



AALBORG UNIVERSITET

The Objective Refugee Status Determination

A discourse analysis of the interviews with members of the Danish Refugee Appeals Board with focus on their understanding on truth and reality and how this effect their approach to refugee status determination

Written by Le Udsholt

Student ID: 20123327

Thesis Supervisor: Danny Raymond

Development and International Relations – Global Refugee Studies

Dedications and thanks

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This thesis is dedicated in loving memory of a dear friend, whose way too early passing marked the beginning of this journey,

Henrik Grønby

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ABSTRACT

In this thesis I investigate the following question:

Within the framework of the Danish Refugee Appeals Board, how does the Board member's view on truth and reality influence their discourse and what does this mean for their approach to refugee status determinations?

This research was conducted within the theoretical and methodological framework of Jørgensen and Phillips' approach to Laclau and Mouffe's discourse analysis, and the empirical data are three semi-structured interviews with former Board members; Bjørn Møller, Jesper Lindholm and Thomas Gammeltoft-Hansen.

Møller, Lindholm and Gammeltoft-Hansen all articulated discourses with significant differences in approaches to truth and reality and approaches to the refugee status determination.

The analysis has shown that there are differences in the Board members' approach to the refugee status determination, influenced by identity, their view on truth and reality and the discursive struggles that are a constant part of social reality. The refugee status determination process is difficult, and the Board members are affected by severities of the stories they hear. Nothing is black and white, and the truth of who is a refugee is constantly negotiated. The different discourses struggle to fix the discursive field of refugee status determination in hegemony with their own approach. The Board members, in lieu of their identity, hold a very privileged position when negotiating the fixation of meaning in this field, giving them the power to more easily influence the larger hegemony.

While my conclusions on the individual research subjects might not be representative of all Board members, I have applied a method that can be used to understand the underlying logics that influence each Board member.

Key Words: The Danish Refugee Appeals Board, Laclau and Mouffe's discourse theory, truth, reality, ontology, objectivity, objective information, credibility, refugee status determination, country of origin information

INTRODUCTION

What is a refugee? Or maybe rather who? That is the central theme running through this research. Not in the sense that I am going to tell you who a refugee is. I do not, despite soon having a Master in Global Refugee Studies, find myself qualified to make that call. I mean, I can tell you what a refugee is, how a refugee is defined according to the 1951 Convention article 1A(2) (UNHCR, 1951). That part is quite simple; every person with access to the internet could tell you that. I might even have opinions, and quite strong opinions, about the interpretation of article 1A(2). But to have the responsibility of looking at a person, hearing their story, and making a determination that would be life changing for them either way,

and in worse case could have the potential to be fatal. Telling someone that he is not a refugee, even if he claims differently. That is something that I quite simply do not find myself qualified to do, because how do you know if they are telling the truth? This is a question that has become more and more central to me through my education. How do you know, and can you be sure?

We live in a world where decisions have to be made, and stating, "I cannot make this decision", does not change the need for it to be made. Within the society of today and as an effect of borders dividing land into states, there has to be refugee status determination. We, in fact, have both national and international systems in place to make those decisions, and the most holy of holiest within the field of Refugee Studies, the 1951 definition, was made to fix the meaning of what a refugee is. And so, some individuals have to make that determination, and decide who is a refugee and who is not.

However, if you follow a constructivist ontology, as I do, then you believe that there is no such thing as a truth separated from the individual. How do you then make a refugee status determination? Of course, the individuals that make the refugee status determinations may not share this constructivist ontology and therefore do not perceive truth the same way I do. Most of the time, people act as if the 'reality' around us has a stable and unambiguous structure; there is a higher truth to seek. Likewise, people usually understand society, the groups we belong to, and our identity as objectively given facts. Working with refugee status determination, where the central theme is the seeking of truth, but not believing that there is an objective truth to seek, could have interesting implications for the approach to the refugee status determination process. Just like the belief that there is an objective truth could influence a person's approach to the same.

In Denmark there are two agencies that make refugee status determinations; the Danish Immigration Service, which is the first agency responsible for assessing a claim, and the second agency, the Danish Refugee Appeals Board, whose Board members make determinations on appeal cases. The focus of this research is the Danish Refugee Appeals Board.

The Danish Refugee Appeals Board is a politically independent organisation (Flygtningenævnet, 2017), meaning it is supposed to make refugee status determinations without a political agenda influencing the process. Its members are not allowed to seek or receive direction from the organisation that has appointed or nominated them for the Board. Between the Danish Immigration Service, a government organisation, and the Danish Refugee Appeals Board, a non-governmental organisation, the Board would then be perceived to be the most politically independent, and thus the least likely to apply pressure on its members to make determinations in one direction or the other. The Board members would then not be directly influenced by an organisational pressure to make a certain decision and would instead have to rely on their own approach to truth and knowledge when making a refugee status determination.

The specific empirical focus of this research is on three former members of the Board; Bjørn Møller, Jesper Lindholm and Thomas Gammeltoft-Hansen. They were all appointed by the Danish Refugee Council and held the position from January 2013 to December 2016.

This interest in how a Board members ontology influences their approach to the refugee status determination, has lead me to the following research question:

Within the framework of the Danish Refugee Appeals Board, how does the Board member's view on truth and reality influence their discourse and what does this mean for their approach to refugee status determinations?

This research will be conducted within the theoretical framework of Laclau and Mouffe's discourse analysis and will engage with the identification of the key themes within the empirical data and the research subjects' discourse on these themes. The research focuses on the ontology of the three research subjects, how their understanding of objectivity influences their discourse and what this means for their approach to refugee status determination.

The Danish Refugee Appeals Board

The Danish Refugee Appeals Board is a politically independent, quasi-judicial body, whose members may not accept or seek direction from anyone including the appointing or nominating authority or organisation. The Danish appeal system in asylum cases is two-tiered. The Danish Immigration Service is the first agency responsible for assessing a claim and the Danish Refugee Appeals Board is the second agency. If the Danish Immigration Service rejects an application for asylum, the asylum seeker has the right to remain in Denmark until the Danish Refugee Appeals Board has determined the outcome of the case. When a case is pending before the Board an attorney is appointed to the asylum seeker. The case is heard by a board that currently consists of three members (Flygtningenævnet, 2017), but at the time of my research subjects' appointment consisted of five members (Udlændinge-, Integrations- og Boligministeriet, 2016, p. 3). From start 2013 to end 2016 a Board was constituted by one vice chairman, one member appointed by the Danish Ministry of Justice, one appointed by the Danish Foreign Ministry, one appointed by the Danish Refugee Council and finally one appointed by the Danish Bar and Law Society.

Except for cases in accelerated procedure proceeding all Board hearings are generally oral and the hearing is attended by the asylum seeker, the attorney, an interpreter and a representative of the Danish Immigration Service. During the hearing the asylum seeker can make a statement and reply to questions. The attorney and the representative from the Danish Immigration Service have the opportunity to present

their legal arguments, ending with the final statement from the asylum seeker. The Board deliberates, and a written decision is drafted, reproducing the information available in the case and the decision of the Board with its grounds (Flygtningenævnet, 2017).

PHILOSOPHY OF SCIENCE

At this point in my thesis there is a need to tell you, the reader, about the theoretical framework for my research and the ontology that forms the base on which it all stands. In my research there was a risk of my chosen theoretical approach answering my research question before I even had the chance to conduct my research. This is because my research question deals with truth and factuality, and my theoretical approach, the discourse theory, states that truth is a negotiated field. I thus run the risk of concluding before even beginning my analysis that one entity, be it a person or an organisation, should not be able to evaluate another's truth, as there is no truth outside of the subjective. While this might be the implication of my research ontology, it is not the point of my research. It would both be an insult to my research subjects and to the complexity of the decisions that they faced while working in the Board, as well as having the unfortunate implication of making my whole research almost redundant. And that would, to put it mildly, be unfortunate.

To make sure that this does not happen I need to take a step back, a step outside of my research ontology, and look at other schools of ontology and where discourse theory is placed within the field. I am going to raise the question of what assumptions are used and explicated when using discourse theory on a field that is extremely normatively and subjectively assessed, if one basically does not believe that people are able to assess anything.

Ontology and truth on a more general level

Ontology is not always explicitly talked or written about in research but is still very much implicitly a part of everything written within academia. It is at the same time the most basic and the most complex part of doing research. Ontology on a more abstract level is concerned with the nature of 'being' itself – what it means to exist, *"whether (and, if so why) there exists something rather than nothing, and whether (and, if so, why) there exists one logically contingent actual world."* (Hay, 2013, p. 3). Within the social sciences we often work with another more tangible version of ontology concerned with the (specific) set of assumptions that is made about the reality of the objects of analytical inquiry (Hay, 2013, p. 3). Within the social sciences the questions of ontology cannot be separated from issues concerning the conduct of

social research. Ontological assumptions and commitments influences the way in which research questions are formulated, and research is conducted (Bryman, 2012, p. 34).

Ontology is defined as the 'science' or 'philosophy' of being. Within the social sciences it can be understood as referring to "*the claims or assumptions that a particular approach to social inquiry makes about the nature of social reality – claims about what exists, what it looks like, what units make it up and how these units interact with one another*" (Blaikie in Hay, 2013, p. 3-4). Ontology relates to being, to what is, to what exists and constitutes units of reality; by extension social ontology relates to social being, to what is social, to what exists socially, and to the units that comprise social reality.

A researcher's ontological approach is the answer to the question: what is the nature of the social reality to be investigated? (Hay, 2013, p. 4). When I take a step back and look at this question I do so because this question is a central one in my research. What is the nature of the social reality that I am investigating, and how does it place within the different ontological positions?

The central point of orientation here is the question of whether social entities can and should be considered objective entities that have a reality external to social actors, or whether they can and should be social constructions built up from the perceptions, actions and discourse of social actors. Discussing this are the two main branches within the social ontology referred to as *objectivism* and *constructivism* (Bryman, 2012, p. 32), and it is in relations to these two positions that all other ontology should be understood.

Objectivism is an ontological position that states that social phenomena confronts us as external facts that are beyond our reach or influence, thus asserting that social phenomena and their meanings exist independently of social actors (Bryman, 2012, pp. 32-33). When looking at objectivism in relation to this research, having an objectivistic approach would mean that, there would be a clear truth, independent of the beliefs and feelings of the asylum seekers and the persons making the refugee status determination and of me, the researcher. I would define my research field as being normative, but with an objectivistic position, social phenomena and the categories we use in everyday discourse, such as refugee, danger, torture, etc., would have an existence that is independent or separate from actors; either someone would be a refugee, or they would not be, either they are in danger or they are not and either someone have been tortured or they have not. This would be true outside the individual, and in many ways, this is the way society looks at social phenomena. Objectivism is often used to conceptualise social phenomena, because it makes everything a little simpler in the sense that there is a higher truth to be looked for, but does it really fit with the way the Danish Refugee Appeals Board makes its decisions? The Board has a societal function, making refugee status determination. Thus, these decisions must be taken, and it is easier to make decisions, if there is a higher truth to be decided upon, instead of only subjective truths.

The problem with this is that this higher truth in the Board is decided by individuals, which, according to the ontological position, should not have an influence on the truth. If I were to take an objectivistic position it would be difficult for me to analyse upon the individual Board member's narrative and how they make decisions, thus forcing me to change focus. If I were to take this ontological position it would also have meant a change of epistemology – a different way of looking at knowledge and how to gain it. Either positivism or realism would be the natural epistemologies to follow, both approaches sharing the belief that the natural and the social sciences can and should apply the same kind of approach to data collection and to explanation (Bryman, 2012, p. 29). Having this objectivistic backcloth to my research would mean that I could not answer my research question, but it would also mean that my research question would not be structured and formulated as it is. It would all together become a different research, with different objectives and different truths.

Going from one end of the scale to the other, and moving closer to my research ontology, one finds constructivism; an ontological position but also the umbrella under which you can find Mouffe and Laclau's discourse theory. Constructivism is an ontological position that asserts social phenomena and their meanings as continually being created by social actors. Social phenomena and categories are not only produced through social interaction, but they are also in a constant state of revision. Constructivism also includes the notion that the researcher's own accounts of the social world are constructs. The researcher thus always ends up presenting a specific version of social reality, rather than one that can be regarded as definite (Bryman, 2012, p. 33). This way of looking at the social world is shared by all ontology inside the constructivist umbrella; truth is seen as a negotiated field, but there are differences of opinions to how it is negotiated. Social constructivism has larger focus on what happens between people as they join to create reality, putting more weight on discourse and conversation. Social constructivism is an umbrella term for a range of theories, where discourse analysis is one of the most widely used approaches (Jørgensen & Phillips, 2002, p. 4).

The research ontology of discourse analysis

Discourse theory is, what one can term, the complete package. It has its own ontology, epistemology and methodology. Within discourse theory there is not just one approach, but a series of interdisciplinary approaches that can be used to explore many different social domains in many different types of studies. With each approach there is a theoretical and methodological whole. Each perspective offers its own suggestion to what 'discourse' and 'discourse analysis' is, and, to some extent, compete to appropriate the terms (Jørgensen & Phillips, 2002, p. 1).

There are some general philosophical assumptions that underpin most discourse theory, drawing on the accounts of social constructivism. When working with discourse analysis knowledge should not be treated as objective truth. Instead it is important to have a critical approach to taken-for-granted knowledge. Reality is only accessible to us through thought categories, which means that our knowledge and representations of the world are not reflections of an external reality. They are products of discourse; the way we categorise the world. When we follow the ontology of social constructivist discourse theory people should be understood as fundamentally historical and cultural beings, and the way we understand and represent the world is historically and culturally specific and contingent. The social world is constructed socially and discursively, which means that its character is not predetermined or decided by external factors, and people do not possess a set of “*fixed and authentic characteristics or essence*” (Jørgensen & Phillips, 2002, p. 5). Our way of understanding the world is created and maintained by social process. Knowledge is created through social exchanges and interaction where we construct common truth and compete about what is true and what is false (Jørgensen & Phillips, 2002, p. 5). Places where you find this most explicitly are amongst politicians and people lobbying, as they compete about the hegemonial truth.

In discourse theory there is also a link between knowledge and social action. Within a certain worldview some forms of action become natural, and others unthinkable. Different social understandings of the world lead to different social actions, and therefore the social construction of knowledge and truth has social consequences (Jørgensen & Phillips, 2002, p. 6).

Discourse analytical approaches take their starting point in structuralist and poststructuralist linguistic philosophy, where reality is accessed through language. Using articulation, we create representations of reality, which are not reflections of a pre-existing reality, instead contributing to and influencing an ever-changing reality. Thereby not saying that reality does not exist. Physical objects do exist, but their meaning is only gained through discourse. Where the different approaches to discourse theory start to differ, is the ontological disagreement as to the ‘scope’ of discourses and whether they constitute the social completely; or if they themselves are partly constituted by other aspects of the social (Jørgensen & Phillips, 2002, p. 3).

Ernesto Laclau and Chantal Mouffe’s discourse theory, which I have chosen as the central research theory, is a pure poststructuralist theory, with a starting point in the idea that discourse constructs the social world in meaning. Owing to the fundamental instability of language, meaning can therefore never be permanently fixed. Discourses are not closed entities, rather they are constantly being transformed through contact with other discourses. Laclau and Mouffe are focused on discursive struggle, where different discourses, each representing a particular way of talking about and understanding the social world, engage in a constant struggle with one another to achieve hegemony. Hegemony can in this

connection be understood as *“the dominance of one particular perspective.”* (Jørgensen & Phillips, 2002, p. 6).

The ontology of Laclau and Mouffe’s discourse theory is at the complete opposite side of the ontological spectrum from objectivism. Truth is constantly negotiated, and the analytical tools focus on the discursive struggles to achieve hegemony. Laclau and Mouffe’s theoretical approach does not distinguish between discursive and non-discursive dimensions of the social, and practices are viewed as exclusively discursive. Just like the more general philosophical assumptions found within discourse theory as a whole, this does not mean that nothing, but text and talk exist, but that, on the contrary, discourse itself is material and that entities such as institutions, wars, public transport and the economy are also parts of discourse. Thus, in Laclau and Mouffe’s discourse theory there is no dialectical interaction between discourse and something else (Jørgensen & Phillips, 2002, p. 19), leaving me to sum up the ontology of this research to be: discourse fully constitute our world and reality.

I now have a research field that is normative, focused on how my interviewees evaluate truth, and a research ontology that states that truth is negotiated through discursive struggles, which could make it seem like the Danish Refugee Appeal Board’s process of seeking a higher truth is a little redundant, but this is only at first glance.

Instead I am going to tell you why I find Laclau and Mouffe’s approach to discourse theory ideal for this research. Their ontological position states that truth is a negotiated field, which means that there is no higher truth to adhere to, but there is a hegemonial discourse that everyone, whether they want to or not, plays into either by agreeing or challenging it. Laclau and Mouffe’s discourse theory tells us to always question the hegemonial assumptions that can be found in every part of discourse, whether it being large hegemonial discourse or the antagonistic discourses in struggle with it. There are constant small discursive struggles that ultimately are a part of the discursive struggle for larger hegemonial truths. These discursive struggles and hegemonial assumptions can also be found in the Danish Refugee Appeals Board and within the interviews with former Board members that make up my data. This ontological approach gives me the ability to discuss and question what kind of discursive struggles that can be found within the interview and how these discourses influences the research subjects approach to refugee status determinations. This ontological position holds the view that constant social struggles, about definitions of society and identity, result in social effects. The discursive struggles found in the interview about how to determine an asylum seekers’s refugee status, bring changes. They are important because within this position an asylum seeker’s own discourse about being a refugee is in a struggle with other discourses, and only if this discursive struggle leads to hegemony is an asylum seeker recognised as a refugee. There is no higher truth, but there is a discursive hierarchy that is under constant change, and

the discourses found in this research data play into these discursive struggles that ultimately constitute reality.

LACLAU AND MOUFFE'S DISCOURSE THEORY

In this chapter I dwell deeper into the discourse theory of Laclau and Mouffe, drawing mainly on Marianne Jørgensen and Louise Phillips' work *Discourse Analysis as Theory and Method* (2002). I will not include all of Laclau and Mouffe's theoretical concepts as I am more interested in their understanding of the social, the creation of identity and the struggles that form it all, than their more linguistic analytical concepts.

Discourse theory aims at an understanding of the social as a discursive construction where, in principle, all social phenomena can be analysed using discourse analytical tools. Social phenomena are never finished or total, and can therefore never be completely fixed, which opens for constant social struggles about defining society and identity, resulting in social effect. My role as a researcher using discourse theory and method is to plot the course of these struggles to fix meaning of social phenomena.

Laclau and Mouffe's discourse theory was constructed by combining and adapting two key theoretical traditions, Marxism and structuralism. Marxism was used to provide a starting point for thinking about the social, whereas structuralism provided the theory of meaning. Fusing these traditions created a single poststructuralist theory in which the "whole social field is understood as a web of processes in which meaning is created" (Jørgensen & Phillips, 2002, p. 24).

Jørgensen and Phillips suggest that the structuralist view on language should be understood, as a fishing-net, where all linguistic signs can be thought of as knots in a net. In other words, they gain their meaning from their position in the fishing-net. The theory gains its poststructural identity from the objection, that meaning cannot be fixed so unambiguously and definitively, instead stating that signs acquire their meanings by being different from each other. Instead of being fixed as the structuralists suggest, in ongoing language use, signs are positioned in different relations to one another depending on how we use them, and so may acquire new meanings. Language is a social phenomenon, and it is through conversations, negotiations and conflicts in social context that structures of meaning are temporarily fixed and challenged. We constantly try to fix the meaning of signs by placing them in relation to other signs, so that each sign is locked into a specific relationship to the others. These constant attempts, while ultimately impossible in their mission, are the entry point for the discourse analysis, as it aims to map out the processes in which we struggle about the way the meaning of signs is to be fixed, and the process by

which some fixations of meaning become so commonplace that we think of them as natural (Jørgensen & Phillips, 2002, pp. 25-26).

A *discourse* should be understood as the fixation of meaning within a domain. Laclau and Mouffe's concept of discourse encompasses not only language, but all social phenomena. Discourses attempt to structure signs, as if all signs have permanently fixed and unambiguous meanings in a total structure. The same logic applies to the whole social field. As I touched upon earlier, we act as if the 'reality' around us has a stable and unambiguous structure; there is a higher truth to seek, and society, the groups we belong to, and our identity are objectively given facts. This is something that is important in this research, as the aim of the analysis is, not to uncover an objective reality, but to look at the taken-for-granted assumptions that influenced my interviewees' work at the Danish Refugee Appeals Board.

All social practices are seen as articulations, as they always play into already existing discourses, by either reproducing or changing common ascriptions of meaning. These are, in general terms, political acts. Politics, in the context of Laclau and Mouffe, should not be understood as narrowly as party politics; instead it is a broad concept referring to the way we constantly constitute the social to exclude other ways. Laclau and Mouffe understand politics as the "*organisation of society in a particular way that exclude all other possible ways*" (Jørgensen & Phillips, 2002, p. 36). Politics are not just a surface that reflects deeper social reality, but rather the social organisation that is the outcome of continuous political process.

Some social practices can appear so natural that we can hardly imagine an alternative. These discourses are so firmly established that their contingency is forgotten. They are within discourse theory called *objective*. Objectivity is the sedimented discourse that is the historical outcome of political process and struggles. The boundary between the political and the objective is a fluid and historical boundary, where sedimented discourses, at any time, can enter the play of politics and be problematised in new articulations. Just like the objective can become political again, so can conflicts, over time, disappear and yield to objectivity, so that one perspective is naturalised, and consensus prevails. This development from political conflict to objectivity happens through hegemonic interventions whereby alternative understandings of the world are suppressed and one single perspective is naturalised (Jørgensen & Phillips, 2002, p. 36).

Here we can begin to speak of power. The concepts of power in Laclau and Mouffe's approach are closely connected to their concepts of politics and objectivity. It is similar to Foucault's concept of power. Power is not understood as something which people possesses and exercises over others, but rather that which produces the social. Power emphasises the contingent of our social work, creating our knowledge, identities and how we relate to groups or individuals. Power is not something that we can make disappear

(Jørgensen & Phillips, 2002, p. 37). It is “*produced from one moment to the next, at every point, or rather in every relation from one point to another. Power is everywhere, not because it embraces everything, but because it comes from everywhere*” (Foucault, 1978, p. 93). Power produces an inhabitable world for us, and, on the other hand, it precludes alternative possibilities. Power and politics are two sides to the same coin. Power refers to the production of objects such as ‘society’ and ‘identity’, while politics refers to the always-present contingency of these objects. Objectivity, which is sedimented power, refers to the taken-for-granted assumptions that constitute a world always made of power and politics, even when we forget it (Jørgensen & Phillips, 2002, pp. 37-38).

Laclau and Mouffe term individual people *subjects*, and subjects acquire their identity by being represented discursively. This leads to the subject being fundamentally split, never quite becoming ‘itself’, as it is fragmented or decentred, having different identities according to those discourses in which it takes part. Identity is identification with a subject position in a discursive structure, and identity is discursively constituted through chains of equivalence where signs are sorted and linked together in a chain in opposition to another chain, defining how the subject is and how it is not. Identity is changeable just as discourses are, and the subject is always relationally organised; being something because it is contrasted with something that the subject is not. The subject, in principle, always has the possibility to identify differently in specific situation. This means, that a given identity is contingent; possible, but not necessary (Jørgensen & Phillips, 2002, pp. 40-43).

Group formation or collective identity is understood according to the same principles as individual identity, and the lines between the two types of identity can be vague. Individuals have several identities and have the possibility of identifying differently in given situations. This can tend to be a little confusing, because groups are generally seen as something that binds individuals with similar identities together, and if people can have different identities, how is this then possible? Group formation should be understood as a reduction of possibilities. People are constituted as groups through the same process as subject identity is constituted, through the establishment of chains of equivalence. This process means that some possibilities are put forward as relevant, while some are ignored. This is both true for the two main groups that I am dealing with, grouped under the master identifiers ‘refugee’ and ‘expert’, but we will look at this in the analysis. In discursive group formation, other things that subjects identify with are excluded, and the differences within the group are ignored. This also means that all the other ways in which subjects could form groups are also ignored. In this sense, group formation is political. The different discourses struggle to divide the social into groups along different lines, and to fill the different master signifiers with different content by equating them with different signifiers. The struggle of subjects’ positions and therefore identities, is a battlefield where different constellations of signs struggle to prevail

(Jørgensen & Phillips, 2002, pp. 43-47). It is when looking at these struggles that the concepts of antagonism and hegemony become central.

A *social antagonism* happens when different identities mutually exclude each other. A subject can have different identities, as identities do not automatically relate antagonistically to one another, but a subject can gain an identity in an antagonistic relation to another of the subject's identities. If this happens the two identities will make contrasting demands in relation to the same actions within a common terrain, and inevitable one blocks the other. The individual discourses, constituting each of the identities, are part of each other's field of discursivity, and when an antagonism occurs everything that the individual discourse has excluded can undermine the discourse's fixity of meaning. It is where discourses collide that antagonisms can be found, but as everything else in Laclau and Mouffe's approach, nothing is ever permanent. This means that antagonisms can be dissolved through *hegemonic intervention*. Hegemonic intervention is when an articulation through means of force reconstitutes unambiguity (Jørgensen & Phillips, 2002, p. 48).

Hegemony and discourse are similar to one another, as they are both terms that denote a fixation of signs; the difference being that the hegemonic intervention succeeds this fixation across discourses that have antagonistic relations. A discourse achieves hegemony by rearticulating the signs that make up the antagonistic discourse, thereby dissolving it. The establishment of hegemonic discourse as objectivity and their deconstruction in new political battlefields are two sides of a single operation. Hegemony being the contingent articulation of signs in an undecidable terrain and deconstruction being the operation that shows that hegemonic intervention is contingent. This brings us back to why discourse analysis is central to my research, as it aims "*at the deconstruction of the structures that we take for granted*" (Jørgensen & Phillips, 2002, p. 48), and by using its rationale, I can question the organisation of the world represented in my empirical data.

For me to do this research a rupture is necessary; a disarticulation of ideas from the connotative areas that they seemingly and misguidedly are attached to, that allows me to subsequently reconstruct the Board members true articulation (Laclau & Mouffe, 1997), and this is what I aim towards.

QUALITATIVE RESEARCH

Choosing the epistemology of social constructivism, and more specifically discourse theory, I emphasise the meaning of words rather than quantification in the collection and analysis of data. Thus my research has been qualitative in nature.

My interest in the current research subject stems from the research I conducted during my first semester at Global Refugee Studies on the use of Country of Origin Information, including the controversial Eritrea-Report released by the Danish Immigration Service in November 2014. This spurred my curiosity, and I became increasingly interested in the system that was meant to use the report. I wanted to understand on what basis verdicts were made in the Danish asylum system, and I especially wanted to know more about the logics that underpin the verdict. After some initial research, it appeared to me that the Danish Refugee Appeals Board was under-researched, and I felt that important knowledge could be added to this field. Moreover, the Board is easier accessible than the Danish Immigration Service.

After narrowing down the subject of my curiosity, I created two general research questions with the purpose of focusing my research and develop my approach to data collection and the selection of interviewees. The research questions I worked with through my data-collection were:

Research Question 1: What information was central to the refugee status determination process in the Danish Refugee Appeals Board?

Research Question 2: What were the internal logics on which the members of the Board based their verdicts?

These general research questions, while being the basis on which I build my research design were always meant to be revised, as I also wanted the data I collected to guide my curiosity further. To be able to do that I needed a method of data collection that could encompass and answer the explicit form of the general research questions. The method that was chosen very much relied on the research participants. The Danish Refugee Appeals Board is notorious for not allowing sit-ins at their meetings, which meant that, while relevant to the research, participant observation was impossible. Instead I chose to do semi-structured interviews with three subjects; all members of the Danish Refugee Appeals Board from the start of 2013 to the end of 2016.

The semi-structured interview

The interview is probably the most widely used method in qualitative research. There are two main types of interviews within qualitative research, the unstructured interview and the semi-structured interview. As I had a limited amount of time for each interview and specific information and interest areas I needed to cover, the unstructured interview method was, as the name implies, simply not structured enough. The semi-structured interview method is relatively unstructured, and it has the capacity to provide insight into how the research participants view the world, while still giving opportunity to guide the interview (Bryman, 2012, p. 471).

I contacted several potential interviewees, all members or former members of the Danish Refugee Appeals Board. The three interviewees that ended up becoming my research subjects were all former members of the Danish Refugee Appeals Board. They belonged to the group of Board members that were appointed by the Danish Refugee Council (DRC) when the composition of the Board changed from three to five members at the start of January 2013 to include members appointed the DRC and the Danish Ministry of Foreign Affairs. The interviewees left the Board by the end of 2016 when the Board's composition once again changed back to three members (Udlændinge-, Integrations- og Boligministeriet, 2016, p. 3), meaning that interviewees were members of the Board four years from 1st of January 2013 to 31st of December 2016. The three former members interviewed are Bjørn Møller, Associate Professor at the Department of Culture and Global Studies at Aalborg University, Jesper Lindholm, Assistant Professor at the Department of Law at Aalborg University and, Thomas Gammeltoft-Hansen, Research Director at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law and adjunct Professor of Law at Aarhus University. The three subjects are all, what society would deem, experts in the field of refugees, with relevant PhDs, academic teaching and research experience, as well as work experience from different organisations dealing with questions of crisis, refugees and asylum.

Bjørn Møller and Jesper Lindholm were both well known to me before the start of this research, as they both taught courses at Global Refugee Studies during the first year of my Master. Thomas Gammeltoft-Hansen I knew of, but had to the best of my knowledge not met in person.

Preparing for the interviews I made an interview guide that covered the subjects' work in the Danish Refugee Appeals Board. I made sure to formulate the questions in a broad and objective manner, to give the subjects leeway in how to reply, and me the flexibility to ask follow-up questions. Interviewing a sample group as well educated and experienced with academic research methods, as the three I interviewed, in some ways made the interviews easier to conduct, but it was in other ways a challenge. The interviewees were all interested in the research question, methodology and sample size, and asked about these things. This meant that they knew what kind of information I needed from them. They were all accommodating and often answered questions from my interview guide without me having to ask, but their awareness also meant that their responses, at least to some degree, did not seem as immediate as I have experienced in other interviews.

The three interviews were spaced out over two months. The first interview was conducted face-to-face, the second was held over Skype due to the difference in physical locations, and the last interview was conducted over phone due to the limited time and personal preference of the subject. Telephone interviews are less used in qualitative research than face-to-face, but there is little difference in the information gained in the different interview forms (Bryman, 2012, p. 488). The only problem I faced with the telephone interview was that some of the listening techniques I usually apply in face-to-face

conversation were next to impossible to use because of the inability to read the subject's body language. Another issue I faced was a slight instability in the Skype connection, which was an issue when transcribing the interview.

All three interviews were audio-recorded. The decision to record the interviews were made on the basis, that I was not only interested in what the interviewees said, but also in the way they say it. Working within an epistemology that emphasises the effect of words and discourse the exact wording of a subject can be important. Audio-recording also meant that I could be alert to what the interviewees say, instead of having to focus on taking notes. In the beginning of each interview I made sure to inform the subjects and ask for permission to record and transcribe the interviews.

It is not all researchers who decide to transcribe the whole of an interview (Bryman, 2012, p. 486), as it is very time-consuming and large portions can be less useful, but in the context of both the research methodology and epistemology I chose to transcribe the whole of the interviews. I chose not to transcribe unfinished sentences without content or sounds with no meaning, which are both natural parts of spoken language, but only tends to confuse when later reading a transcript.

After conducting the interviews and transcribing them, but before applying discourse theory another basic operation in qualitative data analysis was made use of.

Coding

Coding is the process whereby data are broken down into component parts, which are given names (Bryman, 2012, pp. 709-710), and the starting point for most forms of qualitative data analysis (Bryman, 2012, p. 575). Coding the interview-transcripts for this research is part of this analysis, and thus in this chapter I will not go into detail about the coding specific to this project. Instead, I will write about the more general methodological consideration I had when coding.

In the process of developing codes there are some steps and considerations to have in mind. Coding should start as soon as possible, as this will help in the understanding of the data and help with the theoretical sampling. I read through my transcripts, only taking a few notes of the things that struck me as the most interesting, and then I read through them again, this time making marginal notes about the most significant remarks. In the beginning there were many notes, quite basic, just a few words to describe the themes in the data. After these first tentative steps in the coding-process, I reviewed the codes, to see if I had used two or more words or phrases to describe the same phenomenon; if so I chose one and removed the other. At this point I started to consider more general theoretical ideas in relations to my codes and data. As mentioned earlier, while I had an idea about what theoretical direction I wanted to

take and made some general research questions, I still wanted my data to guide me in the specific themes I was to explore. As the large themes in the interviews were conceptualised in the process of the coding, it was time to link the concepts and categories that I had developed with the discourse theory (Bryman, 2012, pp. 576-577). Using coding as a starting point for a discourse analysis is quite natural as it can be used to identify the key signifiers of discourses, as I have done.

EMPIRICAL DATA

The empirical data for this thesis are, as before mentioned, interviews with Bjørn Møller, Jesper Lindholm and Thomas Gammeltoft-Hansen. The parts of the interviews used in the empirical analysis have been translated into English, but the transcripts of the three interviews can be found in their original form, in Danish, in appendix A-C. Appendix A contains the transcript of the interview with Bjørn Møller and is thirteen pages long; it will be referenced as Møller, 2017. Appendix B contains the transcripts of the interview with Jesper Lindholm and is twelve pages long; it will be referenced as Lindholm, 2018. Appendix C contains the transcript of the interview with Thomas Gammeltoft-Hansen and is seven pages long; it will be referenced as Gammeltoft-Hansen, 2018. Throughout the analysis these transcripts will be referenced.

The interview guide can be found in Appendix D.

ANALYSIS

This chapter is focused on the empirical analysis of the three interviews and the discourses articulated within. This begins with identifying the key signifiers found in the interviews with Bjørn Møller, Jesper Lindholm and Thomas Gammeltoft-Hansen, and then, with focus on these key signifiers, analysing the discursive field found in each interview. Following this, I seek to understand the taken-for-granted assumptions articulated and how these influence or are influenced by the identified discourses. At last, I seek to understand how Møller, Lindholm and Gammeltoft-Hansen's view on truth and reality affects their discourses and what this means for their approach to refugee status determination.

The codes

The starting point when analysing the interviews with Bjørn Møller, Jesper Lindholm and Thomas Gammeltoft-Hansen, was breaking the data into component parts, also known as coding. The coding was done by reading through the transcripts, looking for significant articulations, and writing in the margin of the paper, the signifying sign I thought represented the statement. I looked for statements that showed how the three subjects understood their work with the Danish Refugee Appeals Board, what was significant when making a determination, how they weighed information, and how they made decisions. I looked for articulations that showed antagonism, either between the subjects and an outside source or internal battles. And I looked for objective discourse, assumptions about how things are done or should be done. I did this a twice, once before diving deeply into the process of writing this research, and a second time just before starting this analysis, applying the theoretical concepts. The codes then become the key signifiers in the discursive field, which is the focus of this analysis.

The first code or key signifier that I narrowed down, was a term that I borrowed from the interview with Jesper Lindholm. Lindholm spoke about the determination process and how information was to be weighed;

“Those of us who have dealt with asylum law for some time, know that what is termed objective information in relation to the subjective explanation from the asylum seeker, so they must be compared to each other” (Lindholm, 2018, pp. 2, org. Danish).

This is a part of the interview that I will circle back to later, but the thing to notice right now, is Lindholm’s use of the term *objective information* referring to documents such as Country of Origin Information, medical records, language test and other information alike. Bjørn Møller use a similar term, referring to language tests: *“That is one of the objective things,...”* (Møller, 2017, pp. 12, org. Danish). The way Møller used the signifier was a lot different than Lindholm’s use of it, but we will get back to that later.

Objective Information was thus the first code that I settled on, and it encompasses all information and opinions that the three subjects expresses on the information presented in an asylum case that is not the *“subjective explanation from the asylum seeker”* (Lindholm, 2018, pp. 2, org. Danish). By naming the key signifier *objective information* I am not stating that the information is objective, instead I am simply making use of a term used in the Board to describe certain information.

This brings me to the second signifying sign *credibility*. *Credibility* covers information about how the subjects evaluate the before mentioned explanations. *Credibility* is quite central in theme in the interviews, and the word itself is used no less that 31 times by the subjects during the three interviews.

When the subjects mention credibility, what they speak about is how they or other evaluate if an asylum seeker and the asylum seeker's story seem credible.

The third signifying sign, *identity*, covers the statements where Møller, Lindholm and Gammeltoft-Hansen speaks about what was expected of them and other members of the Danish Refugee Appeals Board. Under this sign I have also coded statements about the identity of both the subjects themselves and other Board members outside the Board and how their other identities possibly influence their work at the Board. This means I have also taken statements touching on doubts and difficulties related to the work and coded it under this sign.

The fourth signifying sign is *objectivity*. Under this sign is coded all statements about personal objectivity, both about how to be objective, but also about the lack or difficulties of being objective. The ontology of discourse theory tells us, that there is no such thing as objectivity, but discourse theory also tells us that we act as the 'reality' around us has a stable and unambiguous structure, which leads us closer to having an objectivistic ontology as actors in the world outside of academia. This doesn't mean that all people have this approach, but it is the reason for using *objectivity* as a sign. As I will show later, while the subjects do not always believe in objectivity it is still a central theme in the interviews.

This means that the four key signifiers that this analysis will focus on are *objective information*, *credibility*, *identity* and *objectivity*. These are not the only key signifiers found in the interviews, but they are the four largest themes that Møller, Lindholm and Gammeltoft-Hansen all articulate as central in the refugee determination process.

After identifying the four signifiers tying the interviews together, the next step is to see how these signifiers are represented discursively by the three subjects.

Bjørn Møller

The interview with Møller, was as before mentioned the first of the three.

The coding of the interviews divides the information presented to the Board members during the refugee status determination process into two, the objective information and subjective explanation on which the Board members have to make a credibility assessment. Møller also speaks about this divide:

"One should consider two things. Firstly, you must consider the applicant's explanation. How is the context, if it is credible, etc., but it should also be assessed in relation to the situation in that country [country of origin]. So, if there is one that claims he is gay and is being persecuted by the authorities in

Sweden, then even though his story seems credible, it does not fit with what we know about Sweden. So, therefore, background material is important." (Møller, 2017, p. 4).

Møller sums up the method of making a refugee status determination; assess the information given on a specific case and then compare it to the information available on the situation in the country of origin.

This seems quite simple, but Møller closely follows this statement with saying:

"But then ... background material. They play a rather big part, and they are not all good. In some cases, it can be very difficult to get any. For example, concerning Somalis, they [the people who write the Country of Origin Information] have not typically dared to travel to Somalia and go outside the airport. That is why most of it is written in Kenya. They could just as well have written this at home. It does not matter if you are in Nairobi at the airport if you do not dare sit in Mogadishu." (Møller, 2017, p. 5).

Møller sediments background information as central to the process, but then states that they are "not all good". This is a statement that I have coded under objective information, but the statement shows that maybe not all of the objective information is actually considered to be objective. In the quote Møller refers to a specific report about Somalia produced by the Danish Immigration Service and the Norwegian Landinfo from 2015. When speaking about another report procured by the Danish Immigration Service, this time about Eritrea, Møller states:

"... I pointed out how bad it was. Totally outrageous. And that's of course because there are some particular interests involved as it [The Danish Immigration Service] during my former student Mette Frederiksen's ministerial period had fabricated it [the Eritrea-report], and of course they had done that with a certain political objective in mind." (Møller, 2017, pp. 4, org. Danish)

Møller speaks about the objective information in a way that one should not automatically see the information presented in country of origin information as objective, and instead speaks about particular interests being present. While country of origin information is referred to as objective information within the Board, as seen in the earlier quotes by Lindholm and Møller, what Møller's statement shows is the acknowledgement of discourses being present in said information. Møller sees the reports as political acts instead of as objective information. When asked which producers of country of origin information are seen as most reliable, Møller answers:

"... something that comes from the UN-system typically has a fair amount of credibility. And then there is something from those such as Amnesty International. They will typically be sent out but would not have that much credibility. Amnesty is an NGO that has a specific agenda, so if we had to choose, if for example Amnesty and the UN disagree. Then you can argue that they [the UN] may be more credible than Amnesty. I think that really is a very reasonable way of doing it." (Møller, 2017, pp. 6, org. Danish)

Møller does not use the word objective in this statement, instead speaking about the credibility of a source. Information produced by Amnesty International is seen as less credible than information produced by a UN-organisation, because Amnesty International has a “specific agenda”, again speaking about the information as a political act. Does a UN-organisation not have an agenda? This way of looking at sources shows a hierarchy of knowledge, where some information is seen as more credible or objective than other, and it is a taken-for-granted assumption in Møller’s field of discursivity that UN-organisations produce more credible information.

Møller’s use of the word ‘credibility’ instead of ‘objective’ is very telling for the entire interview. Other types of ‘objective information’, such as authentication of identity papers, Møller also doubts the credibility of:

“Once in a while, they have been sent to be authenticated, but very rarely because, firstly, they are relatively expensive, it means a considerable delay, and they are typically not conclusive. They can only say, ‘There is something that points to this, and there is something that points to the other. There is something pointing both ways’.” (Møller, 2017, pp. 3, org. Danish)

The same goes for medical examination looking for evidence of torture:

“There are also some who say, that always, if there are someone who say, ‘I’ve been exposed to torture’, then they have to go through a torture examination. Firstly, it costs money and it takes a lot of time. If I now say, “I was burned by the authorities with a cigarette”, if I could get 30 years of better life, I would maybe burn myself with a cigarette, so such an investigation would not even be conclusive. It would not be a final proof. It can strengthen a case, but it is not a final proof. That with the objective treatment, I don’t believe in that. That cannot be done.” (Møller, 2017, pp. 10, org. Danish).

Møller himself that divided the assessment of the asylum seekers into two categories, but he does not see any of the ‘objective information’ as objective, just as he does not see assessment itself as being objective. When coding the interviews, I made use of a quote by Møller to emphasize why I had chosen ‘objective information’ as one of the codes, but this quote is actually Møller once again fixing the meaning of how the ‘objective information’ is not very certain:

“It is one of the objective things, or objective ... but thus assessments that come in and which play a role in the decision, for example If you come from one country or another country or which part of Somalia you come from, you have also used language tests, for example. But they seem very uncertain to me.” (Møller, 2017, pp. 12, org. Danish).

Møller acknowledges the discourse that deems certain information as objective, in this case language tests, but once again rejects the possibility of objectivity and certainty. Møller creates a fishing-net of

uncertainty, where the signs surrounding the 'objective information' break down the validity of most 'evidence' that can be held compared to the credibility assessment, only speaking of the UN-produced information as more credible than other sources, but still not objective

This leads back to the first quote presented from the interview with Møller:

"One should consider two things. Firstly, you must consider the applicant's explanation. How is the context, if it is credible, etc., but it should also be assessed in relation to the situation in that country [country of origin]. So, if there is one that claims he is gay and is being persecuted by the authorities in Sweden, then even though his story seems credible, it does not fit with what we know about Sweden. So, therefore, background material is important." (Møller, 2017, pp. 4, org. Danish).

In this statement Møller actually only looks at two things, credibility and country of origin information. Møller's discourse on the *objective information* in form of age assessments, medical assessments, language tests and so on, but not including the country of origin information, weakens the credibility of such information for use in the refugee status determination process. This emphasises the importance of the credibility assessment, and its only function is to support or discredit the credibility of an asylum seeker, instead of being evidence independent from the credibility assessment. A medical exam stating that the asylum seeker has been tortured can help the credibility of the person, but if the overall credibility of the asylum seeker is poor the assessment might not mean anything for the outcome of a case.

Møller states that *"at least 90 % of it [the refugee status determination] is credibility"* (Møller, 2017, pp. 12, org. Danish), confirming the importance of the credibility assessment. But here I come back to the central question, how does one determine if another individual is credible? To put it simply, how do one determine if a person is telling the truth? This brings us to the part of the interview coded under the key signifier credibility.

When speaking about credibility, Møller time and time again stresses the importance of it, and also states that sometimes it is pretty straight forward, *"But still the most crucial is the element of credibility. There are some stories that are absurd"* (Møller, 2017, pp. 9, org. Danish). At other times the question of credibility is more complex. Møller mostly speaks about credibility assessments by using examples of homosexuality and religious converts. When asked how one determine of an asylum seeker is homosexual, Møller states:

"It's a big problem. There is someone who has offered to come with 'I have a movie here [where the person has sexual intercourse with another of the same sex]'. I have not been in a Board where we have accepted it. We do not want to. Partly because it crosses the boarder and second, it is not even a final

proof. That is, if your next 30 years depends on doing something, that you think is a little [not appealing]¹ right now, then you could say, 'well, yes, okay, I'll do something with a person of the same gender to get this win'. So, it will not even prove anything. So, it has always been rejected. But how do you prove that? ... Of course, you are looking at whether there is consistency in this story. So, it is a credibility assessment very far along the way." (Møller, 2017, pp. 7, org. Danish).

Møller again states that it is difficult to prove anything, and they therefore rely on the credibility assessment. Here Møller ties the sign *consistency* together with *credibility*, thereby showing that the consistency of a story is important in the credibility assessment.

"And the same is true for conversion cases where one also has to consider, 'Do you really believe in Christianity?', because there are some obvious incentives to pretend to even if you actually don't. So how do you assess it? Again, it is a credibility issue. But there are some things that can point out if you are more serious than others. Not having learned a whole lot of things by heart, that does not matter. If you had some interest in Christianity before coming to Denmark, that makes it more credible than if you only got it while you were in Denmark. If you have gained an interest in Christianity, begun to go to the preparation of baptism or something before being refused asylum, then you are more credible than if you first do it after you have been refused. So, it is not tangible things that one can assess, but there are some things that make it more credible than other. And it's hard but you have to make an assessment, I know that there are some people who think theological, if you are baptized, then you are Christian and that is it. I do not buy it. So, it will be a credibility assessment again." (Møller, 2017, pp. 7-8, org. Danish).

Møller again speaks into a discourse of uncertainty. The most concrete evidence of Christianity, being baptised, is not seen as final evidence of faith, and it is the faith of the asylum seeker that Møller assess; the intend of the baptism. But how do you actually assess something as deeply personal and intangible as another person's faith? Møller speaks of the difficulties of making that assessment, but also states that it has to be done. Then he goes on to explain how a credibility assessment is made:

"Originally, it was done, so that one made such a question, a theological question. What are you celebrating at Pentecost and something like that, for example? You can look it up on Wikipedia, and you can learn it by heart. There are many Danish members of the Danish National Church who will not be able to answer the questions they ask. ... it is called the narrative approach, which we started using shortly after I entered the Board, and it makes much more sense. So, they must come up with an explanation of what made them feel attracted towards Christianity. What have you done about it? How did it actually happen? Did you talk to anyone?" (Møller, 2017, pp. 7-8, org. Danish)

¹ puha

In this part of the interview two taken-for-granted assumptions are found; that converts should be held to the same standard as the average Danish member of the Danish National Church and that the narrative approach is better than the theological questioning when assessing the faith of an asylum seeker. That the approach to credibility assessment changed to a narrative questioning shows that a hegemonic intervention happened within the Board. This could be a hegemonic intervention local to the Danish Refugee Appeals Board, or it could be a symptom of a broader paradigm shift in the approach to credibility in the Danish or maybe international asylum system.

When looking at how Møller articulates credibility, the fishing-net is filled with signs strengthening its importance, but at the same time stressing the difficulty of making such an assessment.

The field of discursiveness that is starting to be built articulates the process of making a refugee status determination based on the Board member's assessment of credibility and very little on tangible evidence. This means that the individual Board members suddenly become much more tied to the outcome of a determination, than the use of the term objective information would point towards. This brings us to the next key signifier used to code the interview; *objectivity*.

In the extracts from the interview that have already been analysed upon Møller has already established that he does not believe in an objective refugee status determination. Møller uses the term objective, but only when he establishes an antagonistic relation between the work done by the Danish Refugee Appeals Board and the sign. How long a person has been on the Board also influences a decision: *"Yes, there are a lot of stories that are alike, There are stories that simply looks like they have been created using a certain template, and then you cannot help [thinking], that this I have heard seven times before, so then it is most likely not true."* (Møller, 2017, pp. 11, org Danish). Møller's discourse describes the refugee status determination process as everything but objective. This he sums up by saying: *"So it's not an exact science, and I do not believe that it can be."* (Møller, 2017, pp. 10, org. Danish).

This means that within this discourse the identity of the Board members become more central to the determination process. Møller has, as before mentioned, a large knowledge of most of the larger refugee producing countries. When looking through the interview, the way Møller positions himself is quite interesting. He does not really mention his educational or professional background, and the only time where he actually positions himself is in opposition to something else. This, according to discourse theory, is not unusual, as identity is often identified in its opposition to something else. Møller position himself in opposition to the political acts that he identifies in the two country of origin reports about Eritrea and Somalia produced by the Danish Immigration Service. Møller states that he *"heroically fought against"* (Møller, 2017, pp. 5, org. Danish) a particular formulation in the Somali-report, allowing for the rejection if Somali asylum seekers. About the same topic Møller also stated: *"I once managed to get rid of the*

nonsense verse [referring to the formulation], as I call it because it makes no sense whatsoever. But otherwise I struggled in vain.” (Møller, 2017, pp. 5, org. Danish). What ties the two statements together other than the subject is Møller’s use of, what I would categorise as, *war discourse*, positioning himself as someone struggling against the hegemonic discourse. This is seen again in the last statement Møller makes in the interview:

“One of the few victories I’ve had in there was a detail about Syrian refugees. In fact, I got, not just me, but it was me who took the initiative, it was a criterion that was put into the assessment of Syrian men in a particular age group. ... I actually came through as a criterion, which was also used in general.” (Møller, 2017, pp. 14, org. Danish).

The way Møller positions himself in the interview creates a discourse about a more ‘idealistic identity’ and gives the impression of an individual that chose the job at the Danish Refugee Appeals Board due to personal principles. The reason I use the identifier *idealistic* about this identity, is because Møller positions himself as someone who, during his time in the Board, used the identity as ‘Board member’ to change the discourse. This ‘idealistic identity’ is not always compatible with the job. When speaking about a case, where two rejected asylum seekers, one of them underage, were sent back to Afghanistan, Møller speaks about the antagonistic relation that sometimes are between the ‘Board member’ identity and the idealistic identity, *“It’s also why you have principles, and maybe you sometimes forget that sometimes the benefit of the doubt should belong to the applicant, if there is real doubt.”* (Møller, 2017, pp. 14, org. Danish).

SUMMARY

The analysis of the interview with Møller shows a discourse focused on the uncertainty of the refugee status determination process. Møller acknowledges another discourse that deems certain information objective, but the discourse found in the interview is filled with signs that break down the notion of an objective treatment. The objective information is not objective, credibility is central but also uncertain, there is no such thing as an objective treatment. Moreover, Møller positions himself with an ‘idealistic identity’, but the interview shows a struggle between that identity and the identity as ‘Board member’.

There were four large taken-for-granted assumptions found in the interview; 1) UN-produced country of origin information is more credible than information produced by NGOs due to Amnesty International having an agenda, 2) Converts should be held to the same standard as the average Danish member of the Danish National Church, 3) the narrative approach is better than the theological questioning when assessing the faith of an asylum seeker and 4) baptism does not automatically make a person Christian.

Jesper Lindholm

The key signifier *objective information* used as code, was taken from Lindholm's statement:

"Those of us who have dealt with asylum law for some time, know that what is termed 'objective information' should be seen in relation to the 'subjective explanation' from the asylum seeker, and compared to each other" (Lindholm, 2018, pp. 2, org. Danish).

Lindholm divides the information presented in an asylum case into two, the objective information and the subjective explanation, stating that this terminology is used amongst people who have dealt with asylum law for some time. This statement points towards Lindholm speaking into an asylum law discourse found amongst people who work in that field. But just because Lindholm uses the term objective information, it does not mean that he finds all information within that category to be objective. When asked what information is seen as objective, Lindholm stated:

"If it [a fact-finding mission from the Danish Immigration Service] was the only thing that was in that area, then I had a tendency to say it is a source that has an interest in perhaps getting the case lit in a certain light. At least they are the first agency in the asylum process. It may be a little different if they have the Danish Refugee Council with them, so it will be seen as more objective from the outside at least. It has to be that the Danish Immigration Service's fact-finding missions, they must be objective. They only collect information. Then there have been some problems with the famous Eritrea report, where we found that it looked a bit more like ordered work than what was good and what the Immigration Service staff might even be able to vouch for. But, as far as I know, it was a onetime thing, and they have learned from that. So, we have to consider it to be objective information gathering, but at least I had the view that if that were the only information available, then I would be less inclined to use it uncritically as information on country information or country situations. On the other hand, if there was some useful information and they were the only ones from the Danish Immigration Service, if there was no reason to see them as an act in a specific issue, clearly trying to get the answer that they would like to hear, if it seems objective as it should be, then I had no problems using it." (Lindholm, 2018, pp. 2-3, org. Danish)

While speaking about the credibility of information produced by the Danish Immigration Service, like Møller, Lindholm words his answer very carefully. A discursive struggle can be found in the quote, where Lindholm on one side states that he is less inclined to see information produced by the Danish Immigration Service as objective, but on the other side states that sometimes they have no choice. When Lindholm speaks about seeing the information produced by the Danish Immigration Service as objective, he uses words that slightly separate him from the statement instead placing himself into the discourse of

being cautious about the information and always looking at it critically. Along with a later statement: *"I have been at board meetings where I have had the feeling that people [Board members] didn't really think about whether or not the Danish Immigration Service's fact-finding reports could be used as an uncritical base [for a refugee status determination]"* (Lindholm, 2018, pp. 4, org. Danish), this show Lindholm's careful way of acknowledging an outside discourse while still separating his own discourse from it.

According to Lindholm, the involvement of DRC in the knowledge production/information gathering can ensure more objectivity. The Danish Refugee Council's involvement brings another discourse and another set of interest into the mix, which makes the information more objective. Looking at information from more than one source is something that Lindholm mentions a few times through the interview: *"...I have thought about it, that the more background information there is on a given situation or problem in a country and from the most possible different organisations or authorities for that matter, the safer you are to use it as basis for the case."* (Lindholm, 2018, pp. 2, org. Danish).

Another way Lindholm distinguish between sources is found in this statement:

"If they have not been able to enter the country, for example due to a very violent conflict, and is therefore gathering information from a neighbouring country, it would be less accurate than the organisations such as UNHCR or Red Cross, which are present in the country." (Lindholm, 2018, pp. 3, org. Danish)

Here Lindholm puts another sign into the fishing-net fixing the meaning of objective information, *first-hand knowledge*. Information is seen as more credible if it has been attained first hand, and therefore a hierarchy of knowledge and sources exist.

Lindholm speaks into a discourse of hierarchy of knowledge similar. The discourse links certain signs together fixing the meaning of *objective information*, so that a multiple of sources and first-hand knowledge becomes the most central signs. This is not that far from the discourse that exist about the credibility of sources within everyday society, where primary sources and more than one source generally giving the same information is preferred.

This leads us to the second key signifier *credibility*, which connects to the 'subjective explanation' of Lindholm's discourse. From the start by using the term 'subjective explanation' there is put less emphasis on this information as it is both subjective and an explanation; two words that in everyday language holds less sway than the words 'objective' and 'information'. Lindholm does find the credibility of the asylum seeker to be central, as he states: *"Of course, the credibility assessment means something, and it means a lot"* (Lindholm, 2018, pp. 7, org. Danish), but he goes on to say, that there is a tendency in the Board for credibility to overshadow all other information in the case.

Credibility is here linked together with the story told by the asylum seeker being consistent, but Lindholm points out:

“If you have told the Immigration Service this and that, and it diverges from the first interview to the next, a smaller thing maybe, but then there are also some problems in relation to their verbal explanation in the Board, which diverges from some other things, then it's easy to say that they [the asylum seeker] are lying. One should keep in mind that, for example, I find it hard to remember what I did last Wednesday and if I'm going to, excuse me the expression, at gun point, explain why I need asylum and in detail have to explain what exactly happened when I fled, which I assume, have to be in a very stressful situation, it can also be expected that I cannot remember it precisely.” (Lindholm, 2018, pp. 7-8, org. Danish).

Lindholm thus lessens the importance of complete consistency for an asylum seeker's story to be credible, which reveals an important assumption; that one cannot expect an asylum seeker to remember precisely what lead to and happened during their flight, just like we, in our everyday lives cannot remember exactly what happened last Wednesday. The assumptions influenced how the subjects approached the refugee status determination process, and therefore they are interesting to this research.

Lindholm states that *“if there are some serious inconsistencies in the way that he [the asylum seeker] told their story”* (Lindholm, 2018, pp. 8, org. Danish) this would be emphasised in the credibility assessment, and that asylum seekers should be denied refugee status if this happens, but that there is a problem in the way some Board members assess credibility and how much emphasis there is put on it. Lindholm does not deny the importance of the credibility assessment, but he uses more time fixing the meaning of what credibility is not, than what it is.

“... perhaps they [judges and lawyers also part of the Board] may forget that credibility assessments and evidence assessments are a bit different in asylum cases than in criminal proceedings. I think that they are aware, but it is something that lawyers and judges can be very convincing about when they say that if they [the asylum seeker] cannot remember, that may be because he has not experienced it himself.” (Lindholm, 2018, pp. 8, org. Danish)

Thus, according to Lindholm, credibility does not depend on complete consistency, and it is acceptable if there are small holes in the story or if there are some things that the asylum seeker cannot remember. More importantly a credibility assessment in asylum cases is not the same as in criminal proceedings. Lindholm creates an antagonistic chain of equivalence that in its existence does just as good a job at fixing the meaning of credibility as the signs Lindholm uses to fix the key signifier itself. The meaning of signs are fixed as much by what they are not as by what they are. The discursive signs surrounding the key signifier *credibility*, are fixed in a way that weakens its role in the refugee status determination process, but this

seems to be in a struggle against an antagonistic discourse rather than Lindholm not finding credibility assessments to be central.

When coding the interview, I came to the realisation that the discursive struggle that Lindholm articulate in his attempt to fix the meaning of *credibility*, while still a separate struggle to fix meaning, is also a symptom of a larger discursive struggle. The larger discursive struggle that Lindholm is articulating I have chosen to code under the key signifier *objective*. When I have chosen to code this struggle under the signifier *objective*, its on the basis of Lindholm's own discursive field. Lindholm's use of words such as 'objective information' as well as 'facts' (Lindholm, 2018, pp. 6, org. Danish) speaks to an ontology where there is a truth outside the subjective. The discursive struggle articulated by Lindholm is not really centred around the existence of objectivity, instead being focused on how the Board member separate their subjective opinion from the refugee status determination, or in other words it's a discursive struggle about the objective determination that Møller also mentioned and then dismissed. It is a struggle about how to make the determination as objective as possible. There are several places where the struggle is articulated. When asked if politics influences some of the assessments, Lindholm response:

"It is clear that, as a person, you also have opinions about things and is influences by one side or another. ... I personally think that when you sit and judge an asylum case, you look at the facts and compare law and if you on the background of that should receive asylum, then you have to have asylum regardless of whether the politicians believe that this person should receive asylum or not" (Lindholm, 2018, pp. 6, org. Danish).

Lindholm articulates the refugee status determination process as being very straightforward; based on fact and law alone. Lindholm's discourse on the refugee status determination process is filled with signs of certainty. Individual political opinions are clearly antagonistic to the process, and the quote also shows that Lindholm believes that the two can be separated if ones follows the 'equation' of facts and law. Lindholm softens the comment by stating that all the Board members feel that way, but then goes on to say that in individual cases, he has struggled with other Board members about '*political considerations*' (Lindholm, 2018, pp. 6, org. Danish). Lindholm builds the chains of equivalence, so that objectiveness is not letting political considerations tint the decisions. It is basing the refugee status assessment on facts and law.

Lindholm continues articulating the struggle, by speaking about discussions he has had with other Board members, who, when making credibility assessments, were tinted by their own understanding in the world. Lindholm argues that "*... it's not about what you would do, and by the way, you do not know if you would do it if you were in the same situation. It's about assessing if it is probable.*" (Lindholm, 2018, pp. 9-10, org. Danish). Lindholm again articulate the antagonistic discourse, tying it with subjectivity, thus

making it weaker within a discourse built around the existence of facts. When Lindholm articulates how refugee status determinations should be done, he speaks through a discourse of law, using it as a buffer between the subjective determination and the objective determination. In Lindholm's discourse, law almost seems like a wall capable of blocking out individuals' personal understanding of the world and therefore make the determination objective, if used properly.

Lindholm's discourse is not just one based in law, but a specific type of law. Many of the other Board members also have an educational and professional background in law, but Lindholm argues from a discourse of asylum law, where the fishing net is different from the discourse found in criminal law. Lindholm has a lot of experience from this field and with a starting point in his work at the UNHCR, he articulates another problem that can influence the refugee status determination; asylum fatigue. In the UNHCR there is a rule stating that persons are only allowed to work with refugee status determinations for two or three years, as you otherwise get too coloured in one direction or the other. As Lindholm describes it: *"The brain overloads hearing too many of these stories with all the terrible things that have happened, or you hear the same types of stories about fleeing through the mountains or giving food to the rebel groups, etc., that you start to think that it simply is not possible for everyone to have done this. And then you give a denial or on the other hand you say, it can be true and then you accept everyone."* (Lindholm, 2018, pp. 8-9, org. Danish).

Lindholm's discourse, in response to the struggle, attempts to weaken the antagonistic discourse by creating a chain of equivalence defining what an objective assessment is not. This is an important part in attempting a hegemonic intervention, much like struggling to define the key signifier. The objective determination exists through facts and law, but to succeed in this Board members must separate themselves from their ethnocentric view of events, they must not consider immigration policy and individuals should not be Board members for longer than three years, due to asylum fatigue. When reading the interview, it does not seem like Lindholm succeeded in a hegemonic intervention while a member of the Board, but he mentions writing about some of his critique (Lindholm, 2018, p. 7) in a continuation of the discursive struggle, but this time outside of his identity as 'Board member'.

This brings me to the fourth key signifier, *identity*. Throughout the interview Lindholm has a very careful and very precise way of articulating his thoughts, using a lot of legal terms in his effort to fix the meaning of how determinations should be done. He even articulates how other identities can influence the refugee status determinations if Board members are not able to separate one identity's view of the world by using the formula of facts and law that should be the Board member's way of seeing things. While Lindholm articulates struggles between identities, there seems to be no antagonistic relation his identity as 'Board member' and another of his identities. Lindholm's discourse is a legal discourse and he often speaks of both national and international law. When he positions himself, it is in connection to his work in UNHCR

(Lindholm, 2018, pp. 3, 8) or other positions of expertise (Lindholm, 2018, p. 7) giving the impression of an individual very certain of how asylum law should be practised correctly. Throughout the interview the struggles articulated are from a position of expert; this is how things should be done. Lindholm even articulate this identity when stating how the Danish Refugee Council found the individuals they nominated for the Danish Refugee Appeals Board: *“The Danish Refugee Council ... decided to find people with legal expertise in the area and possibly other qualifications and people with insight into some of the most typical asylum-producing countries”* (Lindholm, 2018, pp. 9, org. Danish). Lindholm positions himself in the category of legal expertise. And his identity as ‘Board member’ is just a natural extension of his ‘expert’ identity. There is not an antagonistic relation between the two, only between his view of the identity of ‘Board member’ and other Board member who do not act in a “correct” fashion within the identity. Lindholm instead uses his identity as ‘Board member’ to fight for what he through his identity as ‘expert’ is the correct way to approach the refugee status determination process.

SUMMARY

Lindholm’s discursive field is built around legal signs giving certainty to, what I have before termed, a very normative field. There are objective information and subjective explanations, and determinations should be made on the basis of facts and law. The ontology of the discourse found in Lindholm’s interview leans more towards an objectivistic approach than a constructivist one, without giving the sense that it is a situational ontology only based on how Lindholm acts in the ‘real world’. The complexity of the refugee status determinations is articulated and Lindholm has a critical approach to sources, but the discourse positions individuals to be able to separate their subjective opinions from their function as ‘Board members’ by the use of a ‘legal wall’. When Board members were not able to make the separation, it leads to a discursive struggle. This struggle is found in the fixation of all four key signifiers. The discourses are designed in such a way to not only strengthen Lindholm’s approach to the refugee status determination process, but also to weaken the antagonistic discourse, linking it with signs of subjectivity.

In the Interview one large assumption can be found, that it is just as difficult for an asylum seeker to remember their asylum motive and flight, as it is for person not of refugee status to remember what happened last Wednesday.

Thomas Gammeltoft-Hansen

The interview with Thomas Gammeltoft-Hansen was the third and shortest of the three. This also means that there is not as much empirical data to work with and the analysis is thus shorter than the other two.

Coding the interview with Gammeltoft-Hansen, there were only few statements of interest in connection to the key signifier *objective information*. This is not because Gammeltoft-Hansen did not speak of the information, but when asked how he weighed the different kind of information presented in an asylum case, Gammeltoft-Hansen simply answered that you cannot really compare different types of information (Gammeltoft-Hansen, 2018, pp. 4, org. Danish). Gammeltoft-Hansen's discourse, regarding objective information, is just descriptive. There is no hint of a discursive struggle between the objective or subjective nature of the information, and Gammeltoft-Hansen's articulation is very neutral, but without painting the picture of carefulness, that characterised Lindholm's articulation. Gammeltoft-Hansen uses a very precise language, and there are not many personal opinions to be found. Gammeltoft-Hansen also commented on the Eritrea-report produced by Landinfo and the Danish Immigration Service:

"One could say that I [also worked in the Board] in the years when there were problems about [the Eritrea-report], where there was criticism of the country of origin report that had landed, and some employees went out saying that they could not agree [with the content of the report]. We [the Board members] were not late to say, that it cannot be used that much, the country report, because it was clear that the methodological base was not in order." (Gammeltoft-Hansen, 2018, pp. 5, org. Danish)

The Eritrea-report was heavily criticised after its release, and Gammeltoft-Hansen articulating that the Board did not make use of the report due to the methodological base not being in order is another example of a neutral discourse. Even Lindholm, with his very careful articulation, spoke of the interests behind the report. After this statement, I asked, how one relates to the producers of background information, and Gammeltoft-Hansen answered: *"I like to think, in my world and for me, it's always a matter of drawing an overall picture and if it starts to draw a contradictory picture, it's about paying special attention and finding out what's really going on. ... So, there is no clear hierarchy or ranking."* (Gammeltoft-Hansen, 2018, pp. 5, org. Danish). In this statement Gammeltoft-Hansen do articulate a critical approach to sources, but only when the overall picture is contradictory. In his very careful discourse Gammeltoft-Hansen does link the sign *uniform overall picture* together with *objective information*, but afterwards states that there are no clear hierarchy or ranking of sources. Throughout the articulations about *objective information*, Gammeltoft-Hansen does not really build a clear discourse, and by keeping it neutral he shows no sign of a discursive struggle.

When looking at the part of the interview coded under the key signifier *credibility*, Gammeltoft-Hansen steps outside the neutral discourse of the *objective information*. This might be because *"... credibility is usually the most central part"* (Gammeltoft-Hansen, 2018, pp. 5, org. Danish) of the refugee status determination process and therefore more important to struggle for a fixation of meaning on.

Gammeltoft-Hansen describes the standard approach to credibility assessment of a generic asylum case:

"... one typically looks for if the person [the asylum seeker] is able to reasonably and clearly tell about the conditions [of their flight]. One will look for a connection between the things that are explained the first, second or third time, if there are significant divergences in relation to particular circumstances and what is explained. If that's the case, you might want to look at the applicant. Is it a person who ought to be able to keep track of different dates or times or something third, or is it an illiterate which might explain the divergence in relation to specific situations where they may be traumatised?" (Gammeltoft-Hansen, 2018, pp. 5-6, org. Danish).

In this articulation Gammeltoft-Hansen fix the meaning of *credibility* together with *reasonably and clearly told story, no significant divergences*, but widens the definition by stating that there can be mitigating circumstances. One thing that Gammeltoft-Hansen emphasises as *"very important"* is whether the story of the asylum seeker seems *self-experienced*. The small *"unimportant details"* like the presence of a red car or a bus stop are, according to Gammeltoft-Hansen, important when assessing if a person is lying, citing that this is something written about in criminal law (Gammeltoft-Hansen, 2018, pp. 5-6, org. Danish). Gammeltoft-Hansen thus ties the sign of *self-experienced* into the fishing-net that fixes the meaning of *credibility*, but this last addition to the fishing-net is built on an assumption. Gammeltoft-Hansen builds this part of his discourse about *credibility* on a discourse found in criminal law, thereby linking asylum law with criminal law. But can you expect the same from an asylum seeker as a regular defendant found in the Danish justice system? This is something that is not questioned within Gammeltoft-Hansen's discourse.

The importance put on the *self-experienced* story is emphasized once more: *"... I emphasize the part dealing with whether it [the asylum story] appears self-experienced, thinking that it may weigh relatively heavier for me than if there are a few deviations in relation to detail."* (Gammeltoft-Hansen, 2018, pp. 6, org. Danish).

Just like Møller, Gammeltoft-Hansen also articulate *credibility* in connection to religious converts:

"One of the things I have discussed a lot with colleagues in the Board and beyond it is, for example, conversion cases, where I do not believe in putting much emphasis on tangible knowledge of Christianity and Christian holidays. It's okay to ask for it and it can count positively if people are clearly well-versed in Bible texts, but that's not something to expect. Just as you cannot expect it from Danish Christians, so I would rather ask questions to get a better understanding of what caused the people to turn away from their religion, how did they get interested in a new religion, when was it that they made a final decision to convert, so as to get a more holistic story and not sit and try to judge as to whether another human being has faith or not, which one by definition cannot do." (Gammeltoft-Hansen, 2018, pp. 6-7, org. Danish)

The way of doing credibility assessments, that Gammeltoft-Hansen describes here, is the narrative approach that Møller also describes in his interview (Møller, 2017, pp. 7-8, org. Danish). In this part of the interview two taken-for-granted assumptions are found. The first, that the narrative approach is better for assessing faith than a theological questioning, which is an assumption that Gammeltoft-Hansen directly links with the second assumption; that we cannot expect a convert to have more theological knowledge than a Danish Christian.

I have before asked the question of how you can evaluate another individual's faith, and here Gammeltoft-Hansen simple states that it is not possible. Gammeltoft-Hansen positions the narrative approach in such a way, that it can be used to get around evaluating the faith of the asylum seeker, thereby assessing the credibility of finding said faith. Fixing the *evaluation of faith* as impossible by definition (Gammeltoft-Hansen, 2018, p. 6), Gammeltoft-Hansen strengthens the discourse in which the narrative approach is preferred. Gammeltoft-Hansen articulates his preference for the narrative approach from a position of discursive struggle, but from earlier in the analysis we know, that the narrative approach has hegemony within the Danish Refugee Appeals Board. This of cause does not mean that the articulated struggles did not happen, as the hegemony is continuously challenged by antagonistic discourses. It simply means that Gammeltoft-Hansen articulated the discursive struggles from a position of hegemony.

Gammeltoft-Hansen's discourse on *credibility* is one articulated as subjective, building a fishing-net where the signs can be rearranged depending on the specific circumstances of a case, giving strength to the self-experienced story and the narrative approach to credibility assessment. Within the discourse articulated in the interview there are three assumptions influencing Gammeltoft-Hansen's approach to credibility. The first being that general credibility can be assessed in the same way in asylum law as in criminal court. The second assumption is that the narrative approach to evaluating another individual's faith is better than the theological questioning, and linking to this, the third assumption is that that one cannot expect more theological knowledge from a convert than from a Danish Christian.

This leads to the part of the interview with Gammeltoft-Hansen coded using the third key signifier *objectivity*. Gammeltoft-Hansen does not use the word *objective* in his discourse, but there are articulations throughout the interview, which shows his approach. Throughout the interview, Gammeltoft-Hansen's discourse leans on a legal approach, with many references toward national and international law, guidelines and handbooks (Gammeltoft-Hansen, 2018, pp. 2-4, org. Danish). According to Gammeltoft-Hansen, there is a framework giving structure to the Board members approach to the determination process, and there are certain ways this is done right, which speaks to the possibility of an

objective determination process. Gammeltoft-Hansen articulates one of these rules when speaking about the credibility assessment of LGBTQ individuals: “... *care must be taken not to bring their [the Board members’] own prejudices, as white Westerners, into the evaluation of these things,*” (Gammeltoft-Hansen, 2018, pp. 7, org. Danish). In this discourse, the subjective opinions are very much present, but the Board members can separate it from the determination process, if they are being careful if they follow the guidelines. When speaking in terms of guidelines and handbooks Gammeltoft-Hansen speaks into a discourse of law and certainty, but this is not the only discourse present in the interview.

When Gammeltoft-Hansen articulate his own specific approach to background information, his answer is, as we have seen before, that it is the big picture painted by a variety of sources that is important, but his language makes an interesting shift as he ties approach with personal preference: “*I would think, in my world and for me...*” (Gammeltoft-Hansen, 2018, pp. 5, org. Danish). The subjective becomes central, which could be a way of softening a statement. Gammeltoft-Hansen does have a very careful way of stating his opinion, but part of his discourse on *credibility* speaks to something else. Gammeltoft-Hansen’s discourse positions *credibility* as the most central part of the refugee status determination, and a framework for the assessment of it is put up, but when speaking about the specifics of the how the assessment was done in the Board, a more subjective discourse is articulated. When asked if he thought his way as assessing credibility differed from other Board members, Gammeltoft-Hansen answered: “*Overall no, but it is clear that everybody may have their thing when it [the credibility assessment] is not an exact science.*” (Gammeltoft-Hansen, 2018, pp. 6, org. Danish). In Gammeltoft-Hansen’s discourse the credibility assessment is articulated as not being an exact science, and while most Board members follow the same guidelines there are differences in their approach due to personal preferences. The Board members are articulated to have personal preference, and this is not positioned as an antagonism, which leads to the subjective determination process becoming a part of the discourse. The only articulated discursive struggle in the interview, about the credibility assessment of converts, is still framed from a perspective of personal preference: “*there are certain types of cases where I have quite strong opinions about how one should question and how one should evaluate.*” (Gammeltoft-Hansen, 2018, pp. 6, org. Danish).

Gammeltoft-Hansen articulates two discourses on *objectivity* within the interview. One legal discourse, where there exists a framework for the objective determination, and a second discourse speaking to the subjectivity of the specifics in the refugee status determination process. The two discourses and their ontology are quite different but seem to coexist without an antagonistic relation and with no articulated struggle between the two. These two discourses could be the representations of two different identities, which lead us to the fourth key signifier *identity*.

Coding the interview with Gammeltoft-Hansen I actually used the code *identity* more than any other codes, as, opposite to both Møller and Lindholm, Gammeltoft-Hansen continuously positions himself in a very deliberate way and articulates this position throughout the interview:

“It was some of the leading experts that were nominated ... In my case, there were probably some who had to study asylum law and the Danish and international asylum regulations and such things, but I maybe felt that I had that down because I had taught and written about it. ... it is an advantage to be a researcher. ... because I am a researcher” (Gammeltoft-Hansen, 2018, pp. 1, 2, 3, 4, org. Danish).

Gammeltoft-Hansen positions himself in the identity of ‘expert’ and throughout the interview underlines this identity linking it with the legal discourse, but the legal discourse ‘expert identity’ does not explain the more normative discourse also articulated in the interview. For this I need to look outside the interview and look at his background.

Gammeltoft-Hansen has a PhD in Law, a MSc in Forced Migration and a MA in Political Science, thus giving him a multidisciplinary educational background, and this multidisciplinism can also be found in his professional identity, where he is described as an *“expert in the intersection between international politics and law”* (Jensby, 2016). In the interview, Gammeltoft-Hansen positions himself in the ‘legal expert identity’ without mentioning his other ‘expert identities’, but in his articulations, as we have seen earlier, another discourse with a more subjective approach is articulated, one that is often found in political science. The discourses are both tied with ‘expert identities’, but it seems that Gammeltoft-Hansen in the interview so deliberately positions himself with the ‘legal expert identity’ and avoids his ‘political expert identity’, leading to a very neutral discourse in parts of the interview, where both Møller and Lindholm commented on the political interests of producers of background information and other Board member.

SUMMARY

There are two main discourses articulated in the interview with Gammeltoft-Hansen: one articulated through frameworks and legal discourse, and a second that articulates a more normative understanding of the refugee status determination process. Gammeltoft-Hansen positions himself in the ‘expert identity’ but ties it with legal signs, not mentioning his multidisciplinary ‘expert identity’, that would explain the presence of the two discourses articulated in the interview.

In the interview with Gammeltoft-Hansen, three assumptions are found: 1) that general credibility can be assessed the same way in asylum law as it is in criminal proceedings, 2) that the narrative approach to evaluating the credibility of a convert is better than the theological questioning, and linking to this, 3) that one cannot expect more theological knowledge from a convert than from a Danish Christian

Objectivity, credibility and refugee status determination

When looking at the interviews with Møller, Lindholm and Gammeltoft-Hansen there are a lot of similarities between the three. They were all at the Board for the same period of time (2013-2016), and thus the subjects would all have experienced the same overall changes in the general approach to the refugee status determination, shifts in the national and international political climate, as well as changes in migration patterns. Møller, Lindholm and Gammeltoft-Hansen were all nominated for the Board in the virtue of their expertise in relevant areas such as asylum law and specialised knowledge on the asylum-producing countries. In the interview Møller, Lindholm and Gammeltoft-Hansen all described the circumstances that go into the refugee status determination, what information is important and how a credibility assessment is made. These were the themes that I asked them to cover.

On the surface there are a lot of similarities between the interviews, which is no surprise when the framework for both the subjects' work at the Board as well as for the interviews are similar to one another. These superficial similarities are what have allowed me to code the interviews using the four key signifiers *objective information*, *credibility*, *objectivity* and *identity*, and the three subjects all make articulations that cover the key signifiers in one capacity or another, but this does not mean that the discourses articulated in the interviews are alike.

OBJECTIVITY

When we look at the analysis of the first three key signifiers, *objective information*, *credibility* and *objectivity*, a theme of objectivity and subjectivity become clear.

It has already been established that within Laclau and Mouffe's discourse theory there is no such thing as objectivity, but it has also been established that most people approach the world as if there is a truth separate from the subjective. Hence, the focus of this analysis is on whether Møller, Lindholm and Gammeltoft-Hansen use discourses that frame the reality as objective or constructed.

In the context of this analysis the divide is not simply between the objective and the subjective, as there is another divide between, what I will term, the *external subjectivity/objectivity* and the *internal subjectivity/objectivity*.

The *external subjectivity/objectivity* is linked to how Møller, Lindholm and Gammeltoft-Hansen perceive the information that they receive during the refugee status determination process. Is there such a thing as objective information?

The *internal subjectivity/objectivity* centres on the possibility of an objective refugee status determination and asks the question if it is possible for the Board member to evaluate an asylum seeker's credibility without personal bias influencing the decision.

External subjectivity/objectivity

So, is there such a thing as objective information? As a stand-alone, the answer from all three of the research subjects has been, there is no truly objective single information source, but within each discourse there is some information, which is seen as more objective than other.

Møller acknowledges another discourse outside his own that deems certain information objective but his discourse is filled with signs that break down the notion of such a thing as objective information. Information is instead seen as a political act, much like it is within discourse theory, where the discourse of the producer of said information influences the content and use it in the struggle for hegemony. Within Møller's discourse this holds true with all producers of information, from NGOs and government agencies to the asylum seeker potentially having burned themselves with cigarettes in an effort to gain refugee status. These are all political acts to further an agenda and can therefore not be perceived or used in the refugee status determination process as objective information. Instead it becomes a question of credibility. About how credible the producers of the information are, and thus a hierarchy of knowledge is formed, where the credibility of a source becomes the most central of all.

Lindholm acknowledges the central role that credibility plays in the refugee status determination process, but his discourse stands in antagonistic relation with the discourse that is articulated by Møller, where no information should be treated as objective. Lindholm does not articulate one single producer of information as being objective, but the larger picture painted by the collective information relative to the case should be perceived as such. Information should still be treated as political acts, much as they are within Møller's discourse, but if the information provided fits with the larger picture it is treated as objective.

Gammeltoft-Hansen does not articulate information as political acts, but within his discourse, as it is within Lindholm's discourse, it is the larger picture painted by the collective of information that is the most useful in the refugee status determination process.

The discourse articulated by Gammeltoft-Hansen, while being very neutral, leans towards the existence of external objectivity, and while Lindholm acknowledges information as political acts, external objectivity is also possible within his discourse. On the opposite end of the scale, the discourse articulated by Møller is

found, where all information is seen as subjective and should only be used if found credible, which depends on an internal evaluation.

As shown in the above, Møller, Lindholm and Gammeltoft-Hansen's discourses all have different approaches to external objectivity/subjectivity, and I will now go on to discuss their views on internal subjectivity/objectivity.

Internal subjectivity/objectivity

Is it possible within the discourses for Board members to make an objective refugee status determination where personal bias does not influence the decision? Again, the interviewees' discourses offer different answers to this question.

Møller actually answers this question directly in the interview "*The objective treatment, I don't believe in that. It cannot be done.*" (Møller, 2017, pp. 10, org. Danish). Møller's entire discourse is constructed in such a way that the refugee status determination process is fixed with signs of uncertainty and subjectivity. Møller's discourse on the internal subjectivity/objectivity is a continuation of his discourse on external subjectivity/objectivity, and once again it is antagonistic to the discourse articulated by Lindholm.

It is within the question of internal subjectivity/objectivity that the discursive struggle at the centre of Lindholm's entire discourse is found. Lindholm acknowledges that subjectivity can influence the determination process, but this is put in antagonistic relation with what he sees as the right approach to refugee status determinations. Within Lindholm's discourse, law is articulated as the wall that can be put between the Board members own personal prejudice and the determination process ensuring an objective determination where only facts and law remain. Again, the discourse articulated by Lindholm on the internal subjectivity/objectivity is a continuation of his discourse on external subjectivity/objectivity. But this continuation is not as natural as can be seen in Gammeltoft-Hansen's discourse.

Gammeltoft-Hansen's discourse on internal subjectivity/objectivity is not as clear cut as Møller or Lindholm, with two separate discourses articulated. One discourse articulated by Gammeltoft-Hansen is closely related to Lindholm's discourse. There are external frameworks in place that should be able to ensure an objective determination, but there are also personal preferences that are not articulated antagonistically, which speak to another discourse where internal objectivity is not completely possible. On internal subjectivity/objectivity the two separate discourses places Gammeltoft-Hansen somewhere between Møller and Lindholm, with one discourse being a continuation of his discourse on external subjectivity/objectivity and a second separate discourse.

ASSUMPTIONS

Møller, Lindholm and Gammeltoft-Hansen articulate different discursive approaches to the refugee status determination process, but there are some taken-for-granted assumptions that are shared between them.

Before taking a closer look at the assumptions found in the interviews, I am going to summarise how they should be understood within the field of Laclau and Mouffe's discourse theory.

Discourses should be understood as the fixation of meaning within a domain, always attempting to structure signs, as if signs have permanently fixed and unambiguous meaning in a total structure.

Assumptions found within discourses, and especially assumptions shared across discourses, are the sedimented discourse that is the historical outcome of political process and struggle, or hegemonic discourse that is so sedimented that it is rarely questioned.

Assumptions that are found within discourse are important to look at and question, because they are not questioned by the discourses of which they are a part and become 'facts' on which decisions are made. In the refugee status determination process assumptions can therefore have a great deal of effect on the outcome of the determinations. I am not interested in judging whether or not an assumption is reasonable, instead I am interested in how these assumptions fit into the discourses and how they influence refugee status determination.

Of the assumptions found in the interviews two are shared between Møller and Gammeltoft-Hansen; 1) the assumption that religious converts should be held to the same standard as the average Danish member of the Danish National Church, and 2) the assumption that the narrative approach is better than the theological questioning when assessing the faith of an asylum seeker. Møller articulated two more assumptions not found in the interviews with the other two subjects: 1) that UN-produced country of origin information is more credible than other information and 2) that baptism does not automatically make you a Christian. Lindholm also articulated an assumption not found in either Møller or Gammeltoft-Hansen's interviews: that it is just as difficult for an asylum seeker to remember their asylum motive and flight, as it is for a person not of refugee status to remember what happened last Wednesday. And lastly Gammeltoft-Hansen articulated the assumption that credibility can be assessed in the same way in asylum law as it is in criminal proceedings.

Religious Converts

The two assumptions shared by Møller and Gammeltoft-Hansen, as well as Møller's assumption about baptism, are all assumptions based on the credibility assessment of religious converts. Within the refugee

status determination process the credibility assessment of converts is probably one of the most challenging, as it has everything to do with evaluating the inner belief system of another individual, something that Gammeltoft-Hansen himself termed impossible (Gammeltoft-Hansen, 2018, p. 6). Faith is generally not seen as something quantifiable, and if baptism, the most tangible expression of faith, is not seen as proof of conversion, then the assessment is even more difficult, and it becomes an assessment almost exclusively built on credibility. But why is it like this?

It could be argued that the theoretical questioning is a more objective way of determining faith, as it would be a more quantifiable assessment and therefore mostly exclude the possibility of the Board members personal prejudice interfering in the determination. If the asylum seeker answered 50 out of 60 questions about Christianity correctly then that person is a Christian; simple. But neither Møller or Gammeltoft-Hansen is interested in knowledge that can be learned by heart; Møller, because the asylum seeker learning the knowledge should be seen as a political act that is meant to further their agenda of gaining refugee status, and Møller and Gammeltoft-Hansen both because they do not expect this knowledge from a Danish member of the Danish National Church. Møller's approach to the knowledge as a political act goes hand in hand with the rest of his discourse on objectivity, but the assumption shared between Møller and Gammeltoft-Hansen is interesting. Should we not expect more of a religious convert than of an average member of the Danish National Church?

A convert has made a conscious and deliberate decision to not only choose a religion but also to reject another religion, so should we not expect more from them than we do from a person born into the Danish National Church, where on average a member of Aalborg diocese was in church twice during 2014 (Dreyer, 2018). It is two different groups of Christians, but within the discourses of Møller and Gammeltoft-Hansen they are met with the same expectation.

UN as the most objective source

Møller articulates a discourse where information is seen as a political act, and therefore should not be used as objective within the refugee status determination process. Nevertheless, Møller does articulate a hierarchy of knowledge, where UN-organisations are seen as a more objective source of information than for example Amnesty International or the Danish Immigration Service. The argument for this is that Amnesty International has an agenda. But does this mean that, within Møller's discourse, UN-organisations are seen as having less of an agenda than other organisations? Within Møller's discourse the United Nations is articulated as having less interest in the Danish asylum proceedings than the Danish Immigration Service, and information produced by the UN is therefore more objective. This might be true, but should the same logic then not be applied to Amnesty International?

Within discourse theory every articulation is a political act meant to further a discourse, and it is no different with the UN. Thus, the UN not being articulated as having an agenda in Møller's discourse would within discourse theory have more to do with the discourse produced in the UN-reports being hegemonic with Møller's own discourse and therefore not being perceived as having an agenda, than the lack of agenda from the UN.

Credibility assessments in Asylum Law vs. Criminal Proceedings

This brings us to the two last assumptions found in the interviews. Gammeltoft-Hansen's assumption that general credibility can be assessed the same way in Asylum Law and Criminal Proceedings, and Lindholm's assumption that one cannot expect an asylum seeker to better remember their asylum motive and flight than we can remember what happened last Wednesday.

Gammeltoft-Hansen prefer to focus on the 'self-experienced story' when assessing the general credibility of an asylum seeker and support this preference with research based on criminal proceedings (Gammeltoft-Hansen, 2018, p. 5), thereby linking the credibility assessment of asylum seekers with the credibility assessment of defendants within his discourse. This way of assessing credibility is articulated antagonistically within Lindholm's discourse. The reason for this antagonistic relation can be found in Lindholm's own assumption about the asylum seekers ability to remember precisely, what he term, a very stressful experience (Lindholm, 2018, p. 7).

Møller and Lindholm's approaches to general credibility assessment are at this place vastly different, and both these assumptions have a lot of influence on the determination process. These differences reflect a more fundamental difference in the two discourses; how important the credibility assessment is when making a refugee status determination.

CREDIBILITY AND TRUTH

The function of the Danish Refugee Appeals Board, if simplified, is to find the truth. Is the asylum seeker a refugee or are they not? Is the asylum seeker speaking the truth of what happened or are they not? These are central questions when working in the Board, but how do you know if a person is speaking the truth or if they are lying? Truth is, within the ontology of discourse theory, constantly negotiated, and there is no truth outside the objective, which therefore would make it impossible to assess another person's truthfulness. But it is the reality of working in the Danish Refugee Appeals Board, and this is where the credibility assessment comes in.

The credibility assessment is not necessarily used to assess the truth or lie of an asylum seeker's story, which per definition would be impossible within discourse theory, but is more focused on how credible the story seems to the Board members.

Møller, Lindholm and Gammeltoft-Hansen all have different discourses on how to determine the credibility of an asylum seeker, and how much this perceived credibility weighs in the determination process. Within the discourse of Møller and Gammeltoft-Hansen, credibility is the most central and important part of the determination process; Møller states that as much as 90% of the refugee status determination is based on the perceived credibility of the asylum seeker (Møller, 2017, pp. 12, org. Danish). But, when the credibility of the asylum seeker becomes the most central part of the refugee status determination what effect does this have?

It is important to state that just because an asylum seeker is deemed to be credible, this does not gain them automatic refugee status. Hence, while the credibility may have been established, the asylum motive may simply not be strong enough. Being a Christian in Iran or an LGBTQ individual in Uganda or even Rohingya in Myanmar is a strong asylum motive, and there could therefore be a perceived interest from an asylum seeker with a weak asylum claim in gaining a better one and therefore lie themselves into belonging in a group with a strong asylum motive. This possible interest is the reason that the Board members are focused on the credibility of the asylum seeker, but this also leads to a problem. If an asylum seeker has a strong asylum motive, as would be the case for religious converts fleeing from Iran or LGBTQ individuals fleeing Uganda, but the asylum seeker is not very clear in his statement, have a hard time remembering details or for other reasons is not deemed credible and therefore their case is denied, does this mean that the individual is less worthy of protection. Is an asylum seeker only worthy of refugee status if their story seems credible, even though their country of origin may lay in ruin?

Lindholm very clearly articulates a discursive struggle with the centrality of the role that credibility plays in the determination process, a struggle so central that his whole discourse is fixed in a way that strengthens his discourse within the struggle. The credibility of the asylum seeker is also important within Lindholm's discourse, but the method of determining said credibility has less to do with if the story seems self-experienced or if there are some inconsistencies and more to do with if the story seems plausible in the context of what is known about the country. Within the discourse, only significant inconsistencies should have the potential to influence the refugee status determination. Even then, the Board members should let the asylum seeker have the benefit of the doubt, as the stressfulness of the situation experienced can explain a lot of what would in other discourses be termed problematic in regard to credibility.

Within the framework of the discourses articulated by Møller, Lindholm and Gammeltoft-Hansen the importance put on credibility in the refugee status determination correlates with the possibility of an

objective determination. In Lindholm's discourse the subjectivity of the asylum seeker's statement and the inconsistencies that may accompany this subjectivity, does not have that much weight as Lindholm articulate the refugee status determination to be based on facts and law. Something that is seen as inherently subjective have less importance within an ontology were objectivity exists. In Møller's discourse, where the refugee status determination process is filled with uncertainty, the subjectivity of the asylum seeker's statement does not give it less sway as an objective determination is not possible. The inconsistencies and other faults there may be present in the asylum seeker's statement become more important as there are no objective facts to brush aside the inconsistency. In Gammeltoft-Hansen's discourse there is not a single, conclusive approach to objectivity. External objectivity exists within the discourse, but there is a more subjective approach to internal objectivity. The credibility of the asylum seeker is important, but there is a strong framework for how this determination is done correctly, leaving Gammeltoft-Hansen's discourse in a place between Møller and Lindholm as have been established earlier in the analysis.

CONCLUSION

The point of this research has not been to determine which approach to refugee status determination is the best, or even if one approach is better than the other. No, the purpose was to see how members of the Danish Refugee Appeals Board view truth and reality, how it influences their discourse and what this means for their approach to refugee status determinations.

My research has been conducted with three specific research subjects and the conclusions I draw are therefore not representative to all members of the Danish Refugee Appeals Board, but the method of the analysis gives an insight into the internal logics and discursive struggles that influence the refugee status determination process.

Møller, Lindholm and Gammeltoft-Hansen all articulated discourses with significant differences in approaches to truth and reality, and their approaches to the refugee status determination.

Møller articulates a discourse where there is no truth or reality outside of the subjective, and the notion of an objective refugee status determination is therefore dismissed. Møller's discourse is filled with articulations about the uncertainty of the determination process, as all information is seen as political acts, both the objective information and the subjective statement from the asylum seeker. Instead, credibility becomes the most central part of the determination process, but even if it is seen as the most important part of the refugee status determination the credibility assessment is still linked to the subjective understanding of reality and truth, fixing it with signs of doubt.

The discourse articulated by Lindholm is one of objectivity and certainty. The objective refugee status determination is possible, and credibility is not articulated as the most important part of the Lindholm's discourse. The subjectivity of the asylum seeker's statements and the inconsistencies that may accompany this subjectivity, does not have that much weight when Lindholm articulate the refugee status determination to be based on facts and law. Something as inherently subjective as the asylum seeker's statements is given less importance because of a more objectivistic ontology, where objectivity and truths separate from the social exist.

Gammeltoft-Hansen's discourse on truth and reality can be placed somewhere between Lindholm and Møller. According to Gammeltoft-Hansen, it is not possible to have a completely objective approach to the refugee status determination, but a very clear framework for how a determination should be done helps and guides the Board members closer to the truth. The credibility of the asylum seeker is important, and he articulates how it should be determined. Through he leaves a door open for personal preference, opening the discourse up for a subjective refugee status determination.

Within the framework of the discourses articulated by Møller, Lindholm and Gammeltoft-Hansen's view on truth and reality influence their discourses in such a way that the refugee status determination becomes embodied with either certainty and the possibility of an objective treatment, or uncertainty and exclude the possibility of an objective treatment. This forms Møller, Lindholm and Gammeltoft-Hansen's approach to the refugee status determination process in such a way that information is weighed, and credibility is assessed differently in each of the discourses.

The analysis has shown that there are differences in the Board members' approach to the refugee status determination, influenced by identity, their view on truth and reality and the discursive struggles that are a constant part of social reality. The refugee status determination process is difficult, and the Board members are affected by severities of the stories they hear. Nothing is black and white, and the truth of who is a refugee is constantly negotiated. The different discourses struggle to fix the discursive field of refugee status determination in hegemony with their own approach. The Board members, in lieu of their identity, hold a very privileged position when negotiating the fixation of meaning in this field, giving them the power to more easily influence the larger hegemony.

While my conclusions on the individual research subjects might not be representative of all Board members, I have applied a method that can be used to understand the underlying logics that influence each Board member.

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