

## FRAMING SCANDINAVIAN CONCEPTUALIZATIONS OF IRREGULAR MIGRATION

### Abstract

In the academic literature there seems to be consensus on irregular migration being a marginal phenomenon in the Scandinavian countries. The reason for this is found in the highly regulated labour markets and strict control migration regimes both internally and externally. The article addresses the 'myth' of the non-presence of irregular migration in Scandinavia. Firstly, we look at how irregular migration is framed academically; secondly, we analyze how irregular migration is conceptualized more broadly in the three countries, looking at the different political strategies relating to this conceptualization such as normalization, regularization and criminalization.

### Keywords

Frame analysis • policy debates • irregular migration • comparative analysis • Scandinavia

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## 1 Introduction

The fight against illegal migration has been put centre stage on the EU policy agenda since at least the 1980s. Illegal migrants have been portrayed as representing a far larger danger than actual estimates would give reason for (Koser 2005), being often considered as the forefront of an 'immigrant army' waiting to invade Europe (Boswell 2003). Much of the actions undertaken have therefore been articulated in policy metaphors that aim at 'preventing', 'curbing', 'fighting' or 'combating' illegal migration. The EU has become an important actor and driver in this development, introducing a comprehensive approach to irregular migration (Jørgensen 2010a). Illegal migration is believed to constitute a problem for all member states, but most prominently for the Southern European countries and in countries with weaker labour market regulations as UK, or with a colonial past and a geographical proximity facilitating the transit from the sending countries. Within this frame there seems to be widespread understanding of Scandinavia as a special region of Europe not being target for irregular migration (Thomsen *et al.* 2010), or at least not to the same extent as other parts of Europe. As we will see, the geographical location of the Scandinavian region in relation to the main migration flows into Europe, but also the highly regulated labour market conditions and the strict control systems are often mentioned in the literature as main reasons hindering irregular migration in these countries both internally and externally. Although part of this representation indeed is valid, less so is the conclusion that this leaves no room for illegal migration. We argue that this understanding has resulted in marginalization of the Scandinavian experience with irregular migration from international

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research studies and analyses of national policy discourses and to the general dismissal of the way the Scandinavian countries have tackled irregular migration. The dominant logic seems to be that even *if* irregular migration takes place, it does not represent an eminent social problem; hence there is no reason to further discuss, or to tackle this issue and the subjects involved. However, the limited dimension of the phenomenon, particularly when considered in a comparative perspective should not in itself be a sufficient reason to account for the little interest in more accurate data and information about the living, labour and health conditions of those staying irregularly in the country. Identifying a social issue as a potential social problem obviously may have direct political implications, if for example the issue enters the political debate calling for restrictive measures and restrictive policies. The aim of this article is not to discuss whether the number of irregular migrants is higher or lower than assumed, but rather to understand *how* and *why* irregular migration is framed as it is in the Scandinavian context. We argue that considering irregular migration as a marginal phenomenon rather than resolving the challenges, inhibits the need to discuss and find genuine solutions and alternatives to social problems, leaving unresolved questions of basic human and civil rights and issues dealing with precarious life conditions at the very margins of society. While some of the recent studies of irregular migration in Scandinavia have provided some new important insights on the life conditions of irregular migrants and on the presence or lack of policy responses to these (Thomsen *et al.* 2010), much of the previous research focused instead on the reasons why there assumedly are fewer irregular migrants in Scandinavia

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compared to other countries in Europe (e.g. Hjarnø 2003). Certainly this contributed to trigger our attention to the way irregular migration in the past and today has been dealt with by scholars and institutional representatives.

The article will firstly address these different representations framing irregular migration in the three Scandinavian countries. The focus will be on the divergences within Scandinavia in relation to how this issue has concretely been tackled in political terms, thus challenging the somehow still commonly widespread understanding of *one* Scandinavian model, when looking at irregular migration (also Jørgensen & Meret 2010). The aim of this article therefore is not to examine the scope, dimension or nature of irregular migration in Scandinavia, but rather to see how this particular type of migration is framed in the academic literature and in parliamentary debates. This task is interesting for two reasons: Firstly, to investigate how irregular migration has been discussed in the academic literature and in particular to look at the representations supporting the claim that irregular migration is a marginal problem in Scandinavia. Here we look at the various explanations of the phenomenon and dynamics of irregular migration and discuss their applicability for the Scandinavian case. Secondly it is interesting to identify and recognize the different approaches among the countries considered from a parliamentary level. This allows us to look at convergences and divergences in representations in different venues (research-policy nexus) and reflect on how particular diagnoses of a problem are decisive for the prognostic frames (Jørgensen 2010b). The links between research and science are important in a context of evidence-based policy-making. Research is believed to inform and qualify policy-making. This implies that there should be a coupling between the research world and policy-makers (see Stenum in this issue). Consequently it is interesting to investigate how representations and frames are transmitted from one venue to another.

The article draws on a theoretical framework taken from critical frame analysis (Benford & Snow 2000). Framing is here perceived as the process by which a given actor or communication source (academics, politicians, policy documents, and legislative texts) defines and constructs a political issue or public controversy. It is important to underline that the framing theoretical framework is here employed more in a heuristic way and not be as a methodological tool to be rigidly followed. This enables us to introduce different theoretical concepts enabling discussions of different representations of irregular migration and eventually also their transformation. The article looks at two different aspects of understanding irregular migration in Scandinavia. Firstly, we look at how irregular migration is represented academically and analyze the underlying arguments behind the 'myth' of non-existence of irregular migration. Secondly, we examine how irregular migration is represented politically in parliamentary debates in the three countries and look at different political strategies related to this conceptualization: normalization, regularization and criminalization.

The analysis is to be regarded as exploratory and is based on material consisting of academic literature, international research projects on irregular migration and parliamentary debates. The time-frame considered goes from 1999 – the year of the Tampere Summit – till 2012. Although Norway is not an EU member, this time span is anyway relevant, as the country participates in the European framework, e.g. the Schengen cooperation, the Dublin regulation and EURODAC. Parliamentary debates have been selected according to a number of relevant keywords including: illegal immigrants/migrants; illegal immigration/migration; irregular immigrants/migrants; irregular immigration/migration; '*sans papiers*'; and undocumented

immigrants/migrants/immigration/migration. We are aware of the fact that the long time-span sets a limitation for the analysis, as it would be impossible to conduct a detailed analysis of all individual debates. Our aim is rather to provide an overall and exploratory study that can contribute to emphasize dominating frames and their ruptures and continuities in the debate and understandings of irregular migration within the Scandinavian context.

## 2 Understanding policy frames

Framing or frame analysis has long been a prominent approach in the social movement literature, where it was linked to the role of ideas and discourses for political action. Interpretative framing describes "an active, procedural phenomenon that implies agency and contention at the level of reality construction" (Benford & Snow 2000: 614). Frames provide the necessary background within which individuals can locate their actions. Frames are in this sense the work of different institutional and non-institutional actors who produce (competing) schemas of interpretation. This means that, for instance, a Danish politician may have a specific strategic interest in presenting irregular migration in a particular way compared to a Norwegian politician, or to a researcher. Also the political process can be understood as a contest between different frames regarding the right of interpretation of an issue or social problem (ibid: 626). Hence, we may talk about policy frames as an object for analysis. Mieke Verloo defines policy frames as: "organizing principles that transform fragmentary or incidental information into a structured and meaningful problem, in which a solution is implicitly or explicitly included (Verloo 2005: 20). Policy frames tend to be stabilized by specific institutional structures and policy actors supporting a specific frame that alternative frames hardly can challenge. For instance, the assumption that Denmark has a very regularized labour market and social security system that makes it extremely difficult, if not impossible, to survive as an irregular migrant in the country, may result into a general lack of institutional structures, knowledge and understanding of irregular migration in the region.

We use these approaches as the backdrop for examining how irregular migration is represented and what are considered the major challenges pertaining to this phenomenon. Finally we also pay attention at what, where and when we find omissions in the way irregular migration is debated and dealt with in the Scandinavian context.

## 3 Irregular migration in Scandinavia within scholarly literature

Questions of irregular migration have been a topic in social sciences for a long time. The academic production closely follows the mounting policy attention on this field. From the mid-1990s irregular migration has been a policy priority in the EU-15 countries receiving increasing political attention (Düvell 2006). As corroborated by a first general electronic search, the key words – irregular and illegal migration – provide a very large number of references for books and articles looking into irregular migration and giving explanations for why and how this phenomenon occurs. However, when it comes to irregular migration in Scandinavia, references become sporadic. Also in edited volumes offering a comprehensive European perspective on irregular migration flows (e.g. Boeri, Hanson & McCormick 2002; Doornik & Jandl 2008; Jordan & Düvell 2002; van Schendel and Abraham 2005;

Triandafyllidou 2010), the Scandinavian case is absent. In a book on migration regulation and control in Europe (cf. Doomernik & Jandl 2008), issues pertaining also to irregular immigration are discussed for most of the continental and southern European cases, but there is notably no reference to Scandinavia. Similarly, the volume on *Irregular Migration in Europe* (Triandafyllidou 2010) discusses some of the same country-cases with the addition of some Eastern European countries, but still no reference to Scandinavia. Tellingly neither of these two studies refers to or deals with the situation in Scandinavia. In the few cases where the Nordic/Scandinavian context is taken into account, the case mentioned is Sweden (e.g. Düvell 2008). Similarly, none of the Scandinavian countries is mentioned in international comparative research projects such as the CLANDESTINO project (cf. Triandafyllidou 2010)<sup>1</sup>. The CLANDESTINO project has made a great effort in developing a methodology for working with irregular migrants, but the overall frame of CLANDESTINO research papers stipulates that irregular migration is a phenomenon mainly restricted to Southern Europe, due to these countries' informal labour market and geopolitical location. This explanation automatically entails that the phenomenon and its implications are almost unknown in Northern Europe (e.g. Düvell 2006; Düvell & Jordan 2003). This is also the closest we come to a more nuanced understanding of the situation in Scandinavia.<sup>2</sup> Triandafyllidou describes irregular migration as a "hitherto under-researched albeit much discussed phenomenon" (Triandafyllidou 2010: 1) and we could argue that this clearly seems to be the Scandinavian case; in fact, the phenomenon is today often discussed, politicized and at times misrepresented, although there is very little empirical knowledge about the numbers of irregulars and their living conditions. This justifies the question: Why this is the case? One way of examining this could be to look further at how irregular migration is discussed and framed in the literature. Do the main problem representations exclude Scandinavia because the causal dynamics considered cannot describe and be applied to the Scandinavian context for instance?

### 3.1 Structural dynamics of irregular migration – not describing Scandinavia or?

The book edited by Doomernik and Jandl (2008) takes a very comprehensive perspective on irregular migration that looks at macro-structural conditions of the labour markets in both sending and receiving countries to explain the flows of both regular and irregular migrants. The main focus is on how European states try to regulate and control the entry into the country, acknowledging that European states actually have a need for migrant labour, but at the same time want to restrict access for the migrants which they do not need. Within a push-pull perspective, European economies are seen as moving away from primary and secondary activities towards tertiary service-based ones and knowledge-based economies; this has created the need for more mobile highly skilled workers, but at the same time kept a labour market need and demand for unskilled workers. Irregular migrants provide this type of flexible workers at the bottom of the labour market, which unstable economic, social and political conditions in non-Western countries alongside an over-supply of labour strongly incentivize (Doomernik & Jandl 2008). There are low incentives for staying in the countries of origin and higher motivations to move to Europe; hence the creation of irregular migration flows. The question is if this explanation would not apply also to Scandinavia?

Another scholarly frame of irregular migration pays stronger attention to the conceptual and methodological issues pertaining to

the phenomenon, emphasizing the structural conditions by looking at the countries' demographic and socio-economic features, i.e. size, demographics, labour market situation and other issues (Triandafyllidou 2010: 1). The volume edited by Triandafyllidou incorporates a review of the policy discourse on irregular migration in the countries, assessing the key issues of irregular migration and the challenges the country expectedly will have to tackle with. When discussing stocks, flows and categories, the volume makes an important point, namely, that despite policy discourses tend to focus primarily on the unauthorized entrance of Third Country Nationals and on geographical after flows control and entrance points restrictions, this empirically has turned out to be a minor part of the irregular migration flow (ibid: 7–8). The majority of irregular migrants arrive legally, but overstay visas, become working tourists or end up in other categories referring to an illicit/irregular status (see Thomsen, this special issue). The volume deals with issue of rejected asylum seekers in more detail and acknowledges the often slippery borders between the category of asylum seeker and irregular migrant. But again, the Scandinavian countries, neither as a region nor individually are here discussed.

### 3.2 Studies addressing the Scandinavian case(s)

Dealing with studies that explicitly address the Scandinavian case, Parusel argues in *Migration Country Profile* (Parusel 2009) that the number of irregular migrants in Sweden is smaller than in Central or South European countries (although it is unclear whether he means numerically or proportionally). The explanation is twofold: (1) "a somewhat remote geographical position"; (2) the strict regulation of Swedish society (ibid: 7). The latter point is elaborated by an argument of Swedish society having comprehensive and detailed record of the population; all citizens having personal identification number and not having one for instance makes it impossible to open bank accounts, claim social benefits or health services. Parusel points to the high degree of unionization among Swedish workers making it difficult for an irregular worker to remain undetected (ibid.). This is a common presentation of irregular migration in a Scandinavian context. Andrew Geddes (2003) comes to similar conclusions in a book published some years earlier. Likewise we find a similar frame in a study on the history of immigration to Norway, where Grete Brochmann and Knut Kjeldstadli (2008) observe that the regulated and transparent labour market and the use of ID control purposes and access to public services makes "a long term stay quite strenuous and risky" (ibid: 258). This does not make irregular migration impossible, but simply it makes it more difficult compared to other EU-countries.

In one of the few studies on irregular migration in a Scandinavian, the late Hjarnø (Hjarnø 2003)<sup>3</sup> developed an approach strongly influenced by a labour market perspective. The analysis focuses on the structural conditions that can create or prevent irregular migration, linking it explicitly to the presence or not of a clandestine labour market and to push/pull and cost/benefits factors. The dominant representation of the problem is that: (1) illegal migration (Hjarnø's term) can only take place if there is a market for the labour qualifications offered by the illegal migrants; (2) if there are employers who estimate risks inferior to the economic advantages of illegal migration (ibid: 4). In societies with regulated labour markets and strong unions, employers face higher risks by hiring irregular migrants and these represent a disincentive to irregular migration making it a marginal phenomenon. As Hjarnø maintains "there are hardly any illegal immigrants in the labour markets in Denmark, Sweden and Finland" as the profits simply do not correspond to the

risks which employers have to take (ibid: 9–11). The main weakness of this study today is the somewhat rigid theoretical assumptions with weight on economic models and on the functioning of the regular (and irregular) labour market. A wider perspective would instead open up for an analysis of other sectors of the Danish society and labour market, where various forms of irregular migration are possible and practiced.

The interpretation of the Scandinavian countries as not being affected by forms of irregular migration needs to be further investigated. Recent empirical studies for instance, point to the presence of a hidden labour market targeting irregular migrants and outline the immigrant strategies of survival in a society that is not used to deal with this kind of migration (Thomsen *et al.* 2010; Øien & Sønsterudbråten 2011). Likewise have several newspaper articles and specialized journals suggested that the phenomenon is not as marginal as represented so far (e.g. Jensen 2011a, 2011b). At the policy level, also concrete problems related to migrants living in the country without legal documents have recently been addressed by discussing basic rights to health care and social services for irregular migrants (Sinding & Kjellevoid 2012). Likewise have trade unions taken up initiatives dealing with the position of irregular migrants (see Frank this special issue). Two main approaches in the existing scholarly literature have so far been used to framed irregular migration in Scandinavia: (1) A frame focusing on non-incentivizing structures and practices such as labour market conditions and ID control; (2) a frame emphasizing number and quantities and thus excluding the Scandinavian region for the comparatively more marginal phenomenon.

This said, the problem representations above are not wrong in their outline of the general dynamics of irregular migration in Scandinavia, but tend to reproduce a form of common-sense understanding of the dynamics of irregular migration that prevent us from delineating positions, identifying the related problems and indicating responsible responses. Irregular migration has 'slipped under the research radar'; more research in this case is not synonymous with unnecessary alarmism on the volume and nature of irregular migration, but rather with better and more understanding of how irregular migration is framed independently from questions of high/low numbers. Disregarding the number we still require an understanding of the motivations and life conditions that make migrants into irregular migrants.

#### 4 Irregular migration in Scandinavian policy debates

In our exploratory analysis of the parliamentary debates in the three countries considered, we here look at the specific country-frames articulated, i.e. which concepts are used and how the problem/phenomenon is represented in the particular frame. In combination with the diagnostic frames we analyze the specific frame prognoses, i.e. what are the solutions suggested? What actions should be taken to solve the particular (representation of the) problem? Who are the targeted groups in these representations?

#### 5 Sweden

After the 1999 Tampere summit there is a general concern among Swedish political parties – from the Left Party (V (*Vänsterpartiet*) to the Liberal People's Party (FP) (*Folkpartiet Liberalerna*) – that the

EU framework and the increase focus on illegal immigration will lead to increased migration control (e.g. Motion 1999/2000). A question posed at that time to the Minister of Justice is quite straightforward: What is it implied in the category illegal person? (Riksdagens snabbprotokoll 2000/01: 34). The answer of the minister is that: "a person who applies for asylum cannot be defined as illegal immigrant, no matter how he has arrived in the country where he applies for asylum" (ibid.). The problem representation is therefore that, it is not the migrants who constitute the *real* problem, but rather the legal framework constructing people as illegal. The government therefore is prompted to fight for standard rights within the EU (e.g. Motion 2002/03: Sf239). Irregular migration is thereby acknowledged, but at the same time represented as a European policy problem and not a particular Swedish one.

In 2006 Sweden made profound changes to the immigration policy and institutional framework. This led to intense debate also about irregular migration. In a parliamentary debate from 2005 to 2006, proposals for a new migration and asylum policy are discussed (Regeringen skr. 2005/06: 18). One of the new problem representations here is one emphasizing the opportunity to open up for more (regular/legal) migration and thereby decrease the asylum flow (e.g. Riksdagens Protokoll 2005/06: 125 Anf. 106 Tobias Billström, Moderate Party (MP)); likewise asylum procedures should be revisited and improved, for instance allowing asylum seekers to enter the labour market. The responses to the policy proposal present different diagnostic frames, e.g. improving the asylum procedure will create trust and in this way fewer will decide to go underground (ibid: Anne-Marie Ekström FP, Anf. 108). There is also some consensus in challenging the notion of 'illegal'. Prognostic frames therefore focus on regularizing/legalizing, rather than disciplining and penalizing (e.g. ibid: Gustav Fridolin MP, Anf. 115). Irregular migrants are presented as vulnerable groups and easy to exploit, which would warrant solutions offering people without the necessary papers amnesty (ibid: Kalle Larsson V, Anf. 109). Within this framework, it is interesting that the problem again is perceived as being a matter of law regulation rather than an individual responsibility for being in Sweden without legal right. None of the proposals directly suggests expelling them for instance. The overall solution is a combination of legal access and regularization and a demand for equal terms and rights for all. A majority of the Swedish politicians demand (at the time) that Sweden should work for less control and for improved rights within the EU. Too much control is itself believed to be the cause for irregular migration.

However, the definition of irregular migrants also broadened in the post-2006 years. From presenting a rather generic vulnerable and exploited group (often by human smugglers) and related to asylum seekers, a more differentiated approach started to emerge. As outlined by Kalle Larsson (V): "Without papers. Some have applied for asylum but not received such. Some have come here for a better future. Some have overstayed their visa. Common is that they all live without the security we have" (Riksdagens Protokoll 2007/08: 43: Anf. 2). At the same time counter arguments also emerged: "When is it then ok to reject asylum seekers then, to deport the ones who were refused, should we accept the same number as Greece?" (ibid: Frederick Federley, Centre Party (C) (*Centerpartiet*), Anf. 13; Ulf Nilsson FP, Anf. 26). Also the demands for amnesty are rejected (e.g. ibid: Mikael Cederbratt M, Anf. 6). We begin to find a quite familiar cleavage structure between left- and right-winged parties on the issue of irregular migration; a basis for the debates is a type of moral inquisition, emphasizing 'enough is enough' in relation to this phenomenon, but also how many migrants the country can absorb

vs. “the hidden ones make it possible for us to eat hamburgers” (ibid: Kalle Larsson V, Anf. 33). The latter type of presentation is one of the few where irregular migrants are given agency. More often the discussions are about what the state can or should do to protect irregular migrants, who in that frame are considered passive agents.

the problem representations in this sense create a distinction between legalization (due to exploitation, human rights, no person is illegal), or at least access to health and school vis-à-vis respecting the asylum procedures and regulations (why else should we have such regulations; ‘paperless are in reality irregular migrants’ (e.g. Riksdagens Protokoll 2007/08: 83 Tobias Billström M, Anf. 55)). This distinction leads to new diagnostic frames, e.g., the real perpetrators are the employers, who exploit the irregular migrants (Riksdagens Protokoll 2007/08: 94 Luciano Astudillo (S), Anf. 127). From this position, irregular migrants should thus be decriminalized, whereas employers should be punished according to the laws. The different dichotomies within this distinction also underline the difficult relationship Sweden has with the EU framework. Sweden is part of EU, but several of the Directives (e.g. the Carrier Sanctions Directive and the Return Directive) are considered to be breaching with the humanitarian principles Sweden respects and widely accept (e.g. Jørgensen 2010a).

Marked changes in the policy frame again occur with the new regulations for labour migration in 2008, mostly issues all political parties agree upon. When relating the debates to irregular migrants however the discussion on general regularization re-emerges. One argument is that paperless should be included in the new regulations and should have rights. They also should be able to apply for regularization in a limited period (Riksdagens Protokoll 2008/09: 26 Liselotte Olsson (V), Anf. 80) and it is argued that EU does not prohibit this, although it does not promote it either (ibid: Bodil Ceballos (MP), Anf. 97).

The discussion was taken up at the EU level, when Sweden stated to work on the five year action plan, known as the Stockholm Program. The left-wing and centre parties expressed concern about ‘Fortress Europe’ being strengthened at the expenses of ‘Citizens’ Europe’ (e.g. Riksdagens Protokoll 2009/2010: 76; Riksdagens Protokoll 2009/10: 40). The same parties presented a frame based on an understanding that the Swedish asylum practices are deteriorating, thus leading to an increase in irregular migrants (e.g. Riksdagens Protokoll 2009/2010: 107 Magdalena Streijffert (S), Anf. 1; Kalle Larsson (V), Anf. 2). Paperless serve a role in society and on the labour market and should be granted rights (ibid.; Riksdagens Protokoll 2009/10: 48) and people escape because they have a reason to and should therefore be protected. The prognostic frame is based on claims for regularization, blankly rejected by the government parties, maintaining that this will strengthen the hopes of those arriving without papers (ibid 2009/10: 107 Mikael Cederbratt (M), Anf. 8). A change in the debate seemed to take place when the radical right-winged party the Sweden Democrats (SD) (*Sverigedemokraterna*) entered into parliament in 2010. Their use of the term illegal immigrants is applied, used consequently (Riksdagens Protokoll 2010/11: 9). However, the overall frames, leaving aside the Sweden Democrats, remained the same.

## 6 Norway

The case of Norway is quite paradigmatic in this context, since the country is not a member of the EU, but it joined both the Schengen cooperation agreement and the Dublin regulations, besides following

most of the EU frameworks on matters of asylum and migration. Together with the increasing focus that questions of migration flows and asylum have gained at the EU level, the Norwegian governments have become gradually more aware of the strong social and political consequences of EU politics at the national level. Isolated policies that do not take into account what takes place in the neighbour countries and the rest of Europe are considered impracticable. Most of the decisions taken in relation to migration and asylum-seeking are thus seen within the wider European framework and perspective (see Innst. 327 S (2009–2010)). Subsequently, irregular migration is framed as a common European problem and solutions (the prognostic frames) therefore should be found also on European level and/or in European cooperation. This emerges even more clearly on issues of illegal entrance and/or residence in the country and irregular forms of migration. Pragmatically, the standpoint that has gained support in Norwegian politics is that ‘Norway cannot implement politics that differ too much from the other countries in the EU’ and that ‘a closer co-operation with the other EU countries will contribute to solve the problems’ (Sak nr 4 [12:03:52]). This frame is reinforced by the idea that much of the illegal transits and entries into the country come from other Schengen members and this trend cannot be stopped (St. meld. nr 6 (2000–2001)).

A more recent focus has been on enumeration. Numbers can be used strategically to support or challenge particular frames. In 2008 the Norwegian Institute of Statistics estimated that 18,196 persons lived irregularly in the country, of which two thirds were previous asylum seekers, who had been rejected the refugee status (Zang 2008). This equivalence between irregular migration and asylum seekers strongly influenced the debates, proposals and interventions of the political parties in the Norwegian parliament. This also emerges when looking at the parliamentary documents that more or less explicitly deal with irregular migration and related issues.

Two different, but at the same time complementary frames, can be distinguished in the Norwegian debates: from the one side, strong emphasis is given to the fact that asylum policies must grant protection and shelter to those who flee from a country, because they are persecuted and in serious danger. On the other side, the alternative competing frame tends to emphasize the fact that “nobody benefits from the fact that someone decides to remain in the country without legal residence permit” (Eirik Sivertsen, Sak nr 16, 2011). This last approach points more directly to the damaging effects that the misuse of the system has, not only for Norwegian society as a whole, but on the whole asylum practice, reducing the possibilities of real asylum seekers to seek protection against serious human rights’ abuse in their home country and negatively affecting the organization and general trust in the asylum practices (Prop. 1 S (2011–2012)).

This particular prognostic frame has been translated into the support for asylum policies that at the same time discourage the phenomenon of irregular migration, implementing and disciplining return policies by tackling illegal migration ‘at its roots’. The implementation of this frame can for example be seen in relation to the strengthening of border controls with the help of more efficient and coordinated control and policing practices (Innst. S. nr.144 (2000–2001); Sporretimesspørsmål 12-05-2011, Oktay Dahl (H)). It is within this framework that the ‘fair but firm’ asylum policies promoted by the last two governments under the Social Democratic leadership must be interpreted. This position emerged already in 2005, in the so-called Soria-Moria declaration (cf. Plattform for regjeringssamarbeidet (2005–09)), where the newly elected Norwegian Labour Party, Socialist Left Party and Centre Party government coalition spoke for an intensification of bilateral return

agreements and for 'a rapid return of the foreigner whose asylum demand has been rejected'. This was perceived necessary in order to safeguard 'the whole meaning of the asylum institution's legitimacy and for more efficient procedures in the case of 'groundless' asylum seekers. At the same time, the declaration recognized the need to 'look at the conditions of the foreigners living in Norway without legal permit', affirming that 'human conditions must be established for those whose demand was rejected, but who have not yet returned to their country' (ibid.).

The difficult balance between respecting human conditions on the one side, while at the same time implementing restrictive measures that prevent, control and deter forms of irregular migration in the country emerges also in the choice of terms varying from 'illegal', 'irregular', 'undocumented' and 'non-returnable'. It is worth noticing for example how the word 'illegal' is primarily associated with a formal condition/status such as the residence permit, or to the concrete situation of illegal transit/entry at the border and often considered in relation to criminal acts such as smuggling and human trafficking. Differently, the term irregular is preferred when speaking about individual migrants residing in Norway without the required papers and permits. The terminology contributes to define the problem (the diagnosis) and is associated to different solutions. Illegality connects to measures of control and punitive policies whereas irregularity easily becomes connected to rights and entitlements. The explicit emphasis on the institutional condition behind the status of the individual, as in the case of definitions such as 'undocumented', 'paperless', or 'non-returnable' is employed by parties as the Christian Democratic Party (Kristelig Folkeparti), the Liberal Party (Venstre) and the Socialist Left (VS). These parties claim for better conditions and extended social, civic and healthcare rights for people living in the country without a legal residence permit. At the other end of the political spectrum we find the Norwegian populist right-wing Progress Party (FrP), whose parliamentary proposals and contributions almost exclusively make use of the term 'illegal', both in relation to migration and migrants and to urge more effective border control policies, efficient repatriation schemes and severe juridical and penal consequences for those helping people living illegally in the country (cf. Representantsforslag S 55 (2009–2010); Per-Willy Amudsen (FrP) 26.11.2007).

The use of different words does not have to be underestimated to understand the diagnostic and prognostic frames articulated by the parties on the phenomenon. This becomes evident from the reaction of the Social Democratic Prime Minister Jens Stoltenberg (2005–present) to a proposal presented by the Liberal and Christian Democratic parties, asking to clarify the rights for migrants staying in the country without legal permit (Innst. 283 S (2010–2011)). Stoltenberg draws a line in relation to the use of the term 'without documents' (*papirløs*). In his words: 'it is people who have illegal residence in Norway. There has been a comprehensive treatment of their case. Therefore the term 'undocumented' is imprecise. We are talking about people who stay here on an illegal basis/permit without right to stay according to the laws approved by this parliament' (ibid.).

Concrete events also contributed to influence the Norwegian political debate and decision making on irregular migration was also clearly influenced by, such as the Maria Amelie case. In 2010 the 25 years' old Russian born Madina Salamova published under the pseudonymous of Maria Amelie a book titled *Illegal Norwegian (Ulovlig Norsk)* (2011), describing her seven years' life in Norway as illegal immigrant. In January 2011 she was apprehended by the Norwegian police and deported to Russia. The decision of the authorities provoked reactions from the Norwegian public opinion and partly

responding to this mobilization the Justice and Police Department announced in March 2011 the 'abolition of the ban from entering the country in some specific cases' (Justis og Beredskapsdepartementet 2011); this measure today goes under the name of 'Lex Amelie'. The case was important, as it triggered increasing attention both among the public opinion (with initiatives as 'Nobody is illegal') and in political debates. At the parliamentary level, the case also showed that the problem in Norway could no longer be ignored, without this being, as a Norwegian politician described it, 'burying the head under the sand' (Stortinget Sak nr. 16 2011, Heikki Holmas (SV)). This urged the political discussions about the conditions and rights of those people living in the country without legal permit. But it did not lead to the recognition of extended rights to the undocumented migrants (e.g. working permit), or to a significant improvement of the conditions of those migrants who could not 'be returned' to their home country. Rather the result was that Norway opened up for the debate, urging more knowledge and understanding of the phenomenon, its nature, dimension, character and implications. This represented a new way to frame irregular migration and possibly a potential for creating new perspectives on how to tackle the social and political challenges posed by this complex phenomenon.

## 7 Denmark

Compared to Sweden and Norway the debate on irregular migration has been much less prominent in Denmark. In May 2011 the former Liberal and Conservative government supported by the populist right wing, Danish People's Party (DF), approved a set of measures introducing stricter and more effective controls at the Danish borders (Finansministeriet, 2011). The introduction of new border controls was explained as an effective measure to curb East European criminality and the smuggling of drugs and illegal immigrants in the country although there was little evidence that these had exploded. This is an example of particular diagnostic frame with a solution build into the understanding of the problem. The problem is here understood to be lack of control and the solution then becomes obvious, that is to strengthen the external control measures. Compared to the Norwegian approach, where irregular migration is framed as a common European problem, the Danish approach indicates an understanding of a problem that countries deal with individually. The controversial agreement on border control was later abolished by the Social Democratic led government elected in 2011.

This discussion portrays the overall situation and problem representation in Denmark. A preliminary search of the Danish parliamentary debates shows for instance that the phenomenon is mainly interpreted in terms of illegal migration. The terms that more often occur in parliamentary debates are thus: illegal migration/migrants and illegal stay, whereas definitions such as 'undocumented' and 'irregular' are infrequent and often restricted to few issues dealing with labour market conditions and working status.

Already at the end of the 1990s the focus was on the implications, negative consequences and effects of the Schengen agreement on border control practices. Already then the debate emphasized aspects related to the relatively uncomplicated way to get illegally into the country, making Denmark an easier destination for irregular migration, compared to other Scandinavian countries (Folketinget Samling 2004–05 (2. Samling); Spm. S4350 Om illegale indvandrere i Schengen systemet (med Skaarup) 2006). The DF is at the forefront with this criticism, highlighting the problems related to the entry of Denmark in the Schengen area. However, at the general level the

dominant problem representation is not only to see illegal migration as a phenomenon that needs to be prevented, controlled and curbed by means of more effective efforts and practices entailing personal ID registration, enhanced control systems at the national and EU levels, stronger police intervention and effective international cooperation in order to tackle the phenomenon; but also one that understands it as being only an indirect or potential problem in Denmark. The majority of the parties in parliament are positive towards the implementation of EU directives on matters of asylum, return policies and permanence and the introduction of encompassing control practices with ID permit legitimizations for third-country immigrants including fingerprints to prevent illegal migration positively – regardless of the Danish opt-out from the Justice and Home Affairs (L167 2010–11 Forslag til lov om ændring af udlændingeloven).

Compared to Norway and Sweden, the question of numbers has not been an issue in the Danish debate. However the question about the proportion of the phenomenon is from time to time taken up in parliamentary debates. However, the debate often underlines the difficulties to give reliable figures, both for Denmark, but also for the other European countries (Europaudvalget 2001–2002; Udvalget for udlændinge- og integrationspolitik 2010–11). The past Liberal and Conservative government arguably ignored the problem deliberately. Non-acting allows us to hinder opening up a serious political discussion and confrontation about minimum rights and on what basic services irregular migrants should be entitled, medical healthcare, economic support, housing facilities and education, especially when it comes to children. Only recently the political parties have acknowledged that there might be more irregular migrants in the country than anyone would like there to be. The fact that the authorities in 2011 had lost contact to 7,500 asylum seekers in the preceding five years only last year was connected to the issue of irregular migrants and calls for action from especially NGOs (Politiken, 2011).

But until recently the level and character of the debate has been overall poor, particularly when compared to the frames recently developed in Norway and Sweden. On the question of healthcare rights, for example, the attempt of some organizations to voluntarily offer medical care assistance beyond the granted minimal acute treatment to persons without legal stay created deep divisions among and between the political parties (Sundhedsudvalget 2010–11; Retsudvalget 2010–11). But this did not raise any fundamental parliamentary discussions about how to tackle the challenges of irregular migration. This approach has basically remained unaffected also under the new left-wing coalition at government led by the Social Democrats, whose positions mainly uncritically comply with the directions indicated by the EU, asking for enhanced control, more bilateral agreements with the sending countries and effective repatriation policies.

## 8 Conclusion

When does an issue get the attention of the scientific community and of the policy venues? This is one of the questions that triggered the authors' initial interest while writing this article.

The representation of a phenomenon as socially problematic can for example vary in the different venues, independently from its concrete nature, dimension and characteristics. In the scholarly literature irregular migration to Scandinavian countries has until recently been regarded as a marginal phenomenon. The explanations of irregular migration in the rest of Europe could all be applied to a Scandinavian context. There are undoubtedly major

structural differences in terms of labour market regulations, internal control systems such as social security/ID numbers and the like. To understand how Scandinavia differs from the rest of Europe or even can be seen as an example of exceptionalism, we should consider the structural conditions and differences characterizing this region of Europe in terms of a methodological and theoretical challenge, aimed at asking how irregular migration takes place in Scandinavia, why so and what differences characterize the approach of the governments to this phenomenon. Although few in number, the life conditions and survival strategies of irregular migrants in Scandinavia are just as difficult and complex as elsewhere in Europe.

The approaches to irregular migration differ from country to country. Subsequently, Sweden engages in the EU development more explicitly than the two other countries. Norway follows the development, whereas, EU has less impact on parliamentary debates in Denmark aside from the security dimension and control mechanisms which are evaluated positively as long as Denmark can keep its opt-out from initiatives it does not like.

In Norway, the state has started to support research on irregular migration. However, individual cases may still influence the debate and heighten the attention towards different evaluations and policy solutions, thus affecting the problem representation. In Sweden, high 'guesstimates' of the stock of irregular migrants living in the country are used in the parliamentary debates as an argument for taking actions in terms of legalizing/regularizing. In this sense it is interesting to observe how numbers are seen in the Swedish context as a means for claims-making; they serve as a platform from where to encourage concrete decision making and practices.

In Denmark there has been much less political focus on irregular migration and limited interest in going into depth with questions of numbers and nature of the phenomenon. The attention at the parliamentary level put emphasis on the problem of illegal border-crossing migration also related to criminality and human smuggling. Thus the solution to irregular migration is mainly based on stricter and more effective control-mechanisms and return policies. At the same time the authorities have downplayed aspects of this phenomenon that have to do with specific migration and policy developments, such as effects of asylum seeking practices and forms of irregular working conditions.

In Sweden estimates are used for demanding increased political attention to find solutions to the problem that imply increased rights to irregular migrants, decriminalizing and/or regularizing their presence. On the other hand, liberal conservative parties emphasize that regulations must be respected, but basic rights should be granted to all, regardless of their civic status. Significantly, the two dominant frames coming out of the Swedish parliamentary debates in 2007/08 emphasize more lenient practices and are critical towards enforcing regulations that can create parallel societies and an ethnic underclass. The other frame focuses less on general regularization for all, claiming that migration policy is being mixed with the rights and access to health and care. The latter is understood to be a fundamental right which cannot be denied to anyone; this position can be regarded as the most successful one, whereas other issues continue to be contested and negotiated.

In Norway there is also an attempt to balance between humanitarian principles and safeguarding the asylum system. The Norwegian parliamentary debates clearly show how questions related to irregular migration have increased in the last years, pointing to the fact that this phenomenon is no longer considered a marginal issue in Norwegian politics, thus challenging the framework that downplays the relevance of this issue in Scandinavia.

The observed differences between the Scandinavian countries lead to different conclusions. Firstly, it strengthens the general comparative framework of 'good, bad and in the middle' characterizing respectively the Swedish, Danish and Norwegian approach also on questions of irregular migration (Brochmann & Hagelund 2011; Jørgensen & Meret 2010). Thus, while the Swedish parliamentary debates point towards more liberal problem representations and diagnostic and prognostic problem frames, less so it is the case for Norway and Denmark. Denmark is rather to be placed at the other end of the scale. Here solutions revolve around control, restrictions of rights and sanctions. In both Sweden and Norway irregular migration is today an acknowledged issue and in Norway even formally institutionalized, by means of commissioned investigations, whereas in Denmark only very recently this phenomenon was given attention at the parliamentary level in terms of enumeration.

Comparing the problem frames on irregular migration identified in the research literature with the frames articulated in the parliamentary debates in the three countries, shows that the understanding from the research field resonates with the debates analyzed especially in Sweden. For the Danish case we can conclude that the parliamentary debates stand on top of the presentation of there being little irregular immigration in Scandinavia and the problem is a long way marginalized as a policy issue. In the parliamentary debates on a general level the balance between humanitarian considerations and obligations and urge for internal and external control are strongly represented in the problem frames whereas the dynamics for migration and structural characteristics are at the core of the research frames.

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## Notes

1. See more on <http://clandestino.eliamep.gr/about/>
2. In the CLANDESTINO project Northern European countries does not include Scandinavia (Düvell 2009).
3. We acknowledge that within the last five six years more focus has been put on irregular migration in Scandinavia. The previously mentioned research project directed by AMID in Denmark was one. Recently IMER Bergen launched a new project titled PROVIR Provisions of Welfare to "Irregular Migrants" (available at: <http://org.uib.no/imer/research/PROVIR.html>). In Sweden there has been a growing number of articles published on irregular migration.

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