



From Crime Control to Migration Control: Facing Refugees as the Dangerous Other

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Presentation

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RESEARCH INTEREST

- Different aspects of imprisonment
- Radicalization
- Hate-crime
- Migration

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RESEARCH INTEREST

- Legal barriers of reentry for ex-prisoners
- Legal aid and debt counselling to prisoners and ex-prisoners
- Cross-sector collaboration in the field of prison release
- Migration

Jointed project

- Unaccompanied Minor Asylum Seekers in Denmark,
‘Legal Encounters’ Research group , University of Southern Denmark

Road map

Asylum seeker facts

- Denmark compared to other Scandinavian countries

Asylum Policy Index

- Denmark compared to neighbor countries

Changes in Danish policies

- Immigration law
- Border control

Constructing migrants as criminals

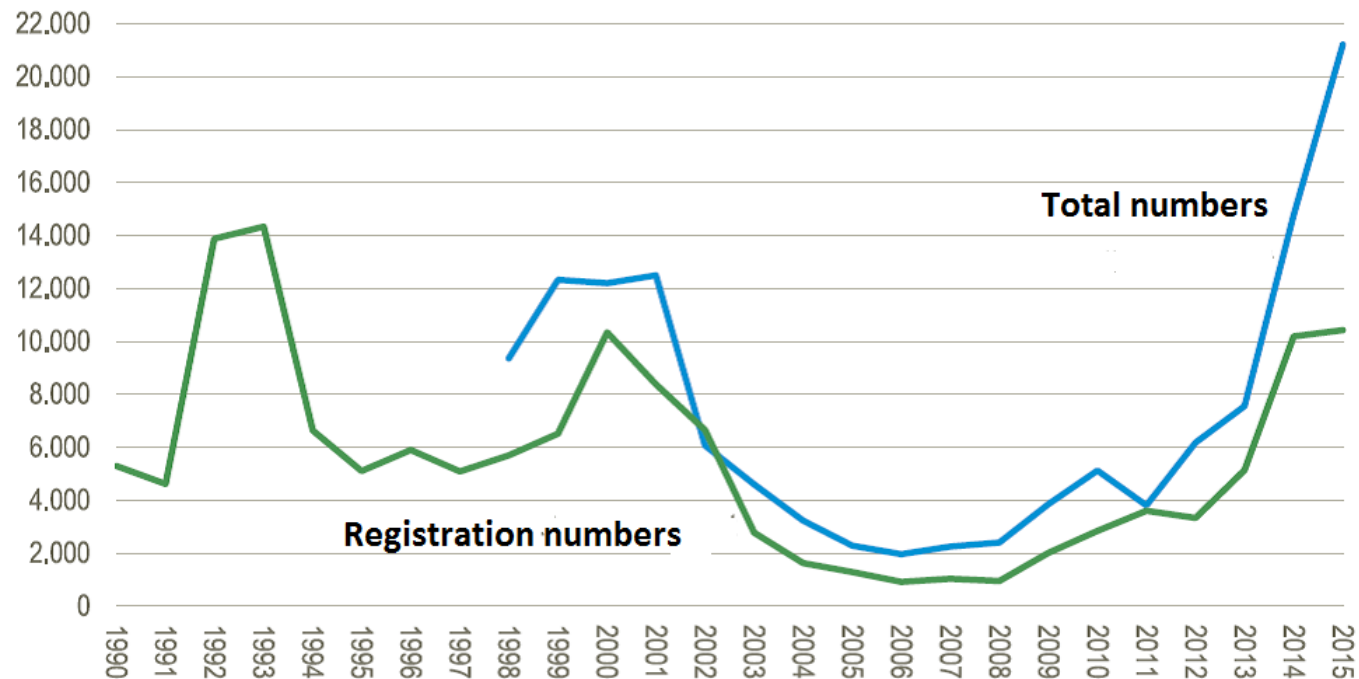
- Political propaganda
- Misleading information

Excluding and punitive strategies

- Tent camps
- From prison to asylum center

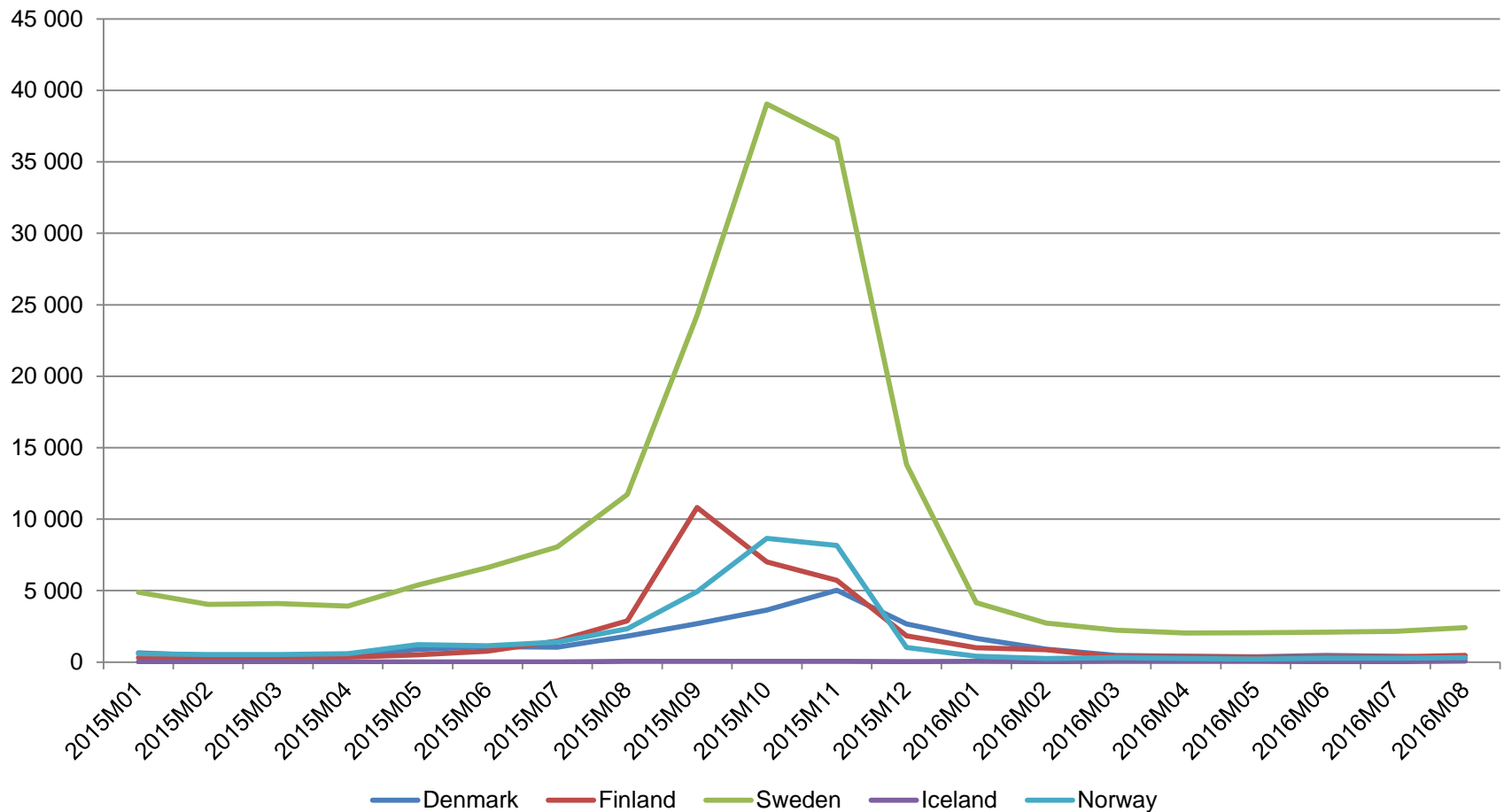
Asylum Seekers Facts in Denmark 1990-2015

Asylum seekers from 1990-2015



News from Statistic Denmark, No. 73, February 17, 2016.

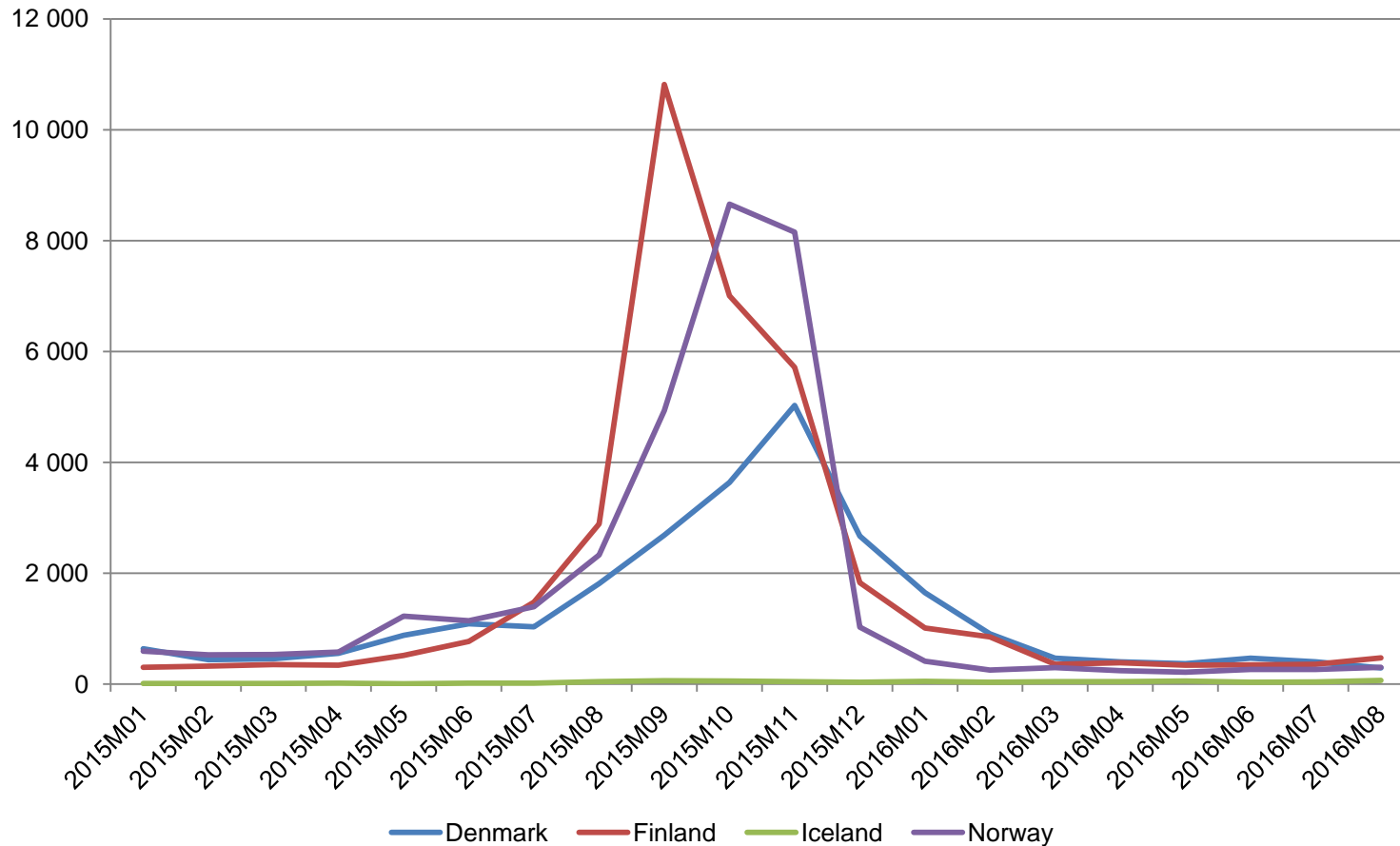
Asylum Seekers Facts in Scandinavia 2015-2016



<http://appsso.eurostat.ec.europa.eu/nui/setupDownloads.do>



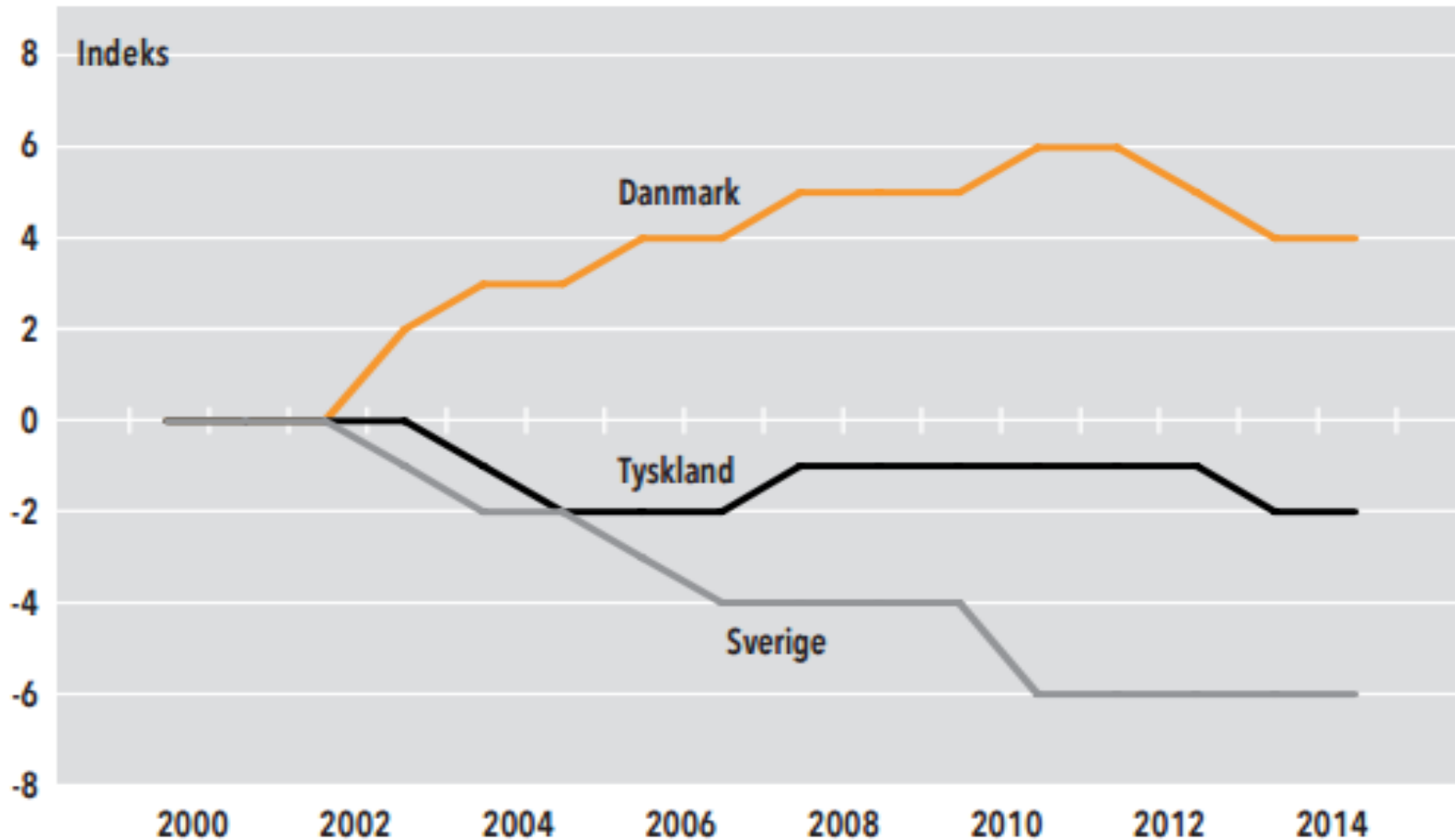
Asylum Seekers Facts in Scandinavia excluding Sweden 2015-2016



<http://appsso.eurostat.ec.europa.eu/nui/setupDownloads.do>



Asylum Policy Index (Denmark, Germany and Sweden)



Schultz-Nielsen, ML. 2016. *Hvad bestemmer antallet af asylansøgere til Danmark og resten af Europa?* Working paper no. 46. Rockwool Fondens Forskningsenhed.

Danish ads - Informative or 'threatening' warnings?

7/9-2015

تُلم سلطات الهجرة وشؤون اللاجئين الدنماركية عن التعديلات المتعلقة بشروط الإقامة في الدنمارك ، والتي هي قيد التطبيق من قبل الحكومة الدنماركية الجديدة.

قررت الدنمارك تشديد القوانين المتعلقة باللاجئين في مجالات متعددة:

لقد صدر عن البرلمان الدنماركي مؤخراً القرارات التالية:

- تخفيض المساعدات الاجتماعية التي حد كبير. كما تخفيض المساعدات الاجتماعية لللاجئين الواسلين حديثاً بنسبة قد تصل إلى 50%.
- سوف تلتزم الحكومة بتطبيق التالي:
- عدم أحقية الأجانب الحاصلين على حق الحماية المؤقتة باستدعاء عائلاتهم إلى الدنمارك خلال العام الأول.
- أن يحصل الأجانب على حق الإقامة الدائمة بعد مرور خمس سنوات كحد أدنى ، ولهم قد يواجهون خطر فقدان حق الإقامة في تلك الفترة.
- وجود شروط تتعلق بتعلم اللغة و القدرة على التواصل فهماً وكلامياً للغة الدنماركية لإمكانية الحصول على تصريح بالإقامة الدائمة في الدنمارك.
- بواسطة اجراءات خاصة و سريعة اعطاء جواب الرفض عندما يعتبر طلب اللجوء بأنه غير مبرور ولا يستند الى اسباب ذات صلة.
- كافة الذين تُرفض طلباتهم للجوء ، سيتم ترحيلهم عن الدنمارك بأسرع وقت.
- وجود مركز خاص يُمنى بترحيل كل من يُرفض طلب لجوئه ، من اجل ضمان ترحيل كل من تقدم بطلب لجوء ورفض طلبه من البلد بأسرع وقت.

Ministry of Immigration, Integration and Housing

Ministry of Immigration, Integration and Housing

The Danish Immigration Service

Arabisch

Denmark has decided to tighten the regulations concerning refugees in a number of areas.

The Danish Parliament has just passed a regulation to:

- Reduce the social benefits significantly. The social benefits for newcomer refugees will be reduced by up to 50 per cent.

The government will also maintain and ensure:

- That foreign nationals granted a temporary residence permit will not have the right to have their family brought to Denmark the first year.
- That foreign nationals can only be granted a permanent residence permit after 5 years at the earliest and prior to this they risk having their residence permit revoked.
- That there are language requirements in terms of the ability to speak and understand the Danish language in order to obtain a permanent residence permit in Denmark.
- That in accordance with a particularly expedited procedure and application for asylum is refused when it is regarded manifestly unfounded.
- That all rejected asylum seekers must be returned quickly from Denmark.
- That there is a special return centre for rejected asylum seekers to ensure that rejected asylum seekers leave Denmark as quickly as possible.

The Danish Ministry of Immigration, Integration and Housing

Changes in immigration policies

JEWELLERY LAW (LAW NO. 102 - A PART OF THE FOREIGNER LAW)

- Foreigner Law § 42a, paragraph 4. The Foreigner Agency may impose a foreigner to pay his and his family's subsistence costs (housing, health care) in Denmark if the foreigner has sufficient funds.
- According to the Administration of Justice Act (retsplejeloven) the police can confiscate cash and assets (jewelleries, watches etc.) up to 10,000 DKK. Assets of sentimental value must not be confiscated.
- The law has been implemented once. In June 2016, five asylum seekers from Iran got confiscated 79,600 DKK.
- The UN Refugee Agency warns about introducing the 'Jewellery Law': "... [It] sends damaging messages and runs the risk of fuelling sentiments of fear and discrimination".
- The difference in practice between Denmark and other EU-countries: explicit regulation of searching and confiscating refugees' valuable assets and money.

International Responses

THE GUARDIAN

- World-wide comparisons between the Danish anti-immigration policies and the Nazi Germany during the Holocaust
- Example: The Guardian published a caricaturist drawing of the Danish Prime Minister dressed in a Nazi-like uniform

International Responses

THE INDEPENDENT

- The famous little mermaid was combined with a slightly changed text that is found on the bottom of the Statue of Liberty
 - Emma Lazarus: “Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed, to me: I lift my lamp beside the golden door.”
 - In a Danish context: ... I'll [we'll] lift their wallets, jewels, gold teeth and more...

Changes in immigration policies

BORDER CONTROL

- Police force approx. 10,000
- Police force guarding the border approx. 460

From January 4, 2016 extensive border control (Germany and Sweden).

The Danish Prime Minister Lars Løkke Rasmussen: »Border control means that police are more visible. It will help the authorities to have the best possible overview of the influx of immigrants from the south. And immigrants who do not wish to seek asylum can be stopped at the border and refused entrance into Denmark. If it becomes necessary, then immigrants- without legal basis - illegal immigrants- is detained at the reception centers (...) to clarify who they are and what they want in Denmark.« (our own translation).

Danish Press conference, January, 4, 2016.



Constructing migrants as criminals

POLITICAL DEBATES

- An extreme example of the political anti-immigrant discourse contributing to construct immigrants as criminals
 - Cheanne Nielsen's "Migrants-steal-rape-kill-speech."
 - Facebook post: Meant to say "many" migrants commit crimes – not all.
- Cheanne Nielsen has been reported for violating the Danish racism paragraph.
- The case is pending before the court.

Linking migration and crime

Research question

- Discrepancy between the actual crime rate among asylum seekers and the public opinion about whether immigrants make country's crime problems worse or better

Data

- The sample is constituted of individual-level repeated cross-sectional data collected in sixteen western European countries in four waves of the ESS every two years from 2002 to 2008

Results

- Misconception of the link between immigration and crime
 - Misleading information
 - Media's misrepresentation of the immigration phenomenon and political opportunism

Lunziata (2014) *Immigration and Crime: New Empirical Evidence from European Victimization Data*

Pervasive fear of refugee-related crime

- Hoaxmap project (358 rumors from 2013 and forward)
 - Track down rumors about refugees in Germany
 - Find the reason for the large difference between the pervasive fear of refugee-related crime in German public-opinion polls and on the actual relationship between refugees and crime rates in Germany
- 40 different types of rumors
- Approx. two-thirds pertained to two types of crimes: theft and sexual assault
- Rumors are more likely to take off when a factual event similar to the rumor has already occurred, as well as when they tap into an underlying fear

The Atlantic: Where Does Fear of Refugees Come From?

Asylum seekers' criminal charges in Denmark

2013

- Total number of asylum seekers
7557
- 1049 persons
- 2467 charges
- ~1/7 of the asylum seekers charged

2015 (January 1 – November 30)

- Total number of asylum seekers
18,492
- 856 persons
- 1896 charges
- ~1/20 of the asylum seekers charged

The figures are provided by Berlingske through access to Danish National Police documents
<http://www.dr.dk/nyheder/indland/faerre-asylansoegere-bliver-sigtet-trods-eksploderende-antal>

Focus on repatriation rather than immigration

EXCLUDING STRATEGIES

- Housing refugees in rural tent and barrack camps in the countryside.
- Fenced camps and army training of 400 persons to guard camps and to be prepared for physical fights.
- Amnesty International has stated that Denmark's procedure about sending asylum seekers to camps could have a "devastating impact on vulnerable people." Refugees have very few opportunities to provide for themselves.
- Asylum camps and centers shut down/cut down. The shut downs, cut downs and high safety priority means that the asylum seekers are often moved around between the different camps and centers causing a limbo-living situation.
- Rules regarding employment of asylum seekers provide a lot of barriers (Six months ban before they can enter the Danish job market; The Danish Immigration Service's authorization procedure; No civil registration number).

The Dangerous Other: Criminalizing Migrants

FROM PRISON TO MIGRANT CAMP

- December 2015 Vridsløselille was immediately closed down.
- The government decides to transform the prison to a migrant camp for up to 1,000 migrants.
- In accordance with § 36 Law on Foreigners migrants can be held in Vridsløselille prison to ensure they are present when they have to leave Denmark or when their case for asylum is being processed by the authorities.

The Dangerous Other: Criminalizing Migrants



The Dangerous Other: Criminalizing Migrants

FROM PRISON TO MIGRANT CAMP

Head of the Danish Prison Staff Union: »The country is in an extraordinary situation, and our members are professionals who act dutifully. We are happy when we have the opportunity to find shelter for some of the refugees [but] our main task is to motivate people not to commit crime. This is a completely different task, because we must help people fleeing from war and distress. The task raises a number of practical and ethical problems« (our own translation).

Kim Østerbye, December 9 2015.

<http://albertslund.lokalavisen.dk/faengselsforbundet-flygtninge-i-vridsloeselille-kraever-helt-nye-ressourcer-/20151209/artikler/712159898/1003>

Report from the Danish Ombudsman

PHYSICAL CONDITIONS

- The institution is surrounded by a curtain wall
- The cells are barely 7 m², and there are security bars on the windows
- Gym, school, shops and other facilities are empty

NUMBER OF ASYLUM SEEKERS AND AVERAGE STAY

- February 29, 2016 there were 63 asylum seekers (including 8 women)
- The asylum seekers came from 14 different countries while a number were stateless. Several of the asylum seekers had no country fellows in the institution
- The average stay was 19 days
- 10 people had stayed more than a month

Report from the Danish Ombudsman

INTERNAL CONDITIONS

- The asylum seekers were locked in their cells around the clock with opportunity to go outside for one hour a day
- Opportunity to gather in cells for up to four people
- No activities or employment
- Lack of information and communication
- The people perceived the institution as a prison and did not understand the reason why they were detained
- The staff did not seem to be sufficiently informed and trained to take care of the asylum seekers

CONCLUSION

- The regime can do psychological harm

Report from the Danish Ombudsman

RECOMMENDATIONS

- Screening for torture
- Screening for suicide risk
- Interpreters present at medical examinations
- Doctors and psychiatrists available for persons with physical and/or psychological problems

http://www.ombudsmanden.dk/find/nyheder/alle/udlaendinge_i_vridsloselille/brev/

Conclusion

- The tough-on-policy in Denmark is very much related to our immigration based on an excluding and punitive discourse and legal practice
- Two-folded approach to 'fight' the refugee crisis
 - International scare campaign
 - National fostering criminal risk factors?
- Further research is required