

Minimum rights policies targeting people seeking protection in Denmark and Sweden

The temporary law changed the general view of Sweden in Europe. We used to be the generous country, and that affected us as a public agency, because this generous image has also characterized our approach. If you look around here in our office, the rooms are named after Malala, Raoul Wallenberg ... all human rights advocates. We have the human rights convention framed on our walls ... but now, we are supposed to adapt to an absolute minimum approach. We're now at the edge of the European Convention. It's a clear political signal, but we have to figure out what it means to us, this new focus on minimum levels and on return. (Richard, senior official at Swedish Migration Agency)

I interviewed Richard,¹ a senior official at the Swedish Migration Agency, in February 2017, approximately one year after the Social Democratic-Green coalition government had decided to close Sweden's borders and adopt the 'temporary law' (Lagen 2016:752). As Richard's reflection indicates, the law entailed a restrictive shift, designed to deter people from seeking protection in Sweden, and enhance the rate and speed of deportations. The law increased the hurdles in obtaining protection, introduced temporary rather than permanent residence permits for people who had obtained protection status, and circumscribed their right to family reunification (see also chapters 3 and 12 in this volume), and was accompanied by a political promise to enforce more deportations, expand migration-related detention, and increase the capacity of the border police. For Richard and his colleagues at the Swedish Migration Agency, it also implied a shift in how they approached their work.

Sweden had thus joined the so-called 'race to the bottom' in European asylum and migration policy (Slominski and Trauner, 2018). Meanwhile, across the Öresund, the Danish government was, at a higher speed than ever, issuing amendments to its Alien's Act with the explicit aim of rendering Denmark unattractive for people seeking protection (see also chapter 4). In 2018, the (now former) government declared a paradigm shift in the country's asylum regime, which would change the focus of the asylum system

‘from integration to temporariness and repatriation’ (Regeringen, 2018, p. 5). While having made certain concessions, the new Social Democratic-led coalition government has declared its intent to maintain the restrictive course in Denmark’s asylum and migration regime.

The restrictive policy amendments have had drastic implications for people seeking protection in both Sweden and Denmark, and have severely circumscribed their access to protection as well as to welfare rights and services (Clante Bendixen, 2017). What is more, and as Richard’s reflection illustrates, they signalled a shift in how border bureaucracies were supposed to approach people seeking protection – even though prior research has shown that restrictive and rigorous border regimes are constitutive of the Nordic states, rather than an anomaly (Barker, 2013, p. 2017). In this chapter, I address the question of how state officials at the forefront of border bureaucracies (Brodkin, 2012) have made sense of and enforced the restrictive policy regimes targeting people seeking protection in Denmark and Sweden. I focus in particular on what I call minimum rights approaches that limit or withdraw access to welfare services and that are designed to deter unwanted migrants from remaining in the countries. In Denmark, this logic has applied both to people in the asylum process and to those who have received a negative decision and are awaiting deportation; in the Swedish case, I focus on the policy measures targeting people whose asylum application has been rejected.

The chapter is based on qualitative research conducted in 2016 and 2017, including interviews with Danish and Swedish police officers, civil society organizations, social services, migration officials and legal advisors. Moreover, I conducted participant observation and interviews with staff in Danish so-called departure centres (*udrejsecenter*) and Swedish departure housing units (*återvändandeenheter*), the latter of which are open housing units (as opposed to locked detention centres) where people are accommodated prior to deportation. Denmark and Sweden have often been discussed as two very different cases with regard to migration and asylum policy (Green-Pedersen and Krogstrup, 2010), with Sweden being a self-proclaimed humanitarian great power (Parusel, 2015) and Denmark representing a more long-standing restrictive approach. In contrast, I focus on similarities in terms of how wealthy, bureaucratized welfare states produce an intricate web of exclusionary practices, which affirm the non-belonging of people who have been categorized as unwanted by the state. Tracing the implementation of the minimum rights approaches in the two countries, I demonstrate the particular forms of violence enabled through the intense presence of the state in the everyday life of (non)citizens (see Introduction to this volume).

In what follows, I first introduce the argument that the politics of deterrence and minimum rights can be understood as forms of necropolitical (Mbembe, 2003) state violence. Second, I outline practitioners’ reactions to the deterrence policies justified by both governments’ declarations of a crisis

of asylum reception, and discuss how this political framing justified the adoption of policies which only aggravated the precarious condition of persons seeking protection. Third, I analyse the minimum welfare policies targeting rejected asylum seekers in Denmark and Sweden, and discuss their implications for the agents of enforcement as well as for those targeted. I conclude by arguing that these forms of violence, rather than being exceptional, are integral to the welfare states, and produce hierarchies of belonging, rights and humanity among populations. Importantly, I recognize that the perspective of state officials risks overlooking the ways in which people seeking protection navigate and challenge the minimum rights policies and how they partake in shaping border regimes from a disadvantaged position (Mezzadra and Nielsen, 2013). Acknowledging the partiality of the perspective offered in this chapter, I nevertheless maintain that the views of street-level bureaucrats may offer important insights into the exclusionary bordering mechanisms of bureaucratized welfare states.

Minimum rights as necropolitics

Much literature on migration control regimes focuses on the coercive state powers they mobilize, such as practices of policing, detainment and forced deportation (Bosworth, Parmar and Vázquez, 2018), and how they inflict direct, physical violence and punishment on unwanted foreign nationals. Yet migration control also operates through welfare services, which can be mobilized as instruments of migration control: for instance, when states adjust foreign nationals' access to essential social rights and services to an absolute humanitarian minimum (Johansen, 2013) or render them conditional upon cooperation with authorities in asylum or deportation processes (Rosenberger and Koppes, 2018). These policy measures, which can be understood as a form of indirect violence (Valenta and Thorshaug, 2011), are the focus of this chapter.

Prior research has suggested an understanding of minimum welfare approaches as a form of minimalist biopolitics (Johansen, 2013), which denies people who are conceived as unwanted by the state equal access to basic rights and services, including work, health care, education and welfare. The aim of such policies is ultimately to expel them from the territory and/or the social body (Walters, 2011). Compared to direct, coercive regulatory practices, minimum welfare policies are financially and legally less costly for states, while they enable governments to expose 'those physically and politically marginalized ... to very real bodily violence ... *while* fulfilling their legal obligations to those making an application for asylum' (Mayblin et al., 2019, p. 15, emphasis in original). Applying a postcolonial perspective in their writing on the lived experiences of poverty and marginalization among people seeking asylum in the UK, Mayblin et al. (2019, p. 2) argue

that the minimum welfare approach should be understood as a form of bordering that produces a hierarchization of human life and rights. This hierarchization, in turn, follows a 'logical contemporary expression of historically embedded colonial/modern, racially hierarchical worldviews which have their roots in colonial enterprise'. The authors thus draw attention to how the political production of such abject 'necropolitical' (Mbembe, 2003, p. 21) conditions, where populations are 'kept alive, but in a state of injury', is ultimately rendered possible through the racialized identity of the Other (for example migrant). Beyond the study of Mayblin et al. (2019), the analysis of minimum rights approaches to people who migrate as a form of necropolitics has informed several contemporary studies of border and migration regimes in Europe and beyond (Weber and Pickering, 2011; Davies, Isakjee and Dhesi, 2017), which have shown how these policy regimes expose racialized migrant groups to slow suffering, enforced through neglect and deprivation.

While necropolitics is by no means a governing strategy confined to Northern Europe, strategies of radical exclusion arguably take particular forms, and differ in their effects, when deployed by highly regulated welfare states. As Davies, Isakjee and Dhesi (2017, p. 1269) argue:

Advanced states such as those in northern Europe have ample resources with which to ensure those within its borders are protected from hunger, provided with shelter and given the security required to live without constant fear. Welfare systems are relatively well funded; but just as power can be activated by such states through distribution of provision, exclusionary power can be exerted through its withdrawal.

The authors conclude that the 'active inaction' on behalf of states that have the capacity and resources to provide for persons seeking protection, yet intentionally chose not to do so, constitutes a form of structural violence (see also chapter 2). Hence, minimum rights approaches enable states to produce the suffering of unwanted populations through wilful neglect and conscious withdrawal of support (Canning, 2018).

This chapter shows that policies which produce the foreseeable marginalization and exclusion of certain populations are often perceived as contradicting the discursive and ideological foundations of a universalist welfare state. In Denmark and Sweden, the narrative of an inclusive and protective welfare state is key to the social and political identity of the state (Brochmann and Hagelund, 2012). However, the welfare state is, to an equal extent, premised on the exclusion or subordinate inclusion (De Genova, 2013) of non-members, whose (gendered, racialised and classed) difference becomes constituted as threats to the welfare state and society (Tervonen et al., 2018). Hence, the subordinate inclusion and infliction of structural violence onto unwanted others is one of the ways in which the welfare state (re)constructs itself and consolidates its borders (Aas, 2013;

Barker, 2017). Nevertheless, enforcing policies that inflict slow violence (Mayblin et al., 2019) onto those ‘excepted’ (Khosravi, 2010) from social, political, and legal membership causes dilemmas for the agents of enforcement within border-oriented welfare bureaucracies. These dilemmas, and the ways in which border bureaucrats make sense of and address them, are explored in the remainder of this chapter.

The crisis of the welfare state and politics of deterrence

The 2015 summer of migration (Buckel, 2016) was followed by a restrictive turn in the asylum and migration policy across Northern European states. As detailed in other chapters in this volume (see chapters 3, 4 and also 12), the Danish and Swedish governments both declared a crisis of their asylum reception system and used it as justification for introducing a series of restrictive measures targeting people seeking protection. Many of the policy restrictions can be understood as a form of symbolic politics of deterrence (Lemberg-Pedersen, 2016; Whyte, Campbell and Overgaard, 2018) whereby the Swedish and Danish governments sought to send signals to people seeking protection that they were no longer welcome. The deterrence policies relied on the assumption that asylum seekers are attracted to Northern European states for their generous welfare benefits (Lemberg-Pedersen 2016). Accordingly, the very presence of people seeking protection was presented as a threat to the welfare state, with the rational response of governments being to limit their access to these rights and services. Such narratives also circulated among street-level officials tasked with enforcing the new restrictions within the asylum system.

For instance, on a chilly February morning in 2016, a month after Sweden had installed passport controls at the borders to Denmark, I arrived on the platform at Hyllie train station, the first station you reach when travelling from Denmark to Sweden. Hyllie station, which months earlier had been the site where many of the people who arrived in Sweden to seek protection had disembarked after a long journey through Europe, was now curiously empty. A police van stood parked next to the metal fence demarcating the Swedish border. I asked one of the police officers, who stood idle on the platform, what she thought of the border controls. While she acknowledged that there was not much work for the police to do at the station, as the number of arrivals had dropped significantly since the peak in September 2015, she still maintained that the border controls served a purpose:

Many police officers were frustrated before, when asylum seekers were just allowed to pass us by and continue their journeys without applying for asylum. If you are really in need of protection, you wouldn't just walk through several safe countries on the way. You should apply for asylum in the first

country you arrive in ... if you don't do that, I think one should ask what's your real motivation. As a police officer, I wonder, the Refugee Convention ... if you come straight from the dangerous country and cross the border to a safe country ... the intention of the Convention is that people should stay there.

While there were no legal grounds for the police officer's statement (nowhere in international law is it specified that a person seeking protection must register their asylum claim in the first safe country they arrive in (Joormann, 2019)), the police officer had a clear, normative judgement of who deserves protection. In accordance with the Dublin Regulation (see Introduction above), signatory states do have the right (not the obligation) to expel people seeking asylum to the country where they are suspected to have entered Europe. Yet, in the police officer's view, the very fact that a person decided to travel further to Sweden demonstrates that their real motivation for seeking asylum was not to obtain protection, but something else.

During interviews, police and migration officials on both sides of the Öresund similarly voiced their opinion that people were making their way to Northern Europe for its supposedly generous welfare benefits. Accordingly, when reflecting on the purpose of their border enforcement tasks, Danish and Swedish border police officers explained that they saw their role not only as gatekeepers of the territorial border, but also as protectors of the welfare state against a perceived threat of abuse. Such narratives reflect a welfare chauvinist ideology, which portrays the welfare state as reserved uniquely for members of the national community, and depicts foreign nationals as potential threats to the welfare state and society (Careja et al., 2016; Keskinen et al., 2016). Politically, similar narratives were instrumentalized in order to justify further deterrence measures, which circumscribed access to rights and welfare for people seeking protection. Yet not all agents of enforcement were comfortable with the restrictions. Richard, the migration official quoted earlier, reflected in the following way on the Swedish government's temporary law:

It was a decision made by a nervous government. They claimed that we – the Swedish Migration Agency – had asked them to install border controls but that's simply not true ... The temporary law was hastily and sloppily prepared. For instance, they completely forgot about Article 3 and 8 of the European Convention for Human Rights in their first draft, and we would simply have violated the human rights convention if we complied ... In the end, they added that restrictions should be applied 'as long as they do not breach Sweden's international commitments', which is a stupid formulation.

Richard emphasized that the law had attracted critique among several bureaucratic officials and legal experts, yet he also admitted that it had forced the Swedish Migration Agency to 'change their mindset' in a more

restrictive direction. The shift to deterrence policies thus influenced the attitudes of border bureaucrats, and risked placing their practices in the grey zone of human rights conventions.

In Denmark, one of the deterrence measures adopted in early 2016 was the establishment of tent camps, designed to house people who were waiting for their asylum applications to be processed. Commenting on the tent camps, the (now former) Minister of Immigration, Integration and Housing stated, ‘There is no doubt that the more debate there is regarding the tents and reception conditions, the more I believe asylum-seekers will think that Denmark is not the place where they should go’ (Inger Støjberg, quoted in *Jyllands-Posten*, 2016). While encampment is a long-established feature of Danish asylum and migration control (Whyte, 2011; Syppli-Kohl, 2015), the tent camps were established to indicate a state of crisis in the reception system. Karsten, a legal advisor for people applying for asylum whom I interviewed in 2016, noted that the tent camps were opened ‘despite the fact that there are 166,000 empty buildings in Denmark [at the time]. Just to show that Denmark doesn’t want them’. Whyte, Campbell and Overgaard (2018, p. 2) have described the tent camps as ‘emblematic of a wider turn in asylum policies in the Global North towards making host countries seem as unattractive as possible to would-be asylum seekers’. Yet, beyond their symbolic function, the tent camps, as well as the other restrictions in reception conditions for people seeking protection, also had tangible effects. Elmira, another legal advisor in Denmark, commented the following way on the ensemble of regulations designed to make people seeking protection feel unwelcome in Denmark:

The border closure and the issue [about the Jewellery Law] completely dominated the public debate. But this has no real meaning – it’s merely symbolic, not interesting or particularly important for refugees ... If we talk about humiliating policies, it is far more humiliating that they are splitting families, introducing more surveillance measures and harsher detention conditions, and the stricter conditions in asylum centres ... Like now they can no longer cook their own food. This way, people lose ... the power over their own body that cooking your own meals still entails. And, the asylum camps look more like detention camps now. This sends a signal that they are not welcome.

As Elmira notes, the regulations that had the most tangible effects on people’s lives included the obstacles to family life, the deprivation of autonomy, and everyday degradation in the camps. These stories rarely made the headlines but could be understood as expressions of the indirect or ‘slow violence’ (Mayblin et al., 2019) of the deterrence regime. Similar to Sweden, not all officials in Denmark were comfortable with imposing this regime. When I interviewed staff in asylum centres in Denmark regarding how the new restrictions affected their work, some of them explained that

they tried to find ways to ‘weasel their way out’ of the policy restrictions and minimize the harmful effects on people seeking asylum (Borrelli and Lindberg, 2018, p. 171).

The deterrence policy regimes developed in both Denmark and Sweden thus served, on the one hand, to convey a sense of crisis, which was portrayed as having been caused by the people seeking protection and thus justifying restrictions in their access to rights, protection and services. On the other hand, the policies aggravated the crisis for those seeking protection, by exposing them to intensified suspicion, marginalization, and everyday degradation. Still, the deterrence policies enabled the governments to go to the edge of human rights conventions without overtly breaching them (see also chapter 12). This was particularly true for the minimum rights policies targeting people whose asylum application has been rejected in Denmark and Sweden respectively, to which I now turn.

Enforcing the politics of minimum rights

The Swedish and Danish governments’ response to their declared crisis of asylum reception also entailed promises to enhance the speed and rate of deportations. Under the pretext of preserving the integrity of the asylum system, both governments increased their investments in migration-related detention, and introduced restrictions to the social rights and freedom of movement of people whose asylum applications had been rejected.

In Denmark, this regime of rights restrictions has materialized in the two departure or deportation centres, Sjølsmark and Kærshovedgård, inaugurated in 2013, yet only in operation since 2015. The centres house people whose asylum applications have been rejected, including families and children, foreign nationals having received a deportation order following a criminal conviction, and people on so-called tolerated stay. Tolerated stay refers to an open-ended status for people who have been excluded from international protection (§ 1F, §10 and §25 of the Danish Alien’s Act) because of their involvement in serious crime, or because they are suspected of posing a risk to national security, yet cannot be deported due to the risk of refoulement (see Suárez-Krabbe et al., 2018). Geographically isolated, located in former prison and military facilities run by the prison and probation service, and surrounded by non-secure fences, the purpose of deportation centres is to isolate and marginalize these groups of non-deported persons in view of pressuring them to leave Denmark ‘voluntarily’ (Suárez-Krabbe and Lindberg, 2019; see also chapter 12). Residents are obliged to reside in the centres, but are not legally detained, and can therefore be held there indefinitely. Meanwhile, they have no right to work, and as their daily allowance or pocket money is withdrawn, they are left to have their meals during specific hours in the centres’ cafeteria.

The conditions in the deportation centres, and the acute threat of detainment and deportation that residents are exposed to, generate significant uncertainty, experiences of loss of autonomy, degradation, isolation and criminalization (Suárez-Krabbe et al., 2018; Canning, 2019). Staff tasked with enforcing or supervising this ‘intolerability regime’ (Suárez-Krabbe and Lindberg, 2019) approached their work with certain discomfort and ambivalence. ‘Here we have no responsibilities compared to prisons, or even to migration detention’, Mikkel, one of the prison officers, remarked. ‘There, we are supposed to enforce the imprisonment and make it as humane as possible ... but here we do not have the mandate for that’. Some prison officers enjoyed not having to take responsibility for residents’ wellbeing or monitor their whereabouts, while others regretted lacking the ability to ameliorate the harsh conditions for those held in the centres. Jonas, a colleague of Mikkel, told me:

They say we should make life intolerable for them, to make life shit. I find that appalling. They should get out here and see the reality. A colleague of mine said that one day we’ll have to get a funeral undertaker out here, because what are we to do with them? ... This gets right to the long-term question: What do we do with them? They are unwanted here ... but it’s not dignified to treat them like that. (Quoted in Lindberg et al., 2018)

Jonas, and many of his colleagues, emphasized that the rule of intolerability was enforced by the structure, architecture and rules of the centres – not by prison officers. Still, he admitted that he found the intolerability regime, which subjected residents to conditions that were intentionally designed to ‘make their life shit’, appalling. The deportation centres have attracted criticism from numerous human rights organizations and agents for amounting to de facto detention, and for deliberately exposing residents to physical and psychologically harmful conditions (Helsinki-Komiteén for Menneskerettigheder, 2017; Røde Kors, 2019). What is more, and as Jonas noted, the combination of the architectural and legal setup of the centres and their temporal indeterminacy risked leaving residents indefinitely stranded under these conditions. Indeed, the centres have not contributed to enhancing deportation rates but instead, as formulated by residents stranded in the centres, ‘left them to die, slowly’ at the margins of state and society (Suárez-Krabbe et al., 2018).

Residents’ articulations correspond well with Mbembe’s (2003) depiction of the necropolitical condition that exposes certain groups to slow suffering, enforced through neglect and deprivation (Davies et al., 2017; Mayblin et al., 2019). However, when I discussed the deportation centres with state officials and NGO representatives in Denmark, they maintained that ‘it could be worse’. For instance, Mette, who worked at a large NGO providing legal support to rejected asylum seekers in Denmark, noted, ‘They could have chosen to use homelessness as a motivation measure instead,

and just thrown rejected asylum-seekers out on the streets ... at least we don't do that in Denmark'. She might have been unaware that such a policy had entered into force in Sweden in June 2016.

Sweden's amended Act (1994:137) on the reception of asylum seekers and others (hereafter LMA) came into force in June 2016. According to the law, people whose asylum application has been rejected and who fail to leave Sweden within the four weeks' stipulated timeframe for 'voluntary' departure, will have their daily allowance and access to accommodation withdrawn. Families with children, unaccompanied minors and persons in need of emergency healthcare are excepted from the rule, yet the law urges authorities to apply exceptions restrictively (Migrationsverket, SR 13/2016). As a result of the amendment, people are effectively deprived of access to basic social rights, including access to food and accommodation, once their asylum application has been rejected.² When I interviewed migration officials working with deportation processes at the Swedish Migration Agency, many of them thought of the law as being correct in principle, as it demonstrated consistency in asylum policies. Maria, who worked in a migration-related detention centre, argued: 'We cannot tolerate that once the state tells people they are not allowed to stay, we have people who remain in the system living off its support, or municipalities and other actors allowing for a parallel society to grow, and legitimating that people stay here without authorization.' In the quote from Maria, we can distinguish the same deterrence logic that underpinned the Swedish police officer's reasoning above, where the exclusion of those 'undeserving' of state protection (Chauvin and Garcés-Mascreñas, 2012) from welfare services is posited as a necessity for keeping the welfare state solvent for members. It also shows a strong identification and loyalty with the welfare state among the street-level bureaucrats (see also chapter 7). However, the amendment also caused dilemmas for state officials. Susanne, another migration official, told me:

An option we have is to subject them to registration duties, make them register regularly with authorities. But with the new LMA, there is no point – they have no incentive to stay in the system when they are not even getting a place to stay. What should we tell them – 'ok we need your address, you say you live under the bridge over there?' That's just absurd! (Quoted in Lindberg, 2019, p. 127)

Susanne concluded that the LMA amendment, rather than obtaining the desired effect of deterring people from remaining in Sweden despite a deportation order, disincentivized them from remaining in touch with authorities, and consequently pushed them into illegality. As our conversation continued, Susanne mentioned that 'it feels like we are just pushing the problem and the costs around between different state agencies'. Indeed, the

Swedish Migration Agency has reported that the LMA amendment has not had any tangible effect on deportation rates (see Sellin, 2018); instead, reports suggest that a growing number of people have been pushed into destitution and have become dependent on the support of non-governmental actors for their survival (European Commissioner for Human Rights, 2018). Jan, a social worker, reflected on the amendment:

We are talking about people who do not have the right to be anywhere in the world. Maybe their decisions are not even enforceable ... the law doesn't match the wider perspective, the dilemmas we encounter with this group. This is nothing new, it has gone on for a long time ... We can no longer shut our eyes and pretend that the system covers it.

Jan suggested that the cause of the problem was the result of a policy failure and a gap in social service provision. Yet the exclusion of people with precarious or no legal status from essential welfare services is, in this case, the direct result of a law that purposely produces their destitution. As such, this is nothing new; as argued by Könönen (2018, p. 53), immigration law invalidates 'the universalism of rights and a residence-based welfare system'. Yet the minimum rights policies discussed in this chapter cannot be understood as mere policy failures but are intentional, even integral, to the operation of deterrence policies that deliberately withdraw access to rights and services for those perceived as non-members, even though they evoke dilemmas and bewilderment among the agents of enforcement.

In line with findings from research on similar policy measures in other countries, including Germany (Ellermann, 2010), the Netherlands (Kalir and van Schendel, 2017) and Norway (Valenta and Thorshaug, 2011; Johansen, 2013), the minimum rights approaches used in Denmark and Sweden have had counterproductive effects on deportation rates. Yet they have also allowed governments to tacitly ignore the 'slow violence' of destitution, illegalization and degradation that is a direct effect of the deterrence policies (see Canning, 2018; Mayblin et al., 2019). The policies have further enabled state authorities to tacitly ignore (Kalir and van Schendel, 2017) those unwanted on their territory and push the responsibility for their basic social rights either onto civil society actors, or on other European states. Indeed, recent reports on trends in Dublin transfers suggest that the restrictive conditions in Denmark and Sweden have pushed more people to move on to other European countries, including Germany, France and Italy (EMN, 2017; Ibfelt and Skov-Jensen, 2019 see also chapter 4). While access to asylum and to essential welfare services might be equally restrictive in those countries, the lack of essential service provisions might be easier to navigate for people with precarious legal status than in the highly bureaucratized Nordic welfare states. The asylum applications of specific nationalities are also treated differently from country to country. Issa, who had his

application for asylum rejected in Denmark and spent one year in a Danish deportation centre, explained:

Maybe you stay in one place for a few years, then you leave to a new place, you have to change places and then come back again ... and from what I have understood that's what people do: they get frustrated in one place, they try their luck in another place. But when you are already in the position of being rejected here, it's not the same as in Greece, Italy, or Spain ... there, you are allowed to walk around freely without documents, because they cannot afford or organize your deportation. But in Sweden, Denmark, Germany, it's more difficult. ... The system is made to protect you but can also control you. That's why, when the economic situation was good, it was actually ok to be a refugee in Greece, Spain, Italy ... that's why it's so difficult to live underground or as rejected here. Then you are basically wasting your time, you will never fit in. All is regulated. (Lindberg, 2019, p. 61)

Issa suggested that it is more difficult to navigate exclusionary policies in bureaucratized welfare states than in Greece, Italy or Spain which, as prior research has highlighted, are characterized by weaker internal gatekeeping and larger informal economies (Sager, 2011; Triandafyllidou and Ambrosini, 2011; see also DeBono et al., 2015). Returning to the suggestion by Davies, Isakjee and Dhesi (2017) that the intentional exclusion or withdrawal of basic services practised by wealthy, Nordic welfare states constitutes a governing technique in its own right, Issa's observation suggests that the minimum rights policies practised by Denmark and Sweden do have severe, violent effects on people seeking protection. The regulated, bureaucratized nature of service provisions in these states may also present additional barriers, which exacerbate the subordinate inclusion of unwanted populations.

Conclusion

In this chapter, I have discussed the implementation of minimum rights policies targeting people seeking protection in Denmark and Sweden with the aim of deterring them from arriving or staying. The examples I have focused on are policy measures adopted or implemented since 2015, which have been fuelled by the notion of a crisis of asylum reception, where migration was portrayed as a threat to the social and political order of the welfare state. Focusing on indirect (Valenta and Thorshaug, 2011) coercive measures, including restrictions or withdrawal of access to basic social rights for people deemed unwanted or non-belonging to the welfare state, I have discussed the way bureaucratic violence operates through everyday degradation and enforced destitution (Davies et al., 2017; Mayblin et al., 2019). I have argued that the logic of deterrence, which gradually circumscribes

the rights of people seeking protection, and the deliberate production of abject conditions for those whose asylum application has been rejected amount to necropolitical violence (Mbembe, 2003). I have demonstrated how the enforcement of this governance logic has evoked confusion, discomfort and dilemmas for border bureaucrats, and resulted in aggravated marginalization, destitution and illegalization of people lacking legal authorization to remain. The dilemmas that border bureaucrats experience in enforcing state violence reflect the paradoxes inherent in the simultaneously caring and repressive welfare apparatus – notably when policies aggravate the crisis they were officially meant to address.

There remain important differences between the minimum rights approaches practised in Denmark and Sweden. In Denmark, the policies were a continuation of previous restrictive practices, whereas the temporary law in Sweden constituted a more drastic policy shift. Moreover, while the Danish government has been remarkably explicit in their unwelcoming approach (as illustrated by its promise to make life intolerable for residents of deportation centres), the intent behind the Swedish government's minimum rights approach is not as pronounced. This does not, however, mean that the Swedish government holds less responsibility for the harmful effects of the temporary law and the LMA amendment on people seeking protection; as Richard noted in his critique of the temporary law, its harmful effects were, if not foreseen, at least foreseeable (see also Canning, 2018).

Political differences aside, the reflection offered by Issa is instructive for understanding the specific hurdles encountering people seeking protection in bureaucratized Nordic welfare states. Getting by without support from state agencies and evading their intense regulative presence in the everyday is challenging, and access to alternative support structures might be conditional, partial and depend on kinship or other social networks, or on a person's ability to find work in the informal sector (Sager, 2011; Chauvin and Garcés-Mascareñas, 2012). Still, many people endure these conditions of constraint – or try their luck elsewhere in Europe. Their knowledge and experience are crucial to consider if we are to challenge the exclusionary power of bureaucratized states.

Notes

- 1 Due to agreements on anonymity, all names of informants are fictive.
- 2 So far, other prior liberalizations of their social rights have not been revoked, notably the 2013 amendments, which granted people whose asylum application had been rejected, plus illegalized persons, the same right to healthcare as people who were in asylum procedures. Access to schooling for all children, including those lacking legal authorization to remain, is inscribed into national law.

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