænk tanken om udfordringer for integrationsindsatsen i Danmark). The name of the report was *The policy on foreigners and integration in Denmark and selected countries*. In their comments to the present report, representatives of the Danish Ministry and the Danish Migration Service pointed out that the report from the think-tank did not express the view of the Danish Government. This does not make the group's analysis less relevant. Despite the comments from the Danish civil servants, there were close ties between the Ministry of Refugees [...], the group and its publication (see Danish Ministry of Refugees [...] 2004:1).

16. Their report included six other countries; Germany, the Netherlands, Great Britain, Finland Italy and Canada.

wegian regime was not part of this Danish study, but looking at the criteria used, it seems right to place it in-between the two others.

The Danish Government that was elected in 2001 set the tone for a stricter policy in the field of immigration and integration.<sup>17</sup> The signals continued into 2002.

It can be argued that the Danish control policy had a more restrictive tone from as early as the mid-1990s. Some of my Norwegian informants indicated this. The implementation of temporary protection towards Bosnian refugees in 1993-95 placed Denmark as the stricter country in the Nordic area (Brekke 1998). The year after a special fast track procedure for certain manifestly unfounded applications was initiated (Zetter 2003:16). In this process a *white list* of countries was used. This was earlier than in the two other countries.

Asylum seekers in Denmark did not have a right to work during the second half of the 1990s and still did not in 2004 (Ministry of Refugees [...] 2004:11). In Sweden and Norway asylum seekers are allowed to work under certain conditions and for certain periods (pending among other things an established identity). Denmark joined the Schengen cooperation together with its neighbors in March 2001 but has a more complicated connection to the Dublin II agreement. The country has a reservation from the automatic inclusion of new regulations in this area, something that necessitates a more extensive and largely bilateral signatory process. The need for a more extensive process before signing with the other Schengen countries created friction between Norway and Denmark. In Norway this was experienced by some civil servants as making the relationship difficult. The absence of an agreement meant that it was harder for a return of asylum seekers to Denmark more difficult.

Regardless of these possible traces of earlier measures, there is little doubt that the changes in tone and the measures taken in the fall 2001 and in 2002 were part of a new approach to the policy on immigration and integration.<sup>18</sup> The result of the election in 2001 elicited both substantial changes in the policy, but also seemed to entail a signaling of Denmark as a restrictive country. To what extent a *negative promoting* of Denmark has been part of a conscious strategy from the Government will not be discussed in this study. It is how-

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17. A stricter policy on immigration and integration was a central issue for the Danish *Left Party*. It followed the party from its formulation in May 2001, through the election campaign and into the Governing position. It was re-presented in an initiative in January 2002 and a proposition for a reformulation of the law in this area the month after (Prop. Number L 152). It was quickly given the popular name 'the foreigner's package' (Danish: udlændingepakken) and had as the central ingredient that 'the number of foreigners that come to Denmark should be limited' (Danish: begrænses) (Kjær 2003:1).

18. 'In contrast to the minor adjustments of the recent years, this change in the Law comes about as a result of a marked new orientation in the policy towards foreigners: We don't want that many foreigners into the country' (Kjær 2003:2).

ever clear that the country was perceived from the outside as restrictive when it comes to immigration and integration. In a memo from the Norwegian Embassy in Copenhagen, the sharp fall in asylum arrivals is described. At the end there is a comment from the Embassy.

It is without doubt the reputation of Denmark as a restrictive (Norwegian: strengt) country that has contributed to this dramatic decline in the number of asylum seekers and applications for family reunion. The curtailing of immigration to Denmark has been one of the Government Fogh Rasmussen's top priorities since it took office in the autumn of 2001. Today it is almost full consensus to continue the restrictive policy in this area (Ref 00093, 19.04.04).

As we shall see below in the presentation of the Danish-Swedish dispute over burden sharing, the talk of a tougher line on immigration seemed to make numbers fall before the measures were actually implemented. Before we turn to the Swedish case, I would like to draw attention to the word *reputation* (Norwegian: ry) in the citation above. This seems to be a key word for understanding the dynamics of asylum policies. The manipulation and management of a country's reputation as a soft or hard destination country can be as important as making actual changes in the control regime.

One last comment on the restrictiveness of the three countries: The ranking here has not taken into account the outcome of the application process. Some of my informants meant that the picture of what country is the more restrictive could be altered if one took approval rates into consideration. Denmark may even be seen as the most liberal country in Scandinavia in this respect, they suggested.

Discussions on how to compare approval rates across countries are complex and mostly render few answers. One set of reasons are problems with comparing the national applications of convention and subsidiary statuses.

One possible crude solution is to stick to gross approval rates – both convention and subsidiary – given in the first round of screening. In a publication from the Norwegian Directorate of Immigration (2003:4) (Norwegian: Utlendingsdirektoratet (UDI)) for the third quarter of 2003, this overall approval rate in Denmark was 31 percent.<sup>19</sup> That was exactly the same number as the outcome of the Norwegian cases that were given a full treatment. In Sweden only one out of four were allowed to stay during the same period. Seen in

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19. The section where these numbers are listed bears the heading 'Does Denmark have the most liberal asylum policy in Scandinavia?' Commenting on an earlier draft of the current report, representatives from the Danish Ministry of Refugees [...] could not verify the numbers mentioned in the Norwegian report. Instead they pointed to the higher percentage of convention status being given in 2003 in the first screening in Denmark (14.5%) than in Norway (4.7%).

isolation from the other numbers, this would place Sweden as the more restrictive country on this account. However, the number of cases being processed in Sweden was much higher than in the two neighboring countries. If one takes this into account and in addition adjusts for the population sizes in the three countries, Denmark ends up as the stricter regime even after approval rates are taken into account. In the report, it is stated the Swedes processed nearly 14 000 cases during the first nine months of 2003.<sup>20</sup> One out of four meant that 3500 applicants were approved during this period. In Denmark, however, a gross base of only 2 400 cases were processed during the period, meant that only 800 applicants were given residence permits (Norwegian Directorate of Immigration 2003:4).<sup>21</sup> The numbers on the approval rates in the three countries from the Norwegian report do not seem to alter the impression of the ranking over the last few years. However, as mentioned earlier a broader study is needed if one is to take into account all sides to the question of approval rates.

### Sweden

The Swedish refugee, immigration and integration policy has for the last 15 years been characterized by a normative difficulty of being strict. With strong humanitarian traditions and ambitions, the country was earlier considered a country of immigration (Brochmann 1999).

A Nordic comparative study from 1998 found that the strict side of the refugee policy was developed by social democratic governments at the start of the 1990s (Altamirano and Appelqvist 1998). The concepts of repatriation and return were gradually included into the refugee policy, but not announced as restrictive measures to the public. The fact that a lot of asylum seekers have to return after being rejected was not publicly debated in Sweden even after the turn of the century. Politicians seemed to avoid talking about this *hard* side of the immigration policy in the media. It was left to the bureaucrats to be restrictive. They felt they lacked political backing and have to take an unfair share of the critique for the strict side of the policy (Norström 2004).

These problems with being strict have been a topic for public debate on a handful of occasions over the past decade in Sweden. In the mid-1990s, a

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20. A thorough analysis and comparison of the approval rates in the three countries would not stop at these numbers. It is obvious that the approvals in one short period were not given to the people arriving in the same period. A breakdown on differences across groups of asylum seekers would be another basic initial distinction in such a study.

21. With a population of 9 million in Sweden and 5.3 million in Denmark, the relative burden is skewed in the direction of Sweden. One note on the notion of burden sharing; what is considered the burden? Is it the integration of approved applicants after a decision, or is it the handling of people arriving and asking to have their cases processed?

group of so-called Bosnian-Croats were given temporary protection status and were left a state of limbo (Slavnic 1998). Despite several times coming close, the Swedish Government did not go through with their plans to make this group return. Some years later – in 2001 – 800 rejected applicants from Kosovo were to be returned (Brekke 2002:118). To the Government's disliking, their cases became a topic for a heated discussion in the Parliament. The governing Social Democratic Party won through after a close vote in which even the Conservative party (Swedish: Moderata samlingspartiet) split their votes. The restrictive line won through, but the case showed the depth of the support for the humanitarian side of refugee policy among Swedish politicians.

The Swedish asylum regime is different from its neighbors in several respects. One difference is that approximately half of the asylum seekers choose to live outside the reception centers in self-arranged housing (Swedish Public Study (SOU) 2003:73). In 2004 around 40 000 asylum seekers were waiting for a decision (Brekke 2004). Another difference was the lack of financial requirements for family reunification (Danish Ministry of Refugees [...] 2004:7).

A third point that has marked and frustrated the bureaucrats involved in the asylum process in Sweden, is the amount of cases that are re-launched after a final rejection. These so-called *new applications* (Swedish NUT – ny ansöknings om uppehållstillstånd) most often referred to reasons for staying that had appeared *during* the waiting process. Among these, health reasons were most prominent. With long waiting periods due to the increased number of arrivals in 2001-2003, the system seemed to have become a self-fulfilling prophecy. The waiting produced reasons for being allowed to stay.

As we saw in figure 1, Sweden had the largest number of arrivals among the Scandinavian countries in the five-year period. The administrative challenge that followed, along with the re-launched cases, created a pressure for change. In the winter of 2004 a series of alterations were proposed. First, the access to renewed applications was to be removed. Secondly, the reactions against applicants without identification papers that did not cooperate in establishing their identity would be stronger (Prop. 2003/04:5). Thirdly, the Government decided to look into the possibility of giving a one-year special temporary protection status to those without an established identity (Swedish Ministry of Foreign Affairs 2004:20).

Informants within the Swedish Migration Board (Migrationsverket) were frustrated with the seemingly schizophrenic attitude that dominated this policy area in Sweden. It came to show in mild toned public appearances from the responsible politicians. They only promoted the soft side of the policy, leaving the hard side to the bureaucrats. But in addition to this they were frustrated with the split between an alliance between the Integration Board (Integrationsverket) and the National Labor Market Board (Arbetsmarknadsstyrelsen) on the one hand, and the National Migration Board on the other. The first

two were occupied with securing a smooth integration for those that were allowed to stay. The latter was responsible for screening and return.<sup>22</sup> As a simplification one could say that my informants experienced what they held to be an opaque handling of the fundamental ambivalence in refugee policy between *integration* and *return* (see Brekke 2001, 2004).

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22. Interestingly, informants within the Migration Board still had to handle both sides of the policy. During the asylum period they were responsible for the simultaneous promotion of integration and return (SOU 2003, Brekke 2004). Despite the institutional split they had to speak with a *forked tongue*. The fundamental opposition between solidarity and restrictivity remained.



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## Burden sharing in Scandinavia

With this selection of descriptions from the three regimes, it is time to revisit the figure 1 and give some tentative explanations to the variations in the arrival levels. In this section I will comment on the differences and then touch on the discussion from 2002/2003 on burden sharing between the Swedish and Danish Government.<sup>23</sup>

The variations in the Scandinavian countries from 1999-2004 seem easy to explain given the degrees of strictness of the regimes. Denmark has been described as the more restrictive, Sweden as the more generous with Norway in the middle.<sup>24</sup> Yet this ranking would not explain the dip in the number of arrivals to Sweden in 2003. Only very minor policy changes were made there during 2003 and restrictive signals were absent.<sup>25</sup> With a continued generous line one should expect a continued increase! To find an answer we probably have to look elsewhere.

If we look at the profile of the number of asylum seekers coming to the EU countries in the same period, we find that the decrease started earlier there. With a peak in 2000, the numbers fell insignificantly for the following two years. In 2003, however, there was a 20 percent drop across Europe.<sup>26</sup>

The question then arises whether also the dip in the curve for Norway in 2003 should be explained by factors outside the Norwegian policy regime. I will let this question rest while we look for an explanation to the strong rise in

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23. The question of burden sharing is complex and high on the European agenda. In this report I will not discuss the concept. A thorough study of the Scandinavian case could for example take Thielemann's distinction between burden sharing based on a cost-benefit logic or norms of solidarity (2003b).

24. This line of argument would correspond to the thesis of there being a strong relationship between policies and arrivals.

25. There may be some exceptions to this general picture. Among these was the change in the handling of applicants from Somalia (Norwegian Directorate of Immigration online 24. November 2003), another was the strict line with regard of a return of rejected applicants to the northern regions of Iraq (the Swedish paper *Sydsvenskan* 12. November 2003).

26. According to the Eurostat, the gross total of asylum seekers coming to all EU member countries was 371 000 in 2000, 358 000 in 2001, 352 000 in 2002 and 288 000 in 2003.

applications in Sweden from 2001-2002. Burden sharing became the topic of a major bilateral quarrel between Denmark and Sweden following the increased distance between the curves of the two countries. Swedish bureaucrats and politicians argued that asylum seekers that would have gone to Denmark instead came to Sweden.

In hindsight the Swedish Minister for Migration, Barbro Holmberg, may have referred to the dispute with Denmark two years back when she recently stressed the importance of burden sharing.

If refugee policy is handled like it was the business of each individual country, the risk is that no-one takes responsibility and that some states try to avoid taking responsibility and lean on others (Speech about the Swedish Migration Policy in Parliament 12. May 2004).

The Danes were only thinking of themselves; it was stated back in 2002. Swedish Social Democrats were critical of the Danish policy and got support from their Social Democrat colleagues across the Øresund Strait.<sup>27</sup>

It is not fair that the other Nordic countries shall take the whole burden and that Denmark goes free (Anne Maria Meldgaard, referred in the Swedish Newspaper *Dagens Nyheter* 27. September 2002).

Their Danish center-right counterparts held the opposite position. The increasing numbers in Sweden had nothing to do with the signaling and implementation of a stricter policy in Denmark, they said.<sup>28</sup> This view was also confirmed in the yearly report from the Danish Immigration Service in 2002 (2002:7). It was stated that the decrease in Denmark came in other nationalities than the ones that contributed to the increase in Sweden. Let us have a closer look at the numbers and nationalities in the years 2001-2003 for the two countries. Is it possible to come closer to a conclusion on who were right in the dispute in 2002?

27. Even high ranked civil servants spoke their mind. According to the Danish paper *Politiken*, Anders Westerberg – the then vice president of the Swedish Migration Board – told a Swedish Newspaper that the Danish policy probably was partly to blame for the rising number of asylum seekers in Sweden since New Year 2002. 'It is probable that there is a connection, that those that a year ago would have filed their application in Denmark, now do this in Sweden instead (Kjær 2003:13).

28. The Danish Minister of Migration Bertil Haarder told this to the *Dagens Nyheter* on 27. September 2002. See also an exchange of letters between among others Mona Sahlin, the Swedish Minister responsible for asylum- and integration policy at the time, and the Danish Ministers Henriette Kjær og Bertel Haarder (letter dated 17.04. 2002 [www.inm.dk/index/dokumenter](http://www.inm.dk/index/dokumenter)).

## Sharing of the largest groups

Before we get into the finer details of a possible burden shift following Denmark's tightening of their policy in 2001-2002, let us look at the overall numbers for the region between 2000 and 2003. In figure 2 the share of the total of arrivals to Scandinavia is listed for each of the four years.

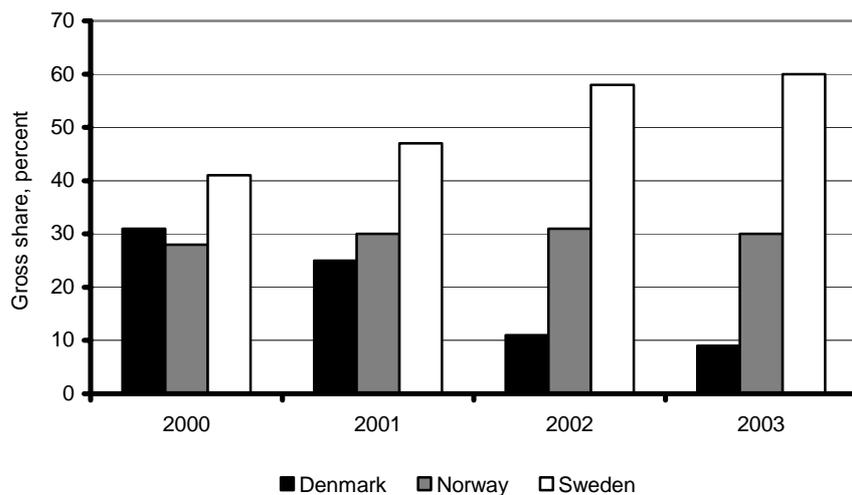
In the figure, we can see that the Norwegian share was more or less stable through the period, although the total number of arrivals to the area increased from less than 40 000 in the year 2000 to more than 56 000 in 2002. A little less than every third asylum seeker coming to Scandinavia filed his or her application in this country.

Around this stable percentage in the middle, the two neighboring countries varied strongly. Denmark went from a gross share of 31% in 2000, down to 25% the year after, then down to a mere 11% before hitting a low point of 9 % in 2003.

This while their Swedish neighbors received a spiraling share that increased every year going from 41% in 2000, via 47% the year after, then reaching 58% in the peak year for arrivals in 2002, before finishing with a record 60% raw share in 2003.

If we adjust for the difference in population size in the three countries, the

Figure 2. Burden sharing in Scandinavia 2000 – 2003, gross numbers.



picture is somewhat altered although the main trend is maintained.<sup>29</sup> However, in order to be part of the Danish-Swedish burden-sharing dispute, it is not enough to show that the share of the total number of arrivals in Scandinavia shifted. No-one would disagree with the fact that the numbers fell drastically in Denmark while they increased in the East. What one would have to show is that the fall in Denmark came in the same categories of asylum seekers that increased at the same time in Sweden, i.e. that they skipped Denmark because of the strict policy and filed their applications in Sweden instead. In other words not only that the distribution of the total burden had shifted, but that there was a transference of the *same* burden from one country to the next. Even in a broader study it would not be easy to establish a causal link, but let us leave that for a moment.<sup>30</sup>

In which groups were the decrease most obvious in Denmark and rise in Sweden in the disputed period? In order to compare the changes in the two countries, I have looked at the asylum seekers that came to the two (three) countries before and after the shift in the Danish policy. If we compare the arrivals in 2001 to the ones in 2003, we get the following picture.

In table 1 the general pattern seems clear. For all groups the numbers fell in Denmark while they either increased or fell less in Sweden and Norway. During the period the arrivals from Iraq fell across Scandinavia. Yet, the relative number decreased significantly more in Denmark than in the neighboring countries.

For the rest of the countries of origin, the pattern is easier to read. Asylum seekers from Afghanistan were the second largest group that came to Denmark in 2001.<sup>31</sup> In 2003 it had been reduced by 76 percent. During the same period the number of arrivals increased in Sweden by 37 percent and in Norway the group coming from this country more than tripled in size. The arrivals

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29. If we adjust for population size and look at the years 2000 and 2002, Norway (37%) had the largest share followed by Denmark (35%) and Sweden (28%) in the year 2000. Two years later the Danish figure had fallen to a 13% share. Norway was still on top with 45% followed by Sweden with 42%. In 2003 Sweden and Norway received approximately the same adjusted share of asylum seekers (Based on statistics from the Swedish Migration Board, the Norwegian Directorate of Immigration and the Danish Immigration Service).

30. One challenge is that numbers on group level may hide variations on sub-group or individual levels. I. e. the asylum seekers that came from Afghanistan to Sweden may have come from a different area and for different reasons than the ones that did *not* come to Denmark. Studies on these sub-levels are needed to secure the existence of a causal link, to establish that individuals *x* – *n* actually went to Sweden *instead* of Denmark in the period.

31. The drop in arrivals from Afghanistan and Iraq to Denmark during the spring of 2002 has been explained by several informants as results of targeted measures regarding applications from the two groups. These measures have been held to have a broader signaling effect (see Kjær 2003:7).

*Table 1. Arrivals from major sending countries in 2001 compared to 2003. Changes in percent.*<sup>32</sup>

	Denmark	Sweden	Norway
Afghanistan	- 76% (2713-653)	+ 37% (593-811)	+ 237% (603-2032)
Iraq	- 84% (2724-438)	- 56% (6206-2700)	- 11% (1056-938)
Former Yugoslavia	- 36% (1166-743)	+ 71% (3102-5305)	+ 135% (928-2180)
Somalia	- 47% (701-373)	+ 485% (525-3069)	+ 48% (1080-1601)
Russia	- 11% (302-269)	+ 62% (841-1360)	+ 44% (1318-1893)

from the Former Yugoslavia followed the same pattern, as did the numbers for Somalia and Russia.

When I first presented table 1 and my interpretations of the numbers to the Danish authorities, it elicited a noticeable reaction. They suggested that the timespan used was misleading. However, if one for example uses the same data and compares the first and the last quarter of 2002, the same pattern appears. This also holds if one compares the five groups included in table 1 for the years 2000 and 2002, instead of looking at 2001 – 2003. Their line of argument was that a month by month comparison did not show e.g. 50 down in Denmark and 50 up in Sweden during the same month. This has several weaknesses. Another point they wanted to make was that the interval used in table 1 gave the impression that the decreases and increases were gradual and linear processes in the two (three) countries. Instead, they pointed out, the decrease in Denmark primarily took place at the beginning of 2002.

Looking at table 1 again, it is difficult to find support for the Danish side of the burden-sharing dispute from 2002. There was a co-variation between the two countries. It would seem that the Danish tightening of the control- and integration policy had effect on the neighboring countries, and seemingly even more so on Norway than on their opponent in the argument – Sweden.

I have been able to find only one study that mentions this particular incident of burden sharing in Scandinavia.<sup>33</sup> In a more thorough analysis, one would for example have to check whether it was in fact the same subgroups

32. Working with small numbers, the changes in percent can sometimes give the impression that of larger differences than the underlying numbers actually express. Therefore I have included the absolute numbers in the table 1. The selection of sending countries is based on the five largest groups that applied in Denmark in 2001. I have added Russia to this list because this was a group that increased in Norway and Sweden during the period.

33. This is Kim Kjær's paper from 2003. His main theme is however to discuss the implications and consequences of the mentioned change in Danish Foreign Law that was implemented in June 2002. Written on the basis of numbers from the first half of 2002, Kjær does not hold the decrease to be caused directly by the change in policy. Instead he points to the signaling effect of the concrete measures (2003:7). Seen in hindsight, it may appear that the total of signals of restrictivity should include also the political promotion of the 'foreigner's package' in 2002 and the effect of alterations in the *integration regime*.

that ‘disappeared’ from the Danish statistics and ‘appeared’ in the Swedish. One would also have to establish how this passing on of the ‘burden’ actually took place. How was the information spread and how did it influence the choices or patterns of movement among the potential asylum seekers. In research we stress the fact that there can be co-variation without a causal link. In order to establish causality, one would have to describe the mechanisms at work between stricter Danish policy and an increase in arrivals to Sweden and Norway.<sup>34</sup> Here I can only conclude with the point that it is difficult to find numerical evidence for the statement given by the Danish Minister Haarder in 2002 that I referred to earlier; that there was no connection between their policy and the increase in Sweden.

There is little doubt that the restrictions implemented in Denmark in 2002 had an effect. That was the intention behind the shift in policy and worked. The country’s Government *pulled all the breaks* at the same time and two years later the train of asylum seekers nearly came to a stop. In Norway the Government felt pressured by high numbers of arrivals in 2002 and gradually followed the Danish example. All this indicates support for the *strong hypothesis* mentioned in the introduction. In 2003 the numbers fell, as we have seen, but we have also seen that the fall could be caused by factors outside the Norwegian and Scandinavian asylum area. Contrary to the general trend, the number of arrivals from Somalia increased strongly through the summer months of 2003 both in Norway and Sweden. Again the Norwegian Government felt it had to act to bring the numbers down. Let us take a closer look at this case that may leave us a bit wiser as to the relationship between policy and arrivals.

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34. In a broader study, one would also have to discuss to what degree Scandinavia actually constitutes a separate destination area for asylum seekers. A starting point would be to consider the impact of changes in policy and fluctuations in arrivals outside the area, for example in Germany, the UK and the Netherlands.

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## The case of Somali arrivals to Norway

During the summer months of 2003 the number of arrivals from Somalia was on the rise in Norway. From a steady level of around 120 per month, more than 250 came in July. In August the number continued to increase and reached 350 applicants. There was nothing in the conditions in Somalia that was believed to have caused the sudden surge. This, together with the fact that this group had certain characteristics that made the Government pay special attention, contributed to a slight panic among the politicians and bureaucrats in charge of the asylum policy.

In the middle of September, a strong signal was sent from the Minister of Local Government and Regional Development, Erna Solberg. She announced that the cases being filed from Somali applicants would be suspended until further notice.<sup>35</sup>

The effect was dramatic. From one day to the next applicants from Somalia stopped coming. The average arrival rate the weeks leading up to the announcement had been 65, now it dropped (see figure 3).

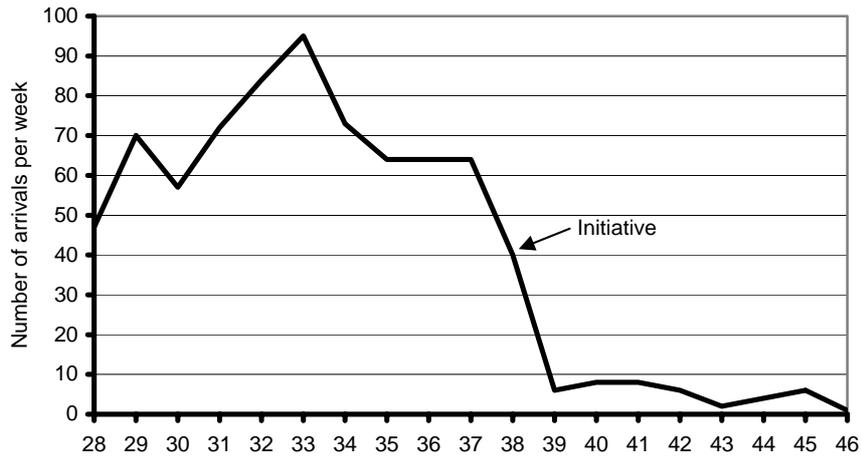
The Minister sent her signal on a Wednesday and the stop was so immediate that the total that week ended well below the week before at 40. The following week, the absence of applicants from Somalia was reported to be striking by the people working at transition and reception centers. At the peak a month earlier almost 100 asylum seekers had come from this country during one week. Now it seemed to be over. The week after the announcement, only 8 Somali applicants were filed. And it continued to stay at this low level. The following weeks the authorities recorded again 8 cases, then 6, then 2!

What were the reasons for this? How was this possible? Bureaucrats and politicians were all asking themselves the same question. My informants gave a list of possible reasons for how such a sharp drop could occur. From behind

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35. There were at least two sides to this initiative. One was the apparent wish from the Government to stop the above normal number of arrivals from Somalia. Signaling possible changes in policy was expected to have a deterring effect. Another was the wish from the authorities to give themselves time to evaluate the reason for the increase and possible courses of action.

Figure 3. Arrivals from Somalia to Norway fall 2003, per week



these attempts uncertainty became visible regarding the finer workings of the asylum field in Norway.

Part of the political energy going into the wish to stop the arrivals from Somalia was the Norwegian authorities experience with this group. Some of my informants estimated that around half of the 90 percent of the applicants that had gotten a positive result up until the fall of 2003, would not have done so if forced returns to Somalia had been possible. They did not have sufficient need for protection.

The unstable conditions in their home country made organized returns difficult. Problems connected with return of rejected applicants were parts of the worries that appeared as the numbers rose. Another challenge with this group was to get municipalities around the country to volunteer to offer local settlement and integration. The routes from Somalia to Norway were well known, as were several techniques to evade the preventive obstacles set up by the Norwegian control regime, such as the use of *look-alikes* and false passports. Norwegian authorities did not want the country to be a *soft spot* to seekers from this group.

The immediate prelude to the announcement in September was a wish to reconsider the policy towards this group, and in particular the rate of approval. Compared to the 90 percent that got to stay in Norway, my informants estimated that only 50 percent got permanent residency in Denmark in the same period and a mere 30 percent in the Netherlands (Civil servant, December 2003). In her announcement the Minister also mentioned suspected misuse of the institute of asylum and migration motives were causing the increase in

arrivals (Ministry of Local Government and Regional Development. Newsletter no. 31. 2003).

Now on the more interesting point of how the measure of letting the cases rest could have such a stunning effect. Several of my informants pointed to the well functioning communication networks that exist both inside and outside Somalia. Ultra modern mobile phone networks combined with the traditional monetary *hallal* system, made for a rapid transition of the news of the change in policy.

Even if this was right, how come they were able to react so quickly? The three main routs to Norway all involve a couple of days travel. Maybe they were on their way and simply turned to Sweden or Denmark instead? Or maybe they remained in transit further south in Europe, or even in their home country? If so, who decided that the people on their way to Norway should stay at home or go someplace else? Was it smugglers that were the decision makers, or were family-members involved that were already in exile? Or, perhaps less likely, was the choice of destination made by the individual asylum seeker on his or her own (Koser and Pinkerton 2002, Robinson and Segrott 2002)?

It would be interesting to know how the signal from the Norwegian authorities was interpreted among the networks leading back to the potential asylum seekers from Somalia.

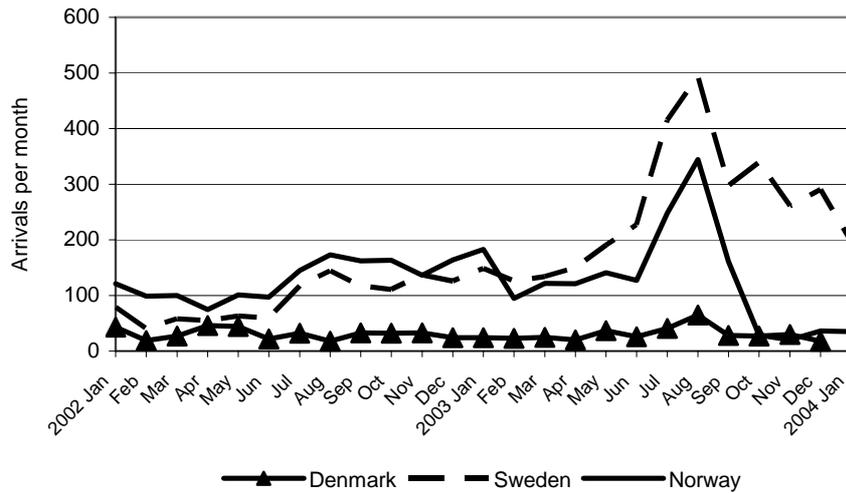
On the surface the decision by the Norwegian authorities to let the cases rest was not drastic. Anyone with some experience with Norwegian asylum policies would know that the decision was unlikely to result in a more active return policy to Somalia. Such a shift in policy would most likely presuppose substantial changes on the ground in Somalia.

Then why did they stop coming? Confronted with this puzzle, my informants pointed to the specific characteristic of this group of asylum seekers. According to them, family reunification was an important element of the regime for groups from Somalia. The signal from the Ministry did include a possibility for a lower rate of approval. Although negative decisions would not result in a forced return to the troubled country, it would mean that they would not qualify for reunification until they got permanent residency.

It is, however, not difficult to argue against this line of thinking. In May, a few months earlier, an initiative had already been taken by the Government that made family reunification more difficult for asylum seekers from Somalia. This measure had seemingly had no effect as the arrivals increased in the following months. The possibility of getting a later reunification therefore seems unlikely to be the only explanation.

My informant on the inside of the police force working with immigration launched an alternative explanation altogether for the drop in applicants from Somalia. He pointed to a police campaign that had started a few weeks earlier and that he believed was starting to take effect. When the announcement came

Figure 4. Arrivals from Somalia to Scandinavia 2003.



from Solberg, this added to the effects and the stop came. At the same time he suspected that the official number of arrivals from Somalia only told half the story. People may be entering Norway illegally from Somalia like they did before the September signal, but since then they have not filed applications for asylum. That particular interview was made in December of 2003. In hindsight this thesis may seem somewhat improbable since the number of registered asylum seekers from Somalia remained low for more than six months. With a steady arrival rate like the one before the initiative, that would mean that nearly a thousand people from Somalia were living outside the system.

In the weeks that followed the drop in numbers, my informants in the Ministry of Local Government and Regional Development told me that the drop in numbers had caused an increase in Sweden. They believed there to be a causal link. This would again strengthen the idea of a *strong* link between policy and arrivals. It would make the field understandable. If we close the door they go to the neighbors.

When the numbers were worked out in Sweden by the Migration Board a few weeks later, the rumors turned out to be false. Instead of there being an increase in Sweden, there had been a sharp decline there as well. If we look at figure 4, we see that Sweden experienced a 40 percent drop from August to September. The curve for this country did not follow the Norwegian one in the continued fall the month after this, and would have to wait until February in 2004 before the monthly rate fell below the 100 mark. The downward trend for this group in Sweden must be seen in relation to the decision from the authorities to let the Somali cases rest in mid-November. They did however not

get the same immediate effect from their decision. There was an increase in arrivals from November to December 2003.

It is the task of research to see the complexity of phenomenon and relations that seem straightforward at first glance. The informants in the Ministry of Local Government and Regional Development would have had an easier job if the relationship between policy and arrivals was orderly. That would open up for control in a strong sense. In the Directorate of Immigration only a few blocks away, there was less belief in the effect of policy intervention. There they believed that national policies play a more limited part in the complex interplay between conditions and arrivals.

## A comparable case – applicants from Chechnya

The people in the Ministry got a reminder of the unpredictability of the field only a few weeks later when the same measure – letting cases rest – was introduced towards another group of asylum seekers. This time the initiative came after an increase in the arrivals of applicants from Russia of whom the majority stated to come from Chechnya. The authorities wanted to investigate whether it could be argued that people from this region would have internal flight alternatives. It also seemed that other countries in Europe did not experience the same increase in seekers from Chechnya at the time (The online publication *Utrop* Oct. 15. 2004).

This was a month after the allegedly successful initiative towards the applicants from Somalia. Would the result be the same?

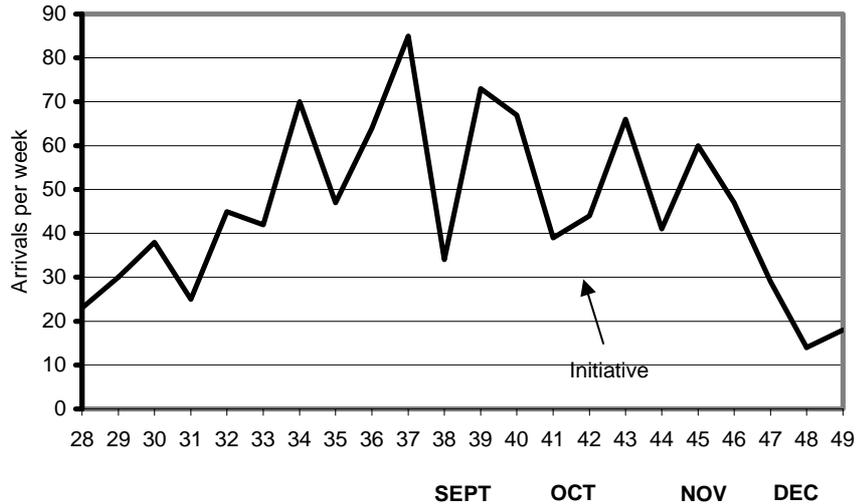
It was not. In figure 5 we can see that the initiative resulted in a continuation of the general trend for this particular group. The up and down movement is characteristic for the arrivals of Russians to Norway. In December the number of arrivals dipped. A quick reference to the curve of the previous year for this group, however, showed a similar pattern, all but excluding the initiative as cause for the lower numbers.

So why did more or less the same measure have such strong effect on the group from Somalia and no effect on the group from Chechnya?<sup>36</sup> With the two cases we are at a manageable concrete level on which we can discuss and illuminate the overarching questions of this report. What is the relationship between policy and arrivals?

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36. Here I will limit the discussion to a few points. A more thorough analysis of the two cases would probably yield knowledge about the mechanisms at work. A third case that could be included would be asylum seekers from Afghanistan in Norway that had the handling of their cases suspended in January 2004.

Figure 5. Arrivals from Russia to Norway, fall 2003, per week.



Some of my informants related the difference between the two cases to the *degree of organization*. The asylum seekers coming from Russia were less organized, it was stated. Here there was little or no response to the restrictive measure. The Somalis that came were parts of an organized operation where clans, families or smugglers were involved in the process. One informant meant that smugglers that gave financial credit to asylum seekers had a strong self interest in guiding them to countries where they would be allowed to stay. Only that way would they be certain to get paid in the end.

With strong and broad networks, the success-rate of asylum seekers from a particular area will quickly be known by a wider group of people in the country of origin. Some of my informants stated that smugglers could not risk destroying their credibility in such a sensitive home *market*. The key word here is *information* (Koser and Pinkerton 2002). In an unorganized environment the information will travel slower and perhaps never reach the people that consider leaving.

This is closely related to the next key word on this list of possible elements of explanation, and that is the *decision maker*. Who decides where to apply for asylum?<sup>37</sup> This is another of the thousand dollar questions that is often repeated in the field of asylum policies. Were the flights from Russia more individual isolated projects, or were they organized as well? Was it the same people that took the decision that ended up going?

37. See Robinson and Segrott 2002.

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In addition to these factors that charge differently on the *strong* vs. *weak* hypotheses with regard to the policy – arrivals connection, a series of others would have to be considered in a more focused study of the differences. Here I only wanted to present the two cases and give an introduction to a wider debate of the big questions within a manageable context.



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## The struggle for control

It is the aim of this report to open up the field of policy and arrivals along with burden sharing within the Scandinavian context. In line with this I will use this final section to elaborate on a few points that have been brought up earlier.

In the beginning of this report I was concerned with the governments' struggle for control in the field of asylum policies. It is common to talk of two types of control in a more concrete sense when asylum seekers are discussed, one external and one internal (Brochmann 1999). The external would be the control of entries and exits of foreigners, whereas the internal would be the quality and requirements of registration etc. for people residing in the country. Here I want to use the term seen from the authorities' perspective. Do they have control over the arrival of asylum seekers? The fluctuating curves in figure 1 showed that forces outside national policy regimes contributed to the number of arrivals over time. In this sense the field is not fully within their control. But also in another sense of the word the field can be said to be out of control. And that is if one suggests that control entails knowledge of how the various tools in the total package of the control regime works. In this sense one could say that the Norwegian authorities only have partial control.

A normative problem may arise from this lack of certainty about the effects of different measures. Not knowing the effects of a certain initiative means that even unintended consequences are not known. Further, the imperfect knowledge of the asylum seekers' motivations and actions may tempt the authorities to put on all the breaks instead of working with more precision to obtain the wanted effects on arrivals. The risk may be that people that are qualified for protection are not secured their right to file an application. This is a constant consideration in this field of policy.

This line of arguing for increased knowledge in the field presupposes a strong link between national asylum policies and the arrival of asylum seekers.

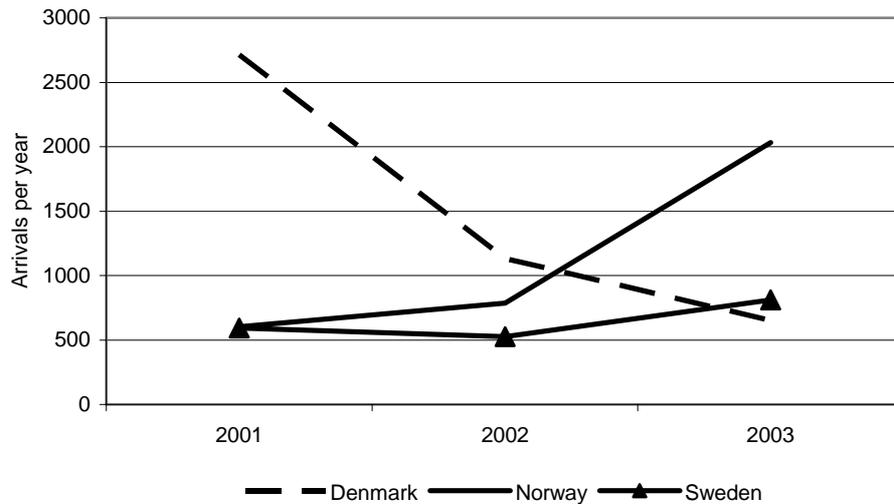
## The impact of asylum policy

Throughout this report I have returned to the question of whether there is a strong or a weak relationship between policy and arrivals. As I mentioned, the authorities in Norway that were in charge of this policy area were divided in their belief in the effect of policy. In the Norwegian Directorate of Immigration, one noted that the curves of arrivals across the Scandinavian countries seldom crossed despite national policy interventions. We saw an example of these parallel curves in figure 5. 'We have been looking for lines that cross for a long time', my informants said rhetorically. Having dug into the Danish-Swedish burden-sharing dispute above, it is however possible to produce the types of curves the representatives of the Directorate of Immigration were 'looking for'.

In figure 6 we see that the curves did cross for the asylum seekers from Afghanistan. From table 1 we could also see that there could have been produced several more of these patterns stemming from the marked change in Danish policy in 2002.

But it was not difficult to find support for the weak thesis either. The arrivals from Russia to Norway in the fall of 2003 seemed undisturbed by largely the same measure that stopped the asylum seekers from Somalia from one day to the next.

Figure 6. Arrivals from Afghanistan 2001 – 2003, Scandinavia



And as Thielemann noted, the strong thesis presupposes that the asylum seekers are well orientated and act rationally to maximize benefits in both the short and long run (2002). He holds this to be exaggerated. The Norwegian case of stopping the influx of seekers from Somalia may however again be used to spread doubt about this seemingly solid argument.

Thielemann calls for large comparative studies across time and countries. In addition to these, I call for more concrete case studies to get to grips with the mechanisms and fine detail in the relationship between policy and arrivals. Most likely the combination of measures, timing and groups of asylum seekers will play out differently every time. Even so, patterns should be expected to emerge from a combination of large and small scale studies.

It is time to comment on one other point in Thielemann's article. In his analysis he uses development aid to measure the degree of a country's *liberalness*. This may be too crude as indicator to distinguish for example between the Scandinavian countries. Their level of development aid may not necessarily correspond to their image as a liberal country in the sense of being generous towards asylum seekers. One can also ask whether Thielemann underestimates the potential for manipulation of restrictive image.

## Impression management and negative branding

I mentioned earlier the concept of impression management. This limited study indicates that the importance of creating an image as a restrictive nation, when that is wished for by the politicians, may be underestimated.<sup>38</sup> As one informant expressed it;

It is how the individual asylum seeker, the clan leader, the smuggler, the father or the mother, or other decision makers *perceive* Norway as a destination country at the moment the decision is taken that matters (Civil servant, December 2003).<sup>39</sup>

Yet the signaling of policy is not unrelated to the real policy being practiced and changes that are actually put into effect. The relationship between a communication of an image and the actual policy being led is however not straight forward.

38. Again; refugee flows are ideally seen as being outflow driven. This report has a narrow perspective on Scandinavian control policies. The wider discussion is not considered here.

39. The discussion of what leads the asylum seekers towards one destination country rather than another is a topic of discussion within the Scandinavian countries (see the contribution by the Communication director of the Norwegian Directorate of Immigration – Frode Forfang in the Norwegian newspaper *Aftenposten* 25. November 2003).

Some of the elements of the image of Norway as a destination country are, as I mentioned earlier, outside of the authorities control. Yet in the interviews with my informants there seemed to be a firm belief in the possibilities of communication – of *branding* – if you like, of Norway as a restrictive country.

Doing so may not be without problematic consequences. One main objection could be that transmitting such an image of the country could work in the opposite direction of efforts being made in other policy areas. For example the Ministry of Foreign Affairs works relentlessly to present Norway as a generous country, one which is occupied with promoting solidarity. The efforts made by this Ministry to play a role in international peace and reconciliation processes would probably not be helped by the creation of an image of Norway as a non-generous actor in international affairs. If a restrictive image is to be part of a conscious strategy by the Government, it has to be balanced against the overall aim of staying attractive for example in the areas of business and tourism. It further has to be played out so that the legitimacy behind the humanitarian ambitions is maintained.

If too much emphasis is put on the strict side, a risk may be that immigrants already in the country can be affected. The majority's attitude towards them can be colored by a stricter tone set by the Government. A central argument against a liberal immigration policy is that one will risk creating tension between the majority and the minorities. Putting a stigma on potential asylum seekers may contribute to exactly the dynamic the authorities want to avoid. A policy of deterrence has its limitations, and this is one of them.

At the same time one may see it from the point of view of the people in charge of controlling the number of arrivals. The way others present Norway – as a generous country with humanitarian traditions – may be seen as complicating their work. Like Thielemann noted, a country's liberal traditions may make it attractive to asylum seekers (2002). In this report it is indicated that the opposite may also be true. A negative image may contribute to fewer arrivals, and the effect of signals on asylum policy may have a more immediate effect than Thielemann found in his study.

The call for simultaneous signals being sent about restrictivity and solidarity presents the Governments with an advanced *balancing act*. The dual considerations also reflect the hard and the soft side of a country's control policy – maintaining a border means that some are shut out while others are allowed to pass. At the very core, this is the source of the ambivalence that marks the field of refugee and migration policy.

## Selected findings

- Image management is important

The study indicates that the policy that is *signaled* is important. A distinction between the national image *given* and the image *given off* is analytically fruitful. Making a country *appear* as unattractive to potential asylum seekers may however counteract efforts to portray the country as attractive to others. This calls for *caution* in the management of a negative image as a destination country.

- The burden sharing within Scandinavia became increasingly skewed during the period

Following a stricter asylum policy in Denmark in 2001-2002, the burden increased in the neighboring countries. Whether asylum seekers actually were redirected from Denmark to Sweden and Norway has not been studied. It is however difficult to find support for the opposite claim that there was no connection between the lower numbers in Denmark and the rise in Sweden and Norway.

- The same measure may have different effect on different groups

Norwegian authorities used the same measure in order to slow down the arrivals from Somalia and Russia in 2003. In the first case the numbers dropped immediately and stayed low. In the latter case there was no immediate effect.

- The effects of measures in asylum policies are uncertain

The study shows that there was uncertainty about the mechanisms of the asylum field among civil servants in Norway. The effects of the different controlling instruments are hard to assess. Governments may for this reason be tempted to *pull all the breaks* at the same time in order to change the pace of

arrivals. Limited knowledge opens up for unintended consequences.

- There was disagreement about the effects of policy measures on arrivals

The belief in the effect of policy measures was stronger in the Norwegian Ministry of Local Government and Regional Development than in the Directorate of Immigration. Both positions find support in this study. It is suggested that the variation between a *strong* or *weak* relationship between policy and arrivals will depend on time frame, type of measure and type of arrivals.

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# Institute for Social Research

## Report 2004:13

<i>Forfatter/Author</i> Jan-Paul Brekke
<i>Tittel/Title</i> The struggle for control The impact of national control policies on the arrival of asylum seekers to Scandinavia 1999 – 2004
<i>Sammendrag</i> Temaet for denne studien er forholdet mellom nasjonal asylpolitikk og antall asylsøkere. Er det en sterk eller svak sammenheng? Dette er knyttet opp til spørsmålet om hvor stor kontroll landenes myndigheter har i asylpolitikken og i hvilken grad ankomsttallene styres av forhold utenfor landegrensene. En del av denne problematikken er konsekvensene av endringer i nabolandenes politikk – dvs. spørsmålet om <i>byrdefordeling</i> . I denne rapporten holdes fokus på de skandinaviske landene med vekt på det norske kontrollregimet. Denne forstudien har som mål å reise spørsmål og angi begynnende diskusjoner snarere enn å gi dyptgående analyser av problematikken. Empirien som ligger til grunn består av tilgjengelig statistikk fra de tre landene samt et knippe kvalitative intervjuer med sentralt plasserte tjenestemenn og kvinner. Rapporten inneholder en kommentert gjennomgang av det norske kontrollregimet og den lange listen med virkemidler som er til myndighetenes disposisjon i deres styring av ankomsttallene. Denne kontrasteres så med forholdene i nabolandene. Ved å se nærmere på to tilfeller der norske myndigheter ønsket å begrense tilstrømmingen fra spesifikke områder kommer det frem at samme tiltak kan virke ulikt på forskjellige ankomstgrupper. Av andre funn trekkes det frem det komplekse forholdet mellom signal- og realpolitikk. Det pekes også på farene ved å drive en type <i>negativ merkevarebygging</i> for å gjøre landene lite attraktive for potensielle asylsøkere. Dette kan motarbeide andre sektors ønske om en positiv profilering for å sikre for eksempel utenlandske investeringer, turisme eller muligheten for å spille en rolle i internasjonalt humanitært arbeid.
<i>Emneord</i> Asyl, politikk, kontroll, Norge, Sverige, Danmark, byrdefordeling, Somalia, flyktninger, asylsøkere
<i>Summary</i> The topic of this study is the relationship between national asylum policies and the number of asylum applications. It is discussed within a Scandinavian context. Two main hypotheses are presented. One states that policies and arrivals are closely linked. The other holds there to be a <i>weak</i> relationship. It is also asked what the consequences are for neighboring countries when one country changes its asylum policy – in other words the question of <i>burden sharing</i> . Designed as a preliminary study, the emphasis is placed on bringing questions and discussions to the fore more than supplying thorough analyses. The empirical basis is a combination of statistical material and qualitative interviews with centrally placed civil servants. Through a presentation of two recent measures taken to stem the arrivals of specific groups in Norway, support for both the main hypotheses is found. Among the findings are; that the same policy measure may have different effects on different groups and the importance of how the policy is presented. It is also pointed out that a negative branding of a country in order to halt the arrival of asylum seekers may counteract other national interests for example in the areas of business, humanitarian efforts and tourism.
<i>Index terms</i> Asylum, policy, control, Norway, Sweden, Denmark, burden sharing, Somalia, refugees