

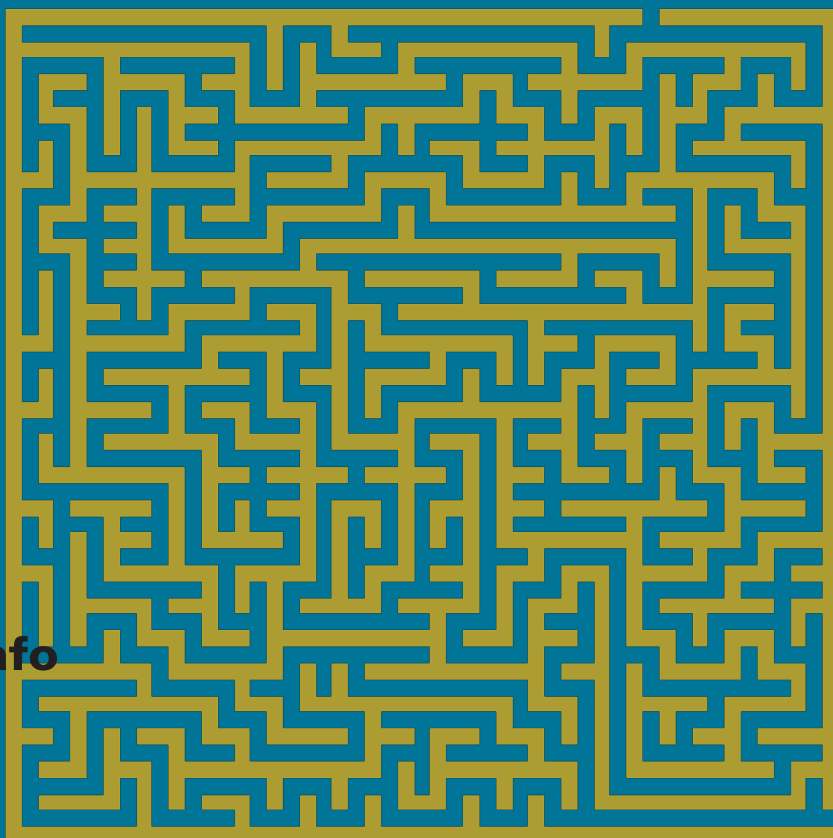
Cecilie Øien and Silje Sønsterudbråten

No way in, no way out?

A study of living conditions
of irregular migrants in Norway



Fafo



Cecilie Øien and Silje Sønsterudbråten

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Oslo, January 2011

Silje Sønsterudbråten and Cecilie Øien

Executive summary

This report is the result of a project funded by the Norwegian Directorate of Immigration (UDI). It is based on qualitative interviews with 29 irregular migrants of various nationalities and ages, who all had experienced having their asylum application rejected. The objective of this project is to explore different aspects of the living conditions of irregular migrants in Norway, with the main focus on the experience of living without legal residence status.

As part of our analysis of the living conditions of irregular migrants in Norway we include a brief account of their legal rights, focusing on the right to health care and basic needs such as shelter and food. Irregular migrants' rights represent a complicated terrain where law and practice sometimes diverge. While certain fundamental rights for irregular migrants are outlined by international conventions as well as in national legislation, several factors at the national, local and individual levels limit the degree to which irregular migrants actually benefit from the rights they have.

Our findings show that irregular migrants in Norway are assured of rights to emergency health care from the specialised health care services and the municipal health care services. They are not, however, entitled to financial support to cover the expenses of most medical treatment, which effectively reduces the access to such health care services. Also, migrants' knowledge of where they can turn for help and their rights differ, as does their access to information.

Since the financial situations of most irregular migrants are precarious, access to health care services depends on the willingness of health personnel to treat patients *pro bono*. This has created an arbitrary health care system for irregular migrants in Norway. The exception to this is the establishment of the health care centre in Oslo that the Church City Mission and the Red Cross run. This centre offers a range of health care services free of charge and forms the backbone of health care for irregular migrants in the Oslo region.

Common limitations to access to the services we list in the report are the fear of using them, and of being reported to the police and subsequently deported if they contact medical personnel.

We were in touch with people with a variety of health problems and needs. The links between irregularity and health problems are complex and multidimensional but a recurring aspect of our interviews was how irregularity created and exacerbated

health problems. Health professionals who are familiar with the situation of irregular migrants emphasise that the migrants endure prolonged periods of stress and that their health consequently deteriorates.

One of the most common kinds of health problem that came up in conversations with our respondents was mental health problems. This could manifest itself through constant fear, a lack of sleep, being afraid to go out and about in the city or avoiding spending time in public spaces altogether, having trouble sleeping and finding space where they could relax.

We also explore the importance of family, friends and networks for the living conditions of irregular migrants. Not having legal residence affects irregular migrants' social lives in multiple ways. Almost all the respondents relied on their networks to meet their basic needs. Friendships and networks can be a blessing and an initial source of support, but dependence on others puts irregular migrants in asymmetric power relations that can be hard to resist, since migrants need all the support they can get.

Living in an irregular situation brings specific challenges, whether migrants are single or whether they have children or other relatives they have responsibility for in Norway. While some do not have children of their own, they are thinking ahead – avoiding becoming pregnant; wanting to have children but not daring to, because they see that their situation is not one in which they want children to grow up; or not having relationships, because they feel their situation prevents them from doing so. The impossibility of forging intimate relationships and a family was a central existential problem for many a respondent.

Family welfare, maintaining good health, getting help with illnesses, having an income and securing the education of children and siblings are key concerns for the people we have met during the project. The situations of families without legal residence differ greatly from those of people who are alone as this affects their living conditions, in view of the special resources and needs related to bringing up children. In an irregular situation, the parent–child relationship is a demanding one. There were people who had children who had been born before they came to Norway, and some have more children during the periods when they are irregular. Living irregularly with children is something that has caused a lot of distress for most of those to whom we have spoken. Parents expressed frustration at the fact that they had minimal resources, describing how for children not being able to go on a holiday, school trips abroad or to celebrate birthdays like their friends and school mates, were some of the things that was particularly difficult about living as an irregular family.

For some, loyalty and a sense of duty towards relatives already in Norway were reasons for why they continued living in Norway after the final rejection of their asylum application. One implication of having children while being an irregular migrant is that people reported that returning to the country of origin or moving on to another country would be easier if they did not have their children's future to consider. Similarly,

having responsibility for parents in Norway or in the country of origin may be a reason return is experienced as impossible. Ill or ageing parents, who would suffer greatly from returning to the country of origin, can be an incentive to stay in Norway irregularly for young adults who could otherwise manage life somewhere else.

It was particularly when we discussed housing with our respondents that the vast differences found among irregular migrants in Norway became evident. In our field-work mapping out NGOs assisting irregular migrants, and through conversations with irregulars, we found that no NGO or other institution could assist irregular migrants with shelter. Most respondents had to rely on networks for accommodation and, they had had to for shorter or longer periods, to live with friends.

All the interviewed respondents who lived in ordinary reception centres lived there because they had children or because they had the right to live there for other reasons. Parents were ambivalent about living in reception centres, but stayed there because it offered them a basic living standard and security.

The waiting reception centres for asylum seekers with a final rejection to their asylum application were closed during the project period of this report. Many irregular migrants did not consider these centres a real option. The low standard and the reputation of these centres as places of passivity, subversion and criminality were among the central reasons our respondents gave for choosing to decline the shelter offered.

None of our respondents had experienced permanent homelessness, but several had, for shorter or longer periods, experienced not having shelter. While the fear of not having shelter is constant for many irregular migrants, this is not the case for all of them. Some of our respondents had been able to secure safe housing of a good standard. The ability to pay rent or pay off loans was logically linked to access to work.

The social mobility associated with the work and education accessible to the majority of the Norwegian population is not shared by irregular migrants, who have very limited access, if any, to such resources. Being irregular has a very direct effect on the kinds of jobs people can get and often on their working conditions as well. In general, migrants whose access to legal work is denied have three options: they can take up work in the informal labour market; they can engage in income-generating activities that are criminal offences in Norway, such as prostitution, begging and selling drugs; or they can choose not to work at all. Choosing not to work is impossible for those living beyond the reception centres, for whom getting the basic necessities and somewhere to sleep requires a modicum of resources.

Irregular migrants are in a vulnerable situation in the labour market, as, in general, they can only get work through informal channels. This is clearly a risk for irregular migrants, as they have to meet the demands of the informal labour market and poor conditions and exploitation are quite common, which is, of course, a serious concern.

The levels of education and political engagement varied greatly among the respondents, who ranged from illiterates to university-educated people and from people who

had never been involved in politics to people who had fled their countries of origin owing to persecution resulting from their political engagement. There are irregulars who manage to access both upper secondary school and higher education. When they manage to do so, it seems that their success depends on a combination of others' irrepressible efforts and their own. Yet, while it is possible for irregular migrants to obtain college or university degrees, the majority cannot reach such goals.

Work and education are also ways to contribute to and participate in society – ways to feel useful and valuable. Life without access to work or education was experienced among our respondents as passive and devalued or, as one person put it, like living in the shadow of society. For irregular migrants, the lack of access to education and the labour market marks their exclusion from Norwegian society.

Ending up with irregular status is not simply a result of unwillingness or incapability on the part of migrants to return to their countries of origin but also descriptive of the complex causal relationships in migratory and asylum processes. Nor is the choice to stay in Norway without legal residence is seldom as straightforward as the authorities may see it. The respondents' experiences revolved around feeling trapped – a sense of having no real choice but to stay. The way out of irregularity is tricky: the majority of those we interviewed felt they were stuck in situations in which they could neither get legal residence nor find a way out of their irregular status. Most of them also saw returning to their countries of origin as an unfeasible option.

We found that the most important determinant of irregular migrants' perceptions of their living conditions: the lack of legal residence. For respondents, securing accommodation and having work or access to health care services were very important indeed for the overall quality of life. As alienating as many people find the process itself, the rationale and the options related to their rejections, the future appears to be at least as challenging.

The living conditions of irregular migrants in Norway are, as this report illustrates, best characterised in terms of variation. While our focus has been on the situation of rejected asylum seekers, we are of the opinion that the recommendations we give potentially will have positive outcomes for other groups of irregular migrants, too. The recommendations we make are therefore general and focus on areas that were dominant in our empirical data. Recommendations are fully described in Chapter 8, and summarised here:

- Irregular migrants' living conditions would generally improve if their access to health care and shelter were more organised than it is today.
- The implications for individuals, organisations and health personnel providing help to irregular migrants must be further clarified.

- The situation of the children of irregular migrants should be evaluated with a view to ensuring that their legal and human rights are granted.
- It is suggested that possible solutions be looked into for long-term irregular migrants for whom return is unlikely.

Sammendrag

Denne rapporten er resultatet av et prosjekt finansiert av Utlendingsdirektoratet (UDI). Den er basert på kvalitative intervjuer med 29 irregulære migranter av ulike nasjonaliteter og i ulike aldre, som alle hadde fått avslag på sin asylsøknad. Målet med dette prosjektet er å granske forskjellige sider ved irregulære migranternes levekår i Norge, med hovedfokus på opplevelsen av å leve her uten lovlig opphold.

Som del av vår analyse av levekårene til irregulære migranter i Norge gir vi en kort redegjørelse for deres juridiske rettigheter, med fokus på retten til helsehjelp og grunnleggende behov som husly og mat. Irregulære migranternes rettigheter representerer et komplisert landskap, hvor man kan finne avvik mellom lov og praksis. Mens visse grunnleggende rettigheter for irregulære migranter er definert i internasjonale konvensjoner og i nasjonal lovgivning, er det flere faktorer på nasjonalt, lokalt og individuelt nivå som begrenser i hvilken grad disse migrantene faktisk har nytte av disse rettighetene.

Våre funn viser at irregulære migranter i Norge er sikret rettigheter til akutt helsehjelp fra spesialisthelsetjenesten og fra kommunale helsetjenester. De har imidlertid ikke rett til økonomisk støtte til å dekke utgiftene ved de fleste medisinske behandlinger, noe som effektivt reduserer tilgangen til slike helsetjenester. Migranternes kjennskap til hvor de kan henvende seg for hjelp og hvilken kunnskap de har om egne rettigheter, varierer også, i tillegg til at deres tilgang til informasjon er ulik.

Siden den økonomiske situasjonen til de fleste irregulære migranter er prekær, avhenger deres tilgang til helsetjenester av helsepersonells vilje til å behandle pasienter pro bono. Dette har skapt en vilkårlighet i helsetilbudet for irregulære migranter i Norge. Unntaket fra dette er etableringen av Helsesenteret for papirløse i Oslo som blir drevet av Kirkens Bymisjon og Røde Kors. Dette senteret tilbyr en rekke helsetjenester gratis og danner ryggraden i helsetilbudet til irregulære migranter i Oslo-regionen.

Vanlige begrensninger i tilgangen til de tjenestene vi viser til i rapporten, er migranters frykt for at det å bruke dem vil kunne føre til anmeldelse og senere deportasjon hvis de kontakter helsepersonell. Vi var i kontakt med mennesker med en rekke helseproblemer og behov. Sammenhengen mellom irregulær status og helseproblemer er kompleks og flerdimensjonal, men et tilbakevendende tema i våre intervjuer var hvordan det å leve irregulært både skapte og forverret eksisterende helseproblemer. Helsepersonell som kjenner situasjonen for irregulære migranter påpekte at migranter

må tåle vedvarende perioder med stress, og at deres helse ofte forverres som en konsekvens av dette.

Ett av de vanligste helseproblemene som kom opp i samtaler vi hadde med respondenter, var psykiske problemer. Dette kan vise seg gjennom at man er i en tilstand av konstant frykt, søvnmangel, å være redd for å gå ut eller at man i det hele tatt unngår å bruke tid i det offentlige rom, har problemer med å sove og å finne steder hvor man kan slappe av.

Vi ser også på betydningen av familie, venner og nettverk for irregulære migranternes levekår. Å ikke ha lovlig opphold påvirker migrantenes sosiale liv på flere måter. Nesten alle respondentene var avhengig av støtte fra nettverk for å dekke grunnleggende behov. Vennskap og nettverk kan være en velsignelse og en kilde til støtte når de blir irregulære, men avhengigheten av andre setter irregulære migranter i asymmetriske maktforhold, siden de trenger all den støtte de kan få.

Å leve i en irregulær situasjon gir spesielle utfordringer, enten migranter er single, eller om de har barn eller andre slektninger som de har ansvar for i Norge. Mens noen ikke har barn, tenker de gjerne fremover – ved å unngå å bli gravide, eller ved å ønske å få barn men ikke tørre, fordi de ser at situasjonen deres ikke gir grunnlag for å leve slik de ønsker barn skal vokse opp. Noen er ikke i forhold fordi de føler at deres situasjon gjør det umulig for dem. Det umulige med å skape intime relasjoner og danne familie var sentrale eksistensielle problemer for mange respondenter.

Familiens velferd, det å opprettholde god helse, få hjelp med sykdommer, å ha en inntekt og å sikre barn og søskens utdanning har vært viktig for de menneskene vi har møtt i løpet av prosjektet. Situasjonen for familier uten lovlig opphold skiller seg sterkt fra de som er alene, fordi det å oppdra barn krever spesielle ressurser. I en irregulær situasjon, er forholdet mellom foreldre og barn krevende. Vi møtte personer som hadde barn som var født før de ankom Norge, og noen som hadde fått flere barn mens de var irregulære. Å leve som irregulær med barn er noe som har forårsaket mye fortvilelse for de fleste av dem vi har snakket med. Foreldre uttrykte frustrasjon over det faktum at de hadde minimalt med ressurser, og beskrev hvordan det at barn ikke kunne dra på ferie, være med på skoleturer til utlandet, feire bursdager på samme måte som venner og skolekamerater, var noen av de tingene som var spesielt vanskelig med hensyn til det å leve som en irregulær familie.

For noen var lojalitet og en følelse av plikt overfor slektninger som bodde i Norge grunner for hvorfor de fortsatt hadde blitt her etter å ha fått endelig avslag på sin asylsøknad. En konsekvens av å ha barn for irregulære migranter var, ifølge respondenter, at de opplevde at retur til hjemlandet eller det å flytte til et annet land ville vært lettere hvis de ikke hadde måttet tenke på barnas fremtid. Tilsvarende kan det å ha ansvar for foreldre i Norge eller i hjemlandet, være en grunn til at retur oppleves som umulig. Syke eller aldrende foreldre, som ville kunne lide hvis man returnerer til hjemlandet,

kan være en drivkraft for å fortsette å bo i Norge uten lovlig opphold for unge voksne som ellers kunne skapt seg et liv et annet sted.

Det var spesielt da vi snakket med respondenter om boligsituasjonen deres at de store forskjellene blant irregulære migranter i Norge ble tydelige. I vårt arbeid med å kartlegge frivillige organisasjoner som kan bistå irregulære migranter, og gjennom samtaler med irregulære, fant vi at ingen organisasjoner eller institusjoner kunne hjelpe irregulære migranter med husly. De fleste måtte dra nytte av nettverk for å skaffe et sted å bo, og hadde for kortere eller lengre perioder måttet bo hos venner.

Alle de vi intervjuet som bodde i ordinære mottak, gjorde dette fordi de hadde barn eller fordi de av andre grunner hadde rett til å bo der. De som var foreldre var ambivalente til å bo i asylmottak, men valgte denne løsningen fordi det sikret dem en grunnleggende levestandard og et minimum av trygghet. Ventemottakene for asylsøkere med endelig avslag ble stengt i løpet av prosjektperioden. Mange irregulære migranter anså ikke det å bo i disse mottakene som en reell mulighet. Den lave standarden og ryktet disse sentrene hadde som passiviserende, nedbrytende og steder med mye kriminalitet, var blant de viktigste årsakene til at respondenter hadde valgt avslå dette botilbudet.

Ingen av dem vi intervjuet hadde opplevd permanent hjemløshet, men flere hadde, for kortere eller lengre perioder, opplevd å ikke ha et sted å bo. Mens frykten for hjemløshet er vedvarende for mange irregulære migranter, er ikke dette tilfelle for alle. Noen av respondentene hadde klart å sikre seg trygg bolig med god standard. Muligheter for å betale leie eller å betale ned lån var for disse knyttet til at de hadde tilgang til arbeid.

Den sosiale mobiliteten knyttet til arbeid og utdanning, som er tilgjengelig for majoriteten av den norske befolkningen, deles ikke av irregulære migranter som har svært begrenset tilgang, om noen, til slike ressurser. Å være irregulær påvirker hva slags jobber migranter kan få og ofte også deres arbeidsforhold. Generelt sett har irregulære migranter uten tilgang til lovlig arbeid tre muligheter: de finne jobber i det uformelle arbeidsmarkedet; de kan finne inntektsgivende aktiviteter som regnes som straffbare forhold i Norge, slik som prostitusjon, tigging og det å selge narkotika; eller de kan velge å ikke jobbe i det hele tatt. Å velge å ikke jobbe er ofte umulig for de som bor utenfor asylmottak. Disse migrantene er avhengige av å dekke grunnleggende behov og et sted å sove, noe som krever et minimum av ressurser.

Utdanningsnivået og politisk engasjement varierte sterkt blant respondentene, og vi møtte både analfabeter og universitetsutdannede personer, folk som aldri hadde vært involvert i politikk og folk som hadde flyktet fra sine hjemland fordi de ble forfulgt på grunn av sitt politiske engasjement. Det finnes irregulære som klarer å få tilgang til både videregående skole og høyere utdanning i Norge. Når de klarer dette, virker det som om deres suksess har vært avhengig av en kombinasjon av andres ukuelige innsats og sin egen stå på-vilje. Selv om det er mulig for irregulære migranter å skaffe seg høyskole eller universitetsgrader, er dette likevel ikke oppnåelig for majoriteten av dem.

Arbeid og utdanning er også måter å ha noe å bidra med og delta i samfunnet på – måter å føle seg nyttig og verdifull på. Å leve uten tilgang til arbeid eller utdanning var blant våre respondenter beskrevet som noe som gjorde dem passive og nedvurdert, eller, som en person sa det: det er som å leve i skyggen av samfunnet. For irregulære migranter markerer det å ikke ha tilgang til utdanning og arbeidsmarked at de er ekskludert fra det norske samfunnet.

Det å ende opp med en irregulær status er ikke bare et utslag av uvilje eller manglende evne fra migranternes side til å returnere til sine hjemland. Det er også en situasjon som er beskrivende for komplekse årsakssammenhenger i migrasjons- og asylprosesser. Å velge å fortsette å bo i Norge uten lovlig opphold er sjelden en så enkel løsning som myndighetene vil ha det til. De vi intervjuet beskrev følelsen av å være fanget – en følelse av ikke å ha noe annet valg enn å bli. Veien ut av en irregulær status oppleves kronglete: de fleste respondentene følte at de var kommet i en situasjon hvor de verken kunne få oppholdstillatelse eller finne andre måter å endre statusen sin på. De fleste av dem så også retur til hjemland som et umulig alternativ.

Et av våre funn er at den viktigste faktoren for irregulære migranternes egenopplevelse av levekår er mangelen på lovlig opphold. For respondentene var det å sikre seg husly, det å ha arbeid og tilgang på helsetjenester svært viktig for deres generelle livskvalitet, men allikevel ville en bedring på disse områdene ikke gjøre noe med de grunnleggende bekymringene knyttet til deres juridiske status. Mange synes at asylprosessen, så vel som avslaget på deres søknad og de mulighetene de har i etterkant av avslaget, er fremmedgjørende. Uavhengig av dette var allikevel tanken på fremtiden like utfordrende.

Irregulære migranternes levekår i Norge kan best karakteriseres som høyst varierende. Vi har fokusert på avviste asylsøkere, men er av den oppfatning at anbefalingene vi gir i rapporten potensielt også vil ha positive konsekvenser for andre grupper irregulære migranter. De anbefalingene vi gir her er derfor generelle og fokuserer på temaer som er dominerende i de empiriske dataene våre. Anbefalingene er fullstendig beskrevet i kapittel 8, og oppsummeres kort her:

- Irregulære migranternes levekår ville generelt blitt bedre hvis deres tilgang til helsetjenester og botilbud var mer organisert enn i dag.
- Konsekvensene for enkeltpersoner, organisasjoner og helsepersonell som yter bistand til irregulære migranter må avklares ytterligere.
- Situasjonen til irregulære migranternes barn bør vurderes med henblikk på å sikre deres juridiske rettigheter og menneskerettigheter.
- Det foreslås å se nærmere på mulige løsninger for irregulære migranter som har vært her over lengre tid og for hvem retur er usannsynlig.

1 Introduction

This report is the result of a project funded by the Norwegian Directorate of Immigration (UDI). The objective of this project is to explore different aspects of the living conditions of irregular migrants in Norway, with the main focus on the experience of living without legal residence status. This study is based on qualitative interviews with 29 irregular migrants of various nationalities and ages. The respondents in the study are men and women with unique personal histories who highlight the diversity this group represents and challenge the often simplistic portrayal of irregular migration in Norway. We have also interviewed representatives from organisations that have experience working with irregular migrants and on issues related to these migrants' living conditions, which has helped us contextualise our data and also understand the larger socio-political context within which our respondents tell their stories and live their lives. A key aim of the study has also been to understand what entitlements irregular migrants have within the Norwegian welfare state and whether they are able to make use of their rights. This particularly pertains to their access or lack of access to health services, education and work. While our intention has been to describe irregular migrants' living conditions, our data is based on interviews with a limited number of respondents. Neither their understanding of their own situation nor our analyses and findings can be exhaustive or cover every kind of experience among people living in this situation. However, the empirical data produced through this study give an impression of the key issues regarding living conditions and the major challenges facing irregular migrants living in Norway today.

Irregular migration in Norway

Foreigners who, for various reasons, live in Norway without legal residence have been subject to a range of categorisations and the most common terms used to denominate the group in Norway have been 'undocumented', 'irregular' and 'paperless'. As a group, these migrants have received increasing attention from the media, NGOs and politicians, especially in the last two years. Although the literature on this population in the Norwegian and wider Scandinavian contexts is limited, there is today a growing body of work ranging from MA theses, through publications specifically focusing on

irregular migrants' rights and the analysis of policy, to more academic publications (see for example Brekke 2010; Brunovskis 2010; C. B. Ellingsen 2010; Hjelde 2010a, 2010b; Khosravi 2010; Kjærre 2010; Nissen-Meyer, Shuja and Sletnes 2010; Thomsen et al. 2010; Kristiansen 2008; Brekke 2008; Ottesen 2008; Aarø and Wyller 2005; Brekke and Søholt 2005).

A key initial study on irregular migration in Norway was a joint project between Fafo and Statistics Norway (SSB) that UDI funded. The final publication consisted of two separate reports. *Developing Methods for Determining the Number of Unauthorized Foreigners in Norway* was written by Li Chun Zhang of SSB (2008). His study was aimed at developing a method to estimate how many migrants lived in Norway without legal residence and it made use of existing administrative registrations to provide an indication of the estimate's precision (or confidence interval). *Research With Irregular Migrants in Norway: Methodological and Ethical Challenges and Emerging Research Agendas* was written by Fafo researchers Anette Brunovskis and Lise Bjerkan (2008) and aimed not to map the situation of irregulars as such but rather to formulate methodological tools to determine how such mapping could be undertaken and what ethical and methodological issues should be considered in research on irregular migrants and possible future research within this field. In this report, we draw on the thematic suggestions of our colleagues. The two projects have had different mandates and, consequently, different outcomes, but Brunovskis and Bjerkan's 2008 report and the present report complement each other, which has been an explicit aim of the present report.

Size matters: estimating irregular migration

By Zhang's estimates (2008), irregular migrants in Norway constituted 0.39 per cent of the total population. The total number of irregular residents was estimated to be 18 196 on 1 January 2006, of whom '12 325 were previous asylum seekers, and the rest, 5 871, were persons that had never applied for asylum' (Zhang 2008: 3). Thus about one-third of this population have overstayed Norwegian and Schengen permits of various kinds or never applied for asylum. These are, however, solely estimates and Zhang (2008: 7) stressed that 'one should not be overconfident in the reported estimates. Rather one should treat them as useful pieces of information that can help us towards a better overall understanding of the phenomenon of interest'.¹ According to Zhang, the estimation had clear limitations, the most important being the lack of available data.

¹ However, Zhang's important reservation has not been reflected in how the estimate has subsequently been used in public debates – an issue we return to later in the introduction.

Compared to other more informal and undocumented estimates, Zhang's numbers are rather high; the national Police Immigration Service (Politiets Utlendingsenhet, PU) estimates that the number is between 6 000 and 8 000, while the organisation Self-Help for Immigrants (Selvhjelp for Innvandrere, SEIF) estimates that the number is between 5 000 and 10 000 – though, it presumes, closer to the former. This estimate is also supported by the Norwegian Centre Against Racism (Antirasistisk Senter) and the Norwegian Organisation for Asylum Seekers (NOAS).

Zhang has, however, produced the only scientific estimate for Norway to date and it is in line with the conclusions of the *Clandestino* project (2009: 105–6), which estimated in 2008 that irregular migrants made up 0.39 per cent of the total population of the twenty-seven countries of the European Union. The report concludes that EU statistics overall are not very reliable. What can be drawn from this is that there is a great deal of uncertainty surrounding the actual number of people living without legal residence in Norway and, more broadly, in Europe, but it is evident the group represents a very small part of the total population. Furthermore, statistics and numbers are highly political and different stakeholders in political discourses 'use and interpret figures depending on their own strategic interests' (Clandestino 2009: 18). In a recent proposition to the Storting (Norwegian parliament), it was emphasised that 'although asylum numbers in Europe fluctuate, we see that the scale of migration (both legal and illegal) remains at a high level.'² Numbers thus become instrumental in legitimising policies and political positions on irregular migration, with 'higher numbers of irregular migrants in a country justify the government's adoption and implementation of stricter legislation and tougher enforcement. Lower numbers, by contrast, suggest that 'pressure' is decreasing and hence migration control measures can also tentatively relax' (Clandestino 2009: 18).

How numbers are produced, and differences in how statistics are read and used, is thus of relevance because of the power these carry in political discourses on immigration. The next section will give some examples of how this is reflected in the way irregular migration is debated in the Norwegian context.

The Norwegian debate on irregular migration

The public discourse on immigration is highly politicised and polarised, which is mirrored when, in public debate, irregular migrants are portrayed either as offenders both in legal and moral terms or as extremely vulnerable. There is a sharp contrast

²Our translation. The proposition was entitled 'Norwegian Refugee and Migration Policy in a European Perspective'. See Meld. St. 9 (2009–2010): 8.

between claims focusing on irregular migrants as a group – that irregular migrants are criminals in principle and often in practice – and the way in which NGOs, focusing on individual stories, often depict irregular migrants as marginalised and vulnerable victims. Both discourses are challenged by how irregular migrants describe their own living conditions, which will be explored more fully in the remaining chapters.

Part of the interest in irregular migration today is also linked to the welfare state model and concerns about the impact of immigration on the living conditions of the general population. As a population group, irregular migrants challenge the principles of universal rights embedded in the Norwegian welfare state – or more correctly the limits to who should be able to enjoy such rights. As Brekke (2008: 1) puts it: ‘They are part of society and excluded from it at the same time. Rejected asylum seekers remaining in the country in particular force the national authorities to define the limits of the welfare state.’ In other words, irregular migrants, like other marginalised groups in Norwegian society such as drug addicts and people who are defined as poor, challenge the limits the welfare state should go to in protecting and promoting the living conditions of the population as a whole.

There was very little public attention given to this group of migrants in Norway until autumn 2007, when *Aftenposten*, an independent newspaper, produced a series of articles about the *papirløse* (which Norwegians often translate as ‘paperless’ rather than ‘undocumented’ or ‘irregulars’). The then Ministry of Culture and Church Affairs awarded the series the Human Rights Prize for Journalism, for raising the awareness of the irregulars’ human rights and humanitarian situation. More importantly, the journalists seemed to have revealed a group of people that until then had in many ways been non-existent.

A couple of years later irregular migration became a controversial issue in the public debate leading up to the 2009 general election in Norway. In the last couple of weeks before the election, irregular migrants were high on the agenda, mostly thanks to Arne Johannessen, the leader of the Norwegian Police Service trade union (Politiets Fellesforbund), who claimed that, ‘in 2009 alone, 18 000 asylum seekers without ID will steal, rob, perpetrate violence and sell drugs. In Oslo, those who sell drugs are allowed to operate freely.’ He had to withdraw his statement the next day, saying he should have checked the facts better before going public. A couple of days later, Rune Gerhardsen and Jan Böhler, two prominent figures in the Norwegian Labour Party in Oslo, reignited this debate by arguing for the detention of rejected asylum seekers and defining irregulars as criminals.³ Somewhat refining and making the debate more nuanced, their views represent an important line in immigration politics in Norway.

³ This suggestion was reported in several interviews with Böhler and Gerhardsen during the election campaign and also enjoyed wider support among their fellow Labour Party members. See http://www.dagbladet.no/2009/09/10/nyheter/valg_2009/valg09/politikk/innenriks/8042934/, continues...

An example of a different approach to irregular migrants is seen in the campaign launched in August 2010: *Ingen mennesker er ulovlige* (or *No one is illegal*). It is organised by a broad coalition of NGOs and interest groups, and the campaign focuses on the rights of irregular migrants from a humanitarian perspective. These different voices in public debates do not only reflect differences in how lawfulness and criminal activity are defined, but also in the socio-political frameworks irregular migration are understood within.

In the public debates and political contexts, irregular migration is often framed as an asylum policy issue, but some of the NGOs working in different capacities for the rights of migrants without legal residence argue offer a different perspective. They argue that, under Norwegian legislation and international conventions, the situation and plight of irregular migrants are humanitarian issues, not asylum issues. One example illustrating these different views relates to a question highlighted in the newspaper series mentioned above and by Brunovskis and Bjerkan (2008) in their report – namely the lack of access to basic health care. Since Brunovskis and Bjerkan wrote their report, Oslo Church City Mission and the Red Cross have established a health centre for irregulars, based on voluntary work. (This centre will be described further in the next chapter.) These two organisations do not see these services as part of a discourse on asylum seekers' rights and are instead framing it as a humanitarian effort offering these migrants basic rights within a human rights framework. While some politicians have been strongly opposed to the establishment of this health centre, seeing this health care as something that will prevent these migrants from leaving Norway, others have argued that such services are needed. There is undeniably a profound conflict of opinions on how to deal with this sensitive field of migration policy and immigration control, which flares up now and again in the national media.

The debate on irregular migration is related to the broader political discourses on immigration and the development of policies in this field. The current government, through Justice Minister Knut Storberget, has made it explicit that Norway is currently in a harmonisation process with regard to EU policies on immigration. This means that Norway will follow EU strategy in terms of cooperating both with countries of origin and with transit countries, as a means of reducing irregular migration to Europe.⁴ This involves drawing on the Schengen Agreement and cooperation in terms of return policies and practices seen as crucial to limiting irregular migration, too: 'Return of people without legal residence is given increasing attention in the Schengen cooperation. It is considered very difficult to combat illegal immigration without an effective

...http://www.nrk.no/nyheter/innenriks/valg/valg_2009/1.6763191 and <http://www.vg.no/nyheter/innenriks/valg-2009/artikkel.php?artid=573823>. Pages consulted on 13 January 2011.

⁴ See Meld. St. 9 (2009–2010): 74.

policy for the return of people residing illegally in the Schengen Area.⁵ Preventing irregular migration is also a crucial element of the asylum system. This is the context this report has been written in and it also affects these irregular migrants' lives. However, it is the resulting asylum application process that has had the most impact on their living conditions.

The asylum application process: from asylum seeker to irregular migrant

Based on available information (e.g. Zhang 2008), most irregular migrants in Norway are rejected asylum seekers. Understanding the application process is therefore central in understanding how people become irregular migrants. In this section, we give a brief introduction to the way the asylum process is formally supposed to take place. It is at the end of this process that migrants either are granted asylum or have their applications rejected and thus get residence permits, leave the country or stay on and become irregular. Presenting the details of this process in a few words is therefore a step towards explaining both how people become irregular migrants and the challenges they face afterwards.

Upon arrival, migrants are expected to register their asylum applications with the police. It is the Police Immigration Service (PU) that is responsible for the registration of asylum seekers. During registration, applicants submit their passports and other necessary identity documents to the police, who also take applicants' fingerprints and ask about their identities and how they have travelled to Norway. Immediately after such registration, applicants are sent to the transit reception centre in Tanum, outside Oslo. After two weeks, while awaiting their interviews with the immigration authorities (UDI), they are sent to other transit reception centres. After the interviews, while waiting for their applications to be processed, they are transferred to regular reception centres. The asylum interview is a crucial part of the asylum process and takes 3–5 hours with a translator present. The case-processing time is not uniform but in July 2010 an average application took fourteen months to process, whereas appeals against rejections took five months.⁶ Cases of uncertain identity and those in which applicants lack ID may take longer. Staff at both transit and ordinary reception centres are responsible for informing applicants of the asylum process and their rights and obligations. However,

⁵Our translation. Meld. St. 9 (2009–2010): 46.

⁶These case-processing times were found on UDI's website and last updated on 14 July 2010. See <http://www.udi.no/Norwegian-Directorate-of-Immigration/Oversiktsider/Case-processing-times/Case-processing-times-for-settlement-permits/>. Page consulted on 12 January 2011.

the Norwegian Organisation for Asylum Seekers (NOAS), an NGO working for the rights of asylum seekers in Norway, provides information to asylum seekers within three days of their arriving at the transit centre.

Accommodation in reception centres is free of charge to asylum seekers while their applications are being processed. Those with relatives or friends in Norway can choose to take up private accommodation but they then lose the financial support they would get in centres. Those who get residence permits are settled in municipalities. Economically independent people can themselves choose where to live.

Each applicant who receives a rejection can appeal the decision twice. For the first appeal, the asylum seeker has the right to free legal aid to write a complaint to UDI. This has to be sent to UDI within three weeks of receipt of the rejection. If UDI does not find that there is any reason to reverse its decision, the case is referred to another state agency, the Immigration Appeals Board (UNE). If UNE reverses the decision, the applicant gets a residence permit. If UNE rejects the appeal, the decision is final and the migrant is expected to return to the country of origin. However, even after the rejection from UNE, it is possible to send a revocation request if new documents or information relevant to the case can be provided. Finally, rejected asylum seekers can take their appeal cases to court. This is an expensive option with very uncertain results. There are three options for return. A rejected applicant has a three-week window to leave voluntarily for his or her home country or any other EU or Schengen country where he or she may have registered first. The second option is voluntary return: the applicant can seek help from the International Organization for Migration (IOM) to arrange the journey home. The IOM then pays for the ticket and migrants are transported by civilian police. This is called assisted voluntary return. Finally, if a person does not leave Norway by the specified deadline, there is the option of forced return. This entails the police's obtaining travel documents and tickets for the return journey and then escorting each person in question to his or her country of origin.

The respondents in this study had become irregular migrants after their asylum application had been rejected. The change in legal status had had implications for their living conditions. Since 2004 until July 2010, rejected asylum seekers were not entitled to live in the asylum reception centres (see Brekke and Søholt 2005; Aarø and Wyller 2005). Exceptions were made for families with children, unaccompanied minors, seriously ill people and those who cooperate with the authorities as regards returning to their countries of origin.⁷

The intention behind cutting the support for rejected asylum seekers was to worsen the living conditions in Norway for this group of migrants, in order that more people would leave the country voluntarily, or, alternatively, to increase these migrants' interest in cooperating with the authorities so that ultimately return would be the outcome

⁷ See for example Meld. St. 9 (2009–2010): 29.

(Brekke 2010: 26). This was also a matter of ‘sending a message’ to potential asylum seekers: that the immigration regime had become stricter. Two new centres were established to house people who had received final rejections. These centres were called *ventemottak* or, in direct translation, ‘waiting reception centres’.⁸ The standard of these centres in Lier and Fagerli was basic or even poor, as the intention was to motivate the residents to undertake return (see Valenta et al. 2010). It was not uncommon for people to stay in these centres for 2–4 years. UDI reviewed the situation following protests against the poor living standards that culminated in one centre’s being vandalised and the other’s being set on fire. It decided to close these centres since they were not seen to be motivating migrants to undertake return as intended. In the summer of 2010, both centres were closed. As an alternative to these waiting centres, the government decided to create so-called ‘return centres’ for people who had received final rejections.⁹ These centres will open in 2011. However, since July 2010 UDI no longer withdraw the offer of accommodation for rejected asylum seekers and all irregular migrants in this category are offered to stay in ordinary reception centres pending the opening of the new centres.

However, both before and since the closure of the waiting reception centres, most irregular migrants have lived outside the state-sponsored centres without receiving financial benefits from the state. By the end of October 2010, there were 16 941 people living in reception centres in Norway. Of these, 3 970 or 23 per cent had received final rejections and had what UDI calls a ‘duty to leave’ (*utreiseplikt*). This group was not included in the 2008 estimate.¹⁰

Irregular migrants have limited rights in Norway but they do have formal entitlements (Aarø and Wyller 2005; Brekke and Søholt 2005; Kristiansen 2008; Ottesen 2008; Hjelde 2010a, 2010b). The question is therefore whether migrants have access to information about rights and about possible outcomes to their application – also what a rejection could entail. It has not been one of the objectives of the study return as such, but irregular migration and the issue of return are no doubt connected. It was a recurring theme in interviews with respondents’ something which is reflected the report.

⁸We will use the term ‘waiting reception centres’ for the remainder of the report, in differentiating between these, the transit centres where migrants arrive and also a new kind of return centre for rejected asylum seekers, which will open in 2011.

⁹See the press release from the Ministry of Justice and the Police of 24 September 2010: <http://www.regjeringen.no/en/dep/jd/pressesenter/pressemeldinger/2010/Regjeringen-vil-opprette-retursentre-.html?id=615498>.

¹⁰Personal communication with Li Chun Zhang at SSB, 17 November 2010.

The objectives of the study

The main aim of this project has been to discuss the subjective experiences of living irregularly in Norway. Our aim has thus been to understand irregular migrants' perceptions and not to base our investigation on objective indicators for the evaluation of living conditions. This has fostered a focus on the various kinds of problems that living in an irregular situation poses and entails for migrants and, among them, children. We also briefly discuss irregular immigrants' legal rights and the discourses relating to this group of migrants in Norway, as a means of contextualising the project's empirical data and the more structural aspects of the migrants' circumstances. We have sought to ascertain whether irregular migrants are aware of what rights they have and whether they attempt to use these rights or, for various reasons, refrain from doing so. Research on living conditions is often based on mapping the aspects of people's lives that can be measured objectively or quantitatively – in other words, on commonly accepted criteria of what is considered a reasonable level of welfare within a given society. It follows that the definition of what are good or bad living conditions depends on the context and that this changes over time and is measured against differing socio-cultural standards. Thus, to a certain degree, such an assessment is normative, as perceptions of what good living conditions entail may also differ within a population. Thus, the basic measure often refers to what, within a society, according to given socio-economic indicators, are considered a tolerable income and tolerable housing, access to the labour market, education and health services.

In this study, to a large extent, our assessment of irregular migrants' living conditions is based on our respondents' subjective descriptions of their situations and on their evaluations of their living standards, life chances and opportunities. Concrete examples of what is implied when we write about living conditions in the report are migrants' own descriptions of their housing and their everyday lives; how they get money to buy food, clothing, medicines and other things they need; how they deal with illness; their experiences of, or lack of access to, health care; their experiences of work and education; how they describe their social networks; and whether they have friends from whom they can seek support.

The project was also aimed specifically at grasping the situation of children and adolescents who lived in irregular situations with their families or other care providers or alone. It is not known how many minors are living irregularly in the country at present. Families with children are entitled to stay in the reception centres and statistics reveal that, of 3 970 migrants with rejected asylum claims who were residing in reception centres at the end of October 2010, 1 176 were children. When applying for asylum, 759 of these were six years old or younger and 132 were unaccompanied minors.¹¹

¹¹ Source for statistics: UDI.

While children are overrepresented in these figures, it is clear there are children living irregularly in Norway beyond these state-sponsored centres. While this study cannot, in any depth, answer the question what the living conditions of children of irregular legal status are like, it will, as part of its mandate, endeavour to determine what parents perceive as the greatest challenges are for irregular migrants under eighteen years of age. Children themselves have often not chosen to migrate and they can therefore find it difficult to accept their situations. In this project, we have focused mainly on how parents describe their children's situations and what experiences people who were minors when they arrived but are now over eighteen years of age have had of being irregular migrants.

Finally, there has also been the aim of understanding why some people choose to stay in Norway without legal residence. Norwegian law renders it the individual migrant's responsibility to return to his or her country of origin when a rejection has been issued. Staying after this is often portrayed as a choice and as wilfully breaking the law. With the empirical data and our analysis, we will question this view, aiming to give a nuanced picture of what it means to be an irregular migrant in Norway today and what implications this has for such a migrant's living conditions.

Structure of the report

The report is organised into eight chapters. In Chapter 2, we give an account of the project's methodological framework and of ethical concerns we have had while conducting it. There we describe how and where we encountered respondents and we describe issues of anonymity and protection of individuals as well as groups. In Chapter 3, irregular migrants' rights in Norway are discussed with a legal perspective. Chapter 4 describes issues relating to family, social life and networks and looks at the support or lack of support that irregular migrants have, e.g. to bring up children. The everyday lives of irregulars and the living arrangements and health issues our respondents told us they were struggling with are discussed in Chapter 5. In Chapter 6, we explore the importance of work and education in irregular migrants' lives. In Chapter 7, we analyse how the respondents understand their situation, and why they continue living in Norway as irregular migrants. Chapter 8 offers policy recommendations.

2 Methodology and ethical considerations

To conduct research with irregular migrants is to study the lives of people on the margins of society who are excluded from legally participating in the welfare state. Not having legal residence puts them in a particularly vulnerable situation. In this chapter, we describe who the specific respondents of this study were and how we undertook the study. The ethical dilemmas involved in studying irregular migrants as a particularly vulnerable group will be discussed in a separate section below, but, as ethics is involved in every step of a research process, it is discussed under all the headings in the chapter where it is natural to touch upon this issue.

Who are the irregular migrants?

Who is granted asylum or a residence permit and on what grounds depends on a variety of factors but must be seen as a political issue. It is a product of asylum legislation and policies, as well as the geopolitical situations in the migrants' countries of origin, and it therefore changes over time. There are fluctuations both in terms of what is considered politically and conceptually correct within immigration management in any given country and in research contexts. Labels and categorisations applied to the group, such as 'illegal', 'undocumented', 'unauthorised' and 'irregular', are bureaucratic or legal designations reflecting the relationship between an individual migrant and, in this case, the Norwegian authorities. Irregular migrants as a population group are no unified or sealed population but rather a range of individuals who, for various reasons, do not have legal residence and who, for differing and unique reasons, choose, or consider themselves forced, to stay in Norway in spite of an often challenging and difficult situation. We have chosen to use irregular migrants because it is a term that point to how that their situation is constructed around their legal status and their relationship vis-à-vis the Norwegian state. It does not imply illegality which we also have found important.

The different terms or categorisations used in relation to this diverse population illustrate the confusion about what the term 'irregular' denotes. According to immigra-

tion authorities, a strict bureaucratic definition of irregular migrants would exclude people who had received final rejections of their asylum applications from living in reception centres, as these are seen to be under the control of the state. Generally, however, NGOs and researchers working in this field regard anyone without a legal residence permit as an irregular migrant and as falling outside the regular migration categories and even outside the rhetoric of social inclusion that defines welfare states (e.g. Brekke and Søholt 2005).

The national backgrounds of asylum seekers and of irregular migrants are aligned with the countries dominating the asylum statistics: these are either war-torn countries or dominated by regimes where either human rights abuses are well documented or certain sections of society are repressed or in violent conflict with mainstream society (e.g. Eritrea, Afghanistan, Somalia and Ethiopia). In the end, what this group of people have in common is a bureaucratic label: they are people without legal residence in Norway. Apart from this, they are best described in terms of their differences. One finds highly educated, well-integrated men and women, such as Maria Amelie, the young woman who gave irregulars a face with the autobiographical book *Ulovlig norsk (Illegally Norwegian)* published in 2010. One also finds people desperately struggling on a day-to-day basis to secure enough food and somewhere to spend the night. In a relatively limited qualitative study such as this one, grasping the totality of experiences and variations in living conditions while giving a representative impression of all national groups within this population would not be possible.

Upon talking with irregular migrants, one can see that their statuses depend on where they are in the asylum application process and are also sensitive to changing immigration policies. Complicating matters further, there is also the fact that migrants' legal statuses may change over time and, during some periods, owing to long waits, migrants may even be unsure of their own statuses; the individual members of one family may be at different stages of the asylum process and thus have different legal statuses.

In this project, then, who are defined as irregular migrants? We have worked from the notion that an irregular migrant is any foreigner living in Norway without legal residence. It became evident to us that the migrants' own subjective perception and experience were that they were also irregulars during periods when they had received rejections and appealed the decisions. As families with children are allowed to live in asylum reception centres, we chose to speak to a few respondents who lived that way. Irregular migrants living in reception centres are in a very different living situation than others but all the respondents shared fundamental uncertainty about their situation from one day to the next; none of them knew what the future would bring. Understanding how they experience and perceive of the situation they are in gives insights into not only their living conditions, but often also why they continue living in Norway despite the often great challenges being without legal residence involve. While a prime concern has been to communicate how irregular migrants experience

their own situations there are in fact many voices, narratives and opinions about irregular migrants – something we aim to impart in this report. More details about how long respondents had been in Norway can be found in Appendix I.

Data collection

The study is based on qualitative interviews and, altogether, twenty-six interviews were undertaken with a total of twenty-nine people, of whom eleven were female and eighteen male. In three of the interviews, people who did not want to be interviewed alone were present and commented on what was being discussed. On four occasions, we started interviews but found that respondents withdrew when they realised we could not help them with their cases. Five of the respondents had been minors upon arrival in Norway. Nine interviews were with irregular migrants living with their families in Norway; in some cases, there were differences in legal status between family members. The respondents were from Ethiopia, Iran, Iraq, Syria, Somalia, Sri Lanka, Afghanistan, Kenya, Senegal, Burundi, Kosovo and Sudan. The youngest respondent was seventeen years-old, and several were in their early twenties. The majority, however, were between 30 and 50. Around half of them worked, and one person was studying at a university.

All of the respondents were rejected asylum seekers. This had not been our intention from the start, but it proved difficult for us to recruit respondents who had never registered with Norwegian authorities. This is a clear limitation of the study that has consequences for the findings and recommendations: we do not have any information about the living conditions of people who have come to Norway for other reasons than seeking asylum, and who never intended to apply for any kind of residence permit. The consequence of this, together with the way we recruited respondents (which will be discussed in the next section), is that our findings will not necessarily include issues that are specific to the situation of those who are not rejected asylum seekers. As Brunovskis (2010:55) has pointed out for different national groups of migrants, they ‘may have very different options and structures available to them, depending for instance on the size of the minority population’. Similarly, different categories of irregular migrants may have different resources available to them, and also have to rely on different strategies to secure shelter, work and food.

While a sample of almost 30 respondents cannot offer representativeness for the whole population of irregular migrants, we argue that the variation between the backgrounds, experiences and situations of the people interviewed give a good indication of challenges many irregulars meet on a daily basis. The contribution of our data and analysis is an insight into the mechanisms and strategies influencing irregular migrants’

lives and living conditions. In addition to these respondents, we have interviewed and had contact with a variety of persons working with irregular migrants in different capacities, including outreach work, NGOs, reception centres and legal assistance.

Recruiting respondents

Identifying and recruiting respondents is a well known challenge in research on irregular migrants. A strategy that have been used with success in similar research has been to identify entry points or social arenas where irregular migrants can be expected to be found (Brunovskis 2010: 53). We therefore contacted different organisations and people working directly with this group of migrants. At the beginning of the project, the scope for establishing contact with respondents was broad, but, after a while, a handful of people and organisations became the most important points of entry for meeting people for potential interviews. These places were often identified through interviews with key informants. In addition to providing valuable information about different categories of respondents, contextual information about the irregular migrants' general situation and living conditions, they have also been important in gaining access to respondents.

An important place to get in touch with respondents has been the Health Centre for Undocumented Immigrants in Oslo. In 2009, the Oslo Church City Mission and the Red Cross opened the centre together. It is a drop-in service based on the work of volunteer health professionals. They offer a range of health services, allowing patients to consult nurses, doctors, psychologists, physiotherapists, et al. All services at the centre are free of charge. The clinic is currently open twice a week and staff were positive about our using it as an arena to get in touch with irregular migrants. We had made a poster with photographs of the researchers in the project, which was put up by the entrance of the centre on the days we were there, presenting us and explaining the purpose of our presence. It also stated that no one was obliged to talk to us and that participation or non-participation in our study would not affect anyone's access to the health centre. So patients could choose to stay away if worried. We were free to approach people in the waiting room and were also offered the use of available rooms to conduct interviews. Some of the interviews conducted with people we met at the centre were conducted there at once, while for others it was necessary to make an appointment to meet at a different location or at another time, either because an interpreter was needed or because the respondent felt more comfortable meeting elsewhere.

In addition, the organisations Self-Help for Immigrants (Selvhjelp for Innvandrere, SEIF) and the Norwegian Centre Against Racism (Antirasistisk Senter) were helpful in providing us with relevant contacts. Different organisations and meeting places

for social support for both migrants and non-migrants were contacted and visited, but, since they were not primarily directed at helping people who did not have legal residence status, these places were not used systematically.

While a few of our respondents were recruited by the researchers at demonstrations or other public events, most interviewees were, as outlined above, recruited by gatekeepers of various kinds. While such a recruitment strategy often is the only viable option in research on irregular migrants, it has its clear limitations (Brunovskis 2010: 55-56). Depending on organisations and institutions to obtain contact with our respondents has necessarily influenced whom we have been able to reach and, to a certain extent, what type of information we have been able to disclose. Thus this use of gatekeepers to reach respondents is likely to have induced a bias in our sample. Irregular migrants actively using the services available to them (either health services or legal advice) are likely to differ systematically from migrants unable or unwilling to seek help from such places or who, for differing reasons, have no need for such services.

The 'snowball' method is often used in qualitative studies as a way to get in touch with potential respondents: one person gives the researcher's contact information to one or more others who fit the description of the kind of person the researcher would like to include in the research, and so forth. In studies of irregular migrants the method has, however, proven unfruitful (see Hjelde 2010: 25, Brunovskis 2010: 56). This was also the case in our fieldwork. Very few irregular migrants referred us to others in the same situation. As found in previous studies, respondents were generally very worried about giving away others' identities or their own. While some were reluctant to share their own contact information, the majority did not want to reveal whether they knew anyone in the same situation. If they did, very few were willing to put us in contact with their contacts. Generally we found that migrants without legal residence protected people they knew, both because they understood the vulnerability of being in an irregular situation and because they were highly dependent on their social networks.

Apart from meeting respondents at the health centre and getting contacts through organisations, we also met people at public events (debates and a demonstration). Since we were exclusively interested in meeting irregular migrants and needed to be clear about the purpose of our presence in different settings, we were aware that identifying individuals could have serious implications for these people, who might not want others to know about their situation for fear of the consequences. On the one hand, respondents have described the fear of deportation, but we have also met people who were excluded from their social networks when others found out they were in irregular situations. The experience of many of the respondents seems to be that other migrants do not want to be associated with irregular migrants, as they are anxious about being seen as linked to illegality of any kind. Employers and landlords may not care about a person's legal status if they are not in any particular risk of being found out but respondents' experiences seemed to be that people in general were afraid of being directly

associated with anyone who did not have legal residence, as being associated with them would put people at risk of prosecution. While we have met and interviewed people who have gone public with their identities, it is fair to say that, for many irregular migrants, the threat of being 'outed' is profound. This therefore had implications for how and where we decided it was best to contact potential respondents.

For this research project, as for any, encounters with potential respondents happen through contacts, networks and meeting places. This makes complete anonymisation almost impossible. Brunovskis and Bjerkan (2008: 31) write that anonymising respondents' stories is not merely a matter of taking their names out, as 'the meaning and significance of information will depend on what the recipient of the information already knows'. Though some irregular migrants have minimal contact with other migrants and Norwegians, they do not live in total isolation. Thus there will always be someone who might recognise their stories. However, it is imperative that researchers minimise the probability that this will happen. This also relates to how the identities and stories of respondents are represented in this report. During the research process, we have come to acknowledge that the national backgrounds of migrants are crucial to an understanding of their situations. Often the migrants' national backgrounds also had specific consequences for their asylum application processes and whether or not return (forced or voluntary) were possible for them. Connecting nationality with specific information about a person's story and situation may also be quite problematic. We have generally chosen to disconnect nationality from respondents' accounts when it is not relevant to include it. With other examples presented in the text, revealing the nationalities of the people in question might enable readers to identify individuals. We have therefore decided not to discuss nationality in relation to individual stories – but we do discuss it more generally, as issues of nationality are closely related to state practices and political discourses of return.

Subjective stories: interviews and meetings with respondents

Most interviews were taped but a handful of respondents did not want us to record their interviews. The reasons people declined to be interviewed varied but generally they did so to ensure their anonymity in a way with which they felt comfortable. A couple had had experiences of telling their stories publically and later regretting this, others were worried about repercussions among networks, friends and family, and some were also afraid of being identified.

Just as the motivations for why people chose not to participate in our research provides an important background for the reading of the report, it is also necessary to

briefly dwell on the agendas and motivations for participation in our research. This issue is thoroughly dealt with by Brunovskis (2010: 58) who discusses what might influence people to share their stories. She stresses that “while researchers use respondents to provide material for our own analysis and conclusions, respondents may also use researchers for advocacy purposes”. This is also our experience. Many of our respondents had an explicit and clear agenda. They saw the interview a way for them to communicate with the authorities. Several explicitly stated that their motivation in participating was linked to what they saw as an obligation and responsibility for sharing knowledge and experiences about irregularity in Norway on behalf of others in the same or worse situations. While this may, as Brunovskis (2010: 58) argues lead to an overemphasis on suffering and vulnerability, the majority of respondents also shared their survival strategies and stressed the elements of agency in their situation. This underlying tension between vulnerability and agency will be further discussed later in this report.

The interviews were variously structured depending on how each interviewee responded to our questions. We aimed to cover how and where they lived, who they lived with and if they had a family, if they knew people in the local community where they lived, if they were able to get access to health services when necessary, and if they worked or they or any children went to school. While we did not conduct follow-up interviews, we did meet a handful of respondents more than once, talking about their situations more informally. Some people would talk freely after an initial explanation of the project and the first question, whereas others would give short answers that did not open the way for the researchers to let the interviews run as guided conversations. The interview guide we worked from comprised a set of issues we wanted covered in the case of each of the respondents, so that we could look at patterns in their living conditions and experiences. The way the initial questions were answered influenced what follow-up questions were asked and the thematic focuses therefore differed somewhat from one respondent to another. Each interview in a project like this is a balancing act between ascertaining the data necessary to fulfil the objectives of the research and being open to the specific issues the person one interviews feels are important and also is willing to address.

While it has, as far as possible, been our intention to present a representative sample of the population of irregular migrants living in Norway today, it is not possible with such a small set of interviews to give a complete portrayal of the situation for all adults and children, age groups and nationalities. Migrants’ genders and sexuality will also impact on their experiences and living conditions and what they perceive to be their opportunities for return – something reflected in the interviews we have conducted.

Ethical issues in research with vulnerable and hidden populations

The challenges of doing research with irregular migrants are many (cf. Brunovskis 2010; Thomsen et al. 2010; Bilger and Liempt 2009; Staring 2009; Friberg 2004). Recruiting respondents, conducting interviews and representing individual cases and national groups – and irregulars as a category of the population said, in public discourse, to break Norwegian law – are issues that must be considered at every step of such a study. These are significant ethical issues we have had to consider for each respondent and interview but also before even contacting potential interviewees and with regard to how to write about the research. We have been and are concerned with issues of confidentiality and anonymity in each individual case, both in the selection of respondents and in the representation of their stories in this report.

The considerations we have had to take into account have sometimes been at odds with the initial objectives of the project. This particularly concerns the consequences of our research both on individuals and at community level, as information about specific national groups can be used in ways that have great impact on these groups' situations and living conditions. Information about countries of origin is used in the processing of individual migrants' asylum applications and this highlights the complex relationship between data based on national groups and data based on individuals in migration research. However, as we pointed out above, there are differences in how individuals of different nationalities are treated and the circumstances surrounding irregular migrants' asylum processes and questions of forced or voluntary return are related to their national backgrounds. The potential uses of this kind of research must be taken into account when results are disseminated and this is a dilemma highlighting the fact that the ethical concerns for researchers working on irregular migration are related to balancing the different perspectives and the different actors' needs in the published research. While the prime concern of this project has been to explore irregular migrants' subjective experiences of their living conditions, the knowledge is also produced for the Norwegian immigration authorities. In the final report of the *Clandestino* project (2009: 41), the challenge of conflicting interests between migrants, the authorities and other stakeholders is also mentioned: 'Irregular migrants may wish either to maintain their irregular status or they may wish to be regularised; society instead may wish to put an end to irregular immigration by introducing effective enforcement measures, these sometimes opposing goals need to be recognised and dealt with in the course of the research.'

In terms of the interview situation, the ethical challenges involved in this specific study have been related to how to get in touch with respondents and to ensuring that informed consent is in place before interviews are conducted. We made information sheets to hand out to migrants that explained our intention and how we would use the

information the migrants shared with us, stressed their right to pull out of the project at any stage and provided our contact details. Some of our respondents were used to telling their stories over and over in different contexts, to researchers, journalists and representatives of the authorities. It can be difficult for migrants to understand the difference between interviewers for the Norwegian Directorate of Immigration (UDI), who may affect their situations, and researchers. It was therefore important for us to explain that we were conducting a project funded by UDI but that we neither worked for UDI nor could in any way influence respondents' cases. We stressed that the only way we could help was by producing knowledge that could give the authorities a better understanding of irregular migrants' general living conditions and enable us to make recommendations based on this knowledge. It has been important not to give individuals the false impression that we could offer them help in the asylum process, as this would be unethical and also run counter to our efforts to gain respondents' trust.

In the interview situation, we have been careful to point out that participation is voluntary and that the respondents' stories will be anonymised in the report, and to assure the respondents that we will deal with their stories in confidence. During the interviews, we have taken care to respect the boundaries the respondents have drawn; we have accepted that there may be aspects of their lives that the respondents are not prepared to talk about – and we have stressed the possibility of their withdrawing at any time. Thus it is crucial to demonstrate situational sensitivity, because, although respondents have given their informed consent to participate in interviews or let the researchers spend time with them, it is necessary to be aware of how they react to each situation and question. In some cases, after initial conversations, interviews were not carried out, as there were significant difficulties explaining what participation entailed. Often in these cases, the respondents needed assistance and it was clear they had agreed to speak in the hope that we could assist them with food or legal advice. We prioritised the referral of the people in these cases to organisations or institutions that could help, in those cases in which such assistance was available.

Approaching the issue of children in irregular situations

While there are families in which neither parents nor children have legal residence, often the children were born in Norway or have lived most of their lives here. To be granted Norwegian citizenship, it is not enough for one to have been born in Norway; children born here are therefore born into irregular situations. Others may never have had passports or may lose their citizenship in their countries of origin, as their papers may expire while they stay here as irregular migrants. In either case, children living in

irregular situations with their families depend on their parents' asylum cases and have not chosen the situation in which they find themselves.

Only one person was a minor at the time of interview and she was interviewed together with her eighteen-year-old sister. Their mother was also present but, since she did not speak Norwegian, only a couple of questions were directed to her, through her daughters. These two young women had both been minors upon arriving in Norway with their parents and had lived in an irregular situation for less than a year. They had received their residence permits a month before the interview. They were still included as respondents because they had a lot of thoughts and experiences related to being teenagers in an irregular situation. While they were in a safe and positive situation when the interview was undertaken, the irregular situation was still a very recent memory for them. They also had friends without legal residence and could therefore talk about how other young people experienced living in such situations.

Apart from these interviews, the data on children's situations that emerges from the report is based on parents' concerns about their children's situations and experiences and, not least, about what living under uncertain and unsettled circumstances does, over time, to the relationships between adults and their children. Finally, children were present during four interviews with parents.

3 The legal framework: the rights of irregular migrants

To give an analysis of the living conditions of irregular migrants in Norway today, it is necessary to give a brief account of their legal rights, focusing on the right to health care and basic needs such as shelter and food. Irregular migrants' rights represent a complicated terrain where law and practice sometimes diverge. While certain fundamental rights for irregular migrants are outlined by international conventions as well as in national legislation, several factors at the national, local and individual levels limit the degree to which irregular migrants actually benefit from the rights they have. Central limitations cited in previous literature (see for example Ellingsen 2010; Nissen-Meyer, Shuja and Sletnes 2010; Forland 2009; Andenæs 2009; Aarø and Wyller 2005) as well as by our respondents relate to the ability to pay for the services the respondents are entitled to, the vagueness of the law as regards what is actually covered and, not least, uncertainty about whether or not it is illegal for individuals and organisations to assist people who do not have legal residence. This calls for a conscious separation between a legalistic approach to rights and 'real practice': the realities the migrants often face. First, therefore, this chapter will briefly give an account of the central legislation governing the rights of irregular migrants in Norway, before discussing the limitations on access to these rights.

The right to health and to health care

Norway has ratified both the 1950 European Convention on Human Rights and the 1966 United Nations Covenant on Economic, Social and Cultural Rights. With the 1999 Human Rights Act, Norway has given these conventions precedence over Norwegian law. The right to health, stated in Article 25 of the 1948 Universal Declaration of Human Rights and in Article 12 of the international Covenant on Economic, Social and Cultural Rights, is an undisputed human right. Still, as Hjelde (2010b: 324) points out, the central question is whether, and to what degree, it applies to people in Norway who do not have legal residence. In the 2006 resolution on the 'Human Rights of Irregular Migrants', the Council of Europe encourages all its member states to protect

the human rights of every migrant. The Council cites Article 1 of the European Human Rights Convention, whereby all member states are obliged to secure the rights under Section 1 of the convention for *every* resident within their state borders. These exact commitments also follow from Article 2 of the UN Covenant on Economic, Social and Cultural Rights, which obliges member states to fulfil the convention irrespective of the individual's legal and national status. While these recommendations make up the international framework, the formal right of irregular migrants in Norway to health care is not as clear-cut.

In Norway, the right to health care is mainly regulated by the 1999 Act on Patients' Rights (Pasientrettighetsloven). Under this act (§21), everyone living in Norway has the right to health care from the municipal and specialised health services (*kommune- og spesialhelsetjenesten*). The legislation distinguishes between emergency health care (*øyeblikkelig hjelp*) and necessary health care (*nødvendig hjelp*). Emergency health care involves the right to acute treatment. There are strict conditions on what may be defined as emergency health care (Aarø and Wyller 2005: 30; Aschehoug 2010: 765), including saving lives, restoring vital functions and preventing serious health detriment, significant deterioration of health problems or severe pain. The need for treatment is determined via a professional medical assessment of the patient. Under Norwegian legislation, irregular migrants are entitled to such emergency treatment within the municipal primary health care services (*kommunehelsetjenesten*), as well as specialised health services (*spesialhelsetjenesten*) such as hospitals and maternity wards. On the other hand, 'necessary health care' is a broader and vaguer term leaving more room for interpretation by health personnel (Hjelde 2010a: 17). With regard to necessary health care, there is a difference between treatment in the primary and specialised health care sectors. Under §11 of the Municipal Health Care Act (Kommunehelsetjenesteloven), every municipality should provide necessary health services for everyone living or temporarily residing in it, irrespective of residence status. A regulation on the prioritisation of health services, however, limits irregulars' access to necessary treatment from the specialised health care units and states that such treatment is only applicable to people with permanent addresses or residence permits in Norway who are members of the national insurance scheme.¹² There has, however, been substantial focus on these rights and the interpretation of the legislation. Some central bones of contention have been what the phrase 'lives or temporarily resides' implies, whether or not 'all' residents include residents who are in the country without legal residence and whether or not the national legislation is in line with the obligations Norway has under the Human Rights Convention and other international conventions (Helse- og omsorgsdepartementet 2010). For this reason, the Ministry of Health and

¹² Regulation no. 1208 of 1 December 2008 on the Prioritisation of Health Services (Prioriteringsforskriften), §1.

Care Services is currently involved in a hearing with regard to the regulation on the prioritisation of health services (deadline 25 February 2011), the aim of which is to clarify the health care rights of people in Norway who do not have legal residence. As the legislation stands today, irregular migrants are entitled to emergency health care from the specialised and municipal health care services and to necessary health care from the municipal health care services (Aschehoug 2010: 765).

As will be elaborated below, irregular migrants are obliged to pay the full costs of any such treatment. Under the Mental Health Act, an exception is made for forced admission for psychiatric treatment, which is free of charge. With some exceptions, the right to financial support for health care is limited to members of the national insurance scheme and people without legal residence are excluded.¹³ For the same reason, an irregular migrant is not entitled to get an assigned general practitioner (*fastlege*), which is one of the cornerstones of Norwegian primary health care.¹⁴ These issues are also being discussed in the current Health and Care Services Ministry hearing mentioned above.

Linked to the question of necessary health care is the fact that, under the act relating to the control of communicable diseases (Smittevernloven), §§12 and 61, everyone in Norway has the right to treatment of and protection from contagious disease (*smittevern hjelp*). Protection from infection is, in principle, free for everyone staying in Norway, regardless of residence status. Irregulars are therefore entitled to vaccinations, information and other necessary preventive care free of charge. Anyone already infected with a contagious disease that poses a threat to the general public is entitled to medical assessment and examination. Such treatment and measures are free of charge (Aschehoug 2010: 765).

The right to provision of basic needs, food and shelter

In addition to health, access to food and shelter is essential to most definitions of adequate living conditions. In Norway, these basic needs are secured through the act relating to social services (Sosialtjenesteloven). This law is often termed 'society's last safety net', because it is meant to catch all the people in Norway who cannot provide for their own basic needs. Under the first two paragraphs of the law, social services are to be provided to everyone living in Norway. However, these rights are limited in the case of irregular migrants. People without legal residence do not have the right to monthly welfare benefits. When a person is obliged by immigration law to leave Norway,

¹³National Insurance Act (Folketrygdloven), §§52 and 21.

¹⁴Municipal Health Care Act (Kommunehelsetjenesteloven), §21a.

the rights to social services are withdrawn.¹⁵ These limitations are wide-ranging and take all rights to social support away from irregular migrants. As with health, there are exceptions covering emergency situations. Owing to an increase in the number of applications for social support from irregular migrants, in 2004 the Ministry of Labour and Inclusion wrote a letter to all the municipalities, in which it was made clear that the local social services offices were obliged to offer necessary help in acute cases or emergency situations, even to people without legal residence. This basically means that the local social services office has to provide warm shelter, food support and other necessary care if there is a risk that a person may lose his or her life. In practice, such emergency help has not been provided, as, until 2004, irregular migrants had the option of staying in the asylum reception centres and hence getting basic needs covered there. In 2004, the decision was made that people who did not cooperate with regard to return would lose their places at the reception centres as well as the financial support; cooperative people were allowed to stay at the centres until they left the country (Aarø and Wyller 2005; Brekke and Søholt 2005).¹⁶

Between 2004 and 2006, the exceptions with regard to emergency social services, outlined above, were hence the only legislative measures securing the rights to shelter and other basic needs for the majority of irregular migrants. What removing the option to live in the reception centres meant in practice was that responsibility for the welfare of these migrants moved from the state-run reception centres to the local health and social services offices of the individual municipalities where the irregulars were staying (Brekke 2006; Hjelde 2010b: 325). On the basis of experiences at the time and of widespread criticism, the authorities decided to secure shelter for these rejected asylum seekers. Since 2006, irregular migrants have been offered shelter, food and basic health care at the so-called waiting reception centres. As mentioned in the introduction, these new centres were heavily criticised for their low standards (see Valenta et al. 2010) and only a small percentage of rejected asylum seekers chose to live in them. Certain groups of irregular migrants were exempted from this rule and were invited to stay in the asylum reception centres: families with children, people with serious health conditions and people cooperating with the International Organization for Migration (IOM) with regard to voluntary return. The respondents told how, as a consequence of the limited opportunities for support, they often ended up in limbo – something humanitarian organisations also stressed. The respondents had various reasons for not staying in these waiting reception centres but, upon applying on the strength of the emergency clauses outlined above, were systematically refused social services because these needs were meant to be offered only at the centres.

¹⁵ As specified in the regulation for the social services act (forskrift), §§11 to 13.

¹⁶ See also <http://www.regjeringen.no/nb/dep/jd/kampanjer/tolkningsuttalelser/forvaltningsrett/tolkningsuttalelser-om-utlendingsloven/-17---bortfall-av-botilbud-i-asylmottak-.html?id=454616>

In 2010, these waiting reception centres were closed down. At the time of writing, former residents of the waiting reception centres are temporarily being invited to live in the regular asylum reception centres. It has, however, been decided that a new type of living arrangement, securing shelter and other basic needs, will be opened in 2011 – the so-called return centre. According to the authorities, the centres will be the only option for shelter for all rejected asylum seekers, including those who were covered by the previous exceptions (families with children, people with serious health issues and those cooperating with regard to voluntary return).¹⁷ There are signs that these centres will afford better living standards than the waiting reception centres, but the exact form and make-up of these centres have still not been made public. For irregular migrants who are not rejected asylum seekers the situation has not changed, and there are few or no options for shelter apart from what they can arrange privately.

The right to education

Education in Norway is mandatory for children and young people aged 6–16. The educational system is divided into primary schools and lower and upper secondary schools. Primary school is for children aged 6–12, lower secondary school is for those aged 13–16 and upper secondary school is for young people aged 17–19.

Under the Education Act (*Opplæringsloven*)¹⁸, children are entitled to primary and lower-secondary schooling when they are likely to be living in Norway for more than three months. For children who have stayed in Norway for three months or more, attending primary school or lower secondary school is compulsory. Hence, children without legal residence have the right to attend primary and lower secondary school but not upper secondary school.

Hence the national legislation supports the UN Convention on the Rights of the Child, stating that primary schooling should be compulsory and free for all (Article 28). Still, as Ottesen (2008: 18) points out, what access children in irregular situations have to education depends on whether the local schools are made available to the children and on how their parents relate to the duty of sending the children to school. Brunovskis and Bjerkan (2008: 50) reported that, while all the schools they contacted in their study were aware of the provisions in Norwegian law on the education rights of children staying in Norway for more than three months, to some extent

¹⁷http://www.udi.no/PageFiles/25292/Brev_om_retursentre_fra_UDI_til_JDEP.pdf

¹⁸ Also called the Act Relating to Primary and Secondary Education. See §21. The act was last amended on 15 September 2010. See <http://www.regjeringen.no/en/doc/laws/Acts/education-act.html?id=213315>

schools interpreted these in different ways, which often impacted on the efficiency of enrolment for the children in question.

Limitations on irregular migrants' access to health care

As outlined above, one of the major impediments to irregular migrants' accessing the health care they are entitled to has been the inability to pay for the services. In a 2009 report published by the Norwegian Directorate of Health, it is argued, on the basis of interviews with several irregular migrants, that very few seek help, for fear of being reported to the police and of problems covering the expenses related to treatment (Forland 2009).

The reason payment is an issue in encounters between the health sector and irregular migrants is that the health sector is state run and part of the Norwegian welfare state system. The system is such that the state reimburses health personnel on the basis of each person's national insurance number. Legal residence in Norway is a prerequisite for obtaining such a number. In many cases, this has caused a dilemma for health care personnel, as the doctor or the regional health trust (*helseforetak*) must cover the cost of the health care *pro bono* (Aschehoug 2010: 765), while these are bound by the Health Personnel Act (Helsepersonelloven), §7 of which dictates that health personnel should immediately give what help they are able to when it is reasonable to assume that this help is necessary. If there is any doubt whether health care is necessary or not, health personnel should themselves carry out the necessary medical checks. In addition, all doctors are obliged to follow the ethical guidelines from the World Medical Association (WMA 1995). The WMA Declaration on the Rights of the Patient states: 'Physicians and other persons or bodies involved in the provision of health care have a joint responsibility to recognize and uphold these rights. Whenever legislation, government action or any other administration or institution denies patients these rights, physicians should pursue appropriate means to assure or to restore them.'

This has led to a rather arbitrary health care situation for irregular migrants, making their access to health care highly dependent on the health personnel they meet and on the personnel's good will and knowledge of the rights of people who do not have legal residence (see Aarø and Wyller 2005: 58). As will be dealt with in more detail later, our respondents' accounts illustrated this arbitrariness. Some of the respondents reported having had access to permanent general practitioners (*fastleger*) and having received quite extensive care, including specialised health services such as dental care and physiotherapy, while others had been rejected upon approaching the health sector or had chosen not to approach the public health sector for want of knowledge of their rights or for fear of being reported. In this situation, it is clear the health centre for

irregular migrants, an account of which is presented in Chapter 2, fills an important gap and is a necessary addition to the public health services for this group of people. We met migrants who came from elsewhere in Norway to seek medical help at the centre but, located as it is, in Oslo, the users of the centre receive assistance that is not necessarily available for those living outside the capital.¹⁹

Among key actors in the Norwegian context, there is growing recognition of the need further to secure the rights of people ending up in irregular situations. In its study on health care access for immigrants, the Norwegian Medical Association (Den Norske Legeforening) upholds the view that the authorities should ensure that people without legal residence can have their basic health needs fulfilled, not just receive acute immediate relief. In a report on migration and health, the Norwegian Directorate of Health has also stated that irregular migrants should be given express rights to health care within the primary health service (*primærhelsetjenesten*), including preventive health care (Forland 2009: 61). In June 2009, BjørnInge Larsen, the director-general of health, stated that the Norwegian Health Directorate would go further in securing this group's rights to health care.²⁰ This statement was welcomed by the network of NGOs working for irregular migrants' rights but the Red Cross pointed out that having the right to access the health care system would not be enough for the migrants; a general problem in the implementation of irregular migrants' rights is that, while rights are secured through legislative measures, these are not followed up with funding or defined areas of responsibility for different sectors of public administration.

The legality of helping people who do not have legal residence

The legality of helping irregular migrants to access health services, food and shelter has been a central topic of debate in Norway for quite some time and the changes in the new Immigration Act that came into force on 1 January 2010 reignited the issue. The new act has been the basis of this controversy, as assisting people who do not have legal residence has been declared a criminal act (Andenæs 2009: 577). Whereas the previous act stated that helping foreigners without legal residence as a means to profit

¹⁹There are large differences between European countries in how legislation proposes to secure irregular migrants' rights. Germany, at least officially, demands that health personnel contacted by irregular migrants report to the police. Switzerland, the Netherlands and Portugal all provide extensive health care to irregular migrants (Forland 2009: 59).

²⁰<http://www.rett.no/Innenriks/article4390046.ece>

was illegal, the profit condition was removed from the new act. The new law states that one can be imprisoned for up to three years if one:

- (a) wilfully helps a foreign national to stay illegally in the realm or in another country participating in cooperation under the Schengen Agreement, or
- (b) wilfully helps a foreign national to enter the realm or any other state illegally. However, this shall not apply if the intention is to help a foreign national falling under Section 28 of this Act to enter the first safe country to which he or she comes.²¹

The old law distinguished between helping to extend the stay of someone who did not have legal residence, which was considered a criminal act only if the intention was to profit from it, and helping migrants enter the country illegally, which was a criminal act as long as it was done consciously. The new Immigration Act now treats the two actions equally; both acts are illegal and can be punished with imprisonment as long as they are committed consciously.

These changes to the Immigration Act drew attention, as there was uncertainty whether they would in fact render it illegal to provide humanitarian assistance to someone who did not have legal residence, since the argument could be made that the provision of humanitarian assistance indirectly extended an illegal stay in the country.²² This provoked scepticism among NGOs working in this field. How these regulations will be interpreted is still not clear. In principle the removal puts the health centre for irregulars in a grey area along with other humanitarian assistance. Following the statement in the preparations for the new Immigration Act, it 'is a requirement that the action involve an abuse of the foreigners' situation. Common acts of friendship are thus not affected [. . .]. It is only when the payment size implies abuse that it is considered illegal.'²³ Hence, it is clarified that the changes in the law will not entail a change of regulation. Still, according to Andenæs (2009: 578), as long as the current wording of the act remains unchanged, technically it can also be interpreted to include organisations or individuals helping foreigners, on altruistic and ethical grounds, to get shelter, food, clothes or money.

This uncertainty is also being dealt with in the work on the new Penal Code. According to a parliamentary debate on this issue, there is a need to clarify where the boundaries of legality should be drawn when it comes to helping irregular migrants.²⁴ In the same document, it is stressed that this uncertainty has not, thus far, resulted in any real problem. Still, in the preparations for this report, when trying to establish

²¹ Immigration Act, §108.

²² See Innst. O. nr. 42 (2007–2008).

²³ See Ot.prp. nr. 75 (2006–2007: 451).

²⁴ See Ot.prp. nr. 22 (2008–2009).

cooperation with different NGOs working on the ground with marginalised populations in Oslo, we encountered numerous actors who stated that they did not help irregular migrants, precisely because of this uncertainty: they were uncertain whether it was legal or not. Several NGOs also reported that this was an issue of internal debate within their organisations.

Conclusion

Irregular migrants in Norway are assured of rights to emergency health care from the specialised health care services and the municipal health care services. They are also entitled to necessary health care from the municipal health care services. They are not, however, entitled to financial support to cover the expenses of most medical treatment, which effectively reduces the access to such health care services. Irregular migrants are also entitled to emergency social support in acute situations. Such assistance is distributed on the basis of applications. These applications, however, are rarely approved, as, for most of the last decade, irregular migrants have had different accommodation open to them where basic needs are supposed to have been provided, whether in asylum reception centres, waiting reception centres or the planned return centres.

Since the financial situations of most irregular migrants are precarious, access to health care services depends on the willingness of health personnel to treat patients *pro bono*. This has created an arbitrary health care system for irregular migrants in Norway. The exception to this is the establishment of the health care centre in Oslo that the Church City Mission and the Red Cross run. This centre offers a range of health care services free of charge and forms the backbone of health care for irregular migrants in the Oslo region.

Common limitations to access to the services listed above are the fear of using them and, moreover, the fear irregular migrants have of being reported to the police and subsequently deported if they contact medical personnel. While politicians have stated that this is not the intention of the law, the act, as it is currently phrased, has given rise to uncertainty with regard to whether or not it is legal to assist people without legal residence in securing shelter, health care services or other fundamental needs (e.g. Andenæs 2009; Ellingsen 2010).

4 Social networks and family

In this chapter, we explore the importance of family, friends and networks for the living conditions of irregular migrants. We address the significance of social networks when irregulars try to establish economic and practical support for themselves.

The importance of networks

When exploring how the respondents got work, food, clothes and somewhere to stay, we found that the assistance of friends and networks was crucial with a view to the respondents' being able to endure their situations. Almost all the respondents relied on their networks to meet their basic needs. These were often newly established friendships with friends from the periods when the respondents had been staying at the reception centres or from the periods when they had been undergoing the migration process or with people they had met in Norway who were from the same countries. Often, their friends shared their experiences, having also been asylum seekers in Norway. On the other hand, it was not uncommon for a respondent to lose contact with someone when the latter got a residence permit. Suddenly the two no longer shared the same situation and the change in legal status also meant a change in their relationship, often implying a relationship of dependency with which one or both parties were uncomfortable. In addition, some of the respondents expressed the view that people who had been successful in getting residence permits often wanted to distance themselves from irregular migrants, as and they believed their acquaintances found being associated with them was seen as negative. One woman we talked to who had been dependent on the support of people from her country of origin to get by told us how, when word got around that she was irregular, all sources of help dried up. She felt she was in some way contagious. People around her seemed to be afraid their association with her would reflect negatively on them and jeopardise their new standing in Norwegian society. This often related to the discourse of criminalisation; the respondents' perception of this was that other migrants did not want to be associated with irregulars, as irregulars were perceived as 'illegals'. National networks are still of major importance in many respects. In particular, Somali, Ethiopian, Iraqi and Iranian

nationals reported getting help from people in their national networks to understand and navigate the asylum process. They depend on these people to get information about what their rights are and how the asylum process works, since information about similar cases that have met with acceptance (and about how) circulates within these networks. Still, there seems to be a lot of confusion about the legal system and relying on national networks can thus be a double-edged sword; misconceptions can spread just as easily as sound advice.

One reason these more newly acquired networks are so important to the respondents in this study may lie in the way we recruited them. Irregular migrants with social networks that are of longer standing and have more of a basis in emotion may rely less on the services of the humanitarian organisations from which we recruited people. Having networks among Norwegians can be very valuable with a view to obtaining sound advice and significant connections, as well as a chance of integration into Norwegian society. Yet, very few of the people we met had Norwegian networks and the few who did preferred not to bother them with their problems. There were some exceptions; one man of twenty who had lived with his mother, father and brother in Norway for the previous eight years said he and his brother had had no problem finding Norwegian friends. They had also participated in leisure activities in which they were often the only migrant children. His parents had also found friends locally. Their local community, he explained, was also protective of him and his brother. Teachers knew about their legal status but did not notify others of it. This man had been open to many people about it and did not feel any reason to hide it.

Similarly, a couple with two children living in a town outside Oslo had found that the other parents in their son's kindergarten had been very supportive and helpful, as some of them knew about the couple's situation. They were offered second-hand clothes from children in the kindergarten and their son was invited to birthday parties and to become a part of his friend's home and was also invited on trips at weekends. Kindergarten staff also sourced clothing and toys for them from other parents. While the couple had experienced support and a sense that staff and parents understood their situation, the situation had changed once the son had started at school, as the couple did not feel confident to let teachers there know they were irregular migrants. However, in their experience, it had not been dangerous to let people around them know they were irregular. Yet, when the son had started at school, they had wanted to protect him from everyone's knowing, as he now had many more people to whom he had to relate. For this family, local networks had provided support and not stigma. This was the opposite of what they had experienced with the network of people, of which they had once been part, from their country of origin. Most of their friends and contacts had been in Oslo and, since moving from there, they had not been able to afford to travel to visit people and had partly lost touch. A more important reason they consciously kept away from this network was that they had started to find they

were asked to clean their friends' houses or work for them when they visited. They felt it demeaning and after a while they broke off contact.

Networks can be a blessing and an initial source of support but respondents also told of being exploited by people in such networks. The dependence on others puts irregular migrants in asymmetric power relations that can be hard to resist, since migrants need all the support they can get. Religious communities were another central kind of network several respondents mentioned as a good alternative source of support. For some, religious communities had been central in providing somewhere to live, food, other necessities and, not least, support and recognition. One woman who was active in a church explained that, while she had two or three close Norwegian friends, as well as friends from her national network, it was to the church that she turned for help. Respondents who were religious often referred to their faith as a source of comfort in which they found existential meaning in a hopeless situation – something that kept them going. As one man stated: 'When you lose faith, that's when you have lost everything.'

Religious communities and organisations of different kinds can offer irregular migrants arenas where they can seek support and, furthermore, they represent arenas to which the irregular migrants themselves can contribute. Since irregular migrants lack access to work, education and other meaningful daytime activities, these various social contexts and networks also offer purpose and a sense of community that those seeking these would not otherwise experience. This was the case among the respondents, as those who were active in organisations were often activists fighting for asylum seekers' and irregular migrants' rights, church communities and national or other networks.

Complicated relationships

Finding friends and keeping them was an issue in several of the interviews. Respondents described how they often had difficulties socialising with other people, as they were always conscious of how their legal status set them apart from most other people. Not having legal residence affects irregular migrants' social lives in multiple ways. One basic aspect of this relates to trust. Trusting other people was an issue for several of our respondents, with regard both to their compatriots and to Norwegians. Some would rather lie than tell anyone around them they were irregular migrants. One man told us that as an irregular migrant 'you learn not to trust anyone'. He was very afraid of going to the city from the place where he was staying, as, upon receipt of his final rejection, he had left the reception centre where he had been living. He said the letter announced that the police would come and pick him up; consequently he did not dare to stay there any more. Adding to his distress was the fact that he had been the target

of what appeared to be a racist attack by drunken students. He was beaten up and was unconscious when he was taken to hospital, where he received more than twenty-five stitches to his forehead.

When irregular migrants have difficulty trusting people, it is based on both experience and expectations of what the consequences of being open about the situation they are in could mean for their relationships with others. Irregular migrants often worry that the police may pick them up and deport them if someone knows where they live. Befriending others in similar situations is thus safer and the man who was beaten up found that, in the midst of all the uncertainty, the solidarity among asylum seekers 'was a blessing'. Another man described how he had one close friend with whom he could share everything. The fact that they were in the same situation was very important to him: 'It is good to share. When you have the same problems, it is possible to confide.' They went to the health centre and attended Norwegian classes together. He had contact with a few other people in the same situation, who, for instance, had informed him about the health centre, but in general he avoided these contacts. Sometimes he preferred to stay alone, because he found his situation hopeless and also because he was quite conscious of the social stigma of being irregular. In the interview, he stated: 'There are [...] problems that you have to solve on your own. Between [fellow nationals], we do not have problem in meeting – but one cannot accept all the help.' He told us he kept in touch with other people, but he said that, in his situation, they could not always help, as living in Norway was expensive.

Many of the people we met experienced not having legal status as shameful or stigmatising. Doing things with others or travelling across town to meet someone costs money and it can be embarrassing to reveal that one cannot participate in activities with others. In addition, as one man put it, 'it is embarrassing to talk to others about one's problems'. Consequently he and several others chose not to burden friendships by disclosing their health conditions or legal status, as they believed this could jeopardise their relationships. We also met migrants who expressed the fact that they had no fear of being found out; they argued that the police knew where to find them anyway and therefore they had no problem with talking about where they lived. The extent to which people had let others know about their situation varied greatly. One of our respondents, who had been successful in getting his story out in the press, reflected on the choice made in the interview and related how he had regretted having his face and name publicised. He explained he had agreed to it as a chance to change his situation but this had not materialised. On the contrary, his appearance in public had had negative consequences. Friends who had not known about his status now knew, his employer had seen it as an unnecessary risk to himself and the company and some acquaintances had cut all contact.

Several of our respondents had, like this man, been in touch with the media or unsuccessfully tried to get in touch with journalists willing to write about their specific

cases or the situation for irregulars in Norway or migrants in Europe, to explain the difficult consequences of the Dublin II agreement.²⁵ The wish to speak to the media was often rooted in a deep conviction on the part of the respondents that they had been mistreated and misunderstood and that talking to the media might be their last hope. However, some regretted doing so, as it had consequences for their relationships with others. The experience was also that for them going public had not had the desired effect of improving their chances for a new assessment of their case. Relationships with friends and acquaintances people had met since arriving in Norway were challenging because of the fact that irregular migrants feel they are dependent on people in their social networks. We return to this theme in Chapter 6, where we discuss how and through whom irregular migrants get work. Those supporting the migrants can abuse the dependence and these relationships can therefore be experienced as very fragile. Families and relatives offer a different set of social relationships that are important to the migrants – but in different ways, depending on whether or not these families and relatives live in Norway.

Family matters

A different kind of social relationship influencing the lives of irregular migrants in Norway is that of the family. Living in an irregular situation brings specific challenges, whether migrants are single or whether they have children or other relatives they have responsibility for in Norway.

The differences between those who have children and those who do not are great but every migrant has concerns about having a family, about not being able to do so or about the family left behind in the country of origin. Family welfare, maintaining good health, getting help with illnesses, having an income and securing the education of children and siblings are key concerns for the people we have met during the project. While some do not have children of their own, they are thinking ahead – avoiding becoming pregnant; wanting to have children but not daring to, because they see that their situation is not one in which they want children to grow up; or not having relationships, because they feel their situation prevents them from doing so.

²⁵The Dublin II Regulation's is intended to prevent applicants from submitting applications in multiple member states, and also to prevent asylum seekers being pushed back and forth between states disagreeing about who are responsible for these individuals. In practice this means that a person who has registered in e.g. Italy or Sweden first, but then later applies in Norway, will be rejected as the responsibility for this migrant will be with the first country an application was submitted to. In the report we use 'Dublin II – country' to refer to the first country a person applied for asylum in.

Whether or not they had actually had partners or children, respondents spoke of the prospect and risks of starting families. One young man stressed that, in his situation, he could not even get a girlfriend – for what could he offer anyone? Not knowing what the future may bring makes it difficult for him to see a viable situation in which to create a home and a family. Living in a reception centre and having no income, he said he could not afford to dream about having a family. He told us that the way in which he lived enforced passivity with regard to his current and future situation, and also made it impossible for him to meet new people, apart from other asylum seekers who came and went at the centre. He thought it would be irresponsible of him even to consider starting a family when he could not even provide for himself. He felt his life was on hold pending clarification of his situation. Years had already gone by and he was not optimistic that this clarification would come.

The impossibility of forging intimate relationships and a family was a central existential problem for many a respondent. A young man expressed the view that he would never find a girl from his country in Norway and he was convinced he could never have a relationship with a Norwegian girl. This was because Norwegian girls were so different from the girls he was used to, because the cultural norms were so different and because most likely it would not work. He had been on the move for a long time, migrating from his home country as a teenager and staying in various transit countries for shorter or longer periods before ending up in Norway. He was now in his late thirties and said that the most painful thing about being in this situation was that he had realised that he had lost his youth and would never be able to find a wife and build a family. This was a sentiment he shared with many of our other respondents.

It is not uncommon for migrants to endure long periods of not being able to keep in touch with or see their families. One woman told us that it was the thought of her children, whom she had not seen for six years, that kept her going, although she found it difficult that she did not know what they looked like any more. The children were living with her mother back home. She had previously had a registered job and was used to transferring money to her family, but, since she could not work legally any more, her Norwegian partner helped her out so that she could continue sending the family money. Another woman was married with a man of the same nationality but, for personal reasons, had applied for asylum in a different country. Whereas her application was rejected, his was accepted. Since she could not travel or seek asylum in any other European country, they met each other only for short periods, when he was in Norway on a tourist visa. This situation had caused his family to turn against her; she was seen as an unfit partner, owing to her status. They stayed together in spite of the difficult circumstances but had decided not to have children – a fact she found extremely painful. As her story and others illustrate, the state of being in an irregular situation is all-encompassing: it infiltrates even the most intimate of relationships and raises existential questions.

Others had similar stories: their choices of partner had not been accepted by their families. Some claimed their continued stay in Norway was due to their social networks threatening them with repercussions if they were to return. Withdrawal of support from relatives or threats from family members seem to be common reasons for why many irregular migrants see no possibility for return to their country of origin. One of the women interviewed had never registered in Norway. At the time of the interview she had been here for 13 months, having arrived from Sweden, where she had received the final rejection on her asylum application. Fearing that the Swedish police would find her and force her to return to her country of origin, she moved instead to Norway. When she had fled her original home, it was because she had become pregnant by a man of another ethnicity. Her family threatened to kill her, and she decided to leave the country with her boyfriend. However, her boyfriend did not meet her at the arranged site and, because the travel to Sweden had already been organised, she left without him. There she registered, and later had her application rejected when her daughter was an infant. Her daughter was now a little over a year old. Just before we met her, she had called her family back home begging them to let her return, but her plea was denied. Without their acceptance and with concerns that something would happen to her daughter, she could see no way out of her situation, nor could she foresee a future either in Sweden or her country of origin.

Two other couples had similar stories. One man had been in Norway since 1999, and was married to a woman from his home town. The wedding was arranged after he had been in Norway for several years, and they got married in the country of origin. He had to pay a bride price to her family, and borrowed money from his family to do so. Because he had a job in Norway at the time, he was sure he would be able to pay it back. Later, having lost the right to work, he was not able to repay the loan, and his relatives told him he was unwanted at home. The wife had applied for family reunification when she first came to Norway, but also received a final rejection. Both their children had been born while the parents were without legal residence, and were hence in an irregular situation as well.

The other man had originally fled with his girlfriend from their home town so they could start their lives together. They went to Denmark, where they got married and had two children. Her family had cut all ties with her, and she told us she could not return home because she feared the repercussions from her relatives, having married a man they could not accept. The couple had not registered an asylum application in Denmark, but did so when they later moved to Norway. When their appeals were rejected, they had no other choice but to move into a reception centre, as they could not otherwise afford housing. Their son and daughter, ages six and eight, were present during the interview. While for their own sake, they feared what their relatives would do to them if they were to return, they were also concerned with how a return would affect their family in a different way: they could not see how their children would be

able to cope with the living conditions in their country of origin. Despite the relatively low standard of living they were currently experiencing, the children were already in school in Norway, and had never even been to the country where their parents had been born. Their worries associated with a potential return were thus mixed, focusing on both social aspects and living conditions, making them stay in Norway as this was the best option they felt they had.

Another example of how both families and broader social networks can create situations in which migrants continue living in Norway without legal residence, was that of a man in his early twenties who wanted to return to the capital of his country of origin, but not his home province. There are no opportunities there, he said. In the capital, he could potentially get a job or, with time, even be able to continue his studies. This respondent's asylum application had been based on a need for protection: a relative had been killed in the house he himself had been living in, and he felt the situation was unsecure. Further complicating the situation was the fact that his uncle, the owner of the house, did not want him to return to stay there. The informant explained that he would be totally dependent on help and support from his family to return, at least until he found a source of income. In Norway, he did not have a steady job, but took odd jobs offered by his network to pay his rent. The informant claimed that he had called his family just a couple of days before, begging them to let him return, and that he had done this several times. Each time, he was told that there was nothing to do at home and that he was not welcome back. He was thus in a situation of wanting to return, but the key to his return was the acceptance of his relatives to take him in and support him if he could not subsequently find a job. He was caught between his own wish to get out of the situation he was in, and his dependency and loyalty towards his kin.

Finally, we also met people for whom loyalty and a sense of duty towards relatives already in Norway were reasons for why they continued living in Norway after the final rejection of their asylum application. This was the situation of a young man whose mother was often in hospital for treatment; he explained that she was dependent on staying in Norway because of her health. Due to her ill health, the son assumed responsibility for the asylum appeal. He had not told her about the final refusal because he was afraid of her reaction, and worried that it might negatively affect her health. In addition to explaining his continued stay in Norway by stressing the unsecure and unstable situation in his country of origin, family concerns were an important reason why he could not envisage returning or leaving for another country of destination. If it had not been for his mother he would have left already, he said, but he could not leave her alone as she was in great need of assistance. It would have been very hard returning and creating a life for himself in the country he came from, but for his mother it would be impossible, he argued. Stuck in this difficult situation and spending his days waiting in uncertainty, he felt his life was wasting away.

Families with children

Asylum seekers and irregular migrants are individuals in the eyes of the law but in practice they may think of themselves as constituting small units they need to keep together. Also, if children are involved, the parents tend to put their children's needs before their own. Apart from two cases, the families interviewed for the report lived in reception centres. It has been difficult to get access to this category of respondents – to irregular families in general and those living beyond reception centres in particular. Thus it was necessary to target this group specifically through contacts in NGOs and partly through the health centre. While some irregular families living in hiding may face even tougher conditions than the families we describe here, the situations of the people interviewed for this study nevertheless give a good indication of the most problematic aspects of the irregulars' living conditions.

The situations of families without legal residence differ greatly from those of people who are alone. In this section, we describe and analyse the situations of families with children living with irregular status and we describe how this affects their living conditions, in view of the special resources and needs related to bringing up children. To a large extent, the concerns of irregular migrant families about living conditions revolve around securing good education and health care for growing children so that they have prospects of improving their families' situations and their own in a long-term perspective. This also indirectly involves access to work – or, alternatively, choosing to live in a reception centre in order to find basic security for the family. Irregular migrants living in reception centres often do so as families and they are registered with the Norwegian Directorate of Immigration (UDI). They have roofs over their heads and receive basic financial support, which makes them less vulnerable to abuse from people in their social networks due to their dependence on these people's help. While the authorities know of these irregulars' whereabouts, this is not the same as these irregulars' feeling safe. They may be less frightened of being found out than those living outside centres, as the police know where they live, but it does not prevent the fact that they fear deportation and that, over time, they suffer health problems from living in an uncertain situation.

One issue complicating life for families is that, as mentioned earlier in the report, there may be different legal statuses within families. One man had a child with a Norwegian woman. The daughter was Norwegian but the man himself was irregular: 'I don't have a future. I am here only because of the child. If it were not for my daughter, I would have left Norway.' He wanted to be a 'normal' father and be there for his daughter in spite of the fact that this meant he himself had to live in a very uncertain situation. At the time of the interview he had not yet applied for family reunification, although this option was open to him. The situation was quite different for a woman we met who lived in a reception centre with her three children. The youngest was only

a few months old and the eldest around three. The woman was married to a man from the same country and the marriage had taken place while they had been living in the reception centre, awaiting the results of their asylum applications. He had arrived in Norway some time before her and, at the time of the interview, he had already been granted a residence permit. She had received her second rejection but was hopeful that things would work out in the end. She was still living in the reception centre but the husband had moved out, preparing for the rest of the family to follow. He was working and renting an apartment in Oslo. Husband and wife thus had different legal statuses, and the situations of the children also differed. While the two youngest had been born once the father had been granted asylum, the eldest child had been born while both parents were undergoing the asylum application process and, since none of them was Norwegian or had any form of residence permit, the child was irregular. However, since the father's legal status had changed in the meantime, they would reapply for the child when he reached the age of three. This would also enable the mother to apply for family reunion and she was optimistic that it would be granted to her, as she would then be the only person in the family who did not have legal residence.

Migrant parents without legal residence may choose to live in reception centres to secure their children's access to school and to create the framework for the modicum of material stability for their development that staying in a centre offers. This is important, as it establishes the children's basic rights to education, opportunities for establishing social networks in the local context they are living in and future skills to get into higher education or start occupational training. Children and adolescents in irregular situations have the right to attend kindergarten and school until they finish tenth grade. The parents we interviewed were satisfied with their children's opportunities to go to kindergarten and school, as this also meant the children would learn Norwegian and get more access to Norwegian society than the parents.

Yet, placing children in educational institutions also means that the children compare themselves to others in terms of how they live, dress and eat and the kinds of leisure activity in which they can participate. Many parents find it humiliating not having jobs, not being able to afford to buy new clothes and having to scrimp on food for themselves so that their children can have the best nutrition they can offer. One couple described how difficult it was for their six-year-old son to come to terms with his parents' being so different from other parents. He had told them he did not want them to pick him up from school, as he was embarrassed because of the way they dressed and because they did not work. While it is not uncommon for children to be embarrassed by their parents, they attributed it to them being without legal residence and being poor – these were things they could not manage to do anything about due to other circumstances in their lives. These parents thought that one of the most difficult aspects of living in this situation with children was dealing with their children's demands to participate in activities and with their lack of understanding of the situation in which the family

was living. In other words, the children realised in practical terms that their living conditions and ways of life differed greatly from other children's.

Parents expressed frustration at the fact that they had minimal resources. They, and also a couple of the younger respondents, described how for children not being able to go on a holiday, school trips abroad or to celebrate birthdays like their friends and school mates, were some of the things that was particularly difficult about living as an irregular family. Yet, while parents could recognise this as a result of not having legal residence and as a matter of being poor, they found it difficult to explain to their children that they lived like this because they felt they had no better alternatives.²⁶ Respondents' descriptions of their situations conveyed their strong sense of being different and less worthy. It was also a cause of conflict between children and parents, as parents realised that, growing up as irregular migrants, their children were confronted by the mainstream aspirations, attitudes and expectations of Norwegian society.

Furthermore, irregular migrants who are parents can experience growing division between themselves and their children – sometimes even anger at the situations they are in – as the children grow older. One mother had the experience that her two children could not speak her mother tongue and preferred speaking Norwegian and some English. With her rudimentary Norwegian skills, she and the children were not able to communicate properly, because they did not master each other's first languages well enough. The children had been born right after her arrival in Norway and she now felt that she was stuck in a situation in which the children were growing up without her being able to participate in their development as much as she wanted.

Another implication of having children while being an irregular migrant is that people reported that returning to the country of origin or moving on to another country would be easier if they did not have their children's future to consider. Similarly, having responsibility for parents in Norway or in the country of origin may be a reason return is experienced as impossible. Ill or ageing parents, who would suffer greatly from returning to the country of origin, can be an incentive to stay in Norway irregularly for young adults who could otherwise manage life somewhere else. Common to parents with children and to children who need to take responsibility for their parents is the fact that these are relationships at the centre of the lives of the migrants in question. This is what is described as giving meaning to their lives and the thing towards which they direct their efforts to make a good life. Failing to make one, because they cannot take up work, get further education or even learn Norwegian, they feel powerless. While starting families may have been part of an aspiration to stay in Norway, reality soon catches up with those responsible for children, for spouses unable to attain residence permits or for elderly relatives who need extra care.

²⁶ Reasons for why respondents felt they did not have other choices than staying in Norway without legal residence is discussed in other parts of the report.

In an irregular situation, the parent-child relationship is a demanding one. There were people who had children who had been born before they came to Norway, and some have more children during the periods when they are irregular. Some irregular migrants choose to have children; others have 'accidents', just like people in the majority population. Having children had not changed the legal situations of any of the respondents we interviewed; neither did they express any belief that it would. Applying for family reunification would be possible for some irregular migrants with children if their partner and children had legal residence, but only one woman described this as an opportunity. Living irregularly with children is something that has caused a lot of distress for most of those to whom we have spoken. A family we met at the health centre were there to get contraceptives. They had one child aged two and another baby just more than a month old. The man recounted that the last child had been an accident and that the couple had gone to the emergency room to ask whether there was somewhere they could get an abortion. They would have had to pay several thousand kroner for this procedure; they could not afford it. So, once they had been 'unlucky', there was little they could do about it. Another couple we met, both in an irregular situation, had just found out that the woman was pregnant. At first they had been shocked, like many parents of unplanned children. They had not planned for this to happen and said that it was not a situation they wanted for their child. Still, as they put it, they believed that any child was a blessing and that it was not in their hands to give or take life – but their status and their situation caused them a lot of extra worries. While it cannot be excluded that some have hopes that having children could potentially be a way to achieve legal residence, this was thus not the case with those people we interviewed.

Conclusion

The situation is that many irregular migrants depend on friends and acquaintances for places to live, to find jobs and also for clothing and food. This puts them in complicated relationships of dependency on others, living one day at a time as they try to find ways to cope with their circumstances. In this chapter, we have described the different aspects of the social lives and relationships of irregular migrants. Being able to forge friendships, being in touch with national networks and participating in religious communities or organisations are important parts of the strategies irregular migrants have for support. Trusting others can be difficult for those who are afraid of being 'found out' and for some the strategy may be to keep the fact that they do not have legal residence hidden from most of the people in their lives. Some respondents were afraid to go outside at all, as they were afraid of the authorities' finding them out. Other had given up on

being afraid of deportation or forced return. They accepted this was something they ultimately could not prevent, as the police knew where they lived anyway.

Irregular status affects people's relationships and social lives in profound ways, as many people are very isolated, both because of anxieties related to being found out and because of financial and health issues. Family relationships can represent a refuge in such a situation but having a family also adds to the strain of being an irregular migrant. Returning to their countries of origin can become even less attractive for migrants when they become parents. Staying on as an investment in their children's future comes at a price and for some the price is difficult relationships with their children. Living with children also makes the difference between irregular migrants and other residents of Norway more visible, as migrants in irregular situations may have problems realising ideals with regard to a good childhood for their children, both in their networks and in mainstream society.

5 Housing and health

Having shelter is central to securing basic living conditions and was a recurring theme of the interviews we conducted with irregular migrants. Sub-standard housing or the lack of shelter may lead to diminished protection against diseases, difficulty sleeping and resting, isolation and social conflict. Housing and the ability to create a secure home for oneself and one's family are human rights and, by most definitions, central determinants of living conditions. Also, among many other factors, housing standards are central to the states of health of irregular migrants in Norway. As discussed in Chapter 3, irregular migrants' access to health care is a contested right and a much-discussed issue in relation to their living conditions. In this chapter, we focus on these two aspects of living conditions, namely housing and health, on the basis of the migrants' own reflections and experiences.

Ambivalence about staying in the reception centres

We have already touched upon the fact in previous chapters that, since 2006, rejected asylum seekers have had the option of staying in the state-run waiting reception centres. In addition, some were invited to stay in ordinary reception centres if they belonged to certain groups of migrants without legal residence. All but one of our respondents chose to decline this offer. According to available statistics, this seems to be representative of the distribution of irregular migrants in general. Valenta et al (2010: 10) report that, in 2009, 171 people, only a fraction of the rejected asylum seekers, lived in the waiting reception centres. According to Zhang's (2008) estimates, approximately 12 000–15 000 rejected asylum seekers lived outside the reception system. While, for reasons we will get back to below, few were living in the state-run centres at the time of interview, all our respondents had lived in ordinary reception centres upon arrival in Norway. There were also varying attitudes towards these centres. Many respondents described how for them the periods of living there had been characterised by isolation, passivity and waiting. Asylum reception centres are often placed some distance away from urban areas or in remote areas of Norway. For many, the lack of contact with local people and the experience of racism make the periods they spend waiting for decisions on their applications hard. One of our respondents, who had spent more

than two years in such a reception centre, described how he had experienced this part of his stay in Norway:

The inactivity is killing people [...]. It was so depressing to be in this lost place, in a hotel in the middle of nowhere with 300 persons, locked up in a place where local people are not used to seeing foreigners – not used to seeing black people. I lived terrible moments and I have seen depressed people. It was awful [...]. Waiting is like torture.

These sentiments mirror findings in earlier studies that have found that the long waiting periods, lack of access to work, straitened finances and lack of activities have a detrimental effect on asylum seekers' quality of life and health (Lauritsen and Berg 1999; Berg et al. 2005). One man explained he had decided to do exercise every day as a way to structure his life while living in the reception centre. He had felt he had nothing to fill his time but, in running for a given length of time each day, he found a way to deal with his frustration and lack of purpose.

At the same time, several respondents also referred to the period when they had been living in ordinary reception centres as the most comfortable part of their stay in Norway. This was a time when shelter of a certain quality and food were secured. Also, the respondents had still had the hope that they would be granted asylum and hence it had been easier to deal with life more generally. The fact will be elaborated upon below, in the discussion of health, that several of our respondents shared the experience that the uncertainty of living irregularly in Norway influenced their psychological health and their ability to carry out everyday tasks. Even though many found the time spent in the reception centres challenging, there is little doubt that, while living in reception centres with relatively good living standards and a secure supply of food, some were spared many of the worries linked to having to deal with this on a daily basis.

Thus, with regard to housing, the majority of our respondents drew a clear distinction between the time *before* and *after* the second, final rejection from the Norwegian Directorate of Immigration (UDI) and, where applicable, their cases' being appealed to the Immigration Appeals Board (UNE). Until recently, rejected asylum seekers have been left with two choices at this point: to move to the waiting reception centres or find shelter on their own. Most of the respondents were very negative about the waiting reception centres and only one interviewee had lived there until the centres' closure in July 2010. The low standard of living in these centres was meant to provide a bare minimum, as a means of motivating people to return to their countries of origin. Valenta et al. (2010), who thoroughly documented the state of these centres and the experiences of people living there, heavily criticized the living standard. They found that the waiting reception centres made people passive and depressed.

This low standard and the reputation of these centres as places of passivity, subversion and criminality were among the central reasons our respondents gave for choosing

to decline the shelter offered. Another central explanation was linked to the fear of deportation. Staying in a waiting reception centre entailed revealing one's whereabouts to the authorities and hence exposing oneself to deportation. In spite of the formal entitlement to shelter, basic health services and food at the waiting reception centres, many irregular migrants do not consider them a real option. As described earlier in the report, the waiting reception centres closed during the project period of this report. The situation at the time of writing is therefore that all rejected asylum seekers are now invited to stay in ordinary reception centres.

All the interviewed respondents who lived in ordinary reception centres lived there because they had children or because they had the right to live there for other reasons. Parents were ambivalent about living in reception centres. It offered them a basic living standard and security. This was invaluable to them as parents but living there also revealed their whereabouts to the authorities; respondents from countries to which deportations are made on a regular basis found that the uncertainty of the situation had a severe impact on their health. However, living in a reception centre does not necessarily involve more stress than living beyond the centre would. One couple living in a reception centre even told us – as did others, living privately – that they had given up being afraid the police would come to pick them up. After years in an irregular situation, they said they had lived at known addresses for a long time and, if the police wanted to deport them, the couple could do nothing to prevent it. For them, it was their situation itself that was stressful, as well as their seeing no way out of the situation in which they found themselves; the reception centre was the best option available to them. As others too pointed out, they had access to health care and could ask centre staff if they needed information or help with something. Upon comparison of the respondents living in reception centres and those living privately, it was clear that, in spite of the relatively low standard and the lack of space in the living quarters irregular migrants were offered in reception centres, these offered them a modicum of stability that many other irregular migrants had to work hard to achieve.

The challenge of finding acceptable housing

While migrants with children may seek to live in reception centres, most of the respondents did not consider the waiting reception centres a housing option. Instead it was common for the respondents to rely on networks and, for shorter or longer periods, to live with friends. For the most part, these friends were new acquaintances from their time in the asylum reception centres or people they had met on their migration routes to Norway. While some migrants lived with friends for free, others paid small fees or might clean or cook for others in their households. Most respondents expressed deep

gratitude towards their 'helpers' and stressed that this constituted the only way for them to secure shelter. At the same time, many described this situation as difficult and draining. In different ways, respondents expressed unease with the unequal relationship between 'helper' and victim to which such situations often lead. Even if the relationship is built on friendship and empathy for the unfortunate situation the migrants are in, many feel they are gradually becoming burdens on the already small networks they have in Norway. More often than not, it seems these networks failed at some point because people got exhausted from helping out the migrants. Some respondents had been thrown out, as their friends had no potential to assist them with food and shelter any more. Several respondents had also decided to move out on their own initiative, as they felt they could not stay indefinitely.

A woman in her late twenties, a mother of a girl of fifteen months, was invited to stay with friends in Oslo. She had not registered with the authorities in Norway but had moved here from another Nordic country when her asylum application had been rejected. She had been encouraged by a friend living in Oslo to come and stay with her. The friend offered her accommodation for a few days and put her in touch with contacts in their national community. The woman found help in this network but she did not reveal to the people she met that she was in an irregular situation. She was invited to stay for a few nights here and there but when word spread that she did not have legal residence, people withdrew from her and the support gradually disappeared. Afraid of being reported to the police, she turned away from the people she had initially met within the network. She then had nowhere and no one to turn to in the city and ended up spending several nights on the streets. As with several other respondents, her securing shelter for herself and her daughter depended, from this point onwards, on coincidence, luck and establishing new trustworthy contacts. She met a man while sitting, feeding her baby, on a bench in the city. At the time of the interview, he and his family were helping her out with accommodation. She was still moving on a regular basis, as, at the time, most people found it difficult to invite her and her little daughter to stay for longer periods.

Several migrants shared such patterns of continual moving, which often led to periods of sub-standard housing. These strategies of not exhausting one's own network and of moving around in an attempt to 'spread the burden' were quite common. Primarily it seemed such strategies were linked to minimising the risk of losing important networks – often the only networks available. Other migrants stressed that depending on friends and networks to secure shelter created unequal relationships of dependency with which they felt uneasy. One man revealed he was conscious of not wanting to end up in such a situation. He argued that he preferred not having any shelter to having to depend on the good will of his friends. Such strategies are clearly linked to a sense of pride and are a way of preventing victimisation – but for some, such choices were also linked to trying to avoid exploitation. A young man in his twenties described living

in a house with 20–25 other migrants, many of them in irregular situations. He was paying rent and sleeping on the floor in the kitchen, sometimes sharing the space with up to six others. Sometimes there was nowhere to eat or get privacy and at times the only place to sit was the toilet. Since the house was overcrowded, he chose to stay out as much as possible. He found it risky to stay in the house, as neighbours might observe the number of people coming and going and contact the police: ‘It is very dangerous. I am not there during the day. I must be cautious. I have looked at other nice places but they need 4 000 [Norwegian] kroner²⁷. This is a very bad situation.’ While he did not originally want to work in the informal market, the acquaintance of his who had arranged for this shelter pressured him to do so. In order to have a roof over his head as winter approached, he found himself forced to take on work for his friend, as not doing so might jeopardise his chances of staying in Norway.

From sleeping rough to owning an apartment: variations in housing

It was particularly when we discussed housing with our respondents that the vast differences found among irregular migrants in Norway became evident. In our fieldwork mapping out NGOs assisting irregular migrants, and through conversations with irregulars, we found that no NGO or other institution could assist irregular migrants with shelter. While there are NGOs assisting irregular migrants with legal advice, food and health services, all NGOs providing emergency shelter require national insurance numbers. Hence, irregular migrants are more dependent on their networks when trying to find housing beyond the (waiting) reception centres or the emergency shelters than with regard to securing other kinds of support. The networks of migrants themselves subsequently give rise to great variation as regards what kind of housing, if any, migrants can access.

While none of the people we interviewed had permanently been sleeping rough, several revealed that, at certain points, they had spent nights outside. As was pointed out in Chapter 2, the selection of respondents we were able to establish contact with was highly skewed. However, information from the migrants who spoke with us, as well as key respondents, stressed that homelessness was a problem for some irregular migrants. On the basis of our data, we can neither draw any conclusion on how widespread the problem of not having housing is nor comment on the subjective experiences of sleeping rough. On the basis of our data, we could not identify any clear pattern as to who ended up in such situations. Still, a temporary or short-term lack of shelter was

²⁷ 4 000 kroner is equal to 406 euros.

or had been the reality for several of our respondents. We met a young migrant from a poor background who had run away from the asylum reception centre upon receiving the second rejection of his application. After leaving the centre, he periodically had to resort to living in the street. He had no contact with his lawyer and no job and he described his situation as desperate. We also met a well-educated man in his late thirties who showed up at the interview well dressed, carrying his laptop and all the documentation from his asylum case; when we discussed shelter, he revealed that, owing to the limited nature of his network, in order to avoid alienating it, he had chosen to stay outside for a couple of nights in the summertime. Hence, temporarily lacking shelter seemed to be unavoidable for many migrants, irrespective of their backgrounds. When they found themselves in irregular situations, previous education, networks and skills lost their value. Current networks and contacts thus become essential for irregular migrants when they try to improve their circumstances and find housing.

While the fear of not having shelter is constant for many irregular migrants, this is not the case for all of them. Some of our respondents had been able to secure safe housing of a good standard. The ability to pay rent or pay off loans was logically linked to access to decent work with regular payments and the respondents we talked to who had secure shelter had generally been in irregular situations for several years, during which time they had found successful strategies to secure decent work. One of our respondents, who had been in an irregular situation for more than ten years, had been able to buy an apartment by taking out a loan with a Norwegian bank years before, when the regulations for irregulars had not been as strict as they are today. A key informant also told us he had been in touch with a woman who had been able to take out a loan in her own country, where, before fleeing, she had been a well-known businesswoman. With this money, she had been able to buy a flat in Oslo. In spite of the secure living, taking out loans also puts people in vulnerable positions, as they are obliged to repay their debts monthly. One of our respondents, a woman who had been living in Norway for some years, had experienced this. She had a decent job with an employer who knew about her residence status. While she was certain that her employer and colleagues would not turn her in, she expressed the fact that she was constantly worried something or someone would jeopardise her situation and that consequently she might lose her apartment. She had no concrete idea how or why this might happen but she explained she was always extra cautious at work and outside. Every time she heard a police siren when she was at work, her heart jumped and she was convinced the police were coming for her. She said she lived in constant fear of losing her job, as the apartment and life she knew all depended on that job.

In different ways, housing influences irregular migrants' living conditions in Norway and their subjective experience of living in irregular situations. On the basis of our interviews, it seems getting a housing agreement and paying the rent are not feasible for the majority of people finding themselves in irregular situations. Many experience

a constant struggle to find housing and perceived it as practically impossible to create a stable home. Many respondents cited the limited opportunity for decent housing as one of the hardest aspects of living in an irregular situation. While access to food and health services was cited as challenging, many irregulars got such assistance through the health centres and different NGOs. Shelter, on the other hand, is only available at the waiting reception centres or through one's own networks and contacts. Networks can hence be a double-edged sword in the process of securing shelter. While networks can represent a way to stay off the streets or avoid continually moving, many respondents cited the risk of alienating the limited networks they had. A few also shared experiences of exploitation owing to this unequal dependency relationship. While none of our respondents had experienced permanent homelessness, several had, for shorter or longer periods, experienced not having shelter. There is little doubt people sleeping rough have vastly differing living conditions than migrants who either pay for their own accommodation or have networks they can depend on for this.

Health and irregularity

Health was a theme that came up in one way or another in the majority of the interviews. This was not very surprising, in view of the fact that the health centre was one of our main arenas for recruiting respondents, and it is likely that people with health problems are somewhat overrepresented in our sample. Nevertheless, health was also central in the interviews with people recruited through gatekeepers or outreach services. Through our interviews, we talked to people with a variety of health problems and needs – among them a man who needed glasses, a man with toothache, a pregnant woman and respondents with chronic illnesses, mental health problems, back pain and stomach ache. The links between irregularity and health problems are complex and multidimensional but a recurring aspect of our interviews was how irregularity created and exacerbated health problems. Most irregular migrants have long been on the move and often they have not been able to see health professionals for quite some time. They may have conditions that could easily be treated but that develop into more chronic states when they are not. In case of untreated chronic diseases, migrants' health can quickly deteriorate.

A man we talked to had lived in Norway for more than five years and was diagnosed with HIV. In our conversation, he stressed how his health had deteriorated when, following his rejection, he had moved out of the asylum reception centre. He had moved to Oslo to be able to get the health care he needed, as the doctor he had seen before the rejection of his application could not help him any more. He explained he had lost a lot of weight and developed a skin infection, toothache and recurring headaches. His

problems had been diagnosed as nerve and stress related. He was gay and expressed the view that, with his sexual orientation and medical condition, returning to his country of origin was impossible for him. His family and friends would reject him, he was likely to face death threats and he saw no future back home. When he received his asylum application's rejection, his physical and mental health quickly deteriorated: 'When they rejected my case again here in Norway, my health or my immune system fell down completely. Psychologically, mentally, physically – everything. I don't know where I belong and I don't know what I am supposed to do and I don't know – what should I do?' The mental stress linked to acquiring irregular status clearly influenced the state of his physical and mental health, exacerbating the pre-existing health problems.

Health professionals who are familiar with the situation of irregular migrants emphasise that the migrants endure prolonged periods of stress and that their health consequently deteriorates. Some interviews illustrated the difficulty of differentiating between mental and physical health problems. A woman who had lived in a reception centre for several years without legal residence had recently developed a heart condition. When asked to describe the condition she simply stated: 'My heart is racing and I feel ill'. She had been to the doctor several times because of this but he had not been able to do anything for her. The day before the interview, she had fainted and the doctor had given her medication for her condition. Her husband could not understand why a woman who was not even thirty years old would get heart problems if not because of the situation in which they found themselves. Her subjective experience was that this was a serious heart problem, yet the symptoms she described are also common signs of anxiety and stress.

The severity of health problems and how they were experienced subjectively also varied greatly. While some health conditions were severe from an objective medical point of view, such as HIV–AIDS and different chronic illnesses, the irregular migrants interviewed often perceived health problems that might not have been considered serious among regular citizens as profoundly problematic. The meeting we had with a pregnant woman presented one illustrative example. She was in her first trimester, and, after some juggling back and forth within the system, she was able to get prenatal care with assistance from the health centre. When we met her, she politely declined our offer for a drink or a snack, whereas her husband wanted a cup of tea. When asked why she did not want anything, she said she did not know what she should and should not eat or drink during the pregnancy. While such worries are common among pregnant women, she did not know where to turn for advice. Also, owing to the difficulty of finding jobs and a secure income, she and her husband could not afford vitamins and a healthy diet; she was worried she was not providing proper nutrition for her unborn child. She therefore chose to drink only water, to be on the safe side. This case illustrates how the limitations that irregularity and poverty cause can exacerbate a relatively benign health concern: a normal pregnancy. Several respondents explained

how the inability to make their own choices regarding health, such as seeing what they considered to be appropriate specialists or buying the proper vitamins or medicines, affected them. For a person who thinks that a lack of vitamins is harming her unborn child, not being able to do anything about it causes stress and unnecessary worry. In this way, living in an irregular situation can exacerbate health concerns that, from a health professional's viewpoint, are not health problems as such.

With illnesses of a more chronic nature, other problems emerged. A woman we spoke to had been diagnosed with chronic back pain, an ailment that required continuing medical care. Lacking legal residence, she was not entitled to financial support for the medicines. She could not afford them and was therefore forced to live with the pain but without treatment. Hence the health care system helped diagnose her problem and informed her that there was an easy solution to her chronic pains but, owing to her irregular status, she was not able to follow the advice that health professionals gave. As in the example above, irregularity effectively closed a door and robbed her of the opportunity to make choices regarding her personal health. As one respondent put it: to be sick is one thing, to be diagnosed and accept the illness is another and to get proper treatment is a third.

Others again related how the health care system stepped in and secured treatment. Two of the parents interviewed had gone through a very difficult time when their son, who was 2–3 years old at the time, had started having seizures that could last for an hour or more. They had taken him to the doctor several times but nothing had been found to be wrong with him. In the meantime, he had fits more and more often. What resolved the situation was the fact that it happened once when they were visiting friends who had a video camera and were able to film an hour-long fit. They brought the tape back to the doctor, who diagnosed the boy with grand mal epilepsy. Because this is a chronic and serious condition, the boy was referred to specialist health care at the local hospital. He later had to take heavy medication for three years and have check-ups at the hospital. In his case, this was considered acute and necessary health care and the parents were very relieved the boy could get help.

Just as irregularity can worsen the state of health of an irregular migrant, health problems can make the life of irregularity more challenging. Owing to health conditions, some of our respondents were not fit for hard work. We return to this issue in Chapter 6 but here it is sufficient to say that the jobs available to irregular migrants are often in manual labour requiring good health. One having little or no opportunity to take up work, securing shelter and food becomes impossible without a network on which one can rely.

We also talked to people whose states of health were a central reason they were living in irregular situations. A woman who came to Norway more than five years ago found out after arrival that she was HIV positive. She stressed that this condition was among the central reasons she had not returned to her home country once her asylum

application had been rejected. HIV–AIDS was a stigmatising condition in her home country and there would be no medical help available for her. Since her departure, her mother had taken care of her children and the woman had not dared tell her or anyone else back home about her health condition. She was afraid of the consequences it might have for her children if word got out that she was infected, and she did not want to inflict the stigma upon them. This is an example of how a health problem identified after an asylum seeker's arrival here had become a key reason for the asylum seeker to choose to live as an irregular migrant in Norway in the long term.

This section has briefly described some of the potential links between health and irregularity. While irregularity can in most cases exacerbate or create health problems, health problems also make it more difficult to secure decent living standards when one lives in an irregular situation. In some cases, health problems are also central to explaining why people choose to stay in Norway in spite of the difficult circumstances an irregular situation entails.

Mental health among irregular migrants

One of the most common kinds of health problem that came up in conversations with our respondents was mental health problems. According to Jakobsen et al. (2007: 13), asylum seekers and refugees are a group with a heightened risk of health problems and the combination of the individual's background and the asylum-seeking process can increase the risk of developing psychological problems. Being a rejected asylum seeker adds additional stress and almost all our respondents experienced varying degrees of mental distress. Aarø and Wyller (2005: 59) point to the way social realities are closely related to the danger of developing serious mental health problems. Such mental health problems manifested themselves in various ways and below we will present the most common kinds of account given by our respondents when they discussed mental health.

Among the most common issues cited by our respondents were constant fear and a lack of sleep. While some irregular migrants are defiant in the face of the asylum system, others demonstrate a high degree of fear of being found out and caught by the police. It was not uncommon among our respondents to be afraid to go out and about in the city. Several respondents described how they were always looking over their shoulders and avoiding anyone in uniform. Some avoided taking public transport for fear of being caught, while others revealed they would freeze whenever they heard sirens, convinced it was the police coming to arrest and deport them. For these reasons, some avoided spending time in public spaces altogether. Such a state of constant fear and uncertainty greatly affects irregular migrants' health in individual ways and is an

example of how irregularity constantly manifests itself in the execution of everyday tasks and in contact with other people (Khosravi 2006: 295).

Linked to this constant fear was the fact that many reported having trouble sleeping and finding space where they could relax. This was often intimately linked to housing. One respondent described living in overcrowded, sub-standard housing as a life in which one never completely relaxed nor ever felt at home. Through an ethnic/national network, another man, who had been irregular for a few years, had gotten a permanent job as a cleaner. Thus he was able to rent a small flat on his own – something he highly valued. He explained he had chronic problems with his stomach after living for years in an undecided situation. Owing to his health concerns, being able to have some kind of stability in his life and to have the opportunity to withdraw from others was something he appreciated. Another common kind of account of how irregularity affected mental health was linked to a loss of self-worth. The rejection of the migrants' asylum applications can be perceived as a rejection of them as people. The situation the respondents were in was experienced as being one of passivity and limited opportunities and it was generally seen as frustrating and degrading. One of our respondents had worked in Africa, helping refugees in camps, and was now in the situation of a refugee himself. This he experienced as a shameful and humiliating experience.

The victimisation resulting from being totally dependent on others, with no ability to take up work or participate in society, was described as draining by a number of respondents. It was experienced as a process of dehumanisation and several respondents used animal imagery when describing how they were feeling. One respondent put it this way: 'That dog in the street over there has more rights than me. [...] If you don't have the document, you are not a person.' This led to existential frustration and a feeling of neither belonging nor being wanted: 'We are stuck here without anything to do. What are we supposed to do? We have no place to go. Maybe I should go to the moon. There seem[s] to be no room for me in this world. I mean, my home country has no place for me and apparently neither does any other country.'

Many respondents shared this experience but expressed it in different ways and some stated quite bluntly that the situation they were in was affecting their mental health: 'Living without [a] residency permit for over a year, I am fucked up in my head'. The frustration was often more vocal among respondents who had work experience from their home countries and had temporary work permits while living in the asylum reception centres. Some were explicitly reflecting on the fact that they had been financially independent but also that they were now unwillingly reduced to dependence and victimhood.

While the accounts above reflect not the perspective of health professionals but irregular migrants' subjective experiences regarding health issues, there is little doubt the accounts describe people struggling with mental health issues of varying severity.

Conclusion

Many irregular migrants reported to experiencing great psychological pressure at times, and attributed this to their uncertain situations and the stress of everyday life. Struggling to cope with the pressure to find work and housing and to put food on the table affects both their mental and physical health. They can also find that easily treatable medical conditions become serious, because the migrants have not been able to get help and moreover because of their general situations. Having waited for their asylum cases to be settled, without knowing, during this time, what may happen to them, many experience despair associated with years of frustration with the Norwegian asylum system. This is not only a matter of becoming an irregular migrant overnight upon the asylum application's rejection: the arrival of the letter with the final rejection was described as the culmination of years of living in insecurity.

In a press release in December 2010, the Directorate of Health presented its yearly report on public health policy. Here it argued: 'Health is created and distributed through upbringing and education, working life, income and living arrangements and lifestyle habits – in short, what shapes our living conditions shapes our health. A strategy to reduce social inequalities in health must therefore encompass all areas of society that determine our living conditions.'²⁸

This is in tune with the empirical findings in this project regarding the relationship between health and living conditions. Health is a basic indicator of living conditions but socio-economic factors also influence it, as suggested in the quotation above. Work and education were also crucial aspects of our respondents' lives that had the potential to improve or aggravate these respondents' living conditions.

²⁸ Our translation. See http://www.helsedirektoratet.no/fagnytt/kursogkonferanser/lanseringsseminar_folkehelsepolitisk_rapport_2010__779744?startDate=20101216&endDate=20101216&month=12&year=2010&hoveCal=0. Downloaded on 16 December 2010. The Norwegian text reads: 'Helse skapes og fordeles gjennom oppvekst og skolegang, arbeidsliv, inntekt- og boforhold, samt levevaner – kort sagt det som former våre levekår former vår helse. En strategi for å utjevne sosiale helseforskjeller må derfor omfatte alle de samfunnsområder som bestemmer våre levekår.'

6 Work and education

Education and work are important indications of people's living conditions. Access to work and education is particularly complicated for irregular migrants, as they are not entitled to work permits and education is only available to children until they finish tenth grade. Very few manage to get through upper secondary school and very few enter vocational training or higher education once they turn eighteen. For men and women who arrive in Norway after turning eighteen, entry to the Norwegian educational system is almost completely closed off. The social mobility associated with the work and education accessible to the majority of the Norwegian population is not shared by these migrants, who have very limited access, if any, to such resources. In this chapter, we focus on adult respondents' experiences of working in Norway and the importance and role of work and education in their situations.

Hard work: trying to get and keep a job

The work situations of individuals clearly affect the experiences they have of being irregular (cf. McKay et. al. 2009; and Engbersen, San and Leerkes 2006); work or other meaningful daytime activity is essential for the well-being of most people and one's having no access to work means that fundamental needs may not be met. The respondents described the struggle they had putting food on the table and surviving from day to day. In most of our conversations with irregulars, work has been a central theme in one way or another: as an impossible aspiration, as an area in their lives where they can experience some kind of normality or as an arena of exploitation. Being irregular has a very direct effect on the kinds of jobs people can get and often on their working conditions as well. In general, migrants whose access to legal work is denied have three options: they can take up work in the informal labour market; they can engage in income-generating activities that are criminal offences in Norway, such as prostitution, begging and selling drugs; or they can choose not to work at all. Choosing not to work is impossible for those living beyond the reception centres, for whom getting the basic necessities and somewhere to sleep requires a modicum of resources. As discussed in the previous chapter, irregular migrants are highly dependent on the good will and collaboration of people in their social networks, and respondents de-

scribed their constant efforts to contribute to the households they were staying in or to pay rent. This also goes for finding work.

Most of the people we talked to had short-term odd jobs with little predictability. In order to be competitive labour, they had to be flexible regarding the types of jobs they were willing to take, the times of day they could work and the pay they were prepared to accept. One of the men we interviewed told of his availability to do whatever kind of work he was offered: 'Sometimes I work if someone needs help. If someone needs help [and offers] 50 kroner, I will [help them] move. If someone needs help, I will go and clean.' Another man, when asked what type of work he was getting these days, answered: 'I will do anything as long as it is offered to me. I say yes just to make money, to be able to pay the rent and food.' It is clear that he did not feel he had a choice as to whether he wanted a job or not: it was a matter of survival.

We met several people who had trouble finding any jobs at all. Irregular migrants' access to available jobs seems to be related to how long they have lived in Norway and how long they have been irregular but also to the kinds of social networks on which they can rely. Having friends, acquaintances and connections among asylum seekers from one's country of origin or in the local community is a factor that is important with a view to being able to find work. In the respondents' experience, it is in the initial phase after the second UDI rejection that they normally lose their temporary work permits. When this happens, most need a certain amount of time to accept, understand and cope with this new reality. This is also the time when they lose any support they may have had while living in the reception centres during the asylum process, such as shelter and monthly financial support. This change represents a profound shift in the individual irregular migrant's life that has major implications for his or her living conditions. Those having recently acquired irregular status were, in some cases, in states of confusion and saw work as unobtainable. Over time, one of the respondents we met on several occasions changed his attitude toward working without a permit. The first time we met him, he insisted on not seeking work without a permit. He stated repeatedly that he was 'not a criminal' and that the doors to the labour market were closed to him now that he had no residence permit: 'All my dreams are going down without paper'. The frustration of losing the right to work was deep-rooted: 'It is very difficult without papers. Before I had papers but I could not speak Norwegian. Now I speak Norwegian but I do not have the right papers. It is very sad.' It takes some time for people to reconcile themselves to the new situations they are in and to be able to see opportunities within a completely new legal framework. After a while, earning money also becomes a necessity for their survival, as the social networks that people tend to rely on in the initial phase get worn out. As one person put it, 'while you can rely on your friends for a while – you cannot for eight years'. Only one of the people interviewed had a permanent job in the regular labour market. This woman was also among those we met who had been in Norway for the longest

time without legal residence. She arrived in Norway at a time when the public discourse on asylum seekers was very different than it is today. At that time, work permits were accessible to asylum seekers even after rejection. There has been a gradual tightening of access to the labour market. This is linked to the underlying rationale in migration management mentioned in the introduction. Since 2004, migration management has been focused on withdrawing benefits and support, as a means of motivating those with final rejections to return to their countries of origin. The organisations we have been in touch with during the project emphasise that there are irregular migrants who are registered with the tax authorities, but this woman told us that the time of year when tax cards were sent out was nerve-racking, as there was always the danger she would be cut off. Not getting a tax card will mean losing the job she has had for years and that she will most likely have to move from a stable job to a less secure work situation.

To have worked while undergoing the asylum process seems to be an asset for people, as this provides them with networks and working experience that can later be useful when they seek work without permits. One woman had worked in a cleaning company while holding a work permit, and, through the network she had gained during that period, she still had access to jobs, though on a more fleeting basis. Former employers may hire people who have lost their right to work if they already know these people. Work experience has the potential to enable people to understand how to get jobs and, as a consequence of it, they can show both practical and transferable skills that employers appreciate. Educational trajectory is also a factor that seems to impact on irregular migrants' access to the labour market, even inversely. For young people who come from backgrounds where they have had no access to education or work, stepping into a labour market (whether with or without work permits) can be overwhelming. One man told us:

When I was a child, the chaos happened [war broke out]. I grew up with this problem. I have not gone to school. No work experience. I have had a terrible life. It was war – no opportunities for children. Not only me, but all children that grew up in the chaos of war. This generation is the one having problems trying to escape to Europe.

His disadvantages were a lack of experience of how to get a job, not ever having had work and, not least, the fact that he had not been to school. Being illiterate and having limited knowledge of English and Norwegian makes it difficult for many migrants to get work. This was the case for one of the women we interviewed. She was desperate to continue the language course she had started in the reception centre before she had received the rejection of her asylum application, and she had hoped that coming to Norway would represent a chance to learn to read and write. She realised that, without these basic skills, there were few jobs she would be able to get in Norway, regardless of her legal status.

There are also other reasons it can be difficult for irregular migrants to get work and keep jobs. Several of the people interviewed were not able to work, because they had illnesses or health conditions that made this impossible for them. As mentioned, the type of work accessible is limited and to a large degree involves manual labour such as cleaning or removals. These jobs require people to be in good health. Moreover, stricter immigration and labour market control and policies impact on the kind of jobs irregular migrants can get, as: 'they force such migrants into the darkest corners of the labour market, setting the scene for an even more hazardous and exploitative environment' (McKay et. al. 2009: 65).

The boundaries of legality/illegality: the fear of criminalisation

For some, talking about where they worked and what kind of jobs they had had was not problematic, but this was a theme that others wanted to avoid so as not to reveal their networks or the kinds of income-generating activities in which they were involved. Quite a few told us they did not work, as this was illegal in their situations and they did not want to jeopardise possible appeals of their cases. To act and stand out as lawful persons has been important for many of the irregular migrants we have interviewed. Living on the margins of society, the migrants we met during the course of the project were well aware of the stigmatised position in which they found themselves.

After people receive their final rejection, it does not take long for thoughts about work to become central in their day-to-day existence. The situation for many irregular migrants is that they are faced with few options. They can go for jobs in the informal labour market, pursue criminal income-generating activities or possibly depend on networks to support them, or, until recently, they were able to move to waiting or ordinary reception centres. As was mentioned in the previous chapter, many seem to choose the third option, relying on (mostly national) networks in this initial phase, but this is not a viable long-term solution.

Two of the male respondents had run their own businesses in the period leading up to final rejection. Both men had lived in municipalities in other parts of the country and, as a consequence of their second rejections from the Immigration Appeals Board (UNE), both had had to move away from where they had initially settled. As well as losing their work permits, they and their families had also lost the connections to local communities in which they had established social networks good enough to run businesses. One of the men had been in Norway since the end of the 1990s and been

in and out of a regular situation.²⁹ He had worked as a taxi driver and, before becoming irregular, had always had a job. He had owned his own house and car and he stressed that he was proud of what he had achieved without asking for benefits or support from the state. He had had to sell the house upon receiving the final rejection and he had since used a credit card to pay his rent as this was the only way he could pay for his and his family's subsistence. This was a strategy that only worked to a certain extent but, because he had been convinced that he had a valid claim for asylum and protection, he had been hopeful that he would succeed with the residence permit and later repay this credit card loan. The other man had also had his own business and owned a house and car before receiving the final rejection. While waiting for the appeal, he had worked in a food processing factory, but later, upon having to give up the house, the family moved somewhere else again, into a reception centre. After final rejection, both men had chosen not to work, because they wanted to show that they respected the law and they were afraid that working could be used against them at later stages in their asylum cases. This dilemma has been a recurring theme of our meetings with irregular migrants. This is also what Khosravi (2006:296) experience doing fieldwork with irregular migrants: they were afraid of doing 'mistakes' so they would never travel on public transport without a ticket or do anything to attract attention to themselves. He does point out, however, that it was necessary for his respondents to take work in the informal economy just to survive.

Like these two men, irregular migrants may choose not to work at all, especially in the initial periods after their second rejections. The rationale given for this choice has both a practical side and a moral side: practical as many were still hoping for successful appeals of their asylum cases and were afraid that if they were caught working without permits then this would jeopardise their cases, and moral because many regarded working without a permit as illegal and taking up work in the informal labour market represented a moral and ethical line they were not prepared to cross. Yet, for the majority, avoiding work was not a viable option. The fear of being associated with criminality and breaking the law was common to the majority of the respondents. It was therefore important to them to point out that being an irregular migrant was not the same as being a criminal. The distress this can cause is highlighted in the following statement from a man trying to explain this to the researcher: 'I am not criminal. I am not illegal. I am [a] legal person. I am officially and openly living in Norway.' He said he had never done anything illegal or criminal in his life and that he would never

²⁹ He was a so-called MUF migrant. MUF stands for *midlertidig opphold uten rett til familiegjenforening* ('temporary residence without the right to family reunion'). This is a category of Kurdish refugees from Iraq who were granted protection as a group in 2000 but from whom this protection was withdrawn in 2001 upon a change of government. They were then asked to reapply for asylum and work permits. Another change of government in 2003 meant yet more new rules for this group. It is thus an example of how changing immigration policies can create irregularity.

consider taking up work that was illegal here, such as selling drugs. However, he was in Norway with his wife and felt that he had no choice but to try to find cleaning jobs or other available jobs in order to secure a decent living standard for the two of them. This was clearly a moral dilemma for him and he repeatedly stressed that he would never have resorted to this step if he had seen any other option. For those concerned, it is therefore pertinent to make the distinction between persons, like them, for whom being at odds with the law is a necessity resulting from not being granted protection and those who break the law.

Clandestine work: exploitation or better than nothing?

Irregular migrants are in a vulnerable situation in the labour market, as, in general, they can only get work through informal channels. This is clearly a risk for irregular migrants, as they have to meet the demands of the informal labour market and poor conditions and exploitation are quite common, which is, of course, a serious concern. One example of how employers can take advantage of the situation of these migrants is the low rates of pay that respondents reported receiving. Several respondents told us they got an average of around 50 kroner (or about 6 Euros) per hour for cleaning or moving. Such low payment can correctly be described as exploiting the weak position in which migrants find themselves. In negotiation with employers who know what situation the migrants are in, the latter may have very little power over the bargaining process.

As mentioned earlier, national networks can often provide irregular migrants with access to jobs. While such networks may be very useful and supportive, they can also involve exploitation. One key informant claimed this was very common in migrant communities. We asked him what he thought the working conditions were like when irregular migrants were offered jobs through their social networks: whether the conditions were satisfactory or whether a lot of exploitation were involved. He claimed that, while Norwegians would exploit people in this situation, other immigrants would bargain harder than the Norwegians. He had heard of people who had received as little as 20-30 kroner (2.5-4 Euros) per hour: 'I know someone who refurbished a house. He worked for a full month and received 7 000 kroner [887 Euros] – 8–9 hours per day. [...] But he was satisfied with that.' Another respondent revealed that his status was often used against him when he took up odd jobs. In one case, an employer hired him in a small removal company. For the first few days, he received his payment of around 50 kroner per hour. After some days, the payments were reduced and at the end he was not getting paid at all. When he confronted the employer and asked for his money, he was told that he had to work some days for free. The alternative presented to him

was to find another job and that, if he complained, the employer might turn him in. In other cases, he had been given jobs but, fearing for their own situations, employers had kicked him out upon discovering that he did not have legal residence. Some respondents stressed that, even if work paid badly and might be exploitative, to take odd jobs or accept poor conditions was at least to be doing something. Working in such jobs may be the only opportunity that migrants have to bring a modicum of dignity to their lives, without having to beg or turn to criminal activities. A woman who had been in Norway for four years described her attitude to work as follows: 'I force myself. I like to work. I can work hard. I can even start work at 6 a.m. and work till six in the evening. [...] Work was not really good. [But] you have to work. It was a take-it-or-leave-it situation. I was doing everything. I was doing really well. [...]' As she put it, being able to pay 6 000 kroner (760 Euros) for a place to stay meant that she was 'capable'. This woman describes work as hard but also a fact of life: there is no getting around it. Still, being able to withstand the trials and burdens working life represents in her situation, she can demonstrate a level of control over her life and the ability to survive under difficult circumstances.

The type of work that emerged from the respondents' stories as the most accessible was cleaning. Even for ethnic Norwegians, this is an easy sector to enter and gives opportunities for earning money to people who do not have access to other kinds of work. The limited options available are often seen as an extra burden in the already difficult choice to seek work outside the regular labour market. Several of our respondents were highly educated; among the respondents were a journalist, an engineer and an academic. Especially among this subgroup, there was a double boundary with regard to work; it was work in the informal sector and far from relevant in terms of their qualifications. Generally, however, as time passes and the need to earn money becomes more pressing, most of these men and women acknowledge that they are not in a position to be picky. Related to this is the question of being independent and self-sufficient – of managing on one's own. In our meetings with irregulars, we have informed them about the few places they can go to seek help and assistance. One recurring response to our describing places they can go to ask for health care, food or other types of assistance is their instant denial of being in need of help. When we told them about places they could contact, the response from several of the people interviewed was 'I don't want help' or 'I don't need help'. For irregulars to accept help in situations in which they are often very dependent on others' good will and support, it is central for the irregulars to maintain a certain degree of dignity and to show they do not have to rely on others in every aspect of life. Some of the irregulars also told how they did not want to stand in line with homeless people, alcoholics or others to get help: they are highly educated people in an unfortunate situation and they want to deal with the situation on their own. Admitting that they needed the same kind of support and help as people they

would not or could not associate themselves with, may have illustrated the degradation or downward mobility the rejection of their asylum application had been to them.

Educational success and frustration

The levels of education and political engagement varied greatly among the respondents, who ranged from illiterates to university-educated people and from people who had never been involved in politics to people who had fled their countries of origin owing to persecution resulting from their political engagement. This also shaped their understanding of the objectives of the project and what our roles were compared to those of other actors they had met.

In a recently published autobiographical book, *Ulovlig norsk (Illegally Norwegian, 2008)*, twenty-five-year-old Maria Amelie describes her eight years of living as an irregular migrant in Norway. She writes about how, through the support of the local community where her family settled, she managed to get through school despite not being formally entitled to enrol. Later she applied to a university and in the application, because, as an irregular migrant, she could not state her national insurance number (*personnummer*), she inserted an explanation why she could not supply them with it. She was accepted and has recently completed a master's degree at a Norwegian university. In the book, she explains how it has been individuals she has met in the educational system who have been instrumental in creating these opportunities for her.

One of the people we interviewed had a similar story to tell. Having lived in Norway for eight years, he had managed both to get through upper secondary school and to be accepted into university. Asked how he had managed, he was able to say that it had been his teachers from lower secondary school who had helped him to continue his education when, at the age of seventeen, he had been rejected. They had argued his case, citing his good grades and stating that it would be bad if he could not continue. Later, when he applied to a university and was told it could not admit him as a student, he contacted the case worker who had sent the rejection and explained his situation. He was accepted as a student, is currently doing a bachelor's degree and hopes he will be able to do a master's too. He described what had happened to him as a miracle, as he had experienced something which should not really have been possible; for him, it was the support of individuals that made it possible to study. As an irregular, he was not entitled to support from the Norwegian State Educational Loan Fund (*Lånekassen*), but, as he was happy enough to be able to go to university, he accepted that. What he had more problems understanding, was the reasons for the rejection of his and his family's asylum application. Regardless of the years they had spent awaiting a change in their situation, he felt grateful for all the support they were receiving from their

social networks. It was the individuals he had encountered over the years in Norway, that had made it possible for him to achieve getting into higher education. They had as he said, made the impossible possible.

Both examples show that there are irregulars who manage to access both upper secondary school and higher education. When they manage to do so, it seems that their success depends on a combination of others' irrepressible efforts and their own. Yet, while it is possible for irregular migrants to obtain college or university degrees, the majority cannot reach such goals. To a large degree, the opportunity to navigate the educational system seems to depend on one's being a minor upon arrival. A young man who had spent many years as an irregular, and who had recently won his appeal case and been granted asylum, reflected on the period he had endured. He thought that the fact that people without papers got no education or access to work was one of the most serious concerns not only for the people themselves but also for the Norwegian State. He said that only spending their time waiting, without doing anything, depressed many irregular migrants, creating a situation in which they lost the will and ability to do anything. He said he knew many young, resourceful people who had ended up as social welfare clients upon finally receiving residence permits, because they had become sick while waiting. As this man's examples stressed, both work and education or the lack of access to these arenas are important indicators of irregular migrants' living conditions. However, as mentioned above, access to work or higher education is not all about achieving degrees and a salary. It is also about filling one's time with meaningful activities when nothing else is certain.

The main discourse on education that emerges from most of the interviews concerns what the lack of education does to people. One person told us that one of the main problems with living in Norway as an irregular migrant was that one lacked things to fill one's time. He said that this led a lot of people to develop psychological problems. He had taken Norwegian classes while living at the asylum reception centre but had to quit as soon as the second UDI rejection came in. He knew of no other way to learn the language. He did, however, speak fairly good Norwegian and was asked how he had learned to speak so well. He explained that he had learned the language himself by talking to others and reading. A woman told us that she had taken Norwegian classes during her time in the reception centre. She had also taken some classes at the adult learning centre, run by the municipality, at Rosenhoff in the capital, Oslo, while she had been living there, but, owing to her status, she no longer had access to this. She had thought about taking lessons at the university but they were so expensive – because, as an irregular, she would have had to pay for them from her own pocket – that she had had to drop the idea. She was asked whether there were other options; the person translating, who was a friend of hers, said that there were some cheaper offers but that the courses did not result in official certificates and hence were worthless in the process of applying for jobs.

One man in his mid twenties lived at a reception centre. He had been in Norway since being a minor, at which time he had started secondary education and been very motivated to get further education upon finishing. He was successful in getting onto two other secondary courses after his first year and wanted to change the direction of his studies. However, by the time he was due to start, he received a rejection of his asylum application and the schools withdrew their offers of places. He was frustrated about neither having the opportunity to continue his education nor being able to work. Grateful that he could live in the reception centre, he explained that he was frustrated, having nothing to fill his days and no future that he could foresee.

Conclusion

Work is not only crucial as an income-generating activity and hence a way to secure one's livelihood but is also central for psychological well-being, as it often brings one a certain feeling of normality and contributing. Work was an important theme of most interviews, whether or not the people had jobs. As pointed out earlier in this report, access to the formal labour market is formally blocked for people living in Norway without legal residence. There were also numerous informants who were quite reluctant to talk about work. In view of their vulnerable position and, if they were working without permits, their concern that this might be discovered, their reluctance may have been an expression of their wanting to protect themselves. There was a pattern in the way our respondents spoke about work and education. One important view was that employment was crucial for survival and a necessity with a view to making money. Food, housing, health care and many social activities depend on people's being able to provide income for themselves. One man explained: 'I am afraid to be caught on the bus, train. Because I have no money. And I have two healthy legs – so I walk everywhere.'

Work and education were seen as (more or less) meaningful ways to fill time while the respondents waited for their situations to be resolved. These are important means of countering the inactivity that characterises the life of many irregular migrants, both those staying in reception centres and those living outside this system. Respondents explained how not participating in such activities was very bad for their mental and physical health, as inactivity isolated them. One of the men interviewed explained his attitude to work by saying: 'Living is more than eating and sleeping'.

Work and education are also ways to contribute to and participate in society – ways to feel useful and valuable. Life without access to work or education was experienced among our respondents as passive and devalued or, as one person put it, like living in the shadow of society. Those who had been used to leading active working lives

before coming to Norway described work as an important purpose in life. One of our respondents stressed: 'Life is work. What kind of life do I have?'

Finally, work and education can offer arenas important for one's social interaction and self-worth. These are activities that respondents described as a way to help one forget the situation one is in as well as a way to stay mentally healthy by interacting with and getting recognition from others.

Work emerged as a particularly important component in adult migrants' feeling that their living conditions were poor. For irregular migrants, the lack of access to education and the labour market marks their exclusion from Norwegian society. The majority of the people we have met in the course of the project would be defined as poor by any standard, as many have trouble finding jobs and depend on help from others to survive. For the most part, those who chose not to work, because they did not want to work without legal permits, were living in reception centres – something which would secure an absolute minimum level of subsistence. All of those who were fit to work but were not doing so would very much have preferred to be working than living the inactive lives many of them were living. However, even if people have received final rejections, their cases are unresolved if they for some reason feel they cannot return to their countries of origin, and it is therefore important to many to make sure they are staying within the law and to avoid doing anything that can negatively influence their cases.

Aside from meaning no income, the lack of work was also an indication that migrants lacked opportunities for social mobility and were denied aspirations with regard to the future. This also goes for the experiences of those who wanted to get more education but were not able to do so, as well as others who were not able to use the professional qualifications they had required before arriving in Norway.

7 No way in, no way out?

As has been outlined in the previous chapters, the living conditions of irregular migrants in Norway are perhaps best described in terms of heterogeneity and differences. Some of the migrants who have shared their stories with us have large networks they can rely on, some live with their families and others live in relative isolation; some have serious health problems and struggle to get appropriate health care, while others have not found getting access to the health care system complicated; some have relatively secure jobs and have been able to buy apartments, while others, again, live from hand to mouth, struggling to find shelter. This diversity clearly illustrates a point Khosravi (2010) stressed, namely that irregular migrants do not make up a uniform, isolated community that is easily defined.

The perspective this research has been undertaken with is that of irregular migrants' subjective experiences. In other words, we have focused on how the migrants themselves describe and make sense of their living conditions. This approach is very different from one that seeks to establish objective indicators of living conditions and from the process of verifying and judging the information asylum seekers provide during the course of the asylum application process. The viewpoint of the authorities and the experiences and opinions of irregular migrants often stand in opposition to each other. While migrants strive to create a viable future based on what they perceive to be feasible choices in their situations, the immigration authorities' aim is to implement policies through decisions on individual asylum applications. Seen in this latter perspective, living irregularly in Norway is a result of an individual choice the migrants make themselves. They do not do what the Norwegian authorities see as their duty, namely to leave Norway.

This chapter queries such a view by looking into how migrants themselves perceive and experience this choice. The choice to stay in Norway without legal residence is seldom as straightforward as the authorities may see it. Ending up with irregular status is not simply a result of unwillingness or incapability on the part of migrants to return to their countries of origin but also descriptive of the complex causal relationships in migratory and asylum processes. McKay et. al. (2009: 46) argue that:

status is rarely the outcome of a conscious decision on the part of the individual but is determined by factors more usually out of control of the individual although the passage of certain events or a fortunate combination of factors, may open up opportunities for those who in a position to exercise choices'.

Here we highlight some of the complexities of why people stay on in Norway in spite of the challenges they face as irregular migrants. How do these migrants understand, talk about and experience living in Norway without legal residence?

No way in?

The chapter heading suggests how the bulk of the respondents' experiences revolved around feeling trapped – a sense of having no real choice but to stay. They experienced the rejection of their asylum applications as a legal conundrum that had become a catch-22; it is a situation they cannot get out of, however much they would like to do so. Our respondents perceived the door to legal residence to be closed and most of them also saw returning to their countries of origin as an unfeasible option.

As mentioned earlier, all of our respondents were rejected asylum seekers and the asylum process was an issue that came up in all the interviews. An asylum application may result in the granting of a residence permit on the grounds of political persecution, if the applicant is in danger of being killed or tortured, or if the person in question will probably be in danger of severe abuse if he or she returns to his or her country. This is the classical definition of political asylum. If a person does not fulfil the criteria for refugee protection, he or she may be granted residence on humanitarian grounds. The Norwegian Directorate of Immigration (UDI) reviews each application individually in connection with the information it has about the country of origin.

Most of the respondents found the asylum process very complicated and struggled to understand its various aspects. While the UDI, the Police Immigration Service (Politiets Utlendingsenhet, PU), other parts of the immigration system and the International Organization for Migration (IOM) intended the process to be transparent and to follow a given course, it can be far from easy for applicants and those who have become irregular to understand its logic. For those we have interviewed, the experience of this process has been far from straightforward. Many of the respondents exhibited a clear lack of understanding of the details of their own asylum cases and, not least, the reasoning behind their rejections. Most stated that their asylum applications had been rejected unfairly and that they thought their cases had been considered on the basis of national background, not individually. A number of factors contributed to this feeling that the respondents had of not being treated fairly and to a sense of alienation from the asylum application process. Some respondents told us they had had little or no contact with their lawyers during the application process. Hence they were left to interpret the legal documents and plan potential appeals on their own. While some respondents had taken on this task, with varying degrees of success, others had been overwhelmed and had simply run away from everything, including all the documents relevant to their

respective cases. Again it is necessary to emphasise that there are large differences among respondents in their educational achievements, their levels of political engagement and the socio-economic backgrounds of their families. They also differed in their ability to understand and take in the various aspects of the asylum process.

These sentiments were so widely shared and so important in shaping the respondents' living conditions that it is difficult to ignore them. Our objective, as stressed above, has not been to look into these claims or assess how well founded they are. It was noticeable in the interviews, however, that, notwithstanding the frustration and sometimes desperation that people expressed over the rejections they had ultimately received and the asylum process's intricacies, their hopes for their application results had been very high. The disappointment with the system may also relate to these hopes' not having been met and also, for some people, to not having a clear idea of how Norwegian immigration management works. Overshadowing these issues is nevertheless each individual migrant's subjective interpretation of what the rejection means in terms of the situation here and now, as well as for the migrant's future.

Between 2008 and 2010, according to figures from UDI, 1 286 people were granted residence after first being rejected at the Immigration Appeals Board (UNE), 91 of whom had been living irregularly in Norway for 5 years or more. This was also the case for one of our respondents. Still, most respondents stated that appeals were unattainable within the judicial system on account of the high costs involved. The individual migrant has to pay to appeal a decision in court and only a minority of asylum seekers' cases go to court once UNE has rejected the appeals. In practice, appealing often requires access to a lawyer who will do such work *pro bono*. While individual lawyers rarely take on such cases, the Action Group of the Norwegian Bar Association has been and is systematically reviewing a large number of appeals to UNE which have met with rejection. However, this group of lawyers can only take on a limited number of cases and carefully selects those that are thought to have a reasonable chance of success in court and that could potentially establish precedents for similar cases.

In view of the fact that, on account of the current immigration regime, asylum is most migrants' only means to legal residence in Norway, insisting on a need for protection is the only way for them to get to stay in Norway. Still, the subjective feeling of mistreatment must not merely be portrayed as a desperate strategy to obtain legal residence. The complexity of the asylum application process and of securing one's living conditions while trying to find a way to stay in Norway is key to understanding the migrants' frustrations and challenges.

No way out?

As alienating as many people find the process itself, the rationale and the options related to their rejections, the future appears to be at least as challenging. As we have pointed out above, the way out of irregularity is tricky. The migrants we have interviewed have all expressed feelings of powerlessness and a sense of being in limbo and of not seeing an end to the situation in which they have found themselves. Whether one is talking with people who have been here for a long time or migrants who have been here for shorter periods, migrants share the frustration of being stuck in a situation they do not know how to get out of, regardless of their individual backgrounds.

The reasons irregular migrants choose to stay on in Norway once their asylum applications have been rejected are complex. For those interviewed, the realisation that it was very unlikely they would ever achieve legal residence had come as a shock, and most revealed they had problems seeing any real alternative in their situations but to stay on in Norway as irregular migrants. While they experience this as a hopeless and very difficult situation to be in, they do not see going back to their countries of origin or to the Dublin II countries where they first registered as a real option.

Return may be possible for migrants who are here with children or other relatives but they perceive it to be impossible for these others for whom they bear responsibility.³⁰ For parents, having children who were born in Norway and are accustomed to life there and who, in practice – having attended kindergarten and school there – speak Norwegian as their mother tongue is, in addition to the need the parents themselves feel they have for protection, a factor that makes return to the country of origin unimaginable. Similarly, illnesses on one's own part or a relative's make it difficult or impossible to return if treatment for such conditions is not available in the countries to which irregular migrants are returned. Thus, while the authorities consider asylum applications in isolation, for the migrants in question, the authorities' deciding in favour of return often involves concerns for all the individual family members in Norway and for migrants who are on their own in Norway.³¹

Most respondents saw return as impossible, generally because of the situations they were in prior to departure and because of the perception that there would be continuing danger to themselves and their families if they returned. Yet, there are also irregular migrants who want to return, because the situations in their countries

³⁰ See Winsvold and Engebrigtsen (2011) for more on different aspects and approaches to return in migrants families.

³¹ For more on rules and practices for forced return see Econ Pöyri 2009, and for voluntary return see Brekke 2010. Winsvold and Engebrigtsen (2001) write about the work with return done with migrants families in receptions centres, and they also give recommendations for new procedures regarding the situation of these families.

of origin have improved in general or their own specific circumstances have changed for the better. However, because of the economic situations they are in, most irregular migrants cannot themselves pay for repatriation. Also, there may be practical reasons some who want to return cannot. Whereas it is an attractive option for some, many irregular migrants are ineligible for voluntary return, an arrangement the International Organization for Migration (IOM) manages. To obtain voluntary return, a person must get travel documents from his or her own national authority, but migrants have to disclose their identities in order for the embassies to issue and, hence, to authenticate travel documents. This ID issue is different from the one facing people who have been denied asylum on the grounds that they have neither provided documentation nor been able to establish probable ID. While the question of a person's ID in relation to an asylum application and the assessment of his or her need for protection is about the UDI's ability to link him or her to a country and a region, in relation to voluntary return the assessment of a migrant's ID is based on the applicant's obtaining the necessary documents him- or herself. If they do not have the necessary travel documents, people seeking voluntary return can also get help for this process from the IOM. The process starts with the migrant's registration with the IOM, which then sends lists of applicants to UDI and the PU for criminal record and identity checks (Brekke 2010). Convictions, unpaid fines and unverified identities are grounds for denying people the voluntary return solution.

Thus the choice to stay or go is not always just a matter of what the migrants themselves want. Often they are torn between their own needs and others', bureaucratic procedures and thoughts about the future.

Conclusion

In this chapter, we have focused on the most important determinant of irregular migrants' perceptions of their living conditions: the lack of legal residence. For respondents, securing accommodation and having work or access to health care services were very important indeed for the overall quality of life. The expectations among the migrants in terms of their living conditions vary depending on their backgrounds and current situations. Still, one thing migrants without legal residence have in common is that they are among the most marginalised people in Norwegian society today, as they are systematically denied work permits of all kinds and do not have access to regulated work. Thus their opportunities for covering basic material needs are very limited, which affects the kinds of housing they have access to as well.

However, the respondents described every other aspect of life as secondary to achieving legal residence. Thus, getting access to these various social and health benefits (in

the broad sense) would unquestionably improve the migrants' immediate living conditions but it would not open the way for them to become citizens. This was the ultimate goal of all the respondents. Legal residence is the basis for becoming a citizen of the Norwegian welfare state and also the key to migrants' socio-economic inclusion.

We have wanted to present the respondents' overarching concerns here and to discuss what it is like to live without legal residence in Norway and why people choose to stay after receiving final rejections of their asylum applications. For many, the path to irregularity was incomprehensible, complex and blurry, as the options and opportunities for escaping irregularity were perceived to be too. We argue that legal residence – or, more accurately, not having legal residence – is the key to understanding irregular migrants' living conditions. Furthermore, we have focused on the discrepancy between the migrants' needs and hopes and the strategies and policies of Norwegian immigration authorities. Becoming an irregular migrant is not simply about making the choice to stay in the country upon receiving the rejection. There are many reasons irregular migrants do not want to return to their countries of origin or the Dublin II countries where they have registered. These can be concerns for their security and stability, threats from social networks and family, or the migrants' experiencing poverty and unemployment without having any means of changing their situations, to name but a few. However, feeling they would have no future if they went back was also something that concerned our respondents.

Seen from the viewpoint of irregular migrants, the options available to them are often much more limited than those the authorities offer them. While there are many ways of living as an irregular migrant, the majority of those we interviewed felt they were stuck in situations in which they could neither get legal residence nor find a way out of their irregular status.

8 Final considerations and policy recommendations

The living conditions of irregular migrants in Norway are, as this report has illustrated, best characterised in terms of variation. Still, it is clear that irregular migrants as a group are among the most marginalised people in Norwegian society. Not having legal residence effectively closes the door to basic social services and benefits for many and affects every aspect of their lives. This study has focused on producing knowledge on irregular migrants' living conditions in a broad sense, including a wide range of thematic areas such as health, working conditions, access to education, social relations, accommodation and the general experience of living in Norway without residence. The heterogeneity of living conditions and the differences between irregular migrants, including those categories that we have not been able to include in this study, make it difficult to make recommendations that take all the details of the situation of these migrants into account. While our focus has been on the situation of rejected asylum seekers, we are of the opinion that the recommendations we give potentially will have positive outcomes for other groups of irregular migrants, too. The recommendations we make are therefore general and focus on areas that were dominant in our empirical data.

- **Irregular migrants' living conditions would generally improve if their access to health care and shelter were more organised than it is today.**

Living in an irregular situation for a rather long period of time increases a migrant's health problems (both physiological and psychological). Never knowing what will happen the next day can cause people living in this situation to feel unable to make choices about their situations. The respondents in this study experienced their situations as very stressful and uncertain and most reported having health problems related to the situations they were in, often because of their living conditions.

At present, the Health Centre for Undocumented Migrants in Oslo, run by Oslo Church City Mission and the Red Cross, is a unique service. Ensuring that such provision exists for irregular migrants should be a priority, as should ensuring that those living in reception centres also get information about where to turn if they need medical care (be it owing to dental, other physical or psychological conditions). One way to achieve this could be to develop information material for migrants on where they

can get help, as well as guidelines for reception centre staff and medical personnel on how to deal with this group.

Accommodation is another problematic aspect of irregular migrants' living conditions. Until the summer of 2010, all irregular migrants were invited to stay in so-called waiting reception centres. As this report has highlighted, many did not see this as an option, owing to fears that the police would arrest and deport them and to the reputation and low standards of the facilities. While some groups of irregular migrants – almost 4 000 people by October 2010 – were invited to live in regular asylum reception centres, the majority of irregular migrants live beyond such centres and depend on networks to find shelter.

In 2011, the authorities will establish a new type of accommodation for rejected asylum seekers: the so-called return centres. How these centres will answer irregular migrants' needs, it is too early to say. According to plans, standards will be better at these centres than at the former waiting reception centres. While this is likely to make the return centres a preferable accommodation option for some migrants, our findings suggest that one should not expect all irregular migrants to accept this offer. This is because an important reason people did not want to live in the waiting reception centres was the fear of being registered and controlled by the authorities. However, if the standard of these new centres is improved, as Valenta et al. (2010) suggest in their evaluation of the old system of waiting reception centres, they could improve this group's living conditions.

When these new centres open, the composition of residents in each must be carefully considered. One of the main challenges in the now closed waiting reception centres was tension between residents (cf. Valenta et al. 2019: 127). Given that, instead of being offered places in ordinary reception centres, seriously ill people, families with children, people cooperating with the authorities with regard to their return and unaccompanied minors will now be moved to these new centres, the guidelines for the centres must take into account the needs, for example, of migrants at different stages of life and those with special health care needs.

Irregular migrants' living conditions would generally improve if their access to health care and shelter were more organised than one finds it to be today, both in- and outside the reception centres. Brekke (2008: 22) writes that 'the absence of social and health services did not produce an increased number of repatriated asylum seekers', a view supported by the experiences of reception centre staff, health professionals and NGOs working with irregular migrants and available knowledge, and by research (Brekke and Søholt 2005; Brunovskis and Bjerkan 2008, Ottesen 2008; Brekke 2010; Hjelde 2010a, 2010b; Valenta et al. 2010). This is also the experience of staff at the Oslo Church City Mission and Red Cross Health Centre for Undocumented Migrants, who do not support the view that denying irregular migrants access to more than basic

health care increases the probability of return. Findings from our own research support their view, but if the consequences of limited social and health benefits on irregular migrants' living conditions are to be thoroughly understood, health professionals and social workers should undertake further evaluation.

- **The implications for individuals, organisations and health personnel providing help to irregular migrants must be further clarified.**

There are currently uncertainties connected to the new Immigration Act as regards whether or not people or organisations providing assistance to irregular migrants may be penalised (see for example Andenæs 2009: 577-8).³² While the authorities insist that the legislation on irregular migrants' social and health benefits is clear on this point, our findings – based on information from irregular migrants, key informants and charitable organisations – is that it is unclear whether providing health care, shelter or other types of assistance to irregular migrants may be considered a criminal offence. As there seems to be no fundamental disagreement on the principle that assisting irregular migrants should be legal, the suggestion is that the authorities clearly communicate this point and remove the legal ambiguity.

One important aspect of this, directly concerning the provision of support to this group of migrants, relates to the funding of charities. In this respect, the situation in Norway differs from that in many other countries; to a large degree, the state funds the charitable organisations. This has implications in particular for organisations that support vulnerable populations and poor people. They get funding for each person they help and they have to register the users and their national insurance numbers to receive state funding. When we contacted different organisations in the Oslo region to hear what kind of help they could provide for irregular migrants, several of the people we spoke to revealed they were worried they could not be sure of offering the migrants anonymity. Openly advertising support for irregular migrants may mean these organisations lose their financial support and also expose people in vulnerable situations to the authorities. Thus organisations did not want to be identified, owing to the uncertainty surrounding the legality of offering support to people without legal residence.

Associated with organisations that provide services for irregular migrants, there is also the question whether the police could use such locations to pick people up. While

³² Section 108 of the act, which describes different penalties related to immigration issues, reads: 'A fine or imprisonment for a term not exceeding three years shall be imposed on anyone who [...] wilfully helps a foreign national to stay illegally in the realm or in another country participating in cooperation under the Schengen Agreement'. It is the definition of what helping someone to stay illegally in Norway means that has caused this uncertainty.

this may be unlikely in practice, this issue must also be clarified, with a view to securing irregular migrants' basic social and health benefits.

- **The situation of the children of irregular migrants should be evaluated with a view to ensuring that their legal and human rights are granted.**

It is recommended that measures be taken to prevent children from spending years of their childhoods without legal residence, be it while they live in reception centres or while they live in private accommodation.³³ While many children in this situation seem to have access to education, our findings show that the legal limbo these children are in negatively affects their childhoods. Whether it be due to their parents' mental or medical conditions, their families' living on very limited resources compared to their peers, or the pressures of living in reception centres (e.g. very little space and children's being unable to bring friends home because of the children's embarrassment over the way they themselves live), the fact is that these children develop relationships with local communities and an attachment to Norway.

According to Winsvold and Engebrigtsen (2011:9) very few families without legal residence in Norway have in recent years been sent out with forced return or chosen voluntary return. The reality thus is that many families live in an unresolved situation over years. In 2004, the Norwegian parliament stated that children's attachment to Norway should be given particular emphasis in the assessment of their families' asylum applications. In the temporary regulation the parliament issued, it was stated that children under eighteen who did not have work permits or residence permits but who had lived in Norway for three years should be considered to have a special attachment to the realm. However, this was a very limited regulation, as it only extended to children who has applied for asylum prior to 1 July 2001 and who had received their final rejections no later than 1 July 2003.³⁴ It would be possible to consider whether a more permanent regulation should be developed, defining how long children could stay in Norway without legal residence before being granted asylum. Additionally, as Winsvold and Engebrigtsen (2011) recommend, the authorities need to develop better procedures for return of migrant families, preventing the process for the minority who are returned, to take too much time.

Children's situations should also be considered in particular in relation to the new return centres expected to open in 2011. This particularly concerns the consequences that moving families without legal residence from regular reception centres to new

³³No unaccompanied minors were interviewed as part of this study. For more on the situation of unaccompanied minors in Norway, see Øien (2010) and Sønsterudbråten (2010).

³⁴This was a temporary regulation related to the Immigration Act, Section 8, Paragraph 2, and came into force on 15 July 2004.

centres – and, in the process, uprooting children from local communities, kindergartens and schools and forcing them to start over in situations even less certain than before – entails. Children should be assured continuing education or access to day care as long as they live in Norway. Measures should also be taken to ensure that children’s living conditions are no worse in the new return centres than in the current asylum reception centres.

- **It is suggested that possible solutions be looked into for long-term irregular migrants for whom return is unlikely.**

Several of the people we interviewed had been in Norway for five years or more. The experiences of the people we interviewed show that living in irregular situations over long periods of time has a great impact on their mental and physical health. These respondents, even more than others, focused on how they saw opportunities neither to obtain legal residence nor to return to their countries of origin. With the respondents living in a more or less permanent irregular situation, there seem to be few opportunities for solutions to change their legal status. Criteria for regularisation for the minority of people this applies to should be explored.

There is currently a growing debate on the regularisation of irregular migrants in Norway, which has not had any regularisation process. The experiences from other European countries that have been through such processes – such as Sweden, Spain, Portugal and the UK – could be evaluated as a step in the process of considering such a solution for Norway (see for example Levinson 2005; Laubenthal 2007; McKay et. al. 2009:26- 30).

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Appendix

No.	Gender	Family in Norway? Children?	In Norway since:
1	Male	No	2009
2	Female	No	2007
3	Male	No	2003
4	Female	No	2003
5	Male	Wife (present during interview). Two children born in Norway.	1999
6	Male	No	2005
7	Male	Wife (present during the interview).	2007
8	Male	No	2008
9	Male	No	2006
10	Male	No	2009
11	Male	No	2003
12	Male	Child with Norwegian woman.	2007
13	Male	No	2001
14	Female	One child living in another country.	2006
15	Female	Husband abroad.	1994
16	Male	Girlfriend in Norway. Daughter abroad.	2003
17	Male	No	2008
18	Male	Parents and younger brother in Norway (also irregular)	2004
19	Male and female	Couple (both interviewed). Two children born in Norway.	1997/2002
20	Female	Two children born in Norway, also irregular.	2004
21	Male and female	Two children born in another European country, also irregular.	2005
22	Female	Husband and two children with legal residence, one child without.	2007
23	Male	Mother and sister in another European country.	2002
24	Females	Two sisters interviewed, mother present.	2008
25	Female	Daughter in Norway.	2009
26	Male	No	2007/8

No way in, no way out?

In recent years, irregular migration has received increasing attention from the media, NGOs and politicians. The public discourse on immigration is highly politicised and polarised; this is evident in the public debate, in which irregular migrants are portrayed either as offenders – both in legal and moral terms – or as extremely vulnerable. This report explores different aspects of the living conditions of irregular migrants in Norway, based on qualitative interviews with 29 women and men from Ethiopia, Iran, Iraq, Syria, Somalia, Sri Lanka, Afghanistan, Kenya, Senegal, Burundi, Kosovo and Sudan. It focuses on the experiences and circumstances of people living without legal residence. The respondents in the study were all denied asylum, and over half of them had arrived in Norway in the last four to sixteen years. They uniformly expressed a sense of being in limbo, and an inability to foresee the end of the predicament in which they find themselves. Ending up with irregular status is not only attributable to migrants' unwillingness or inability to return to their countries of origin. Instead, we argue that this situation is also descriptive of the complex causal relationships in migratory and asylum processes.



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