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*This is a brief summary of a seminar held at the Institute for Social Research (ISF) on May 8th 2019.
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The Future of Nordic Immigration Policies

The seminar *The Future of Nordic Immigration Policies* was hosted by the Nordic Institute for Migration (NIM), held at the Institute for Social Research (ISF), with the aim of discussing current tendencies and future trends in Nordic immigration and integration policies.

With leading scholars from the Nordic countries, many of them members of the NIM-Board, the seminar compared and discussed differences and similarities in Nordic immigration flows, policies and discourses after 2015.

Tanja Storsul, Director of ISF, welcomed the audience by introducing NIM and its interdisciplinary engagement in the research on migration, asylum, border control and integration. She pointed out that the goal of NIM is to contribute to knowledge based policy development in the Nordic countries. The seminar consisted of an introduction, five presentations, and ended with Q & A session and a discussion of scenarios of future Nordic immigration policies.

Trends in Nordic immigration policies

Jan-Paul Brekke, Senior researcher at ISF and Chair of NIM

In his introduction, Brekke presented an overview of the current trends in Nordic immigration policies. While academics in the field of migration tend to focus on describing and explaining past events and trends, Brekke pointed out the need for future-oriented discussions on immigration and integration in the Nordics, stressing the value of comparative perspectives on immigration and integration policies from all five countries. Brekke continued by describing how the Nordic countries, over the past 18 years, have had an astonishing development in regards to both immigrant flows and policy changes, emphasising how especially the Scandinavian countries have, since the Bosnian war, departed with diverging paths in policy development. By presenting a statistical overview of the increased amount of asylum arrivals to all five Nordic countries in 2015, Brekke described the Nordic state of mind as in a “post-2015-shock”, dominating current discussions and discourses on immigration and integration across the Nordic region. He then explained that through this seminar, the Nordic Institute for Migration would seek to discuss the diverging trends in immigration policies in the Nordics since 2015, by

comparing statistics, policies and discourses from all five countries, in order to predict future scenarios of Nordic immigration policies.

Key trends: Brekke introduced the audience to the Comparative Nordic Policy Matrix (see link below), an analytical work tool created by NIM in order to compare and analyse national differences in immigration statistics, policies and discourses. He then provided a brief outline of key trends identified through the NIM Matrix, including:

Flows:

- A sharp fall in asylum arrivals post 2015 and a more active use of UN quotas
- Marked variations in recognition rates (34 % in Sweden; 69 % in Norway in 2018) and variations in family reunification (up in Sweden and Iceland, stable in Norway and Finland, down in Denmark)

Regimes:

- Strict regimes introduced across the region post 2015, towards minimum standards
- Continued border controls in Sweden, Denmark, Norway and Finland
- Increased use of temporary permits (Nordics) and focus on revocation (Norway and Denmark)
- Re-nationalization of control *and* EU-cooperation (external dimension) (exception: Denmark)

[Comparative Nordic Policy Matrix](#)

Current tendencies towards temporariness of protection: rationale and rhetoric

Jens Vedsted-Hansen, Professor of Law at Aarhus University and member of the NIM Board of Directors

Temporary protection in the 1990s: In his presentation on temporary protection, Vedsted-Hansen provided an overview of the differences in temporary protection in the 1990s and the current tendencies. Temporary protection, Vedsted-Hansen explained, was in the 1990s primarily designed in Europe to accommodate the protection needs for people fleeing the civil wars in the Balkans. Temporary protection was part of UNHCR's plan for international effort to bring the civil war to an end, hence the temporary nature of the need for protection. The rationale of the Nordic countries during the 1990s, Vedsted-Hansen argued, was a response to a European crisis in line with international agreements.

Re-nationalization: When it comes to current tendencies in temporary protection, we have been seeing a varying European response to the influx of people displaced by generalised violence over the last few years, according to Vedsted-Hansen, who argued there has been a re-nationalisation of responses. Whilst some countries have expanded the criteria for convention refugee status, other countries have had a stronger tendency towards granting subsidiary and tertiary protection. Among the consequences of the current tendencies towards using subsidiary and tertiary protection, Vedsted-Hansen mentioned reduced

certainty of residence status; limited or suspended family reunification; and delayed or limited access to integration assistance. Vedsted-Hansen argued that we are now moving towards what he calls Temporary protection 2.0: temporary protection without international coordination as in the 1990s, nor effective coordination at EU level.

A Danish paradigm change: Vedsted-Hansen discussed the Danish ‘paradigm change’, starting with the introduction of tertiary protection for predominately Syrian refugees in 2015. The introduction of tertiary status was combined with suspension of family reunification and a lower threshold for revocation of resident permits, both for people with subsidiary and temporary residence permits. From 2015, Vedsted-Hansen argued, revocation of resident permits has been made possible despite serious, fragile and unpredictable situations in the country of origin. In other words, the convention status criteria for cessation, which previously has required fundamental, stable and durable changes in the country of origin, is no longer applied for this group.

Mandatory revocation in Denmark: According to Vedsted-Hansen, the tendency towards temporariness is the most important part of the Danish “paradigm shift”. Mandatory revocation was introduced in 2019, in which the only exception to revocation is violation of international obligations. Combined with this mandatory application of cessation, there is now an explicitly temporary stay for all refugees, including those with convention refugee status. Vedsted-Hansen ended his presentation by asking the question of whether the introduction of temporary protection will lead to a reformulation of Danish integration strategies, or whether “integration” will not be a part of the Danish immigration regime in the future.

Revisions of the Swedish temporary law, relevance for the Nordics and reflections on common dilemmas

Rebecca Stern, Associate Professor in International Law at Uppsala University and a member of the NIM Board of directors

Presenting the upcoming revisions of the 2016 Swedish temporary law, Stern identified two key dilemmas.

The Swedish temporary law: Stern described how the Swedish migration law drastically changed during 2015 as a reaction to the so-called refugee crisis. During 2015, the Swedish government went from declaring refugees welcome to introducing one of the strictest migration and asylum policies in the EU. Border controls and random identity checks were among the measures introduced to reduce the influx of asylum seekers. In 2016, the temporary law on residence permits entered into force, making temporary residence permits the new main rule and restricting the terms for family reunification. The overarching goal was to make Sweden less attractive to asylum seekers. The Swedish temporary law

has remained since, albeit with some minor revisions. In February 2019, the government proposed to prolong the temporary period until 2021. According to Stern, the proposal was not based on thorough analysis of how the temporary law has worked during the three to four years it has been in effect. The government has not based the proposal for continuing with the law on analyses of its efficacy and consequences.

A few changes have been done to the temporary law during this period, such as more accessible family reunification for individuals with alternative protection status, and changes regarding residence permits for stateless persons and access to education for unaccompanied minors. However, Stern argued, the core idea of the law has remained; to make Sweden as unattractive to asylum seekers as possible. The idea that a restrictive policy is necessary has gone from being a temporary, extraordinary choice, to becoming the new normal in Sweden, according to Stern.

Dilemma 1. Stern continued by discussing how the application of restrictive measures, such as those on family reunification and unaccompanied minors, whilst upholding the standards established by international obligations, such as the European Convention of Human Rights, constitute a common dilemma in the Nordic countries. Stern argued that keeping the balance between restrictiveness and minimum legal standards is challenging, both from a legal and an image point of view. How shall the Nordic countries balance deterring asylum seekers on the one hand, with securing individual rights (such as the right to family life) on the other?

Dilemma 2. The second dilemma Stern raised concerns regarding the internal border control within the Schengen area. As Stern explained, in order to implement internal border control, countries need to describe the current situation as *exceptional* in the sense that there would be a serious threat to public policy or security in that Schengen member state without internal border control. Sweden, Denmark and Norway have recently prolonged their internal border controls with reference to the security situation in Europe (Norway) and serious threat to public policy and internal security (Sweden, Denmark), with duration until November 2019. Stern argued that if one country increases control, then others are likely to follow suit in order to avoid being perceived as more “open” by potential asylum seekers. The dilemma then concerns how to describe the situation as exceptional, and thus legitimising its temporary nature, whilst at the same time argue that going back to previous policies is not an option.

Deterrence and negative nation branding in the Nordics

Thomas-Gammeltoft-Hansen, Professor of Law at Copenhagen University and a member of the NIM Board of directors

In his presentation, Gammeltoft-Hansen pointed out that since 2015, we have seen both increased border control at the European level, including key migration control agreements with third-countries, and a

development towards stricter control of national borders. At the national level, this re-nationalization involved physical border controls, but also, crucially; indirect deterrence measures.

Indirect deterrence measures in the Nordic countries: Indirect deterrence policies, Gammeltoft-Hansen explained, go beyond control at borders and legal exclusion mechanisms that affect individuals' access to asylum. These measures are aimed at working even broader, by trying to make a country more unattractive, relative to other countries, for persons applying for asylum. The deterrence measures seen in the Nordic countries over the past four years include: temporary protection, active reassessment and revocation policies; limited access to family reunification; diversification of welfare and social benefits; limited access to the labour market and education; and restrictions on settlement and housing.

Negative nation-branding: Gammeltoft-Hansen argued that for deterrence mechanisms to reduce the number of asylum arrivals to a country, restrictions need to be significant and, equally importantly, clearly communicated to potential asylum seekers. Such strategies he labelled negative nation branding. Whilst the Nordic countries in general are active in positive nation branding, the countries have a negative nation branding policy when it comes to migration. Gammeltoft-Hansen gave the examples of ministers actively promoting the strictness of a country's harsh policies, messages that are sometimes picked up by international newspapers, or when government seek to influence migrants' destination choices through social media campaigns, such as the Norwegian Facebook-campaign "Stricter asylum regulations in Norway".

The big question is, according to Gammeltoft-Hansen, whether indirect deterrence measures make a sustainable strategy over time. He listed listed four challenges posed by such measures:

1. **Integration:** A growing body of research indicate that some of the measures introduced in the Nordic countries have long-term negative impact on integration and labour market participation.
2. **Other migrants:** Negative nation branding always reach several audiences, and is not limited to refugees and asylum seekers. Private companies have reported increasing difficulties in attracting highly skilled migrants.
3. **Legal challenges:** In Denmark, there has been a dramatic increase in cases of human rights violations reported by human rights committees in the last 4-6 years.
4. **Competition:** Research show that indirect deterrence measures do not reduce the total amount of asylum seekers in Europe; instead they lead to a reshuffling of asylum seekers between countries within the region.

Scandinavia's segregated cities: Policies, strategies and ideals

Anne Balke Staver, Senior researcher at NIBR, Oslo Metropolitan University

Staver presented findings from the study “Scandinavia’s segregated cities: Policies, strategies and ideals” (2019), financed by the Nordic Council of Ministers and carried out by Anne Balke Staver, Susanne Søholt (NIBR) and Jan-Paul Brekke (ISF). The study compares the recent strategy from the Danish government, “Et Danmark uden parallelsamfund – ingen ghettoer i 2030”, with the Swedish and Norwegian government strategies targeting segregation.

Segregation and its causes: According to Staver, the three governments problematize segregation differently. In particular, they differ in how they link segregation to immigration and integration. In the Danish strategy, the challenge, or the problem of segregation concerns ethnic residential segregation. The Danish government has identified 29 “ghettos” per 2018, based on neighborhood’s ethnic composition, crime rate, employment rate, educational level, etc. In the Danish strategy the cause of segregation is immigration and a failed integration policy. Staver pointed out that the briefly formulated Danish strategy does not refer to research to support this causal statement.

The Swedish strategy on the other hand, sees segregation as an issue of socio-economic and not ethnic segregation, inspiring policies and measures directed at cities instead of specific “ghetto” areas. The Swedes point to research describing growing socio-economic inequality over time which has had consequences for housing, education, employment and crime.

The Norwegian strategy against segregation also focuses on socio-economic segregation. In contrast to the Swedish strategy, however, the Norwegian follows Denmark in zooming in on living conditions in specific neighborhoods, but does so applying a broader area based policies. This strategy does not provide any causal explanations of segregation. In Norway the government has instead recently appointed an expert commission who will examine the causes of segregation. In its mandate, the commission is asked to focus on mechanisms in the housing market and studying the phenomenon within the context of urban growth and inequality.

Staver continued her presentation of the anti-segregation strategies in Scandinavia by giving an overview of the different policy measures, focusing on three main policy areas:

Housing: In the area of housing, the Danish strategy includes changing the physical infrastructure, including demolition of (social) housing. This radical measure is possible in Denmark because the identified ghetto areas often are dominated by public housing.

All three countries' strategies also include directing settlement. The Danish strategy emphasise directing settlement away from vulnerable areas through incentives, such as reduced benefits. The Swedish and Norwegian strategies also focus on redirecting refugee settlement away from vulnerable areas.

Labour market participation: In Sweden and Norway, a key element of the anti-segregation strategies is to stimulate labour market participation. Training and subsidized employment aim to reduce inequality and mitigating challenges arising from segregation in the two countries. In the Danish strategy other measures are highlighted. Here the emphasis is on incentives to make work more attractive, such as reducing benefit levels. Staver argued that these national differences represent different views on structural obstacles in the labour market: The Norwegian and Swedish strategies recognize structural discrimination as a barrier for people to enter the labour market. The question is whether these barriers can be overcome by the implementation of incentives, as the Danish strategy suggests.

Early childhood education: All the countries' strategies emphasize early intervention and childhood education in order to counter segregation. While they also agree on the goal of securing language skills and the social integration of children, the policy instruments proposed for achieving this are different in Denmark than Sweden and Norway. The Danish strategy proposes economic incentives including compulsory kindergarten attendance where non-attendance results in reduced child benefits. In Norway, the strategy proposes to expand the system for free kindergarten.

The future of family reunification in the Nordic countries

Elina Pirjatanniemi, Professor of Law at Åbo Akademi and member of NIM Board of Directors

Departing from a human rights perspective, Pirjatanniemi stressed the key role of rights in future immigration policy development, focusing on the regulation of family reunification and the rights of children.

Pirjatanniemi pointed to the apparent contradiction when the Nordic countries, internationally known for having strong national family policies, at the same time let general immigration regulation concerns challenge the rights of immigrant children. She pointed out that the five Nordic countries all have human rights as cornerstones of their foreign policies, but questioned whether these same rights were fully secured when dealing with children seeking international protection.

Pirjatanniemi explained that the Nordic countries "have a family reunification dilemma". Family immigration being one of the main avenues for legal migration to the EU, soft regulations are considered by governments as a possible pull factor leading to an increase in immigration. Pirjatanniemi questioned whether restricting the rights of children actually does work as a deterrence to potential asylum seekers.

She concluded by pointing to the need for governments to adhere to the principle of the best interest of the child, regardless of the children's origin and immigrant status.

Nordic immigration policies – Scenarios 2025

Jan-Paul Brekke & Thomas Gammeltoft-Hansen

The seminar concluded with a discussion of possible future scenarios for Nordic immigration policies. In this session, Brekke and Gammeltoft-Hansen each presented three possible scenarios.

Brekke presented three scenarios for the year 2025, focusing on the balance between national immigration control and individual rights:

- 1. Minimum standards:** The first scenario was a continuation of the path we have seen post-2015 in the Nordic countries, in other words toward minimum standards and stricter national control policies. Furthermore, this scenario includes stronger European-cooperation on deterrence and a continued focus on agreements with third-countries, securing their cooperation in migration control. Immigration control would increasingly go through quota systems, rather than asylum applications. This scenario would also continue the recent development toward temporary permits, revocation and increased requirements for family migration. Under such regimes, Brekke added, control would trump integration concerns. Here national self-interest and immigration control would be seen as more pressing than possible negative long term integration challenges.
- 2. Balanced approach:** The second scenario presented, closer to the recent situation in the Nordic countries, balances national control and individual rights. This scenario includes embracing a revised, but still strict, common European asylum system (CEAS). Asylum seekers would be deterred, but accepted, and we would see a mix of help “here” and “there”. Under this scenario, Brekke explained, there would still be routine revisions of residence permits.
- 3. Rights and diversity paradigm:** Brekke described the third and liberal scenario as unlikely, given the current situation. This scenario, in which rights and diversity would be prioritized over control, can perhaps be compared to the pre-2015 Swedish regime. Here integration would trump control, according to Brekke, and integration policies would become subject to ministries of knowledge, rather than ministries of justice. The best interest of the child-principle would trump control, and there would be more efforts to do assistant voluntary return, re-integration, and stop returns to Kabul. There would be limits to irregular status and revocation, and a focus on individuals' rights rather than on national self-interest. In this scenario, immigration would be seen as an opportunity and it would be considered the nation's duty to help.

Gammeltoft-Hansen presented three complimentary scenarios focusing on the future for Nordic and European cooperation, arguing that the future of Nordic immigration policies are intimately linked to other policy dynamics:

1. **Expanded unilateralism:** Under the first scenario, national policies are based on unilateral regulations of both regular and irregular migration and existing rules and super-national institutions are challenged. This scenario includes competition among the Nordic states in simultaneously reducing asylum applications and attracting highly skilled migrants. It also involves a negative spiral with regards to asylum and family reunification, where each country seeks to be stricter than the others. Such a scenario will include an unpredictable policy environment.
2. **Europeanisation 2.0:** This second scenario involves an abandonment of current internal border controls and a return to overall EU governance framework. Here migration is seen as a transnational phenomenon requiring action and coordination at the European level. Gammeltoft-Hansen pointed out that if this scenario is to be realized, it would the new Europe-based order would be based on quite a different balance between migrant rights and member state sovereignty than that seen before the 2015-crisis.
3. **Expanded regionalism:** The third scenario presented was described as a middle ground where there would be a continued emphasis on EU-level cooperation on key issues, such as common migration control, externalisation and asylum allocation. However, there would be an expanded room for national and regional variance for internal asylum and migration policy, such as a stronger role for Nordic cooperation.

Gammeltoft-Hansen concluded by pointing out that politicians and civil servants can benefit from strengthening the Nordic cooperation in the area of asylum and immigration. Finally, Brekke repeated the value of sharing knowledge within academia throughout the Nordic region and pointed out the role of NIM in providing governments and the academic community with relevant and updated comparative knowledge in this key policy field.