

Governing Homeless European Migrants in Copenhagen

- An Analysis of the Political and Juridical Responses to the Presence
of Homeless European Migrants in Copenhagen



Photo: Eric Pouhier

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Abstract

This thesis examines how the influx of homeless European migrants in Copenhagen has led to political and juridical responses. Thus we analyse the governing strategies and mechanisms by exploring the implementation of the new amendments, the anti-begging law and the zone-ban, and the establishment of the Transit Programme.

The incorporation of ten Eastern European countries into the European Union has led to a ‘new wave’ of migration within the European Union. This is also apparent in Copenhagen, where a significant amount of homeless European migrants are present. The presence of homeless European migrants has since the spring of 2017 been heavily debated in the public media and by the politicians, both on a national and a municipal level. Thus the political and juridical responses implemented are fairly new, wherefore little knowledge has been produced in regards to this field. This thesis is founded on qualitative data collected through semi-structured interviews and participant observations, as well as a desktop analysis, where academic literature has been examined and compared to additional political debates and news articles.

The homeless European migrants are perceived as problematic to the Danish society as well as the welfare state. We thus examine why the homeless European migrants are seen as a precarious group and argue that a contributing factor is that they at times break the classificatory systems and thus act outside the social norms. This has led to a need for political and juridical responses in Denmark.

By analysing the rhetoric used during the political debates concerning the implementation of the anti-begging law and the zone-ban, we argue that there is a tendency to govern the homeless European migrants by deterring or deporting them. Furthermore, the establishment of the Transit Programme is another initiative in regards to governing of the homeless European migrants in Copenhagen. Different understandings concerning the objective of the Transit Programme has lead to negotiations in between the NGOs and the Homeless Unit partaking in the Transit Programme. For our analytical purpose, we have divided the themes of negotiation into three groups 1) the funding and demand for documentation, 2) the rightful receiver of the services offered and 3) the flexibility of the Transit Programme in regards to the legislation concerning homeless European migrants. The framework of the Transit Programme is loosely defined, and the joint effort in supporting the homeless European migrants is thus not necessarily completely unified.

We further argue that the homeless European migrants are present in an environment of 'hostipitality'. The NGOs are offering help and services to the homeless European migrants creating a hospital setting, while the new amendments on the other hand create a rather hostile environment. Both the Transit Programme and the new amendments do however supplement each other in creating a 'funnel of expulsion'. With the aim of leaving the homeless European migrants in a situation so unbearable that they might choose to leave Denmark.

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Introduction

In 2004 and 2007, enlargements of the European Union took place incorporating ten new Eastern European countries into the European Union. Confer the Danish Aliens Act § 2.1 Citizens of countries in the European Union or who are covered by the Agreement on the European Economic Area are allowed to legally enter and stay in Denmark for up to three months without being met by any requirements. Therefore, with the Schengen Agreement and the enlargement of the European Union, a new form of migration within the European borders has become a reality (Pleace 2015).

According to the national mapping of homeless people in Denmark in 2017 executed by VIVE - The Danish Centre for Social Science Research, the number of homeless migrants living in Denmark is increasing significantly (Benjaminsen 2017). Migration may for some be a part of a well-planned strategy in order to seek better opportunities, and therefore they need little or no help to achieve the wanted improvements of their livelihood. Other migrants, however, find themselves in a situation of urban poverty, deprivation and homelessness, which might be worse, than their living circumstances in their country of origin (Speak 2010). The increasing presence of homeless European migrants in Copenhagen might be an expression of a Europe in change. The increase is arguably primarily caused by the right to free movement of labour within the European Union (Benjaminsen 2017). The general attitude towards migration has arguably changed over time, and so has the migration flows. Especially in the 1960's and the beginning of the 1970's migrant workers were welcomed to Denmark in order to undertake jobs in certain areas in which there was a shortage of labour. However, in recent time, a 'new wave' of migrants migrating to Denmark has occurred. This new type of migrants is less desired, as the labour market and its demands has changed. Thus their lack of access to the labour market and the housing market makes the new wave of migrants more vulnerable compared to the previous migrants, whose arrival was associated with a well-defined labour market (Edgar et al 2004). While Denmark in the 1980s had a rather 'open door' policy in regards to immigration, the Danish immigration policy has since turned more restrictive to such an extent that it since 2002 has been characterised as being one of the most restrictive foreign acts in Europe (Jöhncke 2011).

The homeless European migrants' presence in Copenhagen is thus possible due to EU legislation. However, they are neither considered citizens in Denmark nor can they be rejected as illegal, thus

they find themselves in a situation, where they are not perceived as a part of the population nor completely rejected. The homeless European migrants living in Copenhagen live under varied circumstances. Many of them are constantly on the move and travel between countries of the European Union for seasonal work. Others are suffering from untreated mental illnesses or substance abuses. Some of the European migrants stay in Denmark for an extended period of time, and others leave shortly after their arrival. European migrants in Denmark are by some seen as both an economic and a cultural burden, and there can be found an understanding of the migrants solely migrating to Denmark to take advantage of the social welfare system. Thus there is a fear that Denmark might become a shelter for all of the poor European migrants, if there are too many services provided for them. Furthermore, their presence is seen as being accompanied by an increase in crime and violence (Järvinen 2003).

We will in this thesis therefore examine the political and juridical responses towards the new form of migration to Denmark. Hence we will analyse the mechanisms and strategies used to govern the homeless European migrants living in Copenhagen. Thus we explore the new amendments concerning homelessness in the Danish legislation, referred to as the anti-begging law and the zone-ban as well as the Transit Programme. The Transit Programme is a local initiative established in 2015 to support homeless European migrants living in the municipality of Copenhagen. The Transit Programme is funded by the local government of Copenhagen and consists of a collaboration between seven different Non-Governmental Organisations (NGOs) and the Homeless Unit (Københavns Kommune,1).

We have restricted the area of research to mainly focus on the initiatives made in regards to homeless migrants from European countries present in Copenhagen. Homeless European migrants thus refers to citizens of other European countries, who are either sleeping rough, using shelters, or due to homelessness are staying in hotels or hostels in Copenhagen. This definition is rather broad, wherefore some of the homeless European migrants included in this thesis may not be homeless in the conventional understanding, as they might have a home in their country of origin. Additionally, the homeless European migrants are at times referred to both by our interlocutors, the media and in the political debates as 'Roma' or 'Romanian citizens'. While some of the homeless European migrants might be Romanian citizens or belong to a group referred to as Roma, this is not necessarily a precise description of the reality, as it can be difficult to judge peoples nationality and

ethnicity. So while our definition of homeless European migrants includes these categories, it is not restricted to those.

This thesis mainly concerns itself with Copenhagen as its empirical setting, as the majority of the homeless European migrants living in Denmark are to be found in Copenhagen (Benjaminsen 2017). Furthermore, even though the changes in the Danish legislation concerning homeless people, the anti-begging law and the zone-ban, is on a national level, the rhetoric used when debating and implementing the amendments were mainly in regards to the presence of the homeless migrants in Copenhagen (Justistministeriet,3). The Transit Programme is moreover a local initiative only covering the municipality of Copenhagen.

The new form of migration within the European Union has in the recent years lead to a significantly higher representation of homeless European migrants in Copenhagen. Therefore, there is a lack of knowledge both in regards to who has the responsibility, and how to manage the homeless European migrants in a unified way. We have therefore found the new amendments in regards to homelessness and the Transit Programme relevant to examine including the strategies and mechanisms for the collaboration and the negotiation of the initiative. We will in this thesis expand the knowledge regarding the political and juridical responses towards the new form of migration. We have thereby narrowed our focus to the following research question.

Research question

How has the influx of homeless European migrants in Copenhagen, Denmark, led to a change in legislation and the establishment of the Transit Programme and how is the Transit Programme negotiated?

With the term negotiation, we refer to the various ways the different participants in the Transit Programme seek to agree upon and collaborate in regards to the fundamental framework of the Transit Programme.

Theoretical approach

Our research question seeks to answer various initiatives in relation to the presence of homeless European migrants in Copenhagen. Firstly, we apply the concept 'Regimes of mobility' coined by Nina Glick Schiller and Noel B. Salazar to explore, how the movements of the privileged is prioritised and the travel of the poor is complicated. We will thereafter explore, how the actions of the homeless European migrants are perceived as 'dirty' and 'dangerous', thus falling outside of the classificatory system. For this, we will apply Mary Douglas' concept 'matter out of place'. The welfares states' response to the presence of the homeless European migrants in Copenhagen is argued to be both exclusionary and inclusionary, which is elaborated upon by using the concept 'benevolent violence' coined by Vanessa Barker.

Secondly, we apply Michel Foucault's 'Governmentality' to examine the mechanisms and strategies used to govern the homeless European migrants in Copenhagen. Thus we analyse the new amendments, the anti-begging law and the zone-ban, as a means for deterring and deporting the homeless European migrants.

Thirdly, we analyse our empirical findings to explore, how the Transit Programme is negotiated. For this, we apply Magdalena Mostowska's understanding of the NGOs and the Homeless Unit's approaches as being either subversive, submissive or innovative strategies. We analyse how the NGOs and the Homeless Unit partaking in the Transit Programme negotiate their role in regards to 1) the funding and demand for documentation, 2) the rightful receiver of the services offered and 3) the flexibility of the Transit Programme in regards to the legislation concerning homeless European migrants.

Lastly, we apply Jacques Derrida's concept 'hostipitality' to illuminate, how there has been created both a hospital and a hostile environment for the homeless European migrants in Copenhagen. In relation to this, we apply Nicolay B. Johansen's framework 'funnel of expulsion' to analyse, how the environment leads to a situation, where the homeless European migrants in Copenhagen are being funnelled out of Denmark.

Transit Programme – An overview

In the following section, a thorough description of The Transit Programme will take place. The Transit Programme is a programme that is politically decided in the City Council of Copenhagen. The Transit Programme was established in the beginning of 2015, and had a one-year test period. Afterwards, the City Council of Copenhagen decided to extend the programme for four more years thus running until 2020 (Københavns Kommune,1).

The purpose of the Transit Programme is, according to the municipality of Copenhagen's webpage, to offer particularly socially vulnerable European migrants support. Thus the target group of the Transit Programme is partly marginalised working migrants and partly homeless migrants without any connection to the labour market and with serious social problems such as mental issues or extensive abuse problems (Københavns Kommune,1). Furthermore, it is a requirement that the target group has a legal stay in Denmark, but they are, however, not registered either by having a CPR-number or a foreigner number, and thereby they lack access to public social services (Appendix 1, Midterm evaluation). When the local politicians in the City Council of Copenhagen decided to launch the Transit Programme, every organisation who was interested in participating in the Transit Programme had the opportunity to make an application for the funding. Subsequently, the Social Committee in the City Council of Copenhagen decided, out of all the applicants, to allocate the money to the Homeless Unit and seven different NGOs; Hugs and Food, International Christian Centre, Grace, Kompasset, projekt UDENFOR, Project Blisko and The Warm/Cold Nose. Each year from 2016 to 2019, 2.700.000 kr is allocated for the Transit Programme. It is the Social Committee who has decided, how much of the funding the different participants should receive for their participation in the Transit Programme (Københavns Kommune,1).

Presentation of the participants in the Transit Programme

The Transit Programme is an organisational partnership between the Homeless Unit in the municipality of Copenhagen and seven different NGOs, all located in Copenhagen. The Homeless Unit and the NGOs perform a variety of different initiatives under the auspices of the Transit Programme. In the following a short presentation of each participating organisation will take place.

The Homeless Unit

The Homeless Unit within the municipality of Copenhagen provides services for homeless migrants in Copenhagen who has a legal stay in Denmark. The municipality may not help migrants who are staying illegally in Denmark. The Homeless Unit receives 700.000 kr yearly from the Transit Programme. The Homeless Unit provides outreach street-based work, counselling, guidance, support for stabilisation and the journey home (Københavns Kommune,4).

Hugs and Food

Hugs and Food is a part of Vor Frue Church and Copenhagen Cathedral diaconal work. Hugs and Food receives 80.000 kr. yearly from the Transit Programme. Hugs and Food is a drop-in-centre (værested) for the most vulnerable homeless people with mental illnesses, abuse problems and the ones who are in a bad physical condition. They offer a daily free meal and professional help from social workers. Thus Hugs and Food's work within the Transit Programme, besides from offering a free meal, consists of helping the homeless European migrants with stabilisation by providing services such as counselling, guidance and help to return home (Hugs and Food).

International Christian Centre

International Christian Centre is an organisation based on Christian values and is located in the Bethesda Church in Copenhagen. International Christian Centre receives 90.000 kr. yearly from the Transit Programme. The International Christian Centre's target group is migrants and refugees, and they mainly provide services such as juridical counselling and Danish language classes (International Christian Centre).

Grace

Grace is a part of the Blue Cross, which is a Christian social charity organisation. Grace is located in facilities offered by Kristkirken on Nørrebro. Grace receives 190.000 kr. yearly from the Transit Programme. Grace's main target group is migrants from Eastern and Southern Europe and Africa. Four months during the winter, Grace runs an emergency shelter, which has the capacity of providing sleeping accommodation for 40 homeless each night. During the rest of the year Grace runs a morning cafe, where they serve free breakfast and offer a place to rest during the day.

Grace's main role in the Transit Programme is thus to provide a place for the homeless migrants to rest with the possibility of stabilisation (Grace).

Kompasset

Kompasset is a part of Kirkens Korshær, which is a private organisation with Christian values. Kompasset receives 300.000 kr. yearly from the Transit Programme. Kompasset's main target group is homeless migrants, but their users are mostly from other European countries. Kompasset runs services such as outreach street-based work and counselling, where the migrants receive job counselling and counselling in regards to legislation and their legal rights. Furthermore, Kompasset offers a place to rest during the daytime, and they help the migrants getting the resources needed for their journey home (Kompasset).

Projekt UDENFOR

Projekt UDENFOR is a non-profit organisation, and is based in Nørrebro. Projekt UDENFOR receives 320.000 kr yearly from the Transit Programme. Their main target group is particularly vulnerable homeless people with complex social problems. Projekt UDENFOR runs, under the auspices of the Transit Programme, an outreach street-based counselling service, and provides services and support for the return to their country of origin. Projekt UDENFOR has the capacity of traveling with the homeless European migrants, when they return their country of origin (projekt UDENFOR).

Project Blisko

Project Blisko is a part of WeShelter. WeShelter is a fund that provides different social services, e.g. shelters and cafes for homeless people. Project Blisko is located at Mændenes Hjem on Vesterbro, and receives 380.000 kr yearly from the Transit Programme. Project Blisko's main target group is homeless Eastern European migrants with a severe substance abuse. They offer counselling and guidance in regards to treatment for substance abuse and in cases of hospitalisation. Furthermore, they give counselling regarding the return home, and contact relevant authorities in the home country (Project Blisko).

The Warm/Cold Nose

The Warm/Cold Nose is a part of The Salvation Army, which is an international Christian church. The Warm/Cold Nose is located on Amager, and receives 640.000 kr. yearly from the Transit Programme. The main target group of The Warm/Cold Nose is single homeless men and women. The Warm/Cold Nose runs an emergency shelter, where they offer stability, counselling, guidance and help for the journey home. During the winter period, the shelter is called The Cold Nose and is funded by The Salvation Army themselves. During the summer months, the shelter is called The Warm Nose, which is funded by the money allocated by the Transit Programme (The Warm/Cold Nose).

The four phases in the Transit Programme

The NGOs and the Homeless Unit carry out a large number of different services to the homeless European migrants in Copenhagen. The services provided are categorised in four different phases; Outreach street-based work, counselling and guidance, care and stabilization, and help for repatriation. It is not all of the organisations in the Transit Programme, who take part in all of the four phases.

The first phase

The first phase of the Transit Programme is the outreach or street-based work. The Homeless Unit, projekt UDENFOR and Kompasset all have outreach workers. The organisations and the Homeless Unit thus perform relational and motivational work, and thereby try to establish a relationship with the homeless European migrants, who are not capable of or willing to use the social facilities. The outreach is thus based on the individual's basic needs (Københavns Kommune,2).

The second phase

The second phase of the Transit Programme relates to the advice and guidance for the homeless European migrant. The purpose of the advice and guidance is to help the migrants to clarify their situation, and thereby making them capable of making informed choices. All of the NGOs and the Homeless Unit offer different types of advice and counselling, including counselling and guidance on repatriation, employment, legislation and social services (Københavns Kommune,2).

The third phase

The third phase of the Transit Programme includes the help for care and stabilisation, where their basic needs will be covered. Basic care and stabilisation is often a prerequisite for the homeless European migrants to make more long-term decisions regarding their situation. All the NGO's and the Homeless Unit provide care and stabilisation, however in different ways. For instance, The Warm/Cold Nose runs an emergency shelter open yearly, and Grace runs an emergency shelter open during the winter months. Furthermore, Kompasset and the Morning Café Grace run day resting places, and Hugs and Food has an eatery, where the homeless migrants can also get help in regards to personal care and receive clothes and shoes (Københavns Kommune,2).

The fourth phase

The fourth phase of the Transit Programme relates to help with the repatriation back to their country of origin. Thus, when the homeless European migrants are stabilised and have received basic care, they will in some cases wish to be repatriated. All the NGO's and the Homeless Unit carry out efforts to support the return of the migrants. It is, however, only the Homeless Unit and projekt UDENFOR, who have the capability of following the migrants back to their country of origin (Københavns Kommune,2).

Methodological approach

In the following chapter, our methodological approach will be presented. We will elaborate upon the empirical data collected and the ethical considerations we have made in regards to this. Lastly, we will present our philosophy of science.

Qualitative method

In the following section, an elaboration of the qualitative method applied in this thesis will be done. Furthermore, we will in relation to this present our empirical data collected. We have conducted nine semi-structured interviews, one email interview, received access to documents from Gadejuristen, attended one panel debate concerning homeless European migrants and made participatory observations as volunteers at Grace and Hugs and Food.

In our considerations in regards to choice of method for this thesis, we have sought for methods that allow us to obtain specific knowledge concerning our field. This thesis is thus methodologically primarily based on collected qualitative data supplemented by academic literature on the field as well as news articles and political debates. Hence we have methodically conducted a qualitative thesis. Generally a qualitative project obtains its knowledge through practical and socially rooted means, and the methods will be a decisive factor in forming the analysis (Hastrup et al. 2011:33). The empirical data gathered through the semi-structured interviews as well as our limited amount of participatory observations has allowed us to do an analysis of how the influx of homeless European migrants in Copenhagen has led to changes in the legislation and the establishment of the Transit Programme. Cultural and social phenomena are very complex, and this makes it difficult to create general causal explanations (Hastrup et al. 2011:34). However, by deliberately choosing to do a qualitative project, it has become possible for us to research on the negotiation and collaboration in the Transit Programme leading to a plausible understanding of its specific form.

Qualitative projects will to some extent have some elements of description. How much description is necessary, will however vary in different contexts. An analysis is also about describing and documenting prominent actions, events and performances within the examined field (Hastrup et al. 2011:33). This thesis thus consists of a collection of different descriptions primarily gained through

access to employees' and other actors' statements. Hence it allows the reader to get an understanding of what is at stake. The focus is very much on the way the different actors have negotiated the Transit Programme, and the collaboration taking place. Our data collected for this thesis has thus mainly been in regards to these themes. Analysing is generally a process, where existing parts are separated into individual components, which are then put together in new ways (Hastrup et al. 2011:53). This has also been the case in this thesis, where we have done an open coding of all the materials gathered. By looking for the clues and patterns in the material we have found the central elements, and developed our analysis upon these findings. Based on these findings, we have afterwards found relevant topics and academic literature to further explore and elaborate upon our empirical data collected.

However, choosing to apply qualitative data for an analysis has its limitations too. By using qualitative data, it can be difficult to say something general about the conditions of society. We have, however, tried to comprehend our field of study in a broader societal perspective by collecting our empirical data as representative as possible. We have thus conducted semi-structured interviews with all of the organisations participating in the Transit Programme. Furthermore, we have reached out to all of the political members of the Social Committee in the City Council of Copenhagen. Additionally, we have supplemented our empirical data collected with a desktop analysis, where we have sought for material to supplement our empirical data. We have thus searched for and studied different written materials in the form of academic literature, news articles, political debates, folders and web pages containing information about our field of research. It has therefore been important throughout this research to compare the interviews both to written materials and academic literature. The written material has allowed us to access different social contexts, where we would not have had the opportunity to observe or interview specific people by for instance getting access to the political debates in the Parliament. Hence we have sought to do an analysis of the political and juridical responses in broader terms.

Semi-structured interviews

For this thesis, we have conducted nine semi-structured interviews. Additionally, we have obtained one email interview. The interviews conducted were with representatives from the seven NGOs, who are a partaking in the Transit Programme. Furthermore, one interview was conducted with a representative from the Homeless Unit, and one was conducted with a local politician from the

Conservative Party, Line Ervolder. The interview with the written response was made with a local politician from the Red-Green Alliance, Charlotte Lund.

All of the politicians from the Social Committee in the City Council of Copenhagen were contacted in order to conduct interviews. However, we only got replies from two politicians interested in participating in an interview. We also got a response from the Danish People's Party stating that they did not have time for participating in an interview. They never replied on our proposal for an email interview. It would have been interesting for this thesis to include interviews with representatives from all of the political parties in the Social Committee. This would have allowed us to get a more nuanced picture of the political debate concerning the establishment of the Transit Programme. We have however sought to gain the information needed from other sources instead. We have, in this regard, made a desktop analysis of relevant political debates and political statements made in newspapers etc., and thereby gained access to most of the information needed.

All of the nine interviews conducted were recorded except for one interview, where there was a technical problem, which hindered the recording. During the interviews additional notes were made. The interviews were recorded, so that we afterwards could make a thorough processing and review of the interviews. We have thus sought for patterns in the interviews to thereby be able to analyse the most essential findings.

The structure of a semi-structured interview is usually organized around an interview-guide (Lewis-Beck et. al. 2004). This was also the case during the conducted interviews in this research. Before the interviews took place, a guideline was made with questions and themes to be followed and covered throughout the interviews. The interview-guide and thereby the questions were all of the same kind for all of the interviews conducted with the organisations involved in the Transit Programme. The interview-guide was altered, when interviewing the two politicians. The interviews mainly followed the questions loosely in a semi-structured way, wherefore an informal conversation was possible when needed. The aim of the semi-structured interviews was to ensure that particular areas might be followed up on and developed with the different respondents. This was done in order to ensure that the interview could be shaped by the respondent's own understanding as well as our interests. Furthermore, it allowed for the possibility of investigating into unexpected themes emerging in the interviews (Lewis-Beck et. al. 2004) Hence we have with

our research been interested in obtaining knowledge concerning the NGOs', the Homeless Unit's and the politicians' knowledge, understandings, interpretations and interactions in regards to our field of study.

Some of the interlocutors for our interviews had asked to receive the questions in advance, wherefore we had sent it to them beforehand. This has of course changed the dynamics of the interview, as the interlocutors could prepare themselves for the interview in a different way than those, who had not received the questions prior to the interview. The interview-guide can be found in Appendix 4, Interview-guides.

For all interviews, at least two members of our group were present and participated. One of us was the interviewer, and the other one took notes and supplemented the interviewer with follow-up questions, if it was found necessary. Thereby, it was ensured that relevant answers were elaborated and followed up on. Two of our interviews, with Kompasset and Grace respectively, were conducted as telephone interviews. A telephone interview has its limitations, as we cannot see the respondent, wherefore the flow of the interview is different, than when both the interviewer and the respondent are present in the same room.

All of the interlocutors interviewed for this thesis were the only representative from the organisation present during the interviews. Hence, it cannot be excluded that some of the positions concerning the Transit Programme and the new amendments might be their individual opinions rather than the organisation's view. It has been attempted to uphold the analysed positions from the interlocutors against, what is presented on the organisations' and the Homeless Unit's webpages as well as their statements in the media. However, it can still not be completely excluded that the positions found are not fully comprehensive with the positions of the organisations, but merely personal viewpoints.

Participant Observation

Additionally, participant observation has been carried out. The participant observations have been conducted in order to get an insight in the user group in two of the organisations partaking in the Transit Programme. Furthermore, it has been done to get an insight in how the different organisations work within the Transit Programme, and which services they provide for the

homeless European migrants. The amount of participatory observations have been limited, as we have an analytical focus on the organisations partaking in the Transit Programme, and in this regard the structural conditions affecting the homeless European migrants rather than a focus on the individual homeless European migrant. To participate in the daily work of the organisations for getting a further insight in the daily life of the homeless European migrants would thus have been of limited use for this thesis.

We thereby chose to volunteer at Grace and Hugs and Food. In relation to our volunteering, we participated once in the everyday services the two organisations provide for the homeless European migrants. At Hugs and Food, we were divided into two groups and volunteered on two different days. This was done in order to make sure that our visit was not an invasion of the users' privacy, and so they did not feel insecure due to our presence. At Hugs and Food, they normally have two volunteers working there everyday. Thus we filled out the function of the volunteers on the two days we were present. We helped serving food and interacted with the users. Furthermore, we volunteered at Grace, but as a joint group. At Grace, they normally have between 3-6 volunteers volunteering every night so our presence meant that there was an overrepresentation of volunteers that evening. At Grace, we helped serving food, interacted with the users and participated in the lottery for shelter. The two visits as volunteers at Grace and Hugs and Food thus gave us an insight into the two organisations' work and services, they provide for their user group.

Furthermore, we have been shown around at the Homeless Unit and at all of the NGOs, except for Kompasset, as the interview was done over the telephone. By visiting the venues and organisations, it has helped us to get a better understanding of the structures of the organisations and the mechanisms going on. Unfortunately, we were not able to come along on the outreach work done by projekt UDENFOR, the Homeless Unit and Kompasset. This was not possible, as none of the three organisations bring people along, as they wish to protect their user group. The outreach work that the three organisations do is mainly based on a one-on-one interaction between the outreach worker and the homeless migrant. Participant observations are thus problematic in that setting, as there is a possibility of ruining the trust between the outreach worker and the homeless migrants.

We were not allowed access to the internal meetings between the organisations partaking in the Transit Programme. These meetings would however have been of high value for us. Attending the

meetings could have given us the possibility of getting an even deeper insight in the negotiation and collaboration taking place between the different organisations.

The participant observations have been a valuable contribution to the understanding of our field of research. With the participant observation we have tried to discover and analyse aspects of the social scenes that is not often interacted with in the daily life. This has made us able to generate data that can meaningfully add to our understanding of our field of research (Guest et. al. 2013). This method was chosen, because it is generally associated with exploratory and explanatory research objectives like in this thesis - uncovering the underlying mechanisms of the new amendments and the Transit Programme. However, the participant observations were not chosen as the only data collection method, because the information we searched for could not only be obtained by this method. The qualitative interviews conducted together with the desktop analysis are thus the main source of data in this thesis. These methods combined were chosen in order to illuminate the research question.

Positioning

This thesis has been written in a loosely defined collaboration with projekt UDENFOR. The theme of the thesis has thus been suggested by projekt UDENFOR. Furthermore, the first conversation we had concerning the Transit Programme was with employees from the organisation. In the beginning, we might therefore have been a little predisposed to the viewpoints of projekt UDENFOR, hence we had preconceptions and a positioned understanding of the work done by them. Additionally, since the first interview we conducted was with projekt UDENFOR, we might in the beginning have tended to compare the following interviews with the viewpoints presented by projekt UDENFOR. Thus we might initially to some extent have tended to see projekt UDENFOR's opinions and thoughts as taken-for-granted assumptions - a tendency we quickly sought to amend.

Our collaboration with projekt UDENFOR has undoubtedly meant that we, through the thesis, have had a focus on how much we could criticise them and their work. Because of our collaboration with projekt UDENFOR, we have felt a higher responsibility towards them than towards the other organisations partaking in the Transit Programme. A pitfall we became aware of over time, as a general critical interpretation of the viewpoints presented by all of the organisations partaking in the

Transit Programme began to arise, including the viewpoints presented by projekt UDENFOR.

The collaboration with projekt UDENFOR has been loose, as they have not been as available for external supervision, as we initially had agreed upon with them. However, collaborating with projekt UDENFOR has entailed that the other organisations participating in the Transit Programme have been more willing to conduct an interview with us. The Transit Programme is a fairly new initiative in the municipality of Copenhagen, wherefore little research has been done in regards to this topic. Therefore the NGOs, the Homeless Unit and the politicians all expressed that they wanted to contribute to the creation of new material and knowledge regarding the Transit Programme.

We have tried to be aware of our predisposition throughout the research, and we have continuously sought to challenge and unravel these preconceptions and assumptions, and sought to be as unbiased as possible. A completely unbiased position has, however, been impossible for us to undertake. As we are master students studying at a faculty of social science with an emphasis upon migration, it can thus be questioned, whether we have been able to not be prejudiced and biased in regards to our field of research.

Ethical considerations

For this thesis research upon the political, juridical and structural relations in the society affecting the homeless European migrants in Copenhagen. Thus the thesis has indirectly involved a research upon a vulnerable group in the society. Therefore, we naturally have made some ethical considerations during our research.

Legal residence

During our research, we quickly became aware that it can be difficult to assess, whether the homeless European migrants are staying legally in Copenhagen or not. We have therefore chosen not to discuss, whether or not the NGOs and the Homeless Unit include migrants without a legal residence in their services. We have rather found it interesting to research upon, how the NGOs and the Homeless Unit relate to the fact that one of the criteria described in the Transit Programme is, that they cannot provide services for migrants, who are not legally staying in Copenhagen. We have

therefore not found it relevant for us to judge, whether the NGOs and the Homeless Unit are providing services for migrants without a residence permit. We have tried to interpret their answers and work as truthfully as possible without taking a stand in this matter, but rather with an emphasis upon how the organisations respond to the demands of legal residence of their user group.

Anonymisation

In this thesis, we have chosen not to anonymise our interlocutors and the answers they have given during the interviews. We want to present the answers and the interlocutors as fair and nuanced as possible. We have however been aware of the complexity in regards to the debate about the legal residency of the homeless European migrants. Therefore, we have sought to make sure that the statements presented by the different interlocutors would not leave them in a position that could lead to work-related or personal consequences. Furthermore, some things were said in confidentiality, which gave us a more nuanced picture of the field of research, however it was a knowledge we could not directly use in the thesis. Furthermore, additional knowledge was gained through the volunteering and the visits at the different organisations, which gave us the possibility of having a more nuanced approach towards our field of research. The informal knowledge has thus to some extent shaped our thesis without having been directly incorporated.

Our role

When we volunteered at both Grace and Hugs and Food, we were not presented to the users as students researching upon homelessness. This was not our choice, but more something that just happened, as the employees at both places treated us as volunteers. Whether the user groups would have responded differently to us, if they had known, is difficult to say. But as we, for this thesis, have chosen to have an organisational focus, and thus not to include the viewpoints of the homeless European migrants themselves, we found it less problematic. Furthermore, by doing the participant observations without the users knowing the real purpose of our presence, we arguably have gotten as authentic an experience as possible.

We are aware that the Transit Programme is a fairly new initiative in the municipality of Copenhagen. The field around homeless European migrants has for the last year or so been heavily debated both in the public media's and politically. Thus we have made some considerations in

regards to the fact that the knowledge we have produced can be used in a political setting as well. When we conducted the interviews with the two politicians, they both asked for receiving our thesis when we had completed it. We acknowledge that scientific studies might have real life consequences, we have thus sought to do our analysis as valid and real as possible without compromising any of our interlocutors.

Philosophy of science

In this section, we will present our philosophy of science. The research conducted for this thesis has elements of social constructivism, which thus theoretically and analytically have been applied and relied upon.

Social constructivism

The social constructivist approach aims to explain, how society is a human construction and how we, ourselves, construct the reality we live in (Wenneberg 2002). Furthermore, this approach aims to uncover the taken-for-granted assumptions and traditional understandings one has, and hence be critical towards existing knowledge (Wenneberg 2002). The constructivist approach comes into play, when we examine how the Transit Programme is established, what governing mechanisms, are to be found in regards to the implementation of the new amendments and the establishment Transit Programme, as well as what the effects and rationales behind these initiatives are. Additionally, during this thesis, we rely on Foucault and his thought on governmentality that is based on the sociology of knowledge. By applying Foucault's understanding of governmentality, it has led us to a focus on the governing techniques and strategies (Foucault 2008 [1978]) concerning the initiatives implemented in regards to the presence of homeless European migrants in Copenhagen. Thus, for this thesis, we have chosen not to do an actor-oriented analysis. Hence our analysis focuses on the structural levels in society in seeking to find the logics and reasoning behind the implementation of the new amendments, and the establishment of the Transit Programme in regards to the negotiations taking place.

Legal field in regards to homelessness in Copenhagen

In this section, a presentation of the juridical field concerning the homeless European migrants in Copenhagen will be outlined, as it affects our field of research. Firstly, the EU legislation for residency in Denmark will be reviewed, followed by an exposition of the latest changes in Danish legislation in regards to homelessness in Denmark.

EU Residence Order

Citizens of a member state of the European Union has, according to the Schengen Agreement, the right to free movement within the Schengen Area (Betts 2009:179). Which has been incorporated into Danish legislation.

Danish Aliens Act § 2.1 “Aliens who are nationals of a country, which is a Member State of the European Union or covered by the Agreement on the European Economic Area may enter and stay in Denmark for up to 3 months from their date of entry.” (Own translation).

Thus confer the Danish Aliens Act § 2.1; citizens of a EU member state or covered by the Agreement on the European Economic Area has the right to legally enter and stay in Denmark for 3 months without being met by any requirements. Furthermore, confer the EU Residence Order §3.4; citizens of an EU member state can extend the legal stay in Denmark up to six months or more, if the person can document that he/she is actively searching for a job in Denmark, and are believed to have a real possibility of getting an employment in Denmark.

Furthermore the right to stay in Denmark does confer the EU Directive 2004/38 also include that the person cannot be a burden for the Danish social system.

New amendments

Since the spring of 2017, the government consisting of the Liberal Party, Liberal Alliance and The Conservative Party has implemented new amendments in Denmark concerning homelessness. The two most referred to amendments in this thesis will be § 3.4 of the Public Decree referred to as the

amendment concerning zone-ban, and § 197 of the Criminal Code referred to as the anti-begging law. In the following section, an exposition of the two amendments will take place.

The Zone-ban

On the 31st of March 2017, the government implemented a new amendment in the Public Decree. Confer the Public Decree §3.4, a prohibition towards establishing and staying in intimidating (utryghedsskabende) camps in places with public access has been implemented. According to the Public Decree, this does not per se entail that it is prohibited to sleep in places with public access, as the key word in the amendment is ‘intimidating’. Thus the purpose of the amendment is to criminalise intimidating camps and behaviour in public spaces in Denmark (Ordensbekendtgørelsen).

The amendment concerning staying in intimidating camps was further tightened the 1st of July 2017, as the government expanded the act to also include a zone-ban. The zone-ban entails, confer the Public Decree § 3.4, that if a person violates the prohibition of staying in an intimidating camp, the person will get a zone-ban of 400 meters. Does the person violate the zone-ban of 400 meters, this can, confer the Public Decree § 6.4, lead to an extension of the zone-ban to 800 meters (Ordensbekendtgørelsen).

Furthermore, the amendment concerning staying in intimidating camps was most recently tightened on the 1st of March 2018, as the government expanded the legislation. Confer the Police Act § 23.3, the police can, at the first violation of the zone-ban in relation to staying in an intimidating camp, provide the person with a zone-ban that encompasses the entire municipality. The zone-ban can last for up to two years (Retsinformation,1).

According to the Public Decree, a camp is among other defined by a place under open air, where travellers arrange a sleeping or resting place. There must thus to a certain degree be some sort of establishment of sleeping area or the like. A single mattress or sleeping bag will generally not be sufficient enough to constitute a camp. However, if the sleeping area, according to its interior, is characterized by a lasting character, e.g. by setting up a tent or a tarpaulin has been raised, it may be characterized as a camp. When assessing whether a camp is suitable for being deemed intimidating, an emphasis is put on the number of people in the camp, if the camp is located in a crowded place,

as well as if the camp leads to noise nuisance or other nuisances in the local area such as unsanitary conditions. In addition, attention can be paid to the general behaviour of the persons present in the camp, including whether they commit criminal offence such as littering of waste, or demonstrate harassing or threatening behaviour. Confer the Public Decree, it is not a requirement that a sense of insecurity must be expressed in regards to the camp, as the camp solely have to be capable of creating insecurity. Complaints or the like from persons who experience that a camp creates insecurity will be included in the assessment of whether a camp is included in the regulation or not (Ordensbekendtgørelsen).

The Anti-begging law

In June 2017, the government implemented another amendment concerning homelessness. Thus the Criminal Code § 197 was amended including a prohibition against intimidating begging.

The Criminal Code § 197 “The person who against the police’s warning is guilty of begging or who allows anyone under the age of 18 belonging to his household to beg will be sentenced with imprisonment for up to 6 months. Under mitigating circumstances, the sentence may lapse. Warning after this provision is valid for 5 years.

2. The requirement of warning does not apply, when the offence has been committed at a pedestrianised zone, at train stations, in or at supermarkets or in public transportation.

3. When determining the penalty, it will be regarded as an aggravating circumstance that the offence has been committed at one of the places referred to in paragraph 2.” (Own translation).

The amendment thus focuses on begging in pedestrianised zones, at train stations and in public transportation, as this is generally considered to be particularly annoying for other people to be subjected to begging at those places (Retsinformation,2). Before the new amendment was implemented, a person would, confer the Criminal Code § 197, be punished, if the person was guilty of begging against the police’s warning with prison for up to 6 months, however, under mitigating circumstances, the sentence might lapse. Penalty for begging thus implied that the person concerned firstly had been notified with a warning from the police. With the new amendment, the prior warning from the police in cases where the begging takes place at pedestrianised zones, at train

stations or in public transportation have been abolished, thus a punishment will no longer be conditional upon the police having issued and registered a warning first and subsequently found a new case of begging. Furthermore, it is considered as an aggravating circumstance that the begging is committed at one of the above mentioned places, wherefore the sentence is initially determined for unconditional imprisonment for 14 days (Retsinformation,2).

Migration, homelessness and the welfare state

In this chapter we will examine why the presence of homeless European migrants in Copenhagen is perceived as problematic. We will do this by analysing how there, within the European Union, exists a regime of mobility, where the travel of the privileged are favoured over the travel of the poor. Following this is an analysis of how the homeless European migrants are perceived as problematic to the Danish society and the welfare state, as they are perceived as 'dirty' and 'dangerous' thus they by their actions become matter out of place falling out of the classificatory system. Lastly we analyse that when the homeless European migrants act outside of the social norms of the society they are perceived as unequal wherefore they do not fit into the Danish welfare state.

The European Union and Free Movement

Since the European Union was established in 1958 by Belgium, Germany, France, Italy, Luxembourg and the Netherlands, there have been seven enlargements of the European Union over time leading to its current size of 28 membership countries (European Union,1). From the beginning the European Union focused on free trade between the member states, followed by the acknowledgement that free movement of labour within the European Union was necessary for an efficient market (Betts 2009:179). Thus The Single European Act was created in 1986, which focused on making the European Union a free trade area. Following, the aim was to abolish the state borders inside the European Union, which should allow for the free movement of goods, people and capital. The Schengen Implementing Agreement and the Dublin Agreements followed in the early 1990s thus creating the possibility of free movement within the Schengen area. This led to a significant amount of internal free movement within the European Union by the early 1990s (Betts 2009:179). Thereby the European Union has become an area in which jobseekers of an EU member state can freely move in between the European Union member states in search of jobs (European Union,2). Paradoxically, the increase of labour migrants has, according to Professors of Anthropology Nathalie Peutz and Nicholas de Genova however occurred simultaneously with an increase in national legislations and regulations concerning migration (Peutz et al. 2010).

In 2004 the European Union was enlarged by eight Eastern European countries referred to as the A8 countries, consisting of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia

and Slovenia. In 2007 Romania and Bulgaria became a part of the European Union as well. Together these countries are referred to as the A10 countries (McNaughton Nicholls 2012: 11). In the light of the Schengen Agreement of freedom of movement for workers and with the enlargement of the Eastern European countries, a growing concern among the Western and Northern European countries has emerged. According to Professor of Social Policy Nicholas Pleace, a concern arose in regards to whether the enlargement of the A10 countries would lead to a higher representation of citizens from the new member states living as a part of the homeless population in the Western and Northern European countries (Pleace 2015:147). According to Eurostat, Poland and Romania had in 2016 the fifth and sixth highest numbers of people emigrating annually within the European Union with a total of 236.400 people and 207.600 people (Eurostat). Most of the European Union member states reported more immigrants than emigrants in 2016, however Bulgaria, Croatia, Latvia, Lithuania, Poland, Portugal and Romania reported that the number of emigrants outnumbered the number of immigrants (Eurostat). Thereby, these countries are arguably some of the highest emigrant producing countries within the European Union. However, the amount of nationals returning to their country of origin were at the same time the highest; in Romania (87 % of all immigrants), Lithuania (71 %), Latvia (59 %), Hungary (56 %), Croatia (55 %) and Slovakia (53 %) (Eurostat). Therefore, arguably a large part of the emigrants leaving these countries return to their country of origin either because they voluntarily return after doing seasonal work or due to the end of a work contract or because of deportation by the host countries. The numbers however do not say anything about whether or not these emigrants are living rough or using homeless shelters in the host countries.

Migration factors

With the establishment of the Schengen Agreement, the possibility of freely migrating between the countries of the European Union has become possible. Migration is often influenced by economic, environmental, social or political factors in the country of origin or the country of destination (McNaughton Nicholls 2012:111). Furthermore the movements of migrants are generally characterised by unequal global relations shaped by social, political, cultural and economic circumstances (Glick Schiller & Salazar 2013: 184, 188, 194-196). However, migrants migrating in order to find labour, often termed as economic migrants, are not only influenced by economic structures such as high unemployment or low wages, but individual factors will additionally influence the decision to migrate, as well as the decision as to which country the migration should

be to (McNaughton Nicholls 2012:111). Individual factors may include existing social networks, transport links, personal goals and information. There may also be a difference between the migrants who plan to settle in the host country on a long-term basis, and those who plan on moving back and forth between the countries in search of capital (McNaughton Nicholls 2012:111). The migration pattern of moving back and forth from one's country of origin to the host country has been linked to a form of homelessness as there according to Social Scientist Carol McNaughton Nicholls often will be a negotiation process in the time between leaving the country of origin and before a secure accommodation in the host country has been made possible (McNaughton Nicholls 2012:112). In the time before a connection to the host country has been established, new migrants will thus often be rather vulnerable as their rights to, for instance, welfare benefits are limited (McNaughton Nicholls 2012:112). In relation to the homeless European migrants in Copenhagen, most of the users of the Transit Programme have according to the NGOs and the Homeless Unit arguably migrated to Denmark due to economic reasons. According to several of the NGOs the European migrants migrate to Denmark in search for a job. However after their arrival in Copenhagen they might find it difficult to get a job, which might lead to homelessness as it becomes problematic for them to support themselves.

According to anthropologists Nina Glick Schiller and Noel B. Salazar, the movements of some may be privileged over the movements of others, as the movement of the 'poor, powerless and exploited' are co-dependent but stigmatized. They have coined the concept '*regimes of mobility*' to grasp the role of both the individual states and the changing international regulatory administrations that affects the individual mobility. The concept is thus coined in order to put a focus on the notion of governmentality and hegemony (Glick Schiller & Salazar 2013:189). They argue that it is the labour of those whose movements are declared illicit and subversive that makes the mobility of those with wealth and power possible (Glick Schiller & Salazar 2013: 188). The current mobility regime is constructed to maintain high levels of inequality, where local, national and regional boundaries are rebuilt to prevent movement. International migration is in this regime both viewed as a virtue or a vice depending on who migrates (Glick Schiller & Salazar 2013: 189, 190). Both global and national power differences thus play an important role in the shaping of migration and territory. Hence governmental powers based in these territories must be taken into account (Glick Schiller & Salazar 2013:191). The ability and the legal right to travel becomes one of the criteria by which class is defined and privilege upheld (Glick Schiller & Salazar 2013:191). The lower classes

will thus be less privileged in their travels, where the mobility regimes favours the entitled. In line with this argument, economist Guy Standing argues that a new form of migrating social class, which travels to find a better future has occurred due to the globalisation. Furthermore, it is a group of people whose affiliation with and protection in the labour market, the housing market and in regards to social security is rather uncertain as they experience a loss of social, economical and political rights when they migrate (Standing 2014).

The movement of migrants can therefore both be seen as only for the entitled but also for people seeking better opportunities in other countries. In relation to the labour desired within especially the Western and Northern European countries certain demands are present, leading to the privileged being more in demand than the poorer. Therefore, the poor migrants moving in order to seek opportunities arguably often will be met with a labour market unable to obtain them, wherefore their migration is often frowned upon. As the former Social Mayor of Copenhagen Jesper Christensen points out.

“The Danish labour market is systemised in a way where you cannot just be hired as a day labourer like you can in the south, and you can not just find a building ten people can rent.” (Jesper Christensen in Berlingske,1, own translation).

This might be a determining factor as to why some European migrants looking for jobs in Copenhagen end up living in homelessness. The Danish labour market often demands highly skilled workers rather than uneducated daily labourers. In regards to this, the Mayor of Copenhagen Frank Jensen expresses *“It has never been the intention with the free movement of labour, that migrants should come here to live a poor life on the streets.”* (Frank Jensen in Politiken,1, own translation). Thus the migration channels in the European Union and the labour markets in the Western and Northern European countries are arguably not completely adjusted to the migration of the less fortunate migrants from especially the A10 countries, as the labour market most often demands more resourceful and privileged workers, who can support themselves by highly qualified work. The homeless European migrants thus find themselves in a grey area, where they on the one hand have the possibility of migrating due to the right of free movement in the European Union, but on the other hand belong to a social class of the poor and powerless, where national laws and regimes of mobility further complicate their movements and the possibility to obtain a livelihood in the host country.

Homelessness in Copenhagen

Every second year VIVE - The Danish Center for Social Science Research does a mapping of homeless people in Denmark. According to the VIVE report launched in 2017 (Benjaminsen 2017), the amount of homeless migrants without a permanent stay in 2017 was registered as significantly higher than at the national mapping done in 2015. Thus a rise from 125 homeless migrants in 2015 to 438 homeless migrants in 2017 has been recorded (Benjaminsen 2017:119). The majority of the homeless migrants without a permanent stay are either sleeping rough or in shelters (Benjaminsen 2017:119). The rise in the amount of homeless migrants without a permanent stay is according to Benjaminsen most likely due to an actual increase of homeless migrants in Copenhagen, and not solely because of a more comprehensive registration in 2017 (Benjaminsen 2017:120). The mapping in 2017 shows that the majority of the homeless migrants without a permanent stay in Denmark are to be found in Copenhagen, counting 386 migrants, whereas the remaining 52 migrants were found around Denmark with only 3 migrants registered in the rural municipalities (Benjaminsen 2017:120). The majority, approximately two out of three, of the homeless migrants without a permanent stay in Denmark come from other European countries. The rest of the migrants originate from African or Middle Eastern countries (Benjaminsen 2013:121).

It is however important when looking at these numbers to acknowledge that they are highly dependent upon the definition of homelessness, which may change over time. Furthermore, the numbers may change in regards to the time of the year as, for instance, the numbers of seasonal workers and bottle collectors sleeping rough may differ during the winter and the summer. The mapping of homelessness in Denmark shows that the main reason for migrants in Denmark being homeless is because of economic difficulties, thus most of the migrants arguably have moved to Denmark due to economic reasons. The main reasons as to why Danes are living in homelessness are due to mental illness and/or substance abuse, and thus economic reasons are most often not the reason as to why people with a Danish citizenship end up being homeless (Benjaminsen 2017). As previously mentioned, the Homeless Unit and the NGOs participating in the Transit Programme also recognise that most of the homeless European migrants, who they are in contact with, live in Denmark due to economic reasons, however they also point towards a tendency that the homeless European migrants might develop mental illnesses and/or substance abuses because of their economic hardship and their homelessness.

In the spring and summer of 2017, there was a big focus on homeless migrants present in Copenhagen both in politics and in the general public media. The focus led to a discussion in regards to migrant homelessness on a national level followed by alterations in Danish legislation, which will be analysed later in this thesis. The discussion was mainly based on the presence of homeless migrants in Copenhagen. The general public in Copenhagen became more engaged in the problems concerning homeless migrants, wherefore the police in April 2017 experienced a culmination of reports concerning homeless migrants squatting in camps around the city. Thereby the police had experienced a rise in police reports from the public in regards to homelessness over the last three years (Policeman Kjeld Farcinsen in TV2 Lorry). The rise in the amount of reports arguably might be due to the general increase of homeless migrants in the city. However, the rise in complaints did also peak at the same time the amendment in regards to intimidating camping came in to force. Thus the amendment arguably also had led to a higher general public awareness of homeless migrants in the public spaces, leading to an increase in complaints from the general population.

Dirty and dangerous

A contributing factor to the increase in police reports could also arguably be due to the social status of the homeless European migrants in the Danish society. In order to understand what can make the homeless migrants, often referred to as 'Roma' or 'Romanians' regardless of their nationality, such a criticised group in the public media and society, the concept 'matter out of place', coined by anthropologist Mary Douglas (1966), will be employed. Douglas' research points exactly to the deviations that are stigmatized, because they do not fit into existing categories. In an interpretation of symbolism in social practice, she argues that what is considered 'dirty' or 'dangerous' is not so due to its inherent characteristics, but because of its problematic place within the society (Douglas 1966). Furthermore, what is considered dirty or dangerous is not the same in all societies, as it depends on the classifying system predominating a specific field. Hence to understand what is deemed as dirty and dangerous, one needs to understand the system, which it endangers (Douglas 1966). Douglas argues that when something is taken from its 'rightful' place, it may become 'matter out of place' where it, by not belonging, will be perceived as dirty and dangerous. To analyse what is considered dirty or dangerous is thus about dealing with objects or occurrences that violate or do not fit into the 'classificatory system' making them matter out of place.

Homeless European migrants do arguably not always manage to follow the many codes in the classificatory systems in Denmark. Thus apathy and prejudices against the homeless European migrants have, to a greater extent, occurred among the general population in Denmark. How the group of homeless European migrants are being perceived as sometimes violating the classificatory systems in Denmark is exemplified when Martin Knuth from the Liberal Party states

“The Roma have been able to create a new low level of uncivilised behaviour. Without any shame in their life they use the areas around our churches as toilets, they steal, they extort Danish homeless for money and they camp wherever they want to. In short they are a disgrace to the Danish Capital.” (Martin Knuth in Berlingske,2, own translation).

Martin Knuth points towards that the ‘Roma’ use the areas around the churches as toilets and camp wherever they want to. The homeless European migrants have therefore according to Martin Knuth acted outside of the classificatory system, as they use the public spaces in an ‘uncivilised’ way. In Denmark, the public spaces are often held rather neat and camping is generally held in dedicated places, thus when the homeless European migrants set up a camp in the public space they occupy a space dedicated towards other activities. The camp thereby becomes matter out of place and the homeless European migrants arguably will be seen as dirty and dangerous. Martin Knuth’s statement has been supported by several other stories in the news, for instance in this quotation from the Danish newspaper Politiken.

“They created disgusting and insanitary conditions in front of the Church of Trinitatis in Copenhagen. The foreign homeless had set up camps in parks and on the streets during the spring [of 2017]. The conditions were so bad that the church had to offer the staff a hepatitis vaccine, because they every morning had to clean up after the homeless who were using the space in front of the church as their toilet.” (Politiken,1, own translation).

Defecation is something usually done on the toilets in private, and arguably Danish citizens are not used to being confronted with human faeces in the public space where even dog pooh might be offending. Furthermore, a church is often considered a holy ground and a Danish cultural heritage, thus to defecate on the church ground is undeniably to violate the classificatory systems. Hence when the homeless European migrants use the church grounds as a toilet it will arguably lead to

public disdain, as the church is meant for quiet contemplation. The Danish society will thus have difficulties in accepting that kind of behaviour. Thereby camping in public spaces and defecating on church grounds are examples of how the homeless migrants break the classificatory system, wherefore they are met with indignation as this behaviour is arguably matter out of place.

Social norms and equality

Besides violating the classificatory systems, the homeless European migrants arguably have difficulties in conforming to the Danish social norms. To analyse the social norms in the Danish society, Anthropologist Marianne Gullestad's (1991) perspective is relevant. In her article "*The Scandinavian Version of Egalitarian Individualism*", she analyses, based on several fieldworks conducted in Norway, how equality (lighed) and sameness (enshed) affect the understanding of how people fit into the society. Furthermore there is a difference between how equality is perceived in the Nordic countries compared to other states.

According to Gullestad the Scandinavian countries' definition of equality implies a considerable emphasis on doing and being the same. Where equality has a close relation to sameness in the Scandinavian languages, equality in the U.S. means equal opportunities (Gullestad 1991:4). Social problems thus occur, when people are met with someone acting differently (Gullestad 1991:4). Many people avoid establishing personal connections with other people, when they are unsure of their mutual equal status, where avoiding people appears to be an increasing strategy if they seem too different (Gullestad 1991: 11,12). Gullestad argues that a prestigious way of living is not only understood as a better way of life. Often, a prestigious lifestyle also constitutes the unexpressed norms compared to other ways of living. To live less prestigious is thus rarely understood positively in its own term, but will be categorised by what is lacking in comparison to the middle-class ways of life (Gullestad 1991:6). A person living under so poor conditions that others are not willing to give him/her confirmation of being 'a decent human being' will thus be stigmatised (Gullestad 1991: 6). The differences are often not made explicit, but are often recognised in the categories of moral and made into a question of taste (Gullestad 1991:12). The homeless European migrants are thereby, because of their lifestyle, stigmatised in the Danish society as they are perceived as unequal, when behaving outside of the Danish norms. This will be further elaborated in the following.

Begging is often seen in the Nordic countries as demeaning. Therefore the Nordic countries have devoted much of the 20th century to eliminate poverty and reduce inequalities (Barker 2017:12). Begging can thus be seen as a symbol of the unequalness between the giver and the receiver of hand-outs. While there are not any exact numbers of how many people who are begging in Denmark, records from the police in Copenhagen show that there in 2016 was 76 charges for begging, 45 of which were pressed against Romanian citizens (Kristeligt Dagblad). The charges were given before the tightening of the anti-begging law came into force. Radio24Syv have acquired access to records from the police in regards to how many people have been accused or convicted of conducting intimidating begging in Copenhagen since the anti-begging law came into force in May 2017. According to Radio24Syv, 27 people have been accused or convicted of conducting intimidating begging. All of the 27 people are according to Radio24Syv of migrant background mostly from the Eastern European countries. The Homeless Unit in Copenhagen estimates that half of the beggars in Copenhagen are of Danish background, and the other half are of foreign background (Radio24Syv). Radio24Syv thus points toward that the amendment only have seemed to affect homeless with migrant background, which arguably might be because the police is more inclined to seize a migrant begging. Furthermore, the homeless migrants arguably stand out as being different from the Danish homeless beggars, as the homeless migrants might not have the same social codes as the Danish homeless people.

This argument is further justified with the statement made by the Minister of Justice, Søren Pape Poulsen “*It is a mess that the Roma beg aggressively, steal and use the streets as toilets*” (Søren Pape Poulsen in Ritzau, own translation). Thus Søren Pape Poulsen points toward that the ‘Roma’s’ way of begging are aggressive. This can arguably be explained by the fact that the homeless European migrants follow another social code perceived as unacceptable. Thus the morals of the beggars can be questioned, and they are arguably failing to have the means to be recognised as ‘decent human beings’ leading to the migrant beggars being stigmatised due to their differences. When the homeless European migrants beg, they arguably fail to beg in a socially acceptable way, and are thus perceived as aggressive. Their begging furthermore means that they are perceived as unequal to the Danes, which lastly might result in them being more visibly in the public space leading to the police condemning their behaviour as intimidating.

It can be argued that it is culturally constructed how different ways of living affect the social interactions. Gullestad argues that sameness in the Nordic countries does not always mean actually being alike, but is more about bringing forward and emphasizing what is common to both parties, however, when the differences feel 'too big' the interaction falls apart (Gullestad 1991:10). Homeless people are in themselves living outside of the social norms, wherein most people have an accommodation or a home. Homeless migrants are however often further differentiated from the Danish homeless people, and this might, as argued above, be due to them being rather new to the Danish norms and thereby not being able to comply with them. The homeless migrants do not understand the norms which is also indicated by the deputy chairman of the group 'Homeless for Homeless' (Hjemløse for Hjemløse) Marlene Malle Granild

"We experience that the Roma come and take our places and spaces. It's not all the Roma, but there is a group of hardcore homeless Roma, that have not understood the concept of being on the street in Denmark, they do not know our rules." (Marlene Malle Granild in Ekstra Bladet, own translation).

Marlene thus positions the homeless migrants as different from homeless people of a Danish background. The homeless migrants do not comply with the Danish society, wherefore they do not fit in nor understand the rules. Fitting in becomes a key factor in the negotiation between equality and an unwanted 'different' (Gullestad 1991:9). Furthermore, Gullestad theorises that for people in Scandinavia communication is often implicit with an emphasis upon the social codes (Gullestad 1991:7). This means that the homeless European migrants in Copenhagen may seldom be confronted with them breaking the social rules as avoidance is generally sought. Gullestad finds that avoidance of what is different is the strategy often associated with independence and self-control, where one shows the ability to control one's own life. Even though the social boundaries between people do not disappear, they become more subtle in the Scandinavian way of handling identity (Gullestad 1991:13). Hence being different will not only be frowned upon, but it will also most often be met with avoidance rather than confrontation. According to Gullestad, homeless European migrants can thus be especially problematic to the Scandinavian identity, as they do not necessarily understand the social codes in the society. Some homeless migrants in Denmark might stand out in a way that is perceived negatively and as dirty and dangerous, as they fail to adhere to the social norms and break with the social classificatory system, thus becoming matter out of place. When they fail to fit into the norms, they will furthermore be perceived as unequal and different to what is

perceived as the standard in the Danish social classificatory system, leading to them becoming further stigmatised. The homeless European migrants thus become matter out of place, because they conform to different social norms when begging and are perceived as dirty and dangerous, when they for instance use the church grounds as toilets. Furthermore, they are perceived as different and hence getting further stigmatised due to their behaviour, when living in what is deemed intimidating camps.

Welfare for some

As previously mentioned, the homeless European migrants generally migrate to Copenhagen due to economic reasons, wherefore they arguably become a part of the poorest people in the Danish society. Poverty is 'deeply disturbing' in the Nordic context, as it undermines the equality (Barker 2017: 127). In the Scandinavian welfare model, the managing of the society relies on a rather comprehensive public sector with a welfare model reaching far into the lives of its citizens. (Jöhncke 2011: 39). While most people have the entitlement to receive benefits, it is also expected that those people eventually will return them through taxes (Jöhncke 2011: 39). The system thus requires an extensive record of the population, where all the citizens to a certain extent are expected to act in accordance with the needs of the society (Jöhncke 2011:39). The Danish welfare system is arguably premised in strong norms of, at least imagined, social equality and a relative homogeneity in relation to ethnicity, religion and language (Fink & Lundqvist 2010). The welfare society is perceived as being build upon a community of people who, through a long-shared culture and history, have created a modern, egalitarian society (Olwig & Pærregaard 2011:6). To an extent, the homeless European migrants arguably deviate to this understanding, as they are perceived as unequal and matter out of place.

The Social Scientist Vanessa Barker (2017) has conducted research on the control of the mobile poor in Sweden, and how this is driven by the needs and demands of the welfare state itself. By looking upon EU citizens who travel to Sweden but end up living on the streets, she explores the development of the criminal law and the government's responses to the new forms of migration and poverty. The social group, the homeless European migrants is a fairly recent phenomenon wherefore they do not fit into any already established migratory channels. Barker argues that the government has been forced to adopt innovative responses in regards to migration control. Membership is an emerging key factor in regards to migration control, and this dynamic is

particularly noticeable in Northern Europe, where the social rights are highly connected to citizenship and legal residence (Barker 2017:126). Barker argues, that while economic issues are at stake with regards to the exclusion of migrants in the welfare state, they are also connected to cultural sensibilities about poverty and the limits of the welfare state's provision (Barker 2017:125). Following Barker's argument, the homeless European migrants do not belong to the membership of the Danish society. Furthermore they will therefore be difficult to include in the welfare state. Hence they will be excluded from the provision of the welfare state as the migrants may be stigmatized due to them acting outside of the social classificatory system and therefore being deemed as unequal, which further hinders their inclusion in the Danish society.

According to Barker, welfare nationalism has been on the rise in recent years with a belief in the preservation of the welfare state for nationals only. Coercive tools are used to keep the welfare state solvent for members, as it is believed that the exclusion of some allows for the inclusion of others. Following this, legal residency and citizenship is highly connected to social rights in the nation-state, where non-citizens without legal residency are often denied access to social benefits further aggravating their economic insecurities (Barker 2017: 126). Hence, while the welfare state is established to facilitate the welfare of all its citizens, migrants constitute a challenge, as they might be perceived as very different and unable to contribute to the society - a tendency which also becomes apparent in Denmark. While the welfare state might provide exceptional support to homeless people who are considered its own citizens, they often provide little help to economic migrants among others due to a strict immigration policy (Pleace 2015:155). The access to homeless facilities and services thus often leaves the homeless migrants in a situation, where they have the right to stay, but they have little access to help from services and facilities (Schmidt 2012:5). Thus the immigration policies and the type of immigration as well as the welfare state becomes important in order to understand, how the policies used to respond to migrants. Thereby, the outcomes regarding the migrant's position within the society lie in how exclusionary or inclusionary the welfare services as well as the immigration policies are (Sainsbury, 2006). Hence, the interplay of the welfare and immigration policies cause different responses to, for instance, homeless of either national or migrant background (Sainsbury, 2006) and thereby the living circumstances of the homeless European migrants in Copenhagen depend on both the welfare and immigration policies in Denmark.

When looking at the ability for the welfare state to be either inclusive or exclusive towards the homeless European migrants, it becomes apparent that the new amendments in Denmark, the zone-ban and the anti-begging law, appeal to the more exclusionary vision of the welfare state. They can thus be seen as way for the state to provide security and protection for its own population, which will be discussed later in this thesis. Barker uses the term *benevolent violence* in order to analyse, how violence is expressed differently in welfare states, as the state's legitimacy is based on providing security and protection towards the insecurities of modern life (Barker 2017: 122). The term benevolent violence conceptualises the duality where coercive means are used to uphold to state's benevolent goals and when the state's ameliorative practices have violent effects (Barker 2017:121). Barker argues that the welfare state's tendencies to being harsh and mild or open and closed at the same time make sense, as they hold within their constitutions, tendencies to be both inclusionary and exclusionary (Barker 2017:128). According to Barker, it is in this nexus that benevolent violence may occur, when the state seeks to protect but also exclude. Her research finds that benevolent violence for instance occurs, when the Swedish government tries to protect beggars from exploitation, but at the same time uses coercive means such as evictions to uphold the state's ameliorative goals to reduce begging in general. In regards to the homeless European migrants in Copenhagen, there is thus both a wish to protect the group while also a wish to uphold the public security and exclusivity in the welfare state. As it will be argued in the following chapters, the new amendments can be seen as a coercive response to the homeless European migrants, whereas the Transit Programme both entails acts that are related to the repatriation of the homeless European migrants, but at the same time also provide services for the homeless European migrants present in Copenhagen. By using the arguments of Barker, this response can be justified due to the inherent dualism within the welfare state, where the Danish society needs to be protected against the dirty and dangerous homeless European migrants, but yet at the same time the homeless European migrants have to be protected, as this is arguably a moral obligation of the society.

Sub conclusion

In this chapter, it has been analysed how a new form of migration, due to the free movement of labour within the European Union, has occurred. Furthermore, it has been analysed how there is a migration regime favouring the travel of the privileged migrants over the less privileged migrants. Thereby a high level of inequality is maintained, which makes the poor and powerless further stigmatised. This is especially present, when poor people migrate in order to seek better opportunities but are met by a Danish labour market unable to obtain them. Thus it is argued that

the labour market and the migration channels in the European Union are not able to embody the less privileged migrants from for instance the A10 countries. The homeless European migrants in Copenhagen thus find themselves able to migrate because of the right to free movement, but, by being deemed as poor and powerless, the regimes of mobility complicate their movements and possibilities. In addition to being poor and powerless, the homeless European migrants present in Copenhagen are seen as violating the classificatory system due to their actions; when they beg, camp and defecate in public spaces. Their actions can in those instances be described as matter out of place making them dirty and dangerous. When the homeless European migrants violate the classificatory systems, they are seen as acting differently than the population in the Danish society. They do not act in accordance to the social norms and are therefore further stigmatised and perceived as unequal to the Danish citizens. Furthermore, it has been argued that the welfare state is relatively exclusive towards the homeless European migrants, wherefore the offers within the welfare state are limited. The choice to be either inclusive or exclusive can be explained by the concept benevolent violence, which can be seen in a Danish context in relation to the fact that the new amendments can be perceived as violent and exclusionary whereas the civil society, exemplified with the establishment of the Transit Programme can be understood as more benevolent and inclusionary in their actions. This is a tendency that will be further examined in the following chapter.

The exclusion of the homeless European migrants

In this chapter, we seek to understand the political and juridical responses to the presence of the homeless European migrants in Copenhagen. In order to do so, we will analyse the rationalities and strategies employed to govern the homeless European migrants living in Copenhagen based on the amendments concerning the zone-ban and the anti-begging law. By investigating the rhetoric and logics used in the implementation of the anti-begging law and the zone-ban, we will analyse how they are a result of the public outrage leading to a form of securitization in which the government seeks for ways in which to deter or deport the homeless European migrants.

An instrument of governance

Over the recent years, the focus on homeless migrants and their presence in the public spaces has been increasing, which has led to political and juridical responses. Thus, during the spring and summer of 2017, the current Danish government consisting of the Liberal Party, Liberal Alliance and The Conservative Party implemented new amendments concerning homelessness. We will in this thesis refer to two of the new amendments; The zone-ban, confer § 3.4 in the Public Decree, and the anti-begging law, confer § 197 of the Criminal Code. In order to understand the reasons for the implementations of the amendments, the political and juridical responses might be seen as an art of governance.

The Philosopher Michel Foucault coined the term ‘governmentality’ in the 1970s. The term was used as a part of his research on political power, and is thus used to describe and analyse different strategies and technologies directing the citizen’s behaviours (Rose et al. 2006: 83). Foucault argues that with the interest of society understood as different from the state, the idea of populations as something inhabiting its own characteristics arose. Hence an assumption that the human behaviour should be governed emerged (Rose et al. 2006: 84). The term ‘governmentality’ refers to the institutions, procedures, analysis and reflections as well as the calculations and tactics that make it possible to exercise the specific, however very complex, sort of power, whose primary aim is the population (Foucault 2008 [1978]:116-117). Thereby governmentality occurs when political powers start to concern itself and seek to govern the ‘wealth, health, welfare and prosperity of the population’ (Walters 2002). To do an analysis of governance and governmentality is.

“To identify these different styles of thought, their conditions of formation, the principles and knowledges that they borrow from and generate, the practices that they consist of, how they are carried out, their contestations and alliances with other arts of governing.” (Rose et al. 2006: 84).

Foucault's theory focuses on the way the population is governed in and for itself. The term population thus becomes interesting in regards to the homeless European migrants. We argue that the new amendments can be seen as an instrument to govern the homeless European migrants' behaviour. According to Foucault, the primary target of governance is the population itself. Thereby a discrepancy emerges, as the homeless European migrants do not have a Danish citizenship and therefore they will, following Foucault, arguably not be included in the governing rationalities in the same ways as the national-citizens, who are a part of the population. However, the homeless European migrants have to be taken into account, as they are citizens of other EU member states, and thus have the legal right to stay in Denmark and they cannot be denied entry into Denmark.

In the former chapter, it has been argued that the homeless European migrants can be perceived as dirty and dangerous, thus becoming matter out of place and acting outside of the classificatory system. Furthermore, the presence of the homeless European migrants in the public space has led to the national and local politicians receiving complaints from citizens demanding a political response to the homeless European migrant's 'uncivilised behaviour'. Line Ervolder from the Conservative Party in the City Council of Copenhagen further emphasizes this.

“The problem was very massive at that time [during the spring and summer of 2017]. The citizens were calling the politicians complaining. They [the homeless] empty the trashcans in my yard, relieve themselves and so forth. And they [the politicians] felt that it was massive and an increasing issue.” (Interview Line Ervolder, own translation).

Line Ervolder thus points towards that there were a lot of people calling the politicians complaining about the behaviour of the homeless migrants, which the politicians felt had to lead to some sort of political response. One of the political responses towards this problem is the implementation of the anti-begging law and the zone-ban. The new amendments are thus partly a response to the desires and interests of the public, but they do also essentially shape the form of the population. The new amendments can in that sense be understood as a form of disciplinary power that shapes the

individuals (Foucault 2008 [1978]), in not allowing them to act outside of the public order, and by regulating the population by focusing on keeping the homeless European migrants apart from it. This gives the state the power to restrict rights to certain people and to control and banish the social marginal in Copenhagen in new ways. Additionally, it is a form of governance that attempts to control the human conduct, and thereby make sure that the population is working towards pursuing the agenda of keeping order in the public spaces. Following, in regards to the implementation of the anti-begging law the Minister of Justice, Søren Pape Poulsen, announced.

“The government wishes to target foreign migrants, who camp in public places such as parks or on public roads, and who with their presence create insecurity and in general disturb both residents and pass-byers. It is crucial that the citizens can move safely in the public spaces, and what we for instance in Copenhagen are witnessing right now does not under any circumstances belong in our society.” (Retsinformation,2, own translation).

Hence, in the above quotation, it is apparent that the laws are tightened with the aim to target foreign migrants and their behaviour in the public space. The rhetoric Søren Pape Poulsen uses is relatively exclusionary, as he argues that the migrants and their behaviour do not belong in the Danish society. Thereby, as previously argued, the homeless European migrants stand outside of the Danish society as dirty and dangerous, and their behaviour is not necessarily in accordance with the understanding of people being and acting as equal in the welfare state. In the modern form of governing, Foucault argues that the population simply cannot only be controlled by laws, but they have to conduct themselves responsibly to account for their own lives (Rose et al. 2006). This means that the citizens are expected to behave in certain ways. However, not only do the homeless European migrants not always behave in accordance to the expectations of the society, as argued in the previous chapter, they also do not fit into the existing institutions, procedures and the like, as they are a rather new phenomenon. While the government is interested in optimizing the population (Walters 2002, Johansson 2013), the homeless European migrants are not included in the population. This leaves them in a position of being a sort of ‘sub-citizens’, where they are allowed to stay in Denmark in a limited period, but are not, as argued in the previous chapter, upholding the common expectations of a Danish citizen, leaving them on the fringes of society.

Out of the city

The new amendments, the anti-begging law and the zone-ban, can as previously has been argued, be seen as governing instruments implemented to manage the 'sub-citizens', thus limiting their 'intimidating' behaviour. In regards to the implementation of the zone-ban, Søren Pape Poulsen announced.

"The rules we introduced in the spring made it easier for the police to clear the camps. It has worked, and the police has with a substantial effort removed a series of camps, and strengthened the security in the city. But there is a need to go even further to end the problem [of the homeless European migrants] in the future. This is why we now send a clear signal to foreigners and others that we do not want to accept intimidating camps in Denmark." (Justitsministeriet, 1, own translation).

The prohibition towards establishing and staying in what is deemed an intimidating camp in public places came in to force in March 2017. As the statement from Søren Pape Poulsen demonstrates, there was, however, seen a need for further tightening of the legislation. Since the implementation of the prohibition towards staying in intimidating camps, it has thus been tightened twice. Firstly, by introducing the possibility of getting a zone-ban of 400 meters and by a violation of this a zone-ban of 800 meters. The regulation concerning the zone-ban was further tightened in March 2018, as it was extended to include the whole municipality. According to Søren Pape Poulsen, it was done in order to make the rules easier to administrate. *"It was difficult with the 800 meters - A municipal boundary is more simple"* (Søren Pape Poulsen in DR, Own translation). While this means that the people deemed to be sleeping in an intimidating camp can be excluded from a whole municipality, it does not expel them from the Danish society. The new amendment entails that the police already at the first violation of the zone-ban can provide a zone-ban that encompasses the entire municipality. The zone-ban can thereby be used as an instrument to expel the homeless European migrants from Copenhagen, and their possibilities of staying and sleeping in the city have thus been limited. Hence, the space and their rights to stay within the city of Copenhagen has been restricted.

The increased regulation of public spaces has a particularly negative impact on the homeless European migrants, since they do not have a private home to retrieve to, and so the public space becomes the only alternative location for their human functioning for this socially marginalised group (Roy 2017: 2). The various applications of the zone-ban thus enable officials to regulate the

movement of the homeless European migrants from public spaces for periods of time up to two years. Arguably, the enforced zone-ban has the effect of making it less attractive to be a homeless European migrant in Copenhagen, as their opportunities for sleeping in the public spaces can be criminalised.

Bo from projekt UDENFOR argues that the enforced zone-ban may push the homeless European migrants to the neighbouring municipalities.

"The fact that the police recently [in 2017 and the beginning of 2018] have been so offensive have had the effect that many of the Roma sleep outside of the city. If you take the S-train three or four stations to the north or west, they will stay there at night instead. They have pushed the issue further." (Interview Bo, projekt UDENFOR, own translation).

Several mayors of the surrounding municipalities of Copenhagen echo the concern presented by Bo from projekt UDENFOR. This is demonstrated with the quotation from Hans Toft, Mayor of Gentofte demonstrates *"It is good that something is done, but you have to be aware of that the problems might just move from one municipality to another"* (Hans Toft Mayor in Politiken,2, own translation).

Mayor of Hvidovre, Helle Adelborg, further emphasizes this. *"This issue is just being deported or pushed to the surrounding municipalities, and then we can move it to other municipalities. We won't resolve anything by that"* (Helle Adelborg in Politiken,2, own translation).

These quotations thereby demonstrate a concern from the mayors of the surrounding municipalities of Copenhagen in regards to whether the zone-ban will just scatter the problem around, and not necessarily lead to fewer homeless European migrants in Denmark. The homeless European migrants cannot be denied entrance into Denmark, they can however be banned from the spaces they are inhabiting in the city by being pushed around and ultimately expelled from the urban spaces. The amendment can, beside of the direct expulsion of the homeless European migrants from Copenhagen, also be seen as a deterrence policy. With the introduction of the amendment, the Minister of Justice Søren Pape Poulsen announced that the amendment has been implemented to target migrants, who camp in public places and create insecurity (Justitsministeriet,2). This can be seen as a form of deterrence policy due to the fact that the aim of the new amendment is exactly to

target foreigners, and thereby the government signals that it has become less attractive to be homeless in Denmark, as their presence is unwanted in the public spaces.

Furthermore, when homeless migrants by their actions are being criminalised, it becomes harder for them to become members of society and to act within the same social contract as the Danish citizens. Thus, the new amendment can be seen as a tool for the government to exert power by banishing the homeless European migrants from Copenhagen, and thereby making them further socially marginalised.

Deported from the country

In this section, we will further analyse how the amendments, the anti-begging law and the zone-ban, can be viewed as a means for deportation of the homeless European migrants. Both amendments have been implemented to target migrants with an intimidating behaviour in regards to begging and camping in the city. The amendments thus both limits the way homeless European migrants can use the public space. Prior the anti-begging law, begging was illegal in Denmark, however with the new amendment the circumstances for begging has been aggravated. The anti-begging law concerns intimidating begging taking place at pedestrianised zones, at train stations and in public transportation, as it is generally considered to be particularly annoying for other people to be subjected to begging at those places (Retsinformation,2). Thus the penalty for what is legally deemed as intimidating begging in these zones has been enhanced.

Pursuant Danish legislation, migrants can be deported, if they are convicted of a crime, and the deportation will include a prohibition against returning for a certain period of time depending on the length of the penalty. Confer The Danish Aliens Act § 22-24, the length of ones residency in Denmark influences, when it is possible to be deported on the basis of a criminal action. Confer the Danish Aliens Act § 24a, there is put an emphasis upon the fact that a deportation must be seen as particularly necessary due to several circumstances including the gravity of the committed crime, the length of the sentenced punishment, previous sentences for criminal offenses etc. The deportation can take place, when the above conditions are met, however Denmark is also subjected to the European Convention on Human Rights, which in some cases can speak against the deportation of a person (Retsinformation,3).

In the Parliamentary debate concerning the anti-begging law, the politicians have discussed whether the new amendments can lead to the possibility of the deportation of more migrants who are, due to EU legislation, legally staying in Denmark. Martin Henriksen from the Danish People's Party expresses in this regard:

“Roma, who sleep in camps in Danish cities, who steal and threaten and leave waste and what is worse, to such an extent that it in some cases is associated with health hazards to clean up after them are an unwelcome burden, and if it was up to the Danish People's Party, they should be sent out of the country. Here 14 days of unconditional imprisonment can probably contribute to more deportations, but of course we have to do more.” (Folketinget, 1, own translation).

The statement from Martin Henriksen thus points towards an anticipation that the anti-begging law will open up for the possibility to deport more homeless European migrants. In the quotation, Martin Henriksen highlights deportation as the solution to the considered problem of ‘Roma’. Furthermore, the minister of Justice, Søren Pape Poulsen, states that he is willing to adjust the current legislation in order to be able to deport more foreigners, who have violated the new amendments.

“The challenge is that some of them can be EU-citizens, so they have the right to be here for a certain period of time. But we are currently trying to adjust the legislation to make it more efficient to say that they cannot be in Denmark” (Søren Pape Poulsen in DR, own translation).

The statement from Søren Pape Poulsen can therefore arguably be viewed as one step closer towards a greater use of deportation as a political and juridical response to the presence of homeless European migrants in Copenhagen. The current Danish government can thus be argued to have a logic of deportation, when considering the governing of homeless European migrants. To further elaborate upon the greater use of deportation as a political and juridical response to homeless European migrants, we will employ Professor of Social Science William Walters' understanding of deportation as a ‘technology of citizenship’ (Walters 2002).

Walters researches the genealogy of deportation and expulsion. Deportation has been used through the twentieth century as ‘an instrument to protect and sustain public order and tranquillity, akin to the removal of a nuisance’ (Walters 2002:281). Walters further argues that by treating deportation

as a ‘technology of citizenship’, deportation can be used to understand the role of citizenship in the overall government of the population (Walters 2002). Citizenship should be understood as something that advises the state and non-state agents in regards to which state the individual belongs. In this understanding, humanity is divided into distinct national populations, where deportation becomes central for the administration of populations between states, and can hence be seen in terms of certain ‘governmental practices’ (Walters 2002). Deportation concerns itself with foreigners who, unless they are stateless, will also be legal citizens in other countries (Walters 2002). In some instances, deportation may be more complex than repatriation to a national state, as the legitimacy rests upon the administrative nature, and has to be in accordance to national and international laws and norms (Walters 2002).

This also becomes apparent in regards to the logics of governing the homeless European migrants in Copenhagen. While they originate from a country within the European Union, they are however not citizens in Denmark, wherefore the Danish government as previously shown argues that they must be sent back to their country of origin, if they are a burden to the Danish welfare society. As previously argued, the homeless European migrants cannot be seen as being a part of the population in Denmark, wherefore they arguably are ‘sub-citizens’. However, the homeless European migrants are a part of a population in their country of origin, and thus they arguably can be deported to the state, where the individual has its citizenship. Walters further argues that while deportation is used to target people, who are deemed a threat to the population in a given state, this is *‘increasingly understood in racial and biopolitical terms, or to its economy or system of welfare provision’* (Walters 2002: 278). The practice of deportation mirrors the establishment of welfare policies and programmes, where it is an instrument to defend and promote the welfare of a national bound population (Walters 2002). Political programmes only become governmental, when they have certain technologies that are capable of implementing them. If deportation is seen as a technique concentrated upon the non-citizens, they can be seen as techniques able to distinguish between citizens and foreigners (ibid). The new amendments thus become a technology in which the government is able to respond to the public discontent by seeking to allow the deportation of the homeless European migrants and thus separating them from the Danish population.

A question of security

The new amendments can arguably be seen as a ‘technology of citizenship’, where the aim is deportation due to the protection of the Danish society. The behaviour of the homeless European

migrants has thus been addressed as an immediate problem creating an insecure environment in Copenhagen. As expressed by the spokesman of immigration from the Liberal Party, Marcus Knuth, during the Parliamentary debate concerning the anti-begging law.

“This is about creating security in the Danish cities, and it is a fact that there has been a huge increase in the number of foreign homeless people, and that the number of crime reports has risen explosively over the last couple of years. Therefore, earlier this year, we gave the police additional tools to better clean camps, and we raised the penalty for begging. It has resulted in over 100 charges. The police have cleared a myriad of camps, and they have even deported a larger number of people.” (Martin Knuth, Folketinget, 2, own translation).

With this statement, Marcus Knuth points towards the fact that the homeless European migrants are creating insecurity in the city. In relation to this, the Minister of Justice Søren Pape Poulsen from the Conservative Party calls for special means to be used in order to address the problem.

“Within the current rules - and how far we can squeeze them - I'm ready for quite a lot, because it's appalling. It is almost impossible to endure that we have to witness this.” (Søren Pape Poulsen, Folketinget, 1, own translation).

With these statements, it becomes apparent that the rhetoric regarding homeless European migrants in the summer of 2017 was almost that of a crisis. Furthermore, when referring to something as being in the state of a crises, it can lead to a justification of using drastic means to solve the crises - in this regards the increasing amount of homeless European migrants, who with their presence create ‘intimidating’ conditions in the surrounding spaces.

The Social Scientist Ole Wæver argues, *“In naming a certain development a security problem, the "state" can claim a special right*, one that will, in the final instance, always be defined by the state and its elites.” (His emphasis, Wæver 2010:655). Following Wæver, it can thus be discussed, whether the above presented situation is a question of securitization. When addressing a certain problem as a security problem, the state has the opportunity to employ special means to address the security problem. However, it needs to be claimed by “the elite” that certain security means needs to be mobilised. Thereby the power holders can use the instruments of securitization of a problem to gain the control of that problem (Wæver 2010). Thus, when the politicians address the removal of the homeless European migrants in Copenhagen as a question of upholding the security in

Copenhagen, one can argue that the politicians view the situation as a question of securitization, leading to the possibility of applying drastic means to solve the problem, in this case deportation.

Hence, by framing the situation as a question of crisis, it, arguably even more so, allows for deportation to be seen as an answer. The presence of the homeless European migrants in the public space has thus, with the framing of this as 'a crises', meant that the government has been able to implement new amendments responding to the problem with legal means rather than applying different social policies. When the current Minister of Justice Søren Pape Poulsen announced that he is willing to go as far as it is possible within the legal framework to address the problem with homeless European migrants, one can thus argue that he declares himself ready to deploy extraordinary means to ensure law and order. From this perspective, the rhetoric concerning the homeless European migrants resulting in the implementation of the amendments targeting intimidating behaviour can be explained as a result of securitization, and therefore extraordinary means has to be used to curb the problem. During the twentieth century, deportation has mostly been used as a state response to crises and specific events (Anderson et al 2011: 552). Deportation has arguably been normalised in recent years, the framing of the homeless European migrants in terms of a security crisis thereby further justifies their deportation.

Consequences of disturbing the public order

Through access to documents from Gadejuristen, the above argument can be supported by a recent case, which resulted in the deportation of a Romanian citizen (Appendix 2, Case from Gadejuristen). In the morning of the 6th of June 2017, the police found a Romanian citizen and four other compatriots in H.C. Ørstedsparken in Copenhagen. In the report, the police describes that the group had arranged mattresses, duvets, sleeping bags and blankets on the grass, and under the mattresses, cut cardboard boxes were found that were used as underlay. There was also found, what the police deemed as human excrements scattered around on the lawn, furthermore in the bushes the police found a cut bottle containing faeces and a spoon. The arrangement was on this ground judged to be a camp of intimidating character, and therefore the Romanian citizen was sentenced a fine of 500 kroner. The Romanian stated that he had been in Denmark for two weeks looking for work, and he had not been in Denmark prior to this.

According to the police report, the convicted had several times before been in contact with the police in Denmark, and had been accused and fined for both intimidating begging and sleeping in camps. On the ground of his previous offences and with an emphasis on the recent violation of sleeping in an intimidating camp, he was thus sentenced to deportation with an entry ban for two years (Appendix 2, Case from Gadejuristen). The deportation of the Romanian citizen was only possible, as the deportation was in accordance with the EU juridical principles for the restriction of the right to free movement. Confer the EU Residency Directive § 27, the EU member states can restrict the right to free movement in consideration of the public order and health. According to the EU Residency Directive, measures taken on grounds of public order and health has to be in accordance with the principle of proportionality and exclusively be justified by the personal conduct of the convicted. The personal conduct must constitute a real, immediate and sufficiently severe threat, which affects the fundamental interest of the society (Appendix 2, Case from Gadejuristen). Thus, it is not simple to deport a person only on the grounds of accusations and fines for criminal behaviour. The zone-ban and the anti-begging law have with their focus on the disturbance of the public order thereby contributed to the deportation of the homeless Romanian citizen.

The homeless European migrants are arguably treated as not belonging in the public space and are thus sought to be removed from the public view (Langeegger & Koester 2016:1038-1039). Whereas the deportation of citizens is none permissible, deportation of foreigners can be understood as one of the privileges separating citizens from non-citizens in the current liberal states (Anderson et al. 2011:156). Hence deportation is a way in which the state asserts its power to exclude non-citizens from the society, and deny access to a specific territory or at least to some extent endorse the right to free movement of the desired, while also having the privilege to exclude the undesirable foreigners (Peutz et al. 2010). It may be argued that this is due to the rather exclusionary tendencies, which the welfare state inhibits, which refuse to incorporate the homeless European migrants as a part of its population.

Sub conclusion

We have in this chapter applied Foucault's understanding of governance in regards to the implementation of the zone-ban and the anti-begging law. Governmentality is an investigation of the mechanics of government and the governing concerning the optimization of the population. The general public was discontent with the current situation of homeless European migrants' presence in

the public space in Copenhagen, wherefore the politicians responded with tightening the legislation concerning homelessness with an emphasis upon targeting foreigners. European migrants can enter and stay in Denmark legally for three months. However, they are not juridical citizens of Denmark, wherefore we have argued that they are a form of ‘sub-citizens’ in Copenhagen. Furthermore, we have argued that deportation can be seen as a sort of governance, distinguishing the citizens from the non-citizens. Hence, the homeless European migrants are not a part of the population, the prevailing government response has therefore been to either deter or deport them from Copenhagen.

The strategies of the Transit Programme

In the following chapter, an analysis of the establishment and the negotiation of the Transit Programme will take place. In regards to this, it will be analysed how disagreements concerning the purpose of the Transit Programme have emerged. The purpose of the Transit Programme is uncertain on a political level in the City Council of Copenhagen, which has lead to an ambiguity also present in the collaboration between the NGOs and the Homeless Unit partaking in the Transit Programme. Furthermore, it will be analysed how the NGOs and the Homeless Unit negotiate the Transit Programme in regards to three main themes 1) the funding and demand for documentation, 2) the rightful receiver of the services offered by the Transit Programme, and 3) the flexibility of the Transit Programme in regards to the legislation concerning homeless European migrants, which will be done by elaborating upon the strategies of the NGOs and the Homeless Unit as being either ‘submissive, subversive or innovative’.

The establishment of the Transit Programme

The Transit Programme is a politically decided initiative in the City Council of Copenhagen, where parties of both traditionally left and right winged parties agreed on establishing the Transit Programme. Hence The Social Democrats, The Red-Green Alliance, The Socialist People’s Party, The Danish Social Liberal Party and The Danish People’s Party voted for its establishment. The parties are known for having different political views on immigrants and migration, thus it can be argued that the establishment of the Transit Programme has been agreed upon and negotiated by the different political parties with an outset in different logics.

When Finn Rudaizky from The Danish People’s Party in Copenhagen was asked about the purpose of the Transit Programme in relation to the implementation of the Transit Programme in 2014, he stated.

*“Danish People’s Party’s overall strategy towards this problem has always been that the foreign homeless must be helped home. We believe that it is best socially, culturally and linguistically that the foreign homeless are in their own country.”
(Finn Rudaizky in Etik.dk, own translation).*

The statement thus points toward that Finn Rudaizky's believes that the homeless European migrants must be helped back to their country of origin. Thereby his argumentation is focused on what is best for the homeless European migrants, as he argues they must be helped. His argument is to some extent echoed by Line Ervolder from Conservative Party and current member of the Social Committee in the City Council of Copenhagen. In relation to how the Transit Programme can contribute to helping the homeless European migrants back to their country of origin instead of providing help for them in Denmark she states.

"Actually, I would prefer that if you cannot support yourself in this country, if you cannot get a job, you should not live on the streets here. Then you should not be here, then you have to go home again." (Interview Line Ervolder, own translation).

These two statements from respectively Finn Rudaizky and Line Ervolder thus demonstrates that there politically is a wish from certain parties to help the homeless European migrants. However, according to the two politicians, the help must be in relation to the repatriation of the homeless European migrants to their country of origin. Thus the political discussion ceases to be concerned with public security when Finn Rudaizky and Line Ervolder from the City Council of Copenhagen refer to the presence of homeless European migrants in regards to the Transit Programme. However it rather becomes a matter of *where* the homeless European migrants should be helped. The logics concerning how to help the homeless European migrants are thus still concerned with somehow returning them back to their country of origin. It can be argued that some politicians thus use the same logics that were used during the discussion on deportation in regards to the implementation of the new amendments; namely that the homeless European migrants should be sent out of Denmark. Hence repatriation becomes an important part of the Transit Programme.

Contrary to this, some of the other political parties voted for the establishment of the Transit Programme among others due to a feeling of moral obligations towards the socially vulnerable homeless European migrants present in Copenhagen. As Charlotte Lund from The Red-Green Alliance and representative in the Social Committee in the City Council of Copenhagen, states.

"[We voted yes] because we have to take care of these people, who have ended up in a hopeless situation. They have come here in the hope of acquiring a job

and a place to stay, but have ended with a social deroute, which is only getting worse” (Email interview, Charlotte Lund, own translation).

She further elaborates on the advantages of the Transit Programme

“It focuses on the options people have and support them in making the best possible decisions in regard to their situation. But the Transit Programme must never become forced, and it cannot stand by itself” (Email-interview, Charlotte Lund, own translation).

Thus Charlotte Lund points toward that she believes that the Transit Programme has been established to support the homeless European migrants, who have ended up in a social deroute due to lack of work and accommodation in Copenhagen. Furthermore, Pernille Schnoor from the Alternative points toward that the Transit Programme is an alternative to the criminalisation of the homeless European migrants. *“Instead of imprisoning the homeless migrants, we should provide a safe place for them to stay, while they receive support from the Transit Programme.”* (Pernille Schnoor, Folketinget,², own translation). Thus her statement is in line with Charlotte Lund’s, as they both argue that the Transit Programme, rather than only focussing on repatriation, should provide help and support for the homeless European migrants while present in Copenhagen.

The above implies two things. Firstly, the broad political agreement when creating the Transit Programme can be a consequence of the properties inherent in the Transit Programme as it both inhabits the inclination to send the homeless European migrants out of Denmark, and at the same time also the ambitions towards helping them in Denmark. Secondly, there are various, and to some extent contradictory, political viewpoints in regards to how the help for the homeless European migrants should be carried out, as there is not a political consensus upon the purpose of the Transit Programme in regards to whether the focus should be upon helping the European migrants out of their homelessness or sending them out of Denmark.

The purpose of the Transit Programme

The political ambiguities described above concerning the purpose of the Transit Programme has arguably lead to a similar discussion between the Homeless Unit and the NGOs participating in the Transit Programme. There is thus not a complete agreement as to whether the word ‘transit’ entails

that the homeless European migrants must be helped out of their homelessness by establishing a life in Denmark, or if they must be helped out of their homelessness by being repatriated back to their country of origin.

“There are different interests. The municipality wants us to send as many as possible home. Whereas I only want to be a part of it [the Transit Programme] if we solely repatriate as many people who wants to.” (Interview Bo, projekt UDENFOR, own translation).

As the quotation demonstrates, Bo from projekt UDENFOR sees that there are different opinions in regards to the purpose of the Transit Programme. For him it is important that the repatriation of the homeless European migrants is completely voluntarily. He contrarily experiences that the Homeless Unit focus mostly on returning as many homeless European migrants as possible. Thereby the participants put different values to the different aspects of the Transit Programme, which arguably might have something to do with the fact that the organisations work with different mind-sets, illustrated by Diana from Project Blisko. *“We want to send people home - or the municipality wants to - and it is not us who are in the front row there.”* (Interview Diana, Project Blisko, own translation).

While Diana agrees with the purpose of repatriation for those, who are in a position, where they will benefit from it, she disagrees with what she believes is the municipality’s main purpose - sending people home. Some of the NGOs thus put an emphasis upon their experience of the Homeless Unit as being the main organisation in regards to wanting to repatriate the homeless European migrants. However, when asked about the meaning of the word ‘transit’, Thomas from the Homeless Unit states *“You can choose between different approaches. One is the return home whereas the other is to focus on a transfer to something better, a new phase and change in life.”* (Interview Thomas, Homeless Unit, own translation).

Thereby there is, arguably, some divergence between some of the NGOs and the Homeless Unit in regards to how the different organisations perceive each other and their different interpretations of whether the purpose of the Transit Programme is to help the European migrants out of their homelessness through repatriation or through stabilising their life in Copenhagen. Thomas from the Homeless Unit does not say anything about whether he believes the transfer to something better is most achievable in the home country or in Copenhagen, thus it is not clear whether he argues for

sending as many people home as possible or for a transfer to something better in Copenhagen. This might be because he represents a public authority, and therefore he can not be vocal about a transfer out of homelessness in Copenhagen. Due to the political ambiguity the Transit Programme might lose the political endorsement from some of the parties in the City Council of Copenhagen if the Homeless Unit, as a municipal representative, is too explicit about helping homeless European migrants in Denmark and not necessarily repatriating them.

Some of the NGOs are oppositely quit vocal about what they believe the purpose of the Transit Programme is. They understand the purpose as helping the migrants out of their homelessness and not necessarily out of Denmark. *“The main purpose of the Transit Programme is to help people get on with their lives. [...] Grace is a place where we really want to help people find a job.”* (Interview Aicha, Grace, own translation). Nick from Kompasset further argues that he believes that the purpose of the Transit Programme is not repatriation, as he understands the word ‘transit’ as out of homelessness and not necessarily out of Denmark.

“Maybe there are different opportunities for the migrants, which have not been investigated yet. From the municipality’s viewpoint, it is like ‘they have it bad, they need to go home’. Then I think, okay, they are in a bad situation, but what other opportunities do they have in Denmark? Can we get them into treatment in Denmark? Treatment in Denmark is better than in their home country.” (Interview Nick, Kompasset, own translation).

The transit out of Denmark is thus not seen by all of the NGOs participating in the Transit Programme as the only, or even the best option in the work with the homeless European migrants. The political disagreements have led to ambiguities in regards to the purpose of the Transit Programme. One can thus argue that there has not been established a clear framework for the Transit Programme from the beginning. Thus there are some discrepancies between the Homeless Unit and the NGOs partaking in the Transit Programme and the different interpretations of the purpose.

The Transit Programme is both exclusionary and inclusionary. As analysed above, there is, within the Transit Programme, by some a wish for repatriating the homeless European migrants, and yet at the same time there is by others a wish for helping the homeless European migrants with little regards to the location. The politicians in the City Council of Copenhagen who initially have

decided on the implementation of the Transit Programme had the power to decide, which NGOs that should receive the funding from the Transit Programme, as well as which areas the money should be used for. Thereby one can argue that the local government of Copenhagen has been using its ameliorative goals to reduce the amount of homeless European migrants in Copenhagen, but whether it is through helping the homeless European migrants in Denmark or by repatriating them to their country of origin is somewhat unclear. Thereby the uncertainties within the governing body, in this case the politicians in the City Council of Copenhagen, might lead to discrepancies within the Transit Programme itself.

The Transit Programme can be understood as a form of co-governance, where the local politicians in the City Council of Copenhagen have delegated their understanding of how the homeless European migrants should be governed through a collaboration between the Homeless Unit and the seven NGOs. The Transit Programme then has to realise the rationalities of both helping and/or repatriating the homeless European migrants. According to Foucault, liberalism is an art of governing which seeks to find a solution towards the critique of excessive government. Thus commenced a search for new technologies through which the governing can take place but without the criticism (Rose et al. 2006:84). With this new form of governmental strategy, new practices and agencies of governance emerged, wherefore new instruments of government were invented (Rose et al. 2006: 88). The Transit Programme can be argued to be an example of one of these new instruments, where the local government through the establishment of the Transit Programme has ensured some form of indirect governance over the homeless European migrants. Hence the Transit Programme can be understood as a way for the local government in Copenhagen to govern at a distance through the organisations partaking in the Transit Programme. Due to political disagreements, the purpose of the Transit Programme is thus not necessarily clear, wherefore there might also be different viewpoints upon the way the Transit Programme should be carried out. This will be further analysed in the next section.

The negotiation of the Transit Programme

In the above, the political incentives behind the Transit Programme have been elaborated upon. There is some negotiation taking place within the Transit Programme. When looking into the negotiation between the NGOs and the Homeless Unit partaking in the Transit Programme, we seek to understand the disagreements and how they try to find a common understanding of what the

Transit Programme entails. This will be analysed through three different topics of controversy; 1) the funding and demand for documentation, 2) the rightful receiver of the services offered by the Transit Programme, and 3) the flexibility of the Transit Programme in regards to the legislation concerning homeless European migrants. These three topics have been selected, due to the patterns found in the conducted interviews. Firstly we will however elaborate upon, why the participants find the Transit Programme beneficial, as this will explain, why the actors have chosen to participate despite of the ambiguities.

The advantages of collaboration

As previously mentioned, the Transit Programme is a politically decided initiative in the City Council of Copenhagen, which has resulted in a partnership between the Homeless Unit in the municipality of Copenhagen and seven different NGOs. The partnership thus consists of both a public authority and NGOs, which arguably can affect the collaboration. As previously mentioned, it is the Social Committee in the City Council of Copenhagen that has decided on how much and which NGOs that should receive the funding in regards to the Transit Programme. On the contrary the organisations are the ones, who have to provide the services in alignment with the Transit Programme, as well as provide the experience and knowledge. While this can make it difficult for the collaboration, the Transit Programme is nonetheless highly valued by the participants.

“I think it [the Transit Programme] is an amazing initiative. I would wish it to be even better, no doubt about that. But when I look at what the rest of the world have, I think it is completely unique that NGOs and the municipality have chosen to collaborate.” (Interview Dorrit, The Warm/Cold Nose, own translation).

Generally, the cooperation between the different organisations in the Transit Programme are highly valued by all of the participants, as the cooperation is seen as one of the greatest benefits of the programme. Thomas from the Homeless Unit thus also points towards this advantage of the Transit Programme.

“The advantage of the Transit Programme is that there is something that is bigger than the Transit Programme it self. There is an understanding of the different professional challenges we have. And instead of as it traditionally has been, where we only were in our own minds, now we seek to be responsive and try to find the scopes for actions.” (Interview Thomas, the Homeless Unit, own translation).

Hence, the Transit Programme becomes a platform for the sharing of knowledge and cooperation between the participants. This can be seen as one of the reasons why the Transit Programme has been established, as it thus becomes a forum for the gathering of information and knowledge regarding the homeless European migrants. Knowledge is important in order to create the most efficient form of governing. A huge part of the governing apparatus thus relies on expert knowledge (Rose et al. 2006). This knowledge and information the organisations share among themselves and with the local government is an important part of the Transit Programme, and can thus be considered expert knowledge. The Transit Programme offers the local government a unique insight into the habits of the homeless European migrants. Information they can use to improve their governing technologies. The collaboration between the NGOs, the Homeless Unit and the local government of Copenhagen can be beneficial to all parties while creating important knowledge. However, it has also been found, through the interviews conducted, that the Transit Programme becomes a forum, where differences and disagreements between the NGOs, the Homeless Unit and the local government become apparent, which in the following will be further elaborated upon.

Funding and documentation

All the participants have received different amounts of funding in regards to the Transit Programme with the lowest amount being 80.000 kr yearly to the highest amount being 700.000 kr yearly (Københavns Kommune,2). Thus, there is a relatively big difference between the amount of money the individual partners receive in funding from the Transit Programme.

“The money has been divided between those organisations, who already had been working with the migrants for their own money.. [...] And I also think that some of the NGOs just think they should receive some of the money, because they had actually helped the migrants. So there have been different approaches to it. But we all agreed that half of the programme is about helping the homeless migrants out of homelessness - or home - call it what you like, and the other half was to create a better collaboration. Because at that time, there were several of the organisations and the municipality as well, who worked with the same migrants but in opposite directions.” (Interview Bo, projekt UDENFOR, own translation).

In the quotation above, Bo states that before the establishment of the Transit Programme, the organisations had worked in opposite directions. It can however be argued that there still are some

inconsistencies in the collaboration, leading to the fact that the collaboration is not completely efficient yet. The above quotation from Bo from projekt UDENFOR points toward several interesting aspects of the collaboration in the Transit Programme. According to Bo, the Transit Programme is both a way in which the different organisations can receive more funding for working with a specific target group, as well as a way of creating a better cooperation and platform between the participants, when working with this target group.

In regards to the funding, it is difficult to analyse how motivated the NGOs are by the money allocated in relation to them partaking in the Transit Programme's framework, as they depend on the funding in different ways. Some of the NGOs, including the services the NGOs offer, are fully depended on the money allocated to them by the Transit Programme, as they would not be able to have the specific employee employed nor run the services, if it was not for the funding provided to them. However, what has also become evident is that some of the NGOs have expressed a reluctance to participate in the Transit Programme, if the demands for further documentation of the users occur.

“On one hand they want to give us the money so we can lift a task that no one can do as well as us to be honest, but on the other hand they try to cement their rules over us. [...] I also told them very clearly: If the demands become even more stringent, if they want more numbers or documentation, then they can get their 80.000 back, because it is peanuts for us and what we do.” (Interview Justine, Hugs and Food, own translation).

Thus with Justine from Hugs and Foods' statement, it becomes evident that the funding from the Transit Programme is not the sole reason for Hugs and Food's participation in the Transit Programme, as she thinks they partake an important role in caring for the homeless European migrants. However, she will choose to leave the Transit Programme if further documentation will be requested, as the funding for her is rather small. Thus she does not necessarily want to conform to some of the demands from the local government, as the benefit then becomes too little. This is a viewpoint, which she shares with some of the other NGOs. The documentation requested is often in regards to numbers of users and concerning the basis of residency of the users. The documentation is thereby sought both in order to be able to improve the Transit Programme, but also as a response to the managing of the NGOs, and thereby making sure that they conform to the regulations. There are thus some guidelines and regulations that the NGOs must adhere to in order to receive the

funding. However, the organisations do not want the requirements to be further tightened, as this will complicate their work additionally to an extent that it may be too inconvenient compared to their economically advantages of participating. The strain from the bureaucratic requests is thus perceived as mainly a burden. Thereby, the NGOs are arguably involved in setting the guidelines for the requirements, they themselves must adhere to for being a part of the Transit Programme. Thus, it can be argued that it is a form of mutual negotiation between the local government, the Homeless Unit and the NGOs partaking in the Transit Programme, where the requirements are being held at a level the NGOs feel that they can adhere to. If the requirements become too demanding, the negotiation might fall apart as the NGOs no longer can see the benefits in participating in the Transit Programme, as the funding no longer is enough of an incentive to make up for the required registration.

The local government has set up rules and a frame that the organisations have to work within. It is however not necessarily caused by a concern for how the organisations function, but rather an emphasis on auditing them through contracts, performance measures, monitoring and evaluations. These mechanisms are used to govern the organisations' conduct. The local government can choose to opt out of the collaboration and dismantle the Transit Programme, if the NGOs do not conform to their demands. The local government might primarily be interested in collaborating with the NGOs, if it sees a potential for a collaboration, where the NGOs work underneath a guiding hand from the local government to broaden the services of the NGOs. Hence the local government may benefit from the public gratitude and approval that is a result of the work done by the NGOs (Lewis 2001). Thus if the NGOs refuse to adhere to the local government's requirements, they can end up losing their funding. Furthermore, the collaboration may also be a way in which the local government can increase its effectiveness through the partnerships (Lewis 2001). The Transit Programme can be seen as an example of co-optation (Lewis 2001). As it has been argued in the previous section, there is a political disagreement in regards to whether the purpose of the Transit Programme is the repatriation of the homeless European migrants or supporting them to get a livelihood in Copenhagen. However, repatriation is, regardless of this internal discussion, still an element of the Transit Programme, where the local government arguably still has a desire for the organisations' partaking in the Transit Programme to execute the repatriation of the homeless European migrants. The local government thus in some aspects seeks to steer the NGOs into the kind of work the local government wants, and thereby away from what some politicians think is a potential disruptive role

by helping the homeless European migrants to get a livelihood in Copenhagen. Viz a viz making sure that the overall goal - as understood by some politicians - to repatriate the homeless European migrants is being realised through the NGOs.

Hence when the NGOs make reports and report numbers on how many homeless European migrants they are repatriating, it can be argued that this is a way for the local government both to delegate the tasks, while also still making sure that the overall goal of returning the homeless European migrants home is achieved and pursued. In other words, this is a form of governance that makes the local government able to outsource their work to the NGOs, but still be somewhat in control of the outcome of the Transit Programme.

The deserving and the undeserving

In the above, it has been analysed how negotiation takes place between the local government, the Homeless Unit and the NGOs regarding the requirements of registration, and how extensive the requirements can be in regards to the funding. In this section, we will analyse what we assess as disagreements concerning the initial target group of the Transit Programme, as we have observed controversies among the NGOs and the Homeless Unit in relation to whether the Transit Programme should be targeting all homeless European migrants or only the particularly vulnerable homeless European migrants. The negotiation is primarily seen internally within the Transit Programme.

“I think that when the different organisations applied back in the days, the Transit Programme was very broad. [...] And then you can ask should the same organisations get the money now, where it has been found that there is a difference between the migrants and, what do you say; the more vulnerable homeless.” (Interview Justine, Hugs and Food, own translation).

Justine thus points to the fact that when the organisations in 2015 applied for funding from the Transit Programme, it was in its initial phase. At that time, there was not developed a detailed assessment of who should have access to the services provided by the Transit Programme. Afterwards, a discussion among the organisations has occurred with regards to who the actual target group of the Transit Programme is. Some of the organisations argue that to have access to the services provided by the organisations in the Transit Programme, one must be a ‘particularly

vulnerable homeless European migrant’, whereas other organisations argue that there should not be a division between what has been referred to as ‘working migrants’ and the particularly vulnerable migrants. There is undoubtedly a difference in how resourceful the homeless European migrants are. The discussions among the NGOs and the Homeless Unit are in regards to whether it is a too stringent division to see the homeless European migrants as either particularly vulnerable or working migrants. When asked about the target groups, there is a tendency among the NGOs working with the ‘particularly vulnerable migrants’ wanting the Transit Programme to only target this specific target group, whereas the NGOs working with ‘working migrants’ want a broader definition of the target group of the Transit Programme including all homeless European migrants in Copenhagen.

“The disadvantage [of the Transit Programme], and we have had focus on this, is that the projects are very different and so are the users. But we have thought that it makes sense, as they can also go from being a working migrant to a highly vulnerable person.” (Interview Diana, Project Blisko, own translation).

Diana points towards the fact that there is a difference in the circumstances that the homeless European migrants present in Copenhagen find themselves in. Furthermore, she points towards a disadvantage in the fact that the different organisations partaking in the Transit Programme have very different target groups. She however also sees an advantage of this, as she points to the fact that the migrants might go from being a ‘working migrant’ in Denmark searching for jobs to becoming a ‘particularly vulnerable’ migrant in continuation of not being able to find a job, and thereby suffering from lack of access to resources over time. There are however disagreements, as to whether the Transit Programme should embrace both target groups or focus solely on the particularly vulnerable ones. The NGOs working with ‘working migrants’, often characterised as the more resourceful migrants, in general argue that the lines cannot be clearly drawn, thus the Transit Programme has to include both groups, as the more resourceful migrants risk facing a downward spiral leading to them finding themselves in a particularly vulnerable position. Thus, by including all the homeless European migrants in the target group, it is argued that the organisations in Transit Programme can supplement each other. However, the organisations working with the ‘particularly vulnerable’ homeless European migrants argue that the Transit Programme is developed to assist exactly the particularly vulnerable migrants, thus the money allocated to the NGOs with a broader definition of its target group are targeting to the wrong people.

“When you have received money to work with a particularly vulnerable group of EU-citizens, then the money you are using on working migrants or third-country citizens, well they are transferred away from that group [the vulnerable] and then I believe that you should rather apply for money for the group you want to work with [...]” (Interview Bo, projekt UDENFOR, own translation).

Accordingly, there is some internal disparity in the Transit Programme towards who the right receivers of the allocated money are, which might lead to a division between the NGOs and the Homeless Unit. Furthermore, it might arguably also put a hindrance for the repatriation of some of the homeless European migrants. As it is not all of the organisations in the Transit Programme that provide services directly in regards to the repatriation of the migrants, these organisations thus refer their users, who wish to return to their country of origin, to the organisations who has services directed towards the repatriation. The disagreements in relation to who rightfully deserves to receive services connected to the Transit Programme might then be further problematised, as Nick from Kompasset presents.

“We have from time to time been able to convince the municipality to send maybe one or two [of the migrants whom Kompasset have been working with], who are not in their [the Homeless Unit] target group, home. But it takes a long time, and it has to be something really special.” (Interview Nick, Kompasset, own translation).

Nick thus expresses frustration with regards to Kompasset being a part of the Transit Programme, but at the same time having to discuss whether Kompasset’s target group can receive services in regards to their repatriation. Kompasset mainly works with ‘working migrants’, which is as argued above not necessarily accepted as the rightfully target group of the Transit Programme. In the quotation above, Nick mentions that Kompasset sometimes can convince the Homeless Unit to repatriate ‘working migrants’. The Homeless Unit is the organisation partaking in the Transit Programme that repatriates most migrants. Furthermore, some of the other NGOs refer migrants, who wish to be repatriated to the Homeless Unit, thus it is interesting that Nick points towards the fact that Kompasset’s target group is different from the Homeless Unit’s target group, as the Homeless Unit is one of the main collaborators in regards to the repatriation. In regards to this, Thomas from the Homeless Unit argues

“Like a number of the other NGOs, our entry point is the particularly vulnerable migrants. Those are the ones we focus on. It is people with bigger challenges than poverty. It is also those the Consolidation Act on Social Services is based on.”
(Interview Thomas, Homeless Unit, own translation).

Hence, the Homeless Unit defines the target group of the Transit Programme as being the particularly vulnerable migrants. Thus there is a tendency among the organisations in the Transit Programme to make a division between who are the rightfully deserving homeless European migrants, which can lead to limitations in the cooperation within the Transit Programme. This division between who is the rightful receiver of the support can arguably be viewed as a reflection of a broader societal view. Support for more resourceful migrants is generally frowned upon, as they can arguably provide for themselves, whereas people in particularly vulnerable positions might have fewer opportunities to change their situation. Furthermore, getting the right help and using the services provided can be an immense task for the particularly vulnerable migrants, who need help and guidance, where it might be easier for the more resourceful migrants to navigate through and use the services provided. Therefore, most of the organisations partaking in the Transit Programme believe that the target group of the Transit Programme should be the particularly vulnerable homeless European migrants, however they constantly have to negotiate upon the target group. The division between the deserving and undeserving may however put constraints on the collaboration.

Flexibility in regards to the legislation

The third and last one of the observed areas of negotiation in the Transit Programme is regarding the flexibility of the Transit Programme in relation to the legislation concerning homeless European migrants. When the NGOs work in collaboration with the Homeless Unit - a municipal body of Copenhagen and are furthermore funded by the local government, so they need to take the legislation into account to a greater extent. The Homeless Unit is a municipal body, and while they can manoeuvre the field, they cannot break the rules in regards to, for instance, providing services and support to people without a residence permit. NGOs oppositely are often more flexible in regards to whom and how they offer their services. Thus it might complicate a collaboration, when one party in the collaboration needs to be very rigid in regards to only offering services to migrants with legal residency, whereas the other parties have the opportunity to have a more flexible approach. This will be further explored in the following.

The Social Scientist Magdalena Mostowska (2014) has, in relation to her research on services provided for homeless European migrants in Copenhagen, studied the different strategies employed by her interlocutors, when encountering homeless European migrants in Copenhagen. Mostowska categorises the strategies as either 'submissive', 'subversive' or 'innovative'. The submissive strategy is when the organisations adhere to the regulations and rules, the subversive strategy is present, when the regulations are being circumvented and lastly the innovative strategy is defined by seeking more structural and long term solutions different to what has already been done (Mostowska 2014: i24). The strategies are not exclusive; thus some actions can be classified within more than one category (Mostowska 2014: i24). Mostowska conducted her research on homeless European migrants in Copenhagen before the establishment of the Transit Programme, wherefore it is not completely transferable to our case. However, the categorisation of strategies is still interesting to discuss in relation to the fairly changed circumstances with the establishment of the Transit Programme.

When looking at Mostowska's categories, it becomes apparent that the Transit Programme itself may be understood as an innovative strategy. As previously stated, the Transit Programme is a new initiative with an emphasis upon both repatriation, as well as an emphasis upon providing help for the homeless European migrants in Copenhagen. Thus it becomes a matter of making it as bearable as possible for the homeless European migrants before repatriation to their country of origin might take place. Hence there is a focus on both a 'more sensible repatriation', as well as a more long-term solution to the problems with the presence of homeless European migrants in Copenhagen. It can therefore be argued that the Transit Programme itself can be characterised as an innovative strategy. Furthermore, most of the organisations partaking in the Transit Programme are trying to improve the collaboration to create better circumstances for performing their work more effectively.

The Transit Programme's target group is as previously mentioned currently both the 'working migrants' and the 'particularly vulnerable' homeless European migrants with a legal stay in Denmark, but who has however not been registered in Denmark and thereby do not have a CPR-number or a foreign national number. In continuation hereof, it has in the midterm evaluation of the Transit Programme been questioned, how the municipality of Copenhagen can ensure that it is only homeless European migrants with a legal stay, who receive services from the Transit Programme.

According to the midterm evaluation, the NGOs, in order to meet the requirements, make an assessment of the migrants' residency based on the information provided by the migrants themselves (Københavns Kommune, 2, Appendix 1, Midterm evaluation).

We have, during our interviews, found that many of the NGOs participating in the Transit Programme find different methods for how they can comply with the regulations of only offering services to homeless European migrants with a legal stay in Denmark. Several of the organisations thus put an emphasis on informing their users of the regulations. Many of the NGOs and the Homeless Unit argue that none of the migrants wish to be in Copenhagen illegally, and therefore by informing the migrants about their legal rights, the NGOs and the Homeless Unit believe that the migrants themselves know, when they have overstayed their residence permit and must leave Copenhagen again.

“This is one of the things we have a focus on and inform them about, that Grace is a place for people who are here legally. [...] We inform the users about this before the lottery [of who can stay for the night], and we have signs hanging on the walls at Grace stating that this is an offer for people who are here legally.”
(Interview Aicha, Grace, own translation).

As the quotation above demonstrates, they for instance at Grace inform their users that they can only use the services, if they are legally staying in Denmark. The NGOs thereby state that they do not offer services to migrants without a legal stay, as they believe that the migrants themselves will not use the offers of the NGOs, if they have exceeded their residence permit. Thus their services rely on mutual trust. Justine from Hugs and Food points to another way of being flexible regarding this matter.

“We do not register people. Maybe I remember that he was here last summer, but he could have been to Sweden [in the meantime]. They travel around quite a lot within the Nordic countries as well. I do not have any journal, where I can look up information about them, so it depends on my own memory. But in reality, I think it is a shame because at our follow-up meetings I have noticed that they [the municipality of Copenhagen] have tightened it in regards to how important it [the legislation] is.” (Interview Justine, Hugs and Foods, own translation).

A method to circumvent the requirements of the legal residency of the users is, as the above quotation demonstrates, by offering anonymous services. By anonymising the users and by making the users themselves responsible for not using the services if they do not have residence permission, the NGOs get some room to manoeuvre in with regards to the regulations. Thereby some of the organisations apply a subversive strategy in regards to their approach towards the registration of their users.

According to Mostowska, subversive strategies might undermine the state regulations. She uses the term to define the strategies, where informal co-operation take place between the organisations in order to help a particular migrant for instance by offering anonymous help (Mostowska 2014: i24). Thus the NGOs apply a sort of “What we do not see - We do not know” strategy. Mostowska’s argument in regards to how subversive strategies undermine the state regulation, is however not necessarily true in this case. One can argue that the NGOs’ strategy of circumventing the state regulations is exactly what makes the existence of the state regulations possible. By circumventing the legislation, the consequences of the legislation may never be fully realised. By using the subversive strategy, this allows for the government to make strict regulations in regards to, for instance, the homeless European migrants without it leading to homeless people who, in worst-case scenario, die on the streets, as the NGOs will provide for the homeless migrants anyway. Hence there will arguably be no demand for a softening of the regulations, as the NGOs fill the gaps in providing for the homeless European migrants either way. Thus, it can arguably lead to the NGOs’ subversive strategies allowing for even more stringent regulations, which leads to the NGOs having to become even more creative in their subversive strategies to uphold their humanitarian principles of supporting vulnerable people. Due to the flexibility of the NGOs, they can find ways to circumvent the regulations and be sure to provide for the homeless European migrants despite strict requirements.

While a subversive strategy is characterised by circumventing the rules, a submissive strategy is characterised by being compliant with the state regulations. The submissive strategies do, according to Mostowska, mainly include contacting embassies, municipalities or organisations in other countries and counselling for the migrants in regards to returning to their home country (Mostowska 2014:i24). She thus characterises the repatriation of homeless migrants as a submissive strategy. This point is however more nuanced in relation to the Transit Programme. The organisations

participating in the Transit Programme are not, as mentioned earlier, allowed to provide services to the migrants, if they do not have a legal stay in Denmark. In the above, it has thus been demonstrated how the NGOs apply a subversive strategy, when they apply their “What we do not see - We do not know” approach. Furthermore, when Mostowska considers repatriation as a submissive strategy, it can however become a subversive strategy, if the migrants have exceeded their residence permission and thereby go from legally staying to illegally staying in Denmark. As it has already been argued, it can be difficult to distinguish whether the homeless European migrants in Copenhagen have exceeded their period of legal stay, as they do not get registered when entering Denmark. Hence, even though the organisations participating in the Transit Programme are only allowed to provide services for migrants with a legal stay, they often find methods to work around it, within the system though. To apply a submissive strategy might thereby be misleading as the organisations, being a part of the Transit Programme, have already from the beginning declared their willingness to work within the frameworks put forward by the City Council and the municipality of Copenhagen. Thus, when Aicha from Grace states in the above quotation that they, in the organisation, have an emphasis upon the legality of their target group, it is not necessarily because they will be able to completely follow the regulations, just that they want to. Seeking to act submissive is thus not necessarily uncomplicated and may even lead to more subversive strategies, where the rules are circumvented in one way or another. In the partnership between the Homeless Unit and the NGOs, there are thus some different interpretations on how to fully comply with the frameworks of the Transit Programme, which have arguably been leading to initiations of different subversive strategies from the NGOs in order to uphold their possibility of supporting the homeless European migrants regardless of their status.

As the above analysis demonstrates, Mostowska’s strategies can be applied on the Transit Programme. However, in reality, the Transit Programme and the processes within it are very complex, which makes it hard to put the work into fixed categories, as they overlap in surprising ways. The Transit Programme can be seen as an innovative strategy, as it seeks to respond to the homeless European migrants in a new way through a collaboration between NGOs and the Homeless Unit. Furthermore, it is funded by the City Council of Copenhagen. Whether the NGOs act submissively or subversively can however be difficult to distinguish, as the circumstances for the Transit Programme are ambiguous, and the regulations are made in such a way that the NGOs sometimes have to circumvent them in order to adhere to them.

Sub conclusion

In this chapter, it has been argued that the broad political agreement regarding the establishment of the Transit Programme have had consequences to how the Transit Programme is constructed. The Transit Programme both entails the urge to repatriate the homeless European migrants, and at the same time also the desire to help them in Denmark. Due to political disagreements, the purpose of the Transit Programme is not necessarily clear thus negotiations are taking place in order to agree upon the framework of the Transit Programme. Moreover, it is argued that the collaboration between the NGOs and the municipality of Copenhagen can be beneficial to all parties, and that it creates important knowledge. However, the Transit Programme is also a platform in which differences and disagreements between the NGOs, the Homeless Unit and the local government of Copenhagen become apparent thus negotiation is taking place. Three main disagreements have been analysed throughout the chapter. These are the funding and demand for documentation, the target group of the Transit Programme, and whether or not the NGOs and the Homeless Unit conform to the legislation in regards to only offering services to homeless European migrants with a residence permit. The demands for documentation has been argued to be a form of governance, where the local government is able to outsource their work to the NGOs, while they are still in control of the outcome of the Transit Programme. The target group of the Transit Programme is, by some of the organisations, envisioned to be the ‘particularly vulnerable homeless European migrants’, whereas others think that the more resourceful ‘working migrants’ deserves to be supported as well. This means that the joint effort in supporting the homeless European migrants is not necessarily completely unified. The ways in which the NGOs and the Homeless Unit conform to the legislations becomes apparent, when looking at the strategies they implement in their work. The Transit Programme is in itself an innovative strategy, but the NGOs and the Homeless Unit arguably act both submissively and subversively in regards to the legislation concerning homeless European migrants.

Eternal guests

In the previous chapters, thorough analyses of the initiatives implemented by the government and the local government of Copenhagen to deal with the increasing amount of homeless European migrants present in Copenhagen has been conducted. This raises questions about the effect of these initiatives, as well as the overall collision between the welfare state and this new form of mobility. In this chapter we discuss the correlation between the government and the local government of Copenhagen and the Transit Programme, and the consequences of the implemented initiatives.

The right of a stranger

The partnership in the Transit Programme has led to still ongoing negotiations in order for it to become a comprehensive programme with a beneficial cooperation between the different participants. It has thus been analysed, how disagreements between the different organisations regarding the aim of the Transit Programme are present. This means that the collaboration in supporting the homeless European migrants is not necessarily completely streamlined. However, the organisations can all agree upon their role as providing help and services to the homeless European migrants, thus trying to help them achieve some sort of decent livelihood while staying in Copenhagen. Thus the organisations themselves would arguably like to represent a welcoming agency to the homeless European migrants, as they all to some extent provide services that ameliorate the homeless European migrants' livelihood in Copenhagen.

In a former chapter it has been argued that the homeless European migrants are not perceived as a part of the population, but more as a form of 'sub-citizens', who in some circumstances can be deported. Thus the power to deport can, in some aspects, be argued to make the migrants 'eternal guests' in Denmark (Anderson et al. 2011:549). By being 'eternal guest' the state of Denmark will be acting as the host of the homeless European migrants present in Copenhagen. According to Philosopher Jacques Derrida's theoretical framework 'Hospitality', a stranger has the right to be welcomed within a new territory regardless, thus his framework implies "*The right of the stranger not to be treated with hostility when he arrives on someone else's territory*" (Derrida, 2000:5). The role of welcoming the homeless European migrants lies with the NGOs in the Transit Programme, as they are the ones, who create an sphere of hospitality. Derrida perceive hospitality as a structural,

ethical or conceptual relation between people. However, according to Derrida, the term hospitality creates a dichotomy in regards to the impossible mixture of the requirement of absolutely openness towards the stranger, and the oppositely exclusionary sovereignty of a state, which thus reduces the possibility of unconditional hospitality (Candea et. al. 2012:s4). According to Derrida, unconditional hospitality requires that one opens up one's 'home' to strangers and provide them with sanctuary without asking for anything in return. Furthermore, hospitality should be open to all who seek it. However, hospitality entails potentially opening up for threats, limitations and fear. Thereby, hospitality needs to be limited to some extent, which thus leads to conditional hospitality. Derrida argues that unconditional hospitality always is conditional as one automatically creates a border, when creating a 'home' and this border entails a process of inclusion and exclusion. This binarism of both hospitality and yet also hostility has, by Derrida, been conceptualised as 'Hostipitality' (McFadyen, 2016:601).

As previously mentioned, EU citizens have confer to the EU Residency Act § 3.4 the right to legally stay in Denmark for 3 months without any requirements and for 6 months, if the person can document, that he/she is looking for a job. The right to stay in Denmark does however also include that the person is not a burden for the Danish social system confer the EU Directive 2004/38. Thus EU migrants have an unconditional right to enter Denmark and legally stay in the Denmark for 3 months, however hereafter several conditions have to be met in order to maintain a legal status, and for the homeless European migrants these conditions are even more complicated. For instance, in Denmark, one of the welfare services provided is the Job Centre providing counselling for people searching for jobs. The counselling from the Job Centres is a right you can claim in Denmark (Jobnet). However, there are some requirements European migrants have to meet in order to receive the help. They need to be actively applying for jobs, and to be able to prove the activity. Furthermore, EU citizens who expect their stay in Denmark to last more than three months need to have a EU registration certificate. To get a registration certificate they need to either be a worker, student, self-employed person, have sufficient resources or the like (Københavns Kommune,3). It is thus not possible to get registered as job seeking, if the European migrant does not have a EU Registration Certificate. Moreover, to get a job in Denmark one needs to have a bank account to receive salary. To open a bank account one must have a CPR-number and in order to get a CPR-number, one must have a registration certificate and a place to live (Københavns Kommune,5). Thus it becomes a vicious circle for the homeless European migrants, and thereby it can be argued

that the unconditional hospitality of allowing EU citizens to enter Denmark is being challenged by the exclusionary sovereignty of the Danish immigration policies, as well as the bureaucratic system in the welfare state, which makes it even more complicated for the homeless European migrants to meet the criteria for having a legal stay in Denmark. Thereby the Danish authorities arguably have a level of power to exert towards the homeless European migrants. By determining the extent of hospitality provided in Denmark, it will often lead to conditional hospitality for the homeless European migrants present in Copenhagen.

In the previous chapter, it has been discussed, whether the organisations partaking in the Transit Programme view the main purpose of the Transit Programme to be transit out of Denmark, hence the repatriation of the migrants to their country of origin, or the transit out of homelessness. This is regardless of them having a livelihood in Copenhagen or in their country of origin. Regarding this, it has been argued, how the NGOs thus have different purposes of their engagement in the Transit Programme. As elaborated upon in the chapter presenting the Transit Programme, one of the phases in the Transit Programme includes the stabilisation of the homeless European migrants in regards to getting back on their feet again, before repatriation is possible. Some of the NGOs, such as Kompasset, focus on labour market counselling and thereby, as already argued above, they challenge the barriers erected by the authorities in regards to the discussion of transit interpreted as being a return to the country of origin or a transit out of homelessness.

The NGOs who are a part of the Transit Programme to some extent make up for the complicated bureaucratic position the public authorities leave the homeless European migrants in by for instance offering services directed towards a livelihood in Copenhagen. Therefore one can argue that the NGOs in their role and on the grounds of the humanitarian principles they work within, create an environment of hospitality for the homeless European migrants by offering them services, the migrants are not necessarily entitled to, or do not have access to through the public sector's services. However, on the other hand, the homeless European migrants are subject to hostility in regards to, for instance, the complicated registration systems, as well as the new amendments, the anti-begging law and the zone-ban, which to some extent criminalise their behaviour, thus to a certain extent creating an environment of 'hostipitality' for the migrants. The new amendments have, according to Anders from International Christian Centre, had an influence on the European homeless migrants in Copenhagen.

“It [the new amendments] creates an insecurity within the target group of the Transit Programme. Several have talked about insecurity. Four years ago there was not any fear of meeting the police. That is not the case today. People are more nervous on the street. There is a bigger fear [...]” (Interview Anders, International Christian Centre, own translation).

This quotation demonstrates, how Anders sees that the homeless European migrants feel more insecure and fear the police after the implementation of the new amendments. Thus, it can be argued that these new amendments and thereby bureaucratic processes have lead to a hostile environment for the homeless European migrants, who fear this hostility. Hence the Danish authorities exert a level of power that leads to hostility and thereby conditional hospitality.

This hostility including the new amendments can be difficult for the homeless European migrants to navigate in. Therefore, the organisations partaking in the Transit Programme may arguably help the homeless European migrants to navigate the new amendments and in the hostile environment. As previously argued, the organisations in the Transit Programme provide services, which create hospitality for the homeless European migrants. According to Nick from Kompasset, this is for instance done by offering them guidance on legal questions.

“It [the new amendments] has probably made a difference for the homeless migrants. I will not say that it has changed the number of people coming. [...] I will say that it has made a difference, because people often come to us with fines because they are sleeping outside or are begging. So we spend a lot more time now on contacting lawyers or Gadejuristen, and we spend a lot more time now on explaining people what the rules are [...]”. (Interview Nick, Kompasset, own translation).

The new amendments and the Transit Programme thus sometimes counteracts each other. On the one hand, the new amendments make it more difficult for the homeless European migrants to stay in Denmark, and on the other hand some of the organisations partaking in the Transit Programme help the homeless European migrants to navigate the system. Bo from projekt UDENFOR further exemplifies this.

“That might be one of the challenges: On one hand, we have been given money from the municipality of Copenhagen to make a good Transit Programme, and in the summer and autumn of 2017 some of the people we are helping, are feeling

worse, because of the effort of the police. [...] They are stressing them out and not just for the homeless, but for everyone who do not know anything about addiction or mental illness, stress is one of the worst things that can happen to them.” (Interview Bo, projekt UDENFOR, own translation).

The new amendments may thus be challenging for the performance of the Transit Programme, as Bo argues. It can, however, also be argued that the Transit Programme and the new amendments also supplement each other. The new amendments have as previously argued been implemented both in order to deter and allow for the deportation of homeless European migrants. Furthermore, the Transit Programme provides an opportunity for assisted repatriation, and the homeless European migrants will through the Transit Programme thus have the possibility of being returned to their country of origin. Hence the Transit Programme is not offering unconditional hospitality, as there is some expectation that the help provided through the Transit Programme has to be in alignment with a repatriation process.

In the hostile environment that the new amendments have induced, the organisations participating in the Transit Programme may by offering homeless European migrants guidance and services create an environment of hospitality for the homeless European migrant. Furthermore, the organisations participating in the Transit Programme create some kind of relationship between themselves and the homeless European migrants, and hence act in accordance with Derrida's thought of hospitality. On the other hand, the Transit Programme as well as the combination of bureaucratic processes and the new amendments induce the homeless European migrants to leave the country, creating what Derrida has conceptualised 'hostipitality'.

Guidance to leave

Following Social Scientist Nicolay Johansen (2013), one can argue that the 'hostipitality' can lead to a situation, where it becomes almost unbearable for the homeless European migrants to stay in Copenhagen due to the hostile environment. Furthermore, the Transit Programme provides initiatives for the homeless European migrants, who want to be repatriated. This situation can, according to Johansen, be described with his concept 'funnel of expulsion'. While deterrence mechanisms seek to make migrants unwilling to enter the country, the mechanisms Johansen describes as 'funnel of expulsion' aim at the migrants already present in the country and guide them

into leaving. Johansen has been studying the Norwegian asylum system and based on his research, he argues that the Norwegian society creates a situation, where the asylum seekers are 'funnelled' into leaving the country by, for instance, denying rejected asylum seekers' access to the most basic societal institutions in work, welfare and health care, and further providing initiatives for them to leave (Johansen 2013:261). A part of creating control over the population in the welfare state is to create obstacles designed to shape their choices and incentives (Johansen 2013). The overall objective with the initiatives, Johansen argues, is to force, what cannot be forced by leaving the people in a situation that is so unbearable that they will rather 'choose' to leave than to stay (Johansen 2013:258).

By complicating the access to the labour market and health services as well as implementing the new amendments concerning the European homeless migrants, the authorities in Denmark arguably seek to funnel the European migrants out of Denmark. This is done since the homeless European migrants are seen as 'sub-citizens', and thus not a part of the 'regular' population in Denmark. According to Johansen, the main purpose of the control of work, health and welfare is to create a setting, where the outcome aligns with the state's preferences in making it more desirable to leave than the alternative (Johansen 2013:263). In Johansen's case, instead of being deported, the refused asylum seekers are put into a situation, where they are more likely to make the move themselves by creating a life situation, where the only rational choice seems to be to leave (Johansen 2013:266). Thereby, the environment of hostility in regards to the homeless European migrants, created by difficult bureaucratic regulations and the new amendments, can arguably be viewed as implemented with the purpose of making it less desirable for the homeless European migrants to reside in Copenhagen, and thereby creating a funnel of expulsion.

The Transit Programme does, in this matter, raise some paradoxes. According to the description of the Transit Programme, the purpose is to stabilise particularly vulnerable homeless European migrants (Københavns Kommune,1), so that they will be able to collaborate with the organisations about their repatriation. However, the group of people are homeless, wherefore it is paradoxical, how it is even possible to send a homeless person home. Many of the organisations and the Homeless Unit as well argue that the majority of the homeless European migrants in Copenhagen have a home in their country of origin, then, if that is the case, it makes more sense to provide services aimed at repatriation, if there exactly is a home to be repatriated to. However, some of the

particularly vulnerable homeless European migrants in Copenhagen were homeless in their country of origin as well, before they came to Copenhagen. Thus, this group is particularly difficult to repatriate.

Another paradox is in regards to how the organisations partaking in the Transit Programme by the services they offer create a hospital environment for the homeless European migrants. However, at the same time as already argued the authorities in Denmark make conditions for the hospitality, and thus create a hostile environment for the homeless European migrants potentially leading to a funnel of expulsion. Even though the organisations partaking in the Transit Programme represent a welcoming agency for the homeless European migrants, they also, by being a part of the Transit Programme, arguably run the errands of the authorities - that is repatriating them back to their country of origin. Hence if the purpose of the Transit Programme is the repatriation of the migrants, the NGOs to some extent represent an authority similar to the public authorities. Arguably the repatriation through the Transit Programme is done in a more “soft” way than in cases of deportation on the grounds of criminal matters. However, one can still argue that the NGOs by their participation in the Transit Programme become an authority themselves, and thus to some extent help to reinforce the hostile environment and participate in the funnel of expulsion.

It has in this chapter thus been argued that the Transit Programme can be seen as a part of an environment of ‘hostipitality’, where the NGOs and the Homeless Unit on one hand create a sphere of hospitality by offering help and providing services to homeless European migrants, but the authorities and the new amendments on the other hand create a hostile environment. Moreover, the hostipitality can be seen as a way for the authorities to make it less desirable for the homeless European migrants to live in Copenhagen, and thus guiding them out of the country, creating a funnel of expulsion.

Conclusion

We have in this thesis analysed, how the influx of homeless European migrants in Copenhagen has led to a change in the legislation regarding homelessness and to the establishment of the Transit Programme. Furthermore, the establishment of the Transit Programme has led to a more thorough and in some ways new collaboration between the local government of Copenhagen, the NGOs and the Homeless Unit partaking in the Transit Programme where the framework of the Transit Programme is still negotiated.

The influx of homeless European migrants in Copenhagen has been increasing, since the enlargement of ten new Eastern European countries in the European Union, and the implementation of the right to free movement within the European Unions borders. The right to free movement within the European Union is based on a wish for free movement of labour. The poor and powerless are, however, restricted in their movements due to a regime of mobility, where the less privileged people might have difficulties in getting access to the labour- and housing market. Migrants, who cannot get access to the labour and housing market, are left in a vulnerable position and unable to fit into society, thus being further stigmatised.

European migrants might find themselves in this void, where they are able to migrate to Denmark, but might lack opportunities for establishing a life in Copenhagen. Moreover, the homeless European migrants living on the streets of Copenhagen sometimes act in ways that are generally not accepted in the Danish society, as they have been seen defecating in basements, staircases and on church grounds. Furthermore, by setting up camps or by begging in public spaces, some of them have been deemed as behaving in intimidating ways. The general public does not tolerate this kind of behaviour, and therefore the homeless European migrants are seen as breaking the classificatory systems. Their actions thus become matter out of place, and this leads to them being perceived as dirty and dangerous. The homeless European migrants furthermore have difficulties in acting in accordance with the Danish norm. Thus, the homeless European migrants are even further stigmatised and perceived as unequal to the Danish citizens. Acting outside of the Danish norms and being different affects the way the homeless European migrants live in the city, where they have difficulties in achieving respect and equality, and are thus further excluded from the state and the welfare system.

It has been argued that one way of governing the homeless European migrants present in Copenhagen is by implementing new amendments. The new amendments, the anti-begging law and the zone-ban, can be seen as an exclusionary way for the state to govern the unequal 'sub-citizens'. By being exclusionary, the government thus seeks to protect the welfare state and the people, who are considered a part of the population.

Another way to govern the homeless European migrants discussed in this thesis, is with the establishment of the Transit Programme. The NGOs and the Homeless Unit partaking in the Transit Programme arguably, besides offering repatriation, ameliorate the lives of the homeless European migrants, while they are present in Copenhagen. This is done through initiatives guiding the homeless European migrants and helping them navigate the somewhat exclusionary system of the welfare state. The Transit Programme can thus be understood as an inclusionary initiative supporting the homeless European migrants as opposed to the exclusionary amendments. Hence, the Danish welfare system tends to be both inclusionary and exclusionary in their governing strategies and mechanisms, which can be described with the concept benevolent violence. By acting benevolent and violent at the same time, the welfare state can protect its citizens and exclude others without compromising with its own logic.

The homeless European migrants, who are deemed as unequal, dirty and dangerous, but are legally allowed to stay in Denmark, do not fit into already established systems. Therefore, the politicians responded with a tightening of the regulations concerning homelessness thus implementing the anti-begging law and the zone-ban. This can be seen as a governing technique in order to optimize the population by excluding the homeless European migrants, who do not act as the population is expected to. The results of these new amendments have this far solely been used towards foreigners. It is argued that this is a consequence of the fact that the homeless European migrants are not perceived as a part of the population, but since they are allowed to legally stay in Denmark for a period of time they become, what we have termed as 'sub-citizens'. Thus, the prevailing governing strategy has been to implement amendments, which seek to either deter or deport the homeless European migrants. The power to deport and the adoption of the new amendments are thus seen as a type of governance that serves to separate the homeless European migrants from the Danish citizens by for instance deporting them.

It has been argued that the Transit Programme both entails the urge to repatriate the homeless European migrants to their countries of origin, as well as a desire to help them achieve a better livelihood in Denmark thus negotiations are taking place. Disagreements can be seen in three fields. The first being in regards to the funding and demands for documentation in the Transit Programme. Some of the NGOs claim that they do not want to participate in the Transit Programme, if there is a demand for further documentation, as it hinders their work. Furthermore, the funding is seen as too little to provide an incitement for their work. The second field, where disagreements are found is in regards to the definition of the target group of the Transit Programme. Some of the organisations understand the target group as being the ‘particularly vulnerable homeless European migrants’ and others understand it to also include the more resourceful ‘working migrants’. This arguably further complicates the collaboration, as the NGOs and the Homeless Unit not necessarily work with the same target group. The last identified field of disagreement is whether or not the members of the Transit Programme conform to the legislation in regards to only offering services to migrants with a residence permit. This is especially apparent, when examining the strategies they apply in their work. The Transit Programme is in itself an innovative strategy, but the NGOs and the Homeless Unit arguably act both submissively and subversively. The reality is however more nuanced than these categories, wherefore it has been argued that the organisations might have to act subversive in order to be submissive.

It has been analysed that the Transit Programme additionally can be understood as creating a more hospital environment for the homeless European migrants in Copenhagen. The European migrants are unconditionally allowed to legally stay in Denmark for a certain amount of time, confer the Danish Aliens Act § 2.1. Thus the legislation is in that regard hospital. However, the hospitality of the NGOs and the Homeless Unit partaking in the Transit Programme provide, is being challenged by the new amendments creating, what might arguably be a hostile environment. Therefore, the environment found in Copenhagen can be seen as one of hostipitality, where the NGOs on the one hand, on the grounds of their humanitarian principles, create hospitality for the homeless European migrants by offering them services, they are not otherwise entitled to nor have access to. On the other hand, the complicated registration systems as well as the anti-begging law and the zone-ban exclude them, creating a hostile environment.

We have argued that by creating an environment of hostipitality, the authorities in Denmark seek to funnel the homeless European migrants out of Denmark. Thus is has been sought to create an environment that makes it more desirable for the homeless European migrants to leave than to stay. The homeless European migrants thus find themselves in a environment of hostipitality, where the Transit Programme can be seen as some sort of lubricant that ameliorate the life of the homeless European migrants, but still leads them to the funnel of expulsion, and thereby help them leave Denmark. Hence, the Transit Programme arguably runs the errands of the authorities by repatriating the homeless European migrants back to their countries of origin. Arguably, the repatriation through the Transit Programme is a softer way to return the homeless European migrants back to their countries of origin than directly deporting them on the grounds of criminal matters. It has thus been analysed that the Transit Programme is another way for the Danish authorities to return the homeless European migrants out of the country, and thereby reinforcing the hostile environment and participating in the funnel of expulsion.

The question is; whose responsibility is the presence of homeless European migrants migrating in between the countries of the European Union? Even though they are allowed to legally stay in Denmark for a period of time, they are not fully a part of the Danish population, and thus some argue that they should not be the concern of the Danish authorities. Some politicians and organisations thus argue that the European Union should be made responsible, which up until now the European Union have not been willing or able to do. However, The *European Federation of National Organisations Working with Homeless* has been established. This organisation seeks to coordinate NGOs working with homelessness to support the homeless migrants in Europe. But there still seems to be an increasing concern in regards to people migrating between the countries in the European Union, leaving them in homelessness. A solution could be a joint European Union fond to overcome this concern. But who should take the initiative for this, and what could be the implications of such a fond? These are all questions that could be interesting to explore, when examining homeless European migrants in a European setting.

Bibliography

Books

Betts, Alexander (2009). *Forced Migration and Global Politics*. Oxford: Wiley-Blackwell

Douglas, Mary (1966). "Secular Defilement" in Douglas, Mary "*Purity and Danger*." Routledge, London.

Edgar, Bill, Joe Doherty & Henk Meert (2004). "Migration trends and control in EU" in Edgar, Bill, Joe Doherty & Henk Meert "*Immigration and Homelessness in Europe*" The Policy Press, pp. 11-32.

Foucault, Michel (2008 [1978]). "4. forelæsning, 1. februar 1978". *Sikkerhed, territorium, befolkning: forelæsninger på Collège de France 1977-1978*. København: Hans Reitzels Forlag. pp. 95-123.

Guest, Greg, Emily E. Namey & Marilyn L. Mitchell (2013). "Participant Observation" in Guest, Greg, Emily E. Namey & Marilyn L. Mitchell *Collecting Qualitative Data: A Field Manual for Applied Research*. London: Sage Publications, Inc.

Hastrup, Kirsten, Cecilie Rubow & Tine Tjørnhøj Thomsen (2011). *Kulturanalyse - Kort fortalt*. Copenhagen: Samfundslitteratur.

Jöhncke, Steffen (2011). "Integration Denmark: The Welfare State as a National(ist) Accomplishment." In K. Olwig & K. Paerregaard, eds. 2011. *The Question of Integration: Immigration, Exclusion and the Danish Welfare State*. Cambridge: Cambridge Scholars Publishing.

Lewis, Davis (2001). *The management of Non-Governmental Development Organization: An Introduction*. London: Routledge, Taylor & Francis Group.

Lewis-Beck, Michael S., Alan Bryman & Tim Futing Liao (2004). "Semi Structured Interview" in Lewis-Beck, Michael S., Alan Bryman & Tim Futing Liao *"The SAGE Encyclopedia of Social Science Research Methods"*. SAGE Publications, Inc.

Olwig, Karen & Karsten Paerregaard (2011). "“Strangers’ in the Nation” In Olwig, Karen & Karsten Paerregaard, eds. 2011. *The Question of Integration: Immigration, Exclusion and the Danish Welfare State*. Cambridge: Cambridge Scholars Publishing. Introduction.

Peutz, Nathalie & Nicholas de Genova (2010). "Introduction" in Nathalie Peutz & Nicolas de Genova *"The deportation Regime: Sovereignty, Spaces and the Freedom of Movement"*, Duke University Press, pp. 1-29.

Standing, Guy (2014). *The Precariat. The New Dangerous Class*. London: Bloomsbury Academics.

Articles

Anderson, Bridget, Matthew J. Gibney & Emanuela Paoletti (2011). "Citizenship, deportation and the boundaries of belonging" *Citizenship Studies*. 15(5), pp. 547-563.

Barker, Vanessa (2017). "Nordic vagabonds: The Roma and the logic of benevolent violence in the Swedish welfare state" *European Journal of Criminology*. Vol. 14(1), pp. 120-139.

Benjaminsen, Lars (2017). "Hjemløshed i Danmark 2017. National kortlægning." *VIVE – Viden til Velfærd, Det Nationale Forsknings- og Analysecenter for Velfærd*.

Candea, Matei & Giovanni da Col (2012). "The return to hospitality" *Journal of the Royal Anthropological Institute (N.S.)*. pp. S1-S19.

Derrida, Jacques (2000). "HOSTIPITALITY" *Angelaki: Journal of Theoretical Humanities*. 5:3, pp. 3-18.

Fink, Janet & Åsa Lundqvist (2010). *Changing Relations of Welfare*, edited by Janet Fink, and Åsa Lundqvist, Taylor and Francis, ProQuest Ebook Central.

Glick Schiller, Nina & Noel B. Salazar (2013). "Regimes of Mobility Across the Globe" *Journal of Ethnic and Migration Studies*, Vol. 39, No. 2. pp. 183-200.

Gullestad, Marianne (1991). "The Scandinavian Version of Egalitarian Individualism." *Ethnologia Scandinavica*, No. 21, pp 3-18.

Johansen, Nicolay B. (2013). "Governing the Funnel of Expulsion: Agamben, the Dynamics of Force, and Minimalist Biopolitics" *the Borders of Punishment*. Oxford: Oxford University Press.

Järvinen, Margaretha (2003). "Negotiating strangerhood: Interviews with homeless immigrants in Copenhagen." *Acta Sociologica*. Vol 46(3) pp. 215–230.

Langegger, Sig & Stephen Koester (2016). "Invisible homelessness: anonymity, exposure, and the right to the city", *Urban Geography*, 37:7, pp. 1030-1048.

McFadyen, Gillian (2016). "The language of labelling and the politics of hostipitality in the British asylum system". *The British Journal of Politics and International Relations*, Vol. 18(3) pp. 599–617.

McNaughton Nicholls, Carol (2012). "Homeless People: Polish Migrants in the United Kingdom" *National Centre for Social Research* pp. 111-115.

Mostowska, Magdalena (2014). " 'We Shouldn't but We Do . . . ': Framing the Strategies for Helping Homeless EU migrants in Copenhagen and Dublin". *British Journal of Social Work*. vol 44 (1) pp. i18-i34.

Pleace, Nicholas (2015). "Immigration and Homelessness". *Homelessness Research in Europe*. pp.143-162.

Rose, Nikolas, Pat O'Malley & Mariana Valverde (2006). "Governmentality". *Annual Review of Law and Social Science*, Vol.2, pp. 83-105.

Roy, Parama (2017). “”Welcome in my backyard”... but on my terms: making sense of homeless exclusion from renewed urban spaces in Copenhagen”. *GeoJournal*, Volume 83, Issue 2, pp. 289–304.

Sainsbury, Diane (2006). “Immigrants’ social rights in comparative perspective: welfare regimes, forms of immigration and immigration policy regimes.” *Journal of European Social Policy*, Vol 16 (3).

Schmidt, Janett (2012). “Report on Homeless Migrants in Copenhagen.” *Projekt Udenfor. Copenhagen: Fonden Projekt Udenfor*.

Speak, Suzanne (2010). “Point of no return: Exploring the issues which trap migrants in a state of homelessness in the city.” *International Development Planning Review*. Volume 32, Issue 3-4, pp. 225-243.

Walters, William (2002). “Deportation, Expulsion, and the International Police of Aliens”. *Citizenship Studies*, Vol 6 (3), pp. 265-292.

Wenneberg, Søren Barlebo (2002). “Socialkonstruktivisme som videnskabsteori - Sisyfos’ videnskab.” *Department of Management, Politics and Philosophy*.

Wæver, O. (2010). “Towards a political sociology of security studies.” *Security Dialogue*, 41(6), pp. 649-658.

Web-pages

Berlingske,1

<https://www.b.dk/nationalt/romaer-i-danmark-har-vi-de-vaerste-levevilkaar>

Visited 10.05.2018

Berlingske,2

<https://www.b.dk/kommentarer/et-roma-opgoer-er-uundgaaeligt>

Visited 16.05.18

DR <https://www.dr.dk/nyheder/politik/soeren-pape-strammer-yderligere-vil-have-romalejre-ud-af-koebenhavn>

Visited 17.05.2018

Ekstra Bladet

<https://ekstrabladet.dk/112/romaer-og-hjemloese-i-voldsomt-masseslagsmaal/6687251>

Visited 16.05.2018

Etik.dk

<https://www.etik.dk/politik-og-moral/2014-09-15/skal-udenlandske-hjemløse-sendes-hjem>

Visited 23.05.18

European Union,1

https://europa.eu/european-union/about-eu/countries_en

Visited 10.05.2018

European Union, 2.

<http://ec.europa.eu/social/main.jsp?catId=457&langId=da>

Visited 10.05.2018

Eurostat

http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics

Visited 04.05.2018

Folketinget, 1.

<http://www.ft.dk/samling/20161/lovforslag/L215/BEH1-108/forhandling.htm#tA3871D7C64F847B8AB7819B5AD18284Atab1>

Visited 10.04.18

Folketinget, 2.

<http://www.ft.dk/samling/20161/lovforslag/L215/BEH2-109/forhandling.htm>

Visited 10.04.2018

Grace

<http://gracekbh.dk/om-gracekbh>

Visited 20.05.18

Hugs and Food

<http://www.hugsandfood.com/home/om/>

Visited 10.04.18

International Christian Centre

<http://bethesda.dk/kim/internationalt-kristent-center/>

Visited 20.05.18

Jobnet. <https://info.jobnet.dk/da/jobsøger/det-praktiske/ret-og-pligt-som-ledig>

Visited 19.04.18

Justitsministeriet,2.

<http://www.justitsministeriet.dk/nyt-og-presse/pressemeddelelser/2017/personer-i-utrygge-lejre-skal-kunne-forbydes-ophold-i-kommunen>

Visited 17.05.18

Justitsministeriet,3.

<http://www.justitsministeriet.dk/nyt-og-presse/pressemeddelelser/2017/regeringen-skaerper-indsats-mod-teltlejlje>

Visited 24.05.18

Kristeligt Dagblad

<https://www.kristeligt-dagblad.dk/danmark/modviljen-mod-tiggeri-er-udtryk-en-paenhedstrang-i-vores-samfund>

Visited 16.05.18

Kompasset

<http://kompasset.kirkenskorshaer.dk>

Visited 20.05.18

Københavns Kommune, 1

<https://www.kk.dk/artikel/pulje-til-transitprogram-særligt-udsatte-migranter>

Visited 10.04.18

Københavns kommune, 2. [https://www.kk.dk/indhold/socialudvalgets-](https://www.kk.dk/indhold/socialudvalgets-modemateriale/30082017/edoc-agenda/4cc5580a-73b8-4ff2-a029-36acc53f9c1d/bcc85341-a3d1-4b0e-9d82-5e72ca8930f9)

[modemateriale/30082017/edoc-agenda/4cc5580a-73b8-4ff2-a029-36acc53f9c1d/bcc85341-a3d1-4b0e-9d82-5e72ca8930f9](https://www.kk.dk/indhold/socialudvalgets-modemateriale/30082017/edoc-agenda/4cc5580a-73b8-4ff2-a029-36acc53f9c1d/bcc85341-a3d1-4b0e-9d82-5e72ca8930f9)

visited 10.4.2018

Københavns Kommune,3 <https://international.kk.dk/artikel/how-do-i-get-eu-registration-certificate>

Visited 23.05.18

Københavns Kommune, 4

<https://www.kk.dk/hjemløseenheden>

Visited 20.05.18

Københavns Kommune, 5

<https://international.kk.dk/artikel/how-do-i-get-cpr-number>

Visited 23.05.18

Ordensbekendtgørelsen

[https://vidensbasen.anklagemyndigheden.dk/api/portals\(6e302527-f0b3-4a5e-889a-668aa67e5491\)/Print/h/6dfa19d8-18cc-47d6-b4c4-3bd07bc15ec0/VB/4066f963-571b-4fe9-9de2-8cfcb1734ec3](https://vidensbasen.anklagemyndigheden.dk/api/portals(6e302527-f0b3-4a5e-889a-668aa67e5491)/Print/h/6dfa19d8-18cc-47d6-b4c4-3bd07bc15ec0/VB/4066f963-571b-4fe9-9de2-8cfcb1734ec3)

Visited 18.05.18

Politiken, 1

<https://politiken.dk/indland/politik/art6224726/Problemer-med-hjemløselejre-skal-løses-i-EU>

Visited 16.05.18

Politiken, 2

<https://politiken.dk/indland/art6160837/Det-nytter-ikke-noget-at-skubbe-aben-fra-én-kommune-til-en-anden>

Visited 23.05.18

Project Blisko

<http://maendeneshjem.dk/blisko/>

Visited 20.05.18

projekt UDENFOR

<http://udenfor.dk/gadeplans-arbejde/transitprogrammet/>

Visited 20.05.18

Radio24Syv

<https://www.radio24syv.dk/programmer/24syv-morgen/27496473/24syv-morgen-0705-15-05-2018?start=88>

Visited 15.05.18

Retsinformation, 1

<https://www.retsinformation.dk/Forms/R0710.aspx?id=194888>

Visited 18.05.18

Retsinformation, 2

<https://www.retsinformation.dk/eli/ft/201612L00215>

Visited 18.05.18

Retsinformation, 3

<https://www.retsinformation.dk/Forms/R0710.aspx?id=81462>

Visited 24.05.18

Ritzau

<http://nyheder.tv2.dk/politik/2017-05-31-pape-politiet-presser-romaerne-konstant>

Visited 16.05.18

The Warm/Cold Nose

http://www.frelsenshaer.dk/hvad-laver-vi/socialt_arbejde/hjemlose

Visited 20.05.18

TV2 Lorry

<https://www.tv2lorry.dk/artikel/kirkeplads-er-toilet-romaer-nu-er-personalet-vaccineret>

Visited 16.05.18

Midtvejsstatus for Transitprogrammet, august 2017

Borgerrepræsentationen besluttede med vedtagelsen af budgettet for 2016 at afsætte 2,7 mio. kr. pr. år fra 2016-2019 til et Transitprogram, hvor frivillige organisationer samarbejder med Socialforvaltningens Hjemløseenhed om støtte, stabilisering og hjælp til hjemrejse for udsatte migranter i København.

Socialudvalget besluttede den 7. oktober 2015, at bevillige 700.000 kr. årligt til Socialforvaltningens Hjemløseenhed og fordele de resterende 2 mio. kr. mellem syv frivillige organisationer. Fordelingen af midler til de frivillige organisationer blev besluttet af Socialudvalget den 16. december 2015 og er som følger:

- Den Sorte Gryde: 80.000 kr. årligt
- Internationalt Kristent Center: 90.000 kr. årligt
- Blå Kors, Morgencaféen Grace: 190.000 kr. årligt
- Kirkens Korshær: 300.000 kr. årligt
- Projekt Udenfor: 320.000 kr. årligt
- WeShelter, Projekt Blisko: 380.000 kr. årligt
- Frelsens Hær: 640.000 kr. årligt

Her følger en midtvejsstatus på Transitprogrammets indsatser, resultater, målgruppe og organisering.

Indhold

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Indsatser i Transitprogrammet

De frivillige organisationer og Hjemløseenheden udfører en lang række forskellige indsatser til udsatte migranter i København i regi af Transitprogrammet. Aktørerne har beskrevet de indsatser, deres respektive organisation udfører i Transitprogrammet. Der er sammenhæng i indsatserne på tværs af organisationer og områder, men overordnet foregår indsatserne indenfor kategorierne opsøgende gadeplansindsats, rådgivning og vejledning, omsorg og stabilisering samt hjælp til hjemrejse.

Opsøgende gadeplansindsats

Hjemløseenheden, Projekt Udenfor og Kirkens Korshær har opsøgende medarbejdere, der arbejder på gadeplan i København. Deres vigtigste funktioner er at udføre relations- og motivationsarbejde, hvorigennem der skabes kontakt til migranter, som typisk ikke selv opsøger sociale tilbud.

Gadeplansindsatsen brobygger til sociale tilbud og forebygger, at migranterne fristes af stofmiljø, bandekriminalitet og anden kriminalitet. I det opsøgende relationsarbejde foregår der også en udredningsindsats, hvor organisationerne udreder borgerens sociale og rettighedsmæssige situation med henblik på at give dem den rette hjælp og vejledning. I vintermånederne foregår der også brobygning til byens nødovernatningstilbud for at forebygge frostskeer og i værste fald dødsfald som følge af kulde.

Rådgivning og vejledning

Rådgivning er en essentiel del af Transitprogrammet, idet det kan hjælpe borgere til afklaring og til at træffe velinformerede valg. Alle organisationerne og Hjemløseenheden udfører forskellige typer af rådgivning, herunder:

- Råd og vejledning om hjemrejse
- Råd og vejledning om beskæftigelse
- Hjælp til navigering i København
- Rådgivning om regler, retningslinjer og lovgivningen
- Opholdsretlig juridisk rådgivning
- Afklarende og motiverende samtaler
- Planlægning af fremtiden
- Støtte til boligsøgning
- Følgeskab til job
- Rådgivning om andre relevante instanser som fx lægehjælp, psykiatri eller overnatningstilbud

Omsorg og stabilisering

Basal omsorg og stabilisering er ofte forudsætningen for, at borgerne kan træffe mere langsigtede beslutninger vedrørende deres situation, herunder om beskæftigelsesmuligheder og hjemrejse. I Transitprogrammet indgår både et overnatningssted Den Kolde Næse, som er drevet af Frelsens Hær samt to dagshvilesteder; Kompasset, som drives af Kirkens Korshær og Morgencaféen Grace, som drives af Blå Kors. Den Sorte Gryde driver et spisested, hvor målgruppen også kan få hjælp til personlig pleje, tøj og sko.

Aktørerne i Transitprogrammet leverer følgende omsorgs- og stabiliseringsydelser:

- Sundhedsfaglig hjælp
- Overnatning
- Hvile
- Nødhjælp, herunder hjælp til personlig pleje og uddeling af tøj og sko
- Bepising

- Værested/varmestue
- Bagageopbevaring
- Brobygning til andre relevante instanser som fx lægehjælp, psykiatri eller overnatningstilbud

Hjælp til hjemrejse

Når en borger er stabiliseret og har modtaget basal omsorg, vil vedkommende i nogle tilfælde ønske at vende hjem eller rejse videre til et tredje land, hvor vedkommende har venner eller familie. I

Transitprogrammet udfører organisationerne og Hjemløseenheden indsatser, der skal understøtte den gode hjemrejse, herunder:

- Hjælp til dokumenter, id, pas mm.
- Følgeskab til lufthavn eller station
- Kontakt til hjemkommune, familie, myndigheder
- Praktisk og økonomisk hjælp til hjemrejse, herunder hjælp til pas/ID og køb af billetter
- Daglig kontakt og motiverende samtaler
- Ledsagelse på hjemrejse

Øvrige indsatser

Udover de indsatser, som er finansieret af Transitprogrammet, leverer de forskellige organisationer også en lang række ydelser til målgruppen, som er finansieret fra anden side, fx fra EU, fonde, øvrige kommunale midler eller private donationer. Selvom disse ydelser ikke indgår direkte i Transitprogrammet er de en vigtig del af den overordnede helhedsorienterede indsats for målgruppen. Af øvrige indsatser kan nævnes:

- Bospising i Pakhuset, Wildersgade (Frelsens Hær)
- Opsøgende arbejde og bagageopbevaring (Projekt Udenfor)
- Fodboldtræning, bademuligheder og ugentlig tøjuddeling (Blå Kors)
- Bospising, tøjvask og beskæftigelsesprojekt (Den Sorte Gryde)
- Rumænsk sprogundervisning af opsøgende medarbejdere (Hjemløseenheden)
- Lønmidler til rådgivningsmedarbejdere, varmestuearbejde (Kirkens Korshær)

Resultater og effekt 2016

Alle aktørerne i Transitprogrammet dokumenterer deres indsatser og resultater i det omfang det er muligt, og i det følgende præsenteres resultaterne.

I 2016 havde Transitprogrammet mellem 45-145 frivillige om måneden, og var i kontakt med borgere i målgruppen over 17.000 gange. Her skal det bemærkes, at aktørerne opgør kontakt med målgruppen forskelligt. Den Sorte Gryde serverer mad for 65 brugere alle hverdage og har således stået for 15.145 kontakter i 2016. De øvrige aktører opgør kontakten på unikke personer, så vidt det er muligt og har tilsammen haft kontakt med 2475 borgere i 2016. Der kan naturligvis sagtens være overlap, idet de samme borgere har kontakt med flere organisationer.

Tabel 1: Kontakt med målgruppen, 2016

Organisation	Antal borgere
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Hjemløseenheden	282
Den Sorte Gryde	15.145
Projekt Udenfor	45
Blå Kors	930
Blisko	189
Frelsens Hær	402
Kirkens Korshær	457
Internationalt Kristent Center	170
I alt:	17.620

Hjemrejser

185 borgere er blevet hjulpet hjem gennem Transitprogrammet i 2016.

Tabel 2: Antal hjemrejser i regi af Transitprogrammet 2016

Organisation	Hjemrejser i 2016:
Hjemløseenheden	149
Den Sorte Gryde	16
Projekt Udenfor	20
I alt:	185

De forskellige aktører i Transitprogrammet har forskellige roller i hjemrejserne. Blå Kors, Kirkens Korshær, Blisko, Frelsens Hær og Internationalt Kristent Center udfører typisk en mere indirekte indsats i forbindelse med hjemrejserne, fx ved motivationsarbejde, tolkning, overnatnings frem til hjemrejse, brobygning til Hjemløseenheden eller Projekt Udenfor samt ved at rådgive om rettigheder og muligheder i Danmark, så borgerne bedre kan træffe beslutninger om hjemrejse. Derudover assisterer Kirkens Korshær også med praktisk hjælp til køb af hjemrejsebilletter, hvis borgeren selv har midlerne til det.

Hjemløseenheden, Den Sorte Gryde og Projekt Udenfor spiller varetager den direkte hjemrejsehjælp, herunder køb af billetter, hjælp til kontakt til hjemlandet, fx ambassaden og/eller tidligere netværk, følgeskab ved afrejse til lufthavn/station, følgeskab på hjemrejsen samt fremskafning og evt. betaling af ID og rejsedokumenter.

Den gode hjemrejse

Den gode hjemrejse, hvor borgeren trygt og sikkert får genetableret sig i hjemlandet handler om andet og mere end billetter og pas. Arbejdet i Transitprogrammet har vist, at en god hjemrejse typisk har fire faser, og organisationerne i Transitprogrammet bidrager på forskellig vis til de forskellige faser.

Fase 1: Kontakt

Første skridt er opsøgende arbejde i forhold til målgruppen, hvor der bliver dannet en bæredygtig relation. Helt konkret betyder det, at Projekt Udenfor eller Hjemløseenhedens opsøgende medarbejdere skaber kontakt til de hjemløse, der opholder sig i gademiljøet. Eller at de øvrige organisationers frivillige og medarbejdere skaber kontakt til borgerne på deres væresteder, herberger, varmestuer og spisesteder.

Fase 2: Stabilisering

Dernæst kommer stabiliseringsfasen, hvor borgeren fx støttes til komme indendørs på natcafé, hospital eller andre steder, hvor det er muligt at sove, spise, få den nødvendige lægehjælp og blive afruset. Hvis borgeren har misbrugsproblematikker påbegyndes motivationsarbejdet i forhold til at få vedkommende motiveret væk fra stofmiljøet. Når der er ro på borgerens situation påbegyndes rådgivnings- og motivationsarbejdet i forhold til hjemrejsen. Der hjælpes med kontakter til hjemlandet og borgerens netværk, og borgeren får hjælp til ID, rejsedokumenter og billetter.

Erfaringen fra Transitprogrammet er, at jo bedre stabiliseringsfasen i København forløber, desto bedre chance er der for, at borgeren kommer ud af hjemløshed og starter på en frisk i hjemlandet.

Fase 3: Hjemrejse

Når borgeren er stabiliseret, dvs. rask, ædru og mentalt klar, påbegyndes selve hjemrejsen.

Transitprogrammet assisterer med følgeskab til lufthavn eller stationen, og hvis borgeren er i så fysisk eller psykisk dårlig tilstand til, at vedkommende ikke kan rejse alene, kan Projekt Udenfor også give følgeskab på hele rejsen.

Fase 4: Modtagelse

Sidste fase i en vellykket hjemrejse er modtagelsen. Det er afgørende for en succesfuld hjemrejse, at der er skabt kontakt til nogen i hjemlandet. Det kan være myndighed, hospital, familie, venner, tidligere arbejdsgiver m.fl.

Transitprogrammets målgruppe

Organisationerne i Transitprogrammet samarbejder og vidensdeler på tværs, blandt andet på kvartalsvise følgegruppemøder. På denne måde bliver aktørerne hele tiden klogere på målgruppen og er opdateret på situationen i gademiljøet i København.

Socialforvaltningen har bedt aktørerne i Transitprogrammet om at karakterisere deres brugere på parametrene nationalitet, hjemløshedssituation, problemstilliner og behov.

Aktørerne er i høj grad enige om både karakteristikken af målgruppen og deres behov. Migranterne i Transitprogrammets målgruppe beskrives som en gruppe, der lever marginaliseret, udstødt og på kanten af det danske samfund. Målgruppen er hjemløse og udsatte migranter, der ikke har registrering i Danmark i form af cpr-nummer eller udlændingenummer, og som derfor har begrænset adgang til hjælp via de offentlige systemer. Denne gruppe består primært af EU-migranter, der har lovligt ophold i Danmark men også af borgere fra Nordafrika, der typisk har sydeuropæisk opholdstilladelse eller pas. Hovedparten overlever ved hjælp af flaskesamling, tiggeri og andet "gadearbejde" eller ved underbetalte jobs uden kontrakter.

Nationalitet

De forskellige samarbejdspartnere i Transitprogrammet tilbyder forskellige indsatser og henvender sig til forskellige undermålgrupper. Der er derfor ikke nogen entydig konklusion på fordelingen af nationaliteter i målgruppen, men Hjemløseenheden samt seks af de syv organisationer oplever, at rumænere, polakker og svenskere er blandt de største nationalitetsgrupper, som de kommer i kontakt med. Herudover nævnes bulgarer, ghanesere og nordmænd samt sydeuropæere fra Italien, Spanien, Frankrig og Portugal som større grupper. En stor del af sydeuropæerne er dog afrikanere med sydeuropæisk pas.

Hjemløshedssituation

Organisationerne i Transitprogrammet vurderer, at hovedparten af målgruppen lever en flakkende tilværelse, hvor de bevæger sig fra væresteder til biblioteker til parker og andre steder i det offentlige rum.

Den Sorte Gryde, Projekt Udenfor og WeShelter estimerer, at 80 til 100 pct. af deres brugere sover udendørs flere gange om ugen. De øvrige organisationer estimerer, at det gør sig gældende for mellem 10 og 50 pct. af deres brugere.

Kirkens Korshær fører statistik over deres brugeres overnatning. Et datatræk fra april 2017 viser, at knap 60 pct. af brugerne overnatter enten udendørs, på nødovernatningstilbud eller herberg.

Tabel 3: Kirkens Korshærs brugere fordelt på sovested, april 2017

Nuværende sovested:	Antal	Andel
Udendørs/Squatting	112	22,8
Nødovernatning/Herberg	184	37,4
Hos netværk	43	8,7
Eget hjem	29	5,9
Hos arbejdsgiver	3	0,6
I bil	38	7,7
Andet/ved ikke	83	16,9

Samtidig vurderer samtlige partnere i Transitprogrammet, at deres brugere i gennemsnit opholder sig mere end 14 timer af døgnet på gaden. Projekt Udenfor, WeShelter og Kirkens Korshær estimerer, at deres brugere i gennemsnit opholder sig mellem 20 og 24 timer af døgnets timer på gaden.

Problemstillinger

Målgruppens sociale og helbredsmæssige situation varierer. Mange og særligt de nyankomne har primært problemer, der relaterer sig til fattigdom. Det vil sige, at de mangler forsørgelsesgrundlag i deres hjemland og er taget af sted med det formål at finde arbejde og evt. sende penge hjem til familien. De har ikke levet i hjemløshed før og har i udgangspunktet ikke yderligere problemer, men dette kan ændre sig i løbet af deres ophold i København. Men organisationerne i Transitprogrammet møder også brugere, som har levet i hjemløshed i flere år og som har komplekse sociale og sundhedsmæssige problemer som f.eks. sindslidelse, somatisk sygdom og/eller misbrug.

Dermed arbejder man med to undermålgrupper i Transitprogrammet: Arbejdsmigranter og særligt udsatte migranter. Arbejdsmigranternes største udfordring er fattigdom, og derfor rejser de rundt i EU for at finde arbejde. De særligt udsatte migranternes udfordringer er mere komplekse, men de primære problemstillinger er som følger:

Misbrug: Målgruppen bruger diverse rusmidler såsom alkohol, kokain, heroin, hash og diverse piller. Transitprogrammets vurdering er, at jo længere tid brugerne er på gaden, jo mere misbrugende bliver de. Misbruget resulterer ofte i en dårlig sundhedstilstand og en række følgesygdomme.

Fysiske sygdomme: Målgruppen lider ofte af en lang række fysiske problematikker, såsom kredsløbsforstyrrelser, dårlig tandhygiejne, fejlernæring, diabetes, leverproblemer mm. Det er erfaringen fra Transitprogrammet, at det kan være svært at hjælpe gruppen til bedre helbred.

Sindslidelser: Forskellige former for sindslidelser ses oftest hos målgruppen. Det er erfaringen, at mange psykisk syge søger til København, som følge af storbyens mulighed for anonymitet. De hårde og uforudsigelige liv på gaden som hjemløs er med til at forværre deres psykiske tilstand. Det er erfaringen, at der er stor forskel på hvor psykisk udfordrede brugerne er, og at det er svært at afgøre hvor stor en del af de psykiske lidelser, der er stofudløst.

Sociale udfordringer: Vold, skam, manglende netværk, ingen kontakt til familie og venner, akut boligmangel samt dårlig økonomi og manglende eksistensgrundlag er alle faktorer, der spiller ind i brugernes vanskelige situation. Det er erfaringen fra Transitprogrammet, at det bliver sværere at skabe kontakt til netværket jo længere tid de opholder sig i Danmark.

Behov

Målgruppen består af forskellige mennesker med forskelligartede behov, men samarbejdsparterne i Transitprogrammet vurderer, at de primære behov for målgruppen er:

Basal omsorg: Et tørt og trygt sted at sove, et varmt måltid mad, adgang til bad og toiletforhold, tørt tøj, opbevaring af ejendele samt menneskelig kontakt med udgangspunkt i nærvær, omsorg og respekt.

Stabilisering: Målgruppen lever oftest et kaotisk liv præget af misbrug og gadeliv, der gør det vanskeligt for dem at trække langsigtede beslutninger, der kan forbedre deres livssituation. Det er derfor erfaringen, at stabilisering af den enkelte er en afgørende forudsætning for den gode hjemrejse, beskæftigelse eller andre fremmede tiltag.

Brobygning til hjemlandet, samarbejde på tværs af landegrænser og udvikling af EU-netværk: Brobygning til hjemlandet ses ligeledes som en afgørende faktor for muligheden for hjemsendelse. Kontakt til familie, venner, institutioner, hospitaler mv. kan give den enkelte mod på fremtiden og på hjemrejse.

Samarbejde på tværs: Der er en række tilbud til særligt sårbare udenlandske borgere i København. De oftest mangesidige og komplekse udfordringer den enkelte står overfor gør, at de har brug for hjælp fra flere forskellige aktører. Samarbejde på tværs kan styrke den samlede indsats og skabe kontinuitet for den enkelte.

Sundhed: Målgruppen vurderes til at have behov for mere end blot den akutte lægehjælp, der er adgang til for målgruppen i dag. Mange har brug for længerevarende sundhedsfaglig behandling for at forebygge alvorlige sygdomme og skader. Deres dårlige sundhedstilstand forhindrer dem i at komme videre med deres liv.

Samtidig vurderes det, at der generelt er behov for en hurtigere og mere helhedsorienteret indsats end der tilbydes i dag. Især stabile overnatningspladser, der ikke kun er åbne i vintermånederne. Det er erfaringen fra organisationerne, at det er meget udfordrende at arbejde med en stabilisering efter fx. en indlæggelse, hvis borgeren stadig overnatter på gaden. Det er også stort set umuligt at motivere en borger til at holde sig ude af sit alkoholmisbrug så længe han eller hun bor på gaden. Der er derfor et behov for et skærmet overnatningstilbud med få pladser, så der er plads og ro til den enkelte samt alkoholbehandling; abstinensbehandling, afvænning og hjælp/støtte til at komme ud af sit misbrug.

Beskæftigelse

Selvom der er fokus på den gode hjemrejse, arbejder flere af aktørerne også målrettet med beskæftigelse.

WeShelter har forsøgt at få en mindre brugergruppe i arbejde gennem projektet "The Ekstra Mile", men har desværre ikke haft det store held med at få brugerne af tilbuddet i beskæftigelse. Blå Kors, Kirkens Korshær og Internationalt Kristent Center beretter om beskæftigelsesinitiativer og cases, hvor borgere er blevet støttet til at etablere sig i Danmark. I det følgende beskrives en række cases, som viser den, ofte komplekse, vej fra hjemløs migrant til etablering med bolig og job i Danmark.

Case 1: Blå Kors

En rumænsk herre som var ved os en del i efteråret 2016. Han benyttede sig af vores hvileplads en gang imellem, men i høj grad hjalp vi ham med at øve dansk, og vi kiggede på nettet efter jobs. Han arbejder nu som rengøringsassistent ved Tivoli og bor udenfor byen et sted, hvor han lejer et værelse. Han kiggede forbi Grace ved juletid 2016 og havde det godt.

Case 2: Kirkens Korshær:

En 54-årig italiensk EU-borger ankom til Kompasset i starten af december 2016 efter blot 10 dage i Danmark. Han var aktivt arbejdssøgende og boede på gaden. Tilsyneladende ved godt mod, men meget utålmodig, da han aldrig har boet på gaden før. Begrænsede engelskkundskaber og bred, forskelligartet ufaglært arbejds erfaring. Vi assisterede med klage over metrobøder og henvisning til dækning af basale behov og overnatning. Borgeren fik en mentor via Kompassets beskæftigelsesprojekt Extra Mile, der hjalp med opbakning, netværk og jobsøgning. Bruger gik til lidt sprogundervisning, men dagene kom hurtig til at handle om overlevelse, hvile, lidt flaskesamling og klunseri. Han opbevarede sine ejendele i Kompasset og sov ofte i nødherberget i Hellig Kors Kirke. Modløshed fik taget i ham efter en måneds tid og ved juletid var han lammende deprimeret. I januar udviklede han mavesår – stress, manglende søvn og bekymring. Han blev indlagt et par gange ultimo januar, men hurtigt udskrevet til gaden igen. Kortvarige behandlinger, kun ro og stabilitet ville hele og i mange uger var han fysisk og psykisk elendig. Han var i konflikt med andre hjemløse samt personale i nødherberget. I februar lykkes det at få lidt arbejde i byggebranchen, først uden kontrakt men dog med logi. Efter et par uger kunne han stolt fremvise kontrakt som 'arbejdsmand' med arbejdsplads i Jylland gennem samme firma. Efter 3 måneder i Danmark kom han for at fortælle i marts at han netop havde registreret sig i International House som arbejdstager i Danmark med udsigt til cpr-nr, da han også havde fundet et værelse via arbejdsgiver.

Case 3: Kirkens Korshær

40-årig rumæner kom i efteråret 2016 til Kompasset. Udmærket engelsk og arbejds erfaring, lavt selvværd og voksende desperation. Lovning om job bragte ham til Danmark, men det blev aldrig til noget. Bruger lever nu alene på gaden i Kbh og har aldrig levet så hårdt som nu. Han sover udendørs og af og til på nødherberg. Hyppig gang i Kompasset, opbevarede sine ting og går til håndte + forsøger at holde humør oppe. Relation og tillid til personale styrkes med tiden. Lidt kontakt til arbejdsmarked, mest uden kontrakt, udnyttelse og løse aftaler. 5 måneder på gaden tærer og bruger er i fysisk og psykisk elendig forfatning. Omsider får bruger kontrakt i rengøringsfirma og kort tid herefter et værelse i Nordsjælland. Svært at opretholde natarbejde samt lang og dyr transport. Næste skridt er bolig med mulighed for fast adresse, så han ikke igen er på gaden i Kbh. Sårbar situation og manden er stadig bruger i Kirkens Korshær.

Case 4: Internationalt Kristent Center

Borger er 52 år og havde kone og børn i hjemlandet Spanien. Han blev arbejdsløs efter finanskrisen. Konen flyttede hjem til sine forældre med børnene og gav Riad beskeden ”find et arbejde og vi kommer tilbage”. Han drak i to år og levede på gaden – først i hjemlandet, siden i Tyskland og Danmark. Han var hjemløs, da vi mødte ham – men da vi mødte ham havde han besluttet, at nu skulle det være slut med at drikke. Efter en måneds bekendtskab hjalp vi ham med at finde et værelse og søge arbejde. I dag arbejder han som køkkenhjælper på en restaurant, og familien er kommet med til Danmark.

Case 5: Internationalt Kristent Center

Borger er 50 år og har været i Danmark i 17 år. Han er uden familie og hjemløs i Rumænien. Han kom til Danmark og gik med reklamer i næsten 2 år. Herefter drak han meget og var på psykiatrisk afdeling 6 gange. Han har en psykisk diagnose og kom i et alkohol-afvænningsforløb. Vi mødte ham for tre år siden, hvor han igen var blevet hjemløs. Vi fandt en et-værelses lejlighed, men huslejen blev ikke betalt. I dag har han et værelse (men ikke officiel adresse, så i folkeregistreret hjemløs). Rumboen på værelset er narkoman, men borger drikker kun. Han er tilknyttet vikarvagten og har forefaldende tilkaldearbejde med supplerende kontanthjælp. Borger er i dag glad for sit liv, så pt. gør vi ikke mere.

Evaluering af Transitprogrammet

I sidste del af Transitprogrammets midtvejsstatus bad Socialforvaltningen aktørerne om at evaluere selve Transitprogrammet, herunder udfordringer, barrierer, samarbejdet med kommunen og de øvrige organisationer samt fremadrettede anbefalinger til samarbejdet i Transitprogrammet.

Kernen i Transitprogrammet er indsatsen overfor målgruppen, men den evaluerende del af midtvejsstatussen er medtaget, fordi den fælles koordinerede indsats og samarbejdet mellem organisationerne og Hjemløseenheden en ny måde at arbejde på, både for Socialforvaltningen og organisationerne. Derfor er det også interessant at undersøge, hvor styrkerne og svaghederne findes i denne måde at arbejde på, ifølge aktørerne selv.

Udfordringer og barrierer

Aktørerne i Transitprogrammet nævner ressource- og lovgivningsmæssige barrierer, som de største udfordringer. Herudover nævnes udfordringer med afgrænsningen af Transitprogrammets målgruppe.

Organisationerne vurderer, at der mangler ressourcer og tilbud i stabiliseringsfasen, hvilket bliver en barriere for det videre arbejde mod enten beskæftigelse eller hjemrejse.

Flere af organisationerne nævner, at der mangler steder, hvor borgerne kan være enten for en nat eller 24 timer i døgnet som led i deres stabilisering. Der mangler en mulighed for at kunne støtte borgerne med fx et fast billigt overnatningstilbud, for at de kan klare sig igennem en svær periode. Derudover er der et stort behov for professionel og kvalificeret jobvejledning fra jobcentrene. Organisationerne oplever, at EU-borgere bliver sendt væk, når de henvender sig til jobcenteret, fordi de ikke har CPR-nummer.

En organisation beskriver udfordringerne som: ”De udfordringer vi hører der kan forekomme er i høj grad strukturelle: adgang til CPR nummer, ordentlige kontrakter, SKAT nummer og adgang til bankkonto. Dette kunne være noget der i højere grad skulle fokuseres på for dem som skal i arbejde.”

Derudover efterspørger borgerne ofte hjælp til misbrugsbehandling, bolig, kontanthjælp mm., hvilket organisationerne ofte ikke kan imødekomme. Organisationerne oplever også situationer, hvor borgerne udskrives fra hospitalet til gaden uden at være færdigbehandlet, eller hvor kvinder udsat for vold ikke kan få en plads på et krisecenter, fordi de ikke har CPR-nummer.

De lovgivningsmæssige og juridiske spørgsmål fylder også meget i arbejdet i Transitprogrammet, idet juridiske uklarheder omkring udenlandske borgeres rettigheder komplicerer arbejdet. Organisationerne er bekymrede over den langtrukne proces omkring migranternes juridiske status og oplever også en manglende ansvarstagen fra statsligt niveau, herunder Statsforvaltningen og Udlændingestyrelsen.

En organisation beskriver problemet således: *"Det er stadig i 2017 et meget politisk betændt emne, og vi mener, der mangler en overordnet politisk stillingtagen og initiativer, som tilbyder migranterne alternativer, fx overnatning og offentlige toiletter. Der er et stort behov for at finde fælles fodslag i en samlet social strategi overfor denne marginaliserede målgruppe."*

Transitprogrammets målgruppeafgrænsning kan også give udfordringer i arbejdet. Flere organisationer nævner, at der mangler flere tilbud specifikt målrettet arbejdsmigranterne, som har andre behov end de særlige udsatte migranter, og derfor ikke skal henvises til tilbud, hvor der er misbrug og andre sociale problemer, som kan smitte. En organisation nævner også, at selve det at skulle afgøre om en person er i målgruppen eller ej kan skabe problemer i relationsarbejdet.

Samarbejdet i Transitprogrammet

Aktørerne i Transitprogrammet er enige om, at samarbejdet på tværs af NGO'er og kommunen er blevet væsentligt forbedret, og at den fælles koordinerede indsats fungerer godt.

Mange af migranterne har komplekse problemstillinger og har behov for flere forskelligartede indsatser på samme tid, og Transitprogrammet har skabt et større kendskab til mulighederne og tilbuddene i København. Samtidige har samarbejdet givet en fælles faglighed, som gør at forskellige aktører med forskellige fokusområder og holdninger til målgruppen, samarbejder om fælles mål. Der er fx kommet en fælles forståelse af, hvad en god hjemrejse skal indeholde.

Dette beskrives af en organisation: *"Jeg vil mene, at vi med erfaringer rigere fra Transitprogrammet 2016 nu har en større viden omkring hvad der virker i forhold til stabilisering og "den gode hjemrejse". Indsatsen både i 2016 og 2017 har medvirket til at vi har kunne hjælpe særligt udsatte hjemløse med tilbud og derved også løsninger, hvilket har resulteret i færre udenlandske hjemløse med årelange derouter. Der er nu snarere tale om perioder på uger/måneder fordi vi har andre handlemuligheder. "*

Derudover er det daglige samarbejde om den enkelte borger blevet forbedret, fordi aktørerne har fået et større kendskab til hinandens organisationer og tilbud, men også et personligt kendskab til hinanden, som gør det nemmere at koordinere og henvise borgere. Her nævnes de kvartalsvise Transitgruppemøder, hvor hele gruppen samles hos én af aktørerne, som en stor styrke. En organisation skriver: *"Møderne vi holder samlet med alle aktørerne fra transitgruppen er gavnlige. Til dels fordi vi får set hinanden i øjnene og set hinandens tilbud, og dels fordi vi får et indblik i, hvad det rører sig på andre dele af feltet."*

Der er samtidig generel enighed om, at de forskellige indsatser supplerer hinanden godt. Flere oplever, at deres borgere også benytter de andre tilbud i Transitprogrammet, så der laves en helhedsorienteret indsats.

En organisation beskriver samarbejdet således: *"Godt og fint samarbejde på tværs af indsatser, organisationer og Københavns Kommune. Vi er blevet flere, der løfter i flok og som arbejder målrettet for at bedre livet for en gruppe udsatte borgere. Ekspertisen og viden er blevet forbedret og samarbejdet forløber ofte lettere fra brugersag til brugersag."*

Anbefalinger

Som den sidste del af Transitprogrammets midtvejsstatus har Socialforvaltningen bedt aktørerne om at komme med anbefalinger og ideer til justering til det videre arbejde i Transitprogrammet. Anbefalingerne spænder bredt og indeholder ønsker om målgruppeafklaring, nye indsatser, mere samarbejde og et mere politisk fokus.

- *"Man skal tage stilling til, om det fungerer at have arbejdssøgende og særligt udsatte migranter i det samme program."*
- *"Etablering af et helhedsorienteret boligtilbud til mennesker i Transit (one stop shop), hvor både sundhedsfaglig, praktisk, socialfaglig, beskæftigelses- og uddannelsesfaglig ekspertise er samlet på et sted."*
- *"Der er behov for flere opbevaringsmuligheder og andre basale ydelser, som tøjvask og bad."*
- *"Der bør udarbejdes en samlet vidensbank med de forskellige aktørers erfaringer og viden, som kan bruges af alle, der arbejder med målgruppen"*
- *"Der skal stilles faglige kvalitetskrav i samarbejdet, som gælder alle organisationer"*
- *"En styrket og obligatorisk mødedeltagelse ved de kvartalsmæssige møder, gerne med tematiske punkter. Fx kan det gå på tur, hvem der er ansvarlige for dagsordenen og særlige diskussionsemner, således alle møder forberedte til givent emne(-r) og vi ikke blot tager den traditionelle 'runde'. Alle organisationer eller projekter bør repræsenteres til møderne og skal hver især tage ansvar/lejerskab for det mest udbytterige møde. "*
- *"Et bredere samarbejde mellem organisationerne. Således at det ikke kun var til de få møder at vi sparrede, men at vi også samarbejdede i hverdagen omkring brugere i Transitprogrammet."*
- *"Udsatte hjemløse migranter skal på dagsordenen på Christiansborg. Hvordan løfter det statslige, sociale hjælpesystem udfordringen med målgruppen? Strategiske overvejelser kan og bør vi udforme i Transitprogramsgruppen. Vi har viden, indsigt og ideerne til bedring af leveforhold for udenlandske hjemløse i Danmark"*
- *"Større politisk bevågenhed og videreformidling af Transitprogrammets resultater til beslutningstagere på Christiansborg. Dvs. Københavns Kommune kan skabe bevågenhed omkring dårlige levevilkår for udsatte borgere i hovedstaden, som bør afhjælpes på statsligt niveau."*

Socialforvaltningen vil tage anbefalingerne med i det videre arbejde i Transitprogrammet og drøfte med aktørerne, hvilke anbefalinger de ønsker at arbejde videre med.

UDSKRIFT
AF
HØJESTERETS ANKE- OG KÆREMÅLSUDVALGS DOMBOG

HØJESTERETS KENDELSE
afsagt tirsdag den 19. december 2017

Sag 167/2017

██████████
(advokat Sysette Vinding Kruse, beskikket)

mod

Rigspolitiet

(advokat Karsten Hagel-Sørensen)

I tidligere instanser er afsagt kendelse af Københavns Byret den 7. juni 2017 og af Østre Landsrets 11. afdeling den 13. juni 2017.

I påkendelsen har deltaget tre dommere: Poul Dahl Jensen, Jens Peter Christensen og Hanne Schmidt.

Påstande

Kærende, ██████████ har nedlagt påstand om, at frihedsberøvelsen af ham ikke burde have været kendt lovlig og opretholdt ved Københavns Byrets kendelse af 7. juni 2017, stadfæstet af Østre Landsret den 13. juni 2017.

Indkærede, Rigspolitiet, har påstået stadfæstelse.

Sagsfremstilling

Af politirapport af 6. juni 2017 fremgår, at politiet samme dag kl. 6.16 ankom til Ørstedsparken, der er beliggende inden for tættere bebygget område i København. Ved ankomst til stedet observerede politiet fem rumænere, der havde etableret lejr. På græsset havde de indrettet sig med madrasser, dyner, soveposer og tæpper. Under madrasserne sås opskårne papkasser, som blev benyttet som underlag. Omkring dem sås deres øvrige ejendele, nogle af dem pakket på

barnevogne. Flere af personerne lå og sov under dynerne. Lidt væk i et buskads fandt politiet en overskåret sodavandsflaske, hvori der lå afføring med en metalske stukket ned i. Der lå endvidere afføring på græsset. Politiet skønnede, at det var menneskelig afføring.

Af afhøringsrapport af 6. juni 2017 fremgår, at [REDACTED] vedtog en bøde på 500 kr. for overtrædelse af ordensbekendtgørelsens § 18, stk. 1, jf. § 3, stk. 4, ved i Ørstedsparken, hvor til der er almindelig adgang, at have etableret og opholdt sig i en lejr, som var indrettet med flere madrasser, soveposer og med fire andre personer, hvilket var egnet til at skabe utryghed i nærområdet. Han forklarede under afhøringen, at han var i Danmark for at sælge blade, og at han også samlede flasker og nogle gange sad på gaden og betlede. Dette var årsagen til, at han var kommet til Danmark. Han tænkte, at han også kunne finde et arbejde, dog var det ikke lykkedes. Han havde ikke aktivt søgt arbejde i Danmark. Det var ca. 2 uger siden, at han var kommet til Danmark. Han havde ikke været i Danmark før.

Af politirapport af 6. juni 2017 fremgår om [REDACTED] tidligere kontakt med politiet i Danmark, at han den 18. maj 2017 blev bortvist fra Rundetårn, hvor han sammen med to andre personer overnattede. Den 24. maj 2017 fik han en bøde for at overnatte på gaden, og den 27. maj 2017 fik han en advarsel for betleri. Den 29. maj 2017 overtrådte han advarslen for betleri. Han blev den 30. maj 2017 bortvist fra Rundetårn, hvor han overnattede sammen med 15 andre personer.

Ved Udlændingestyrelsens afgørelse af 6. juni 2017 blev [REDACTED] udvist af Danmark med indrejseforbud i 2 år, jf. udlændingelovens § 25 a, stk. 2, nr. 3, og § 32, stk. 4, 5. pkt.

Københavns Byret afsagde den 7. juni 2017 kendelse om frihedsberøvelsens lovlighed og opretholdelse, jf. udlændingelovens § 36, stk. 1. I begrundelsen for kendelsen er anført:

”Retten finder, at der i Udlændingestyrelsens afgørelse foreligger en rimelig sandsynliggørelse af, at det grundlæggende faktum er fastslået med rette efter de foreliggende oplysninger. Retten har herved navnlig lagt vægt på politirapporterne i sagen, fotomaterialet fra Ørstedsparken og udlændingens erkendelse af overtrædelse af ordensbekendtgørelsen. Retten har således lagt til grund, at udlændingen i Ørstedsparken, som er en meget benyttet, offentlig tilgængelig park, sammen med flere andre personer har etableret og opholdt sig i en lejr, som var indrettet med flere madrasser, soveposer, tæpper og personlige effekter. Endvidere fandtes der ved lejren diverse affald, herunder hvad der må antages at være menneskelig afføring, dels direkte på græsset, dels i en overskåret

plastikflaske. Dette var egnet til at skabe utryghed i nærområdet. Retten lægger derfor efter de foreliggende oplysninger til grund, at udlændingen, der er statsborger i Rumænien, under sit ophold i Danmark, har overtrådt ordensbekendtgørelsens § 18, stk. 1, jf. § 3, stk. 4.

Udlændingen har som følge heraf over for politiet erkendt sig skyldig og har vedtaget en bøde på 500 kr. for overtrædelse af ordensbekendtgørelsens § 18, stk. 1, jf. § 3, stk. 4.

Udlændingen har oplyst, at han ikke har nogen tilknytning til Danmark, og at han har opholdt sig i Danmark i cirka 2 uger som bladsælger og flaskesamler.

Retten finder herefter, at betingelserne i udlændingelovens § 25 a, stk. 2, nr. 3, for at udvise udlændingen på dette grundlag har været opfyldt. Retten finder ikke, at udlændingen er omfattet af undtagelsen i § 25 a, stk. 2, nr. 3, 2. pkt.

Det følger af udlændingelovens § 2, stk. 3, at de begrænsninger, der følger af udlændingeloven, kun finder anvendelse på udlændinge, der er omfattet af EU-reglerne, i det omfang det er foreneligt med disse regler. Det følger endvidere af udlændingelovens § 26 b, at for udlændinge, som er omfattet af EU-reglerne, kan udvisning kun ske i overensstemmelse med de principper, der efter EU-reglerne gælder for begrænsning af retten til fri bevægelighed.

Det fremgår af Europa-Parlamentets og Rådets direktiv af 29. april 2004 om unionsborgeres og deres familiemedlemmers ret til at færdes og opholde sig frit på medlemsstaternes område mv. (Opholdsdirektivet), artikel 27, blandt andet, at medlemsstaterne kan begrænse den frie bevægelighed for en unionsborger af hensyn til blandt andet den offentlige orden eller sundhed, og at foranstaltninger truffet af hensyn til den offentlige orden eller sundhed skal være i overensstemmelse med proportionalitetsprincippet og udelukkende kan begrundes i vedkommendes personlige adfærd. Den personlige adfærd skal udgøre en reel, umiddelbar og tilstrækkelig alvorlig trussel, der berører en grundlæggende samfundsinteresse.

Retten finder, at udlændingens adfærd må anses for at udgøre en sådan reel umiddelbar og tilstrækkelig alvorlig trussel, der berører en grundlæggende samfundsinteresse, jf. direktiv 2004/38/EF af 29. april 2004 (opholdsdirektivet) artikel 27, stk. 2, 2. led. Retten har herved lagt vægt på den aktuelle overtrædelse af ordensbekendtgørelsen og karakteren heraf, og på at udlændingen forud for denne sag, den 24. maj 2017 har vedtaget en bøde for overtrædelse af ordensbekendtgørelsens § 18, stk. 1, jf. § 3, stk. 4, den 18. maj 2017 og den 30. maj 2017 er bortvist som overnatter på gaden, samt på at udlændingen den 27. maj 2017 og den 29. maj 2017 er meddelt advarsler for betleri.

Retten finder derfor ikke, at udlændingens aktuelle overtrædelse af ordensbekendtgørelsen har en tilfældig karakter med begrænset skadevirkning, idet retten finder, at der er tale om en systematisk adfærd som led i udlændingens ophold i Danmark som bladsælger og flaskesamler.

Da udlændingen ikke har nogen tilknytning til Danmark, kan udvisning af ham endvidere ikke anses for stridende mod proportionalitetsprincippet i direktivets artikel 27, stk. 2,

1. led, sammenholdt med artikel 28, stk. 1. Opholdsdirektivet er således ikke til hinder for udvisning, jf. udlændingelovens § 2, stk. 3, og § 26 b.

Retten finder ikke efter de foreliggende oplysninger holdepunkter for at antage, at udlændingen er handlet, jf. udlændingelovens § 26 a.

Retten finder herefter, at frihedsberøvelse af udlændingen har været og fortsat er nødvendig for at sikre muligheden for udvisning, jf. udlændingelovens § 36, stk. 1. Retten finder efter de foreliggende oplysninger om udlændingens personlige forhold ikke, at mindre indgribende foranstaltninger efter udlændingelovens § 34 er tilstrækkelige, hvorfor

bestemmes:

Frihedsberøvelsen af udlændingen [REDACTED] findes lovlig, og den pågældende kan fortsat tilbageholdes indtil den 27. juni 2017.”

Østre Landsret stadfæstede den 13. juni 2017 byrettens kendelse. I landsrettens begrundelse henvises til de af byretten anførte grunde. [REDACTED] blev den 19. juni 2017 udsendt til Rumænien.

Anbringender

[REDACTED] har anført navnlig, at ordensbekendtgørelsens § 3, stk. 4, ikke objektivt er overtrådt. Skulle det imidlertid være en lejr, som han befandt sig i, så er dette ikke tilstrækkeligt til at have overtrådt bestemmelsen. Lejren skal også være ”egnet til at skabe utryghed i nærområdet”. Uanset at der ikke skal være påvist en konkret utryghed efter ordensbekendtgørelsen, så skal det dog indgå som moment, at han og de andre rumænere bare lå og sov. De havde ikke henvendt sig til andre mennesker ved truende eller chikanøs adfærd eller udøvet kriminalitet i form af tyverier, og ingen i nærområdet havde klaget over dem. Den vedtagne ændring af ordensbekendtgørelsen har et diskriminatorisk sigte, som først og fremmest er mod udlændinge.

Måtte Højesteret finde, at ordensbekendtgørelsens § 3, stk. 4, er overtrådt, gøres det gældende, at udvisningen er i strid med opholdsdirektivets artikel 27, stk. 2. Bøder for overtrædelse af ordensbekendtgørelsen er ikke et led i et adfærdsmønster, der har så stor skadevirkning, at adfærden udgør en reel, umiddelbar og tilstrækkelig alvorlig trussel, der berører en grundlæggende samfundsinteresse. Forholdet er under ”den nedre grænse” for anvendelse af undtagelsesbestemmelsen fra den frie bevægelighed i EU i opholdsdirektivets artikel 27, stk. 2.

Spørgsmålet er om selv gentagne overtrædelser af sådanne bestemmelser som udmøntet i ordensbekendtgørelsens § 3, stk. 4, skal kunne medføre udvisning af EU-borgere. [REDACTED]

[REDACTED] har ikke under sit ophold i Danmark begået tyveri eller andre lovovertrædelser, og han har ikke i forbindelse med overnatningen givet anledning til politianmeldelse for en aggressiv adfærd eller forulempning af nogen. Det er helt uproportionalt at udvise ham.

Da der ikke ses afgørelser fra EU-Domstolen om bagatelgrænsen i opholdsdirektivets artikel 27, stk. 2, anmodes Højesteret om, at EU-Domstolen forelægges følgende spørgsmål: "Når opholdsdirektivets artikel 27 anvender udtrykket, at en adfærd skal udgøre en 'reel, umiddelbar og tilstrækkelig alvorlig trussel, der berører grundlæggende samfundsinteresser', er der så en nedre bagatelgrænse for den adfærd, der kan falde ind under dette begreb?"

Rigspolitiet har anført navnlig, at [REDACTED] sammen med fire andre rumænere havde etableret en lejr i Ørstedsparken. Lejrens tilstedeværelse i Ørstedsparken, der er et yndet rekreatiomsområde for byens befolkning, var utryghedsskabende, og der foreligger derfor en overtrædelse af ordensbekendtgørelsens § 3, stk. 4. Det bestrides, at ordensbekendtgørelsens § 3, stk. 4, indeholder en diskriminerende kriminalisering af udlændinge.

[REDACTED] har forud for denne sag vedtaget en bøde for overtrædelse af ordensbekendtgørelsens § 18, stk. 1, jf. § 3, stk. 4, er adskillige gange bortvist som overnatter på gaden og er meddelt advarsler for betleri. [REDACTED] aktuelle overtrædelse af ordensbekendtgørelsen har derfor ikke en tilfældig karakter med en begrænset skadevirkning. Der er tale om en systematisk adfærd som led i hans ophold i Danmark som flaskesamler og tigger.

Efter Rigspolitiets opfattelse er en forelæggelse af det anførte spørgsmål om opholdsdirektivets artikel 27, stk. 2, ikke nødvendig for at tilvejebringe klarhed over det, som må anses som tvistens genstand. Problemstillingen angår spørgsmålet om anvendelsen af EU's opholdsdirektiv i dansk kontekst. Den ledende dom på området er fortsat EU-Domstolens dom af 4. december 1974 i sag C-41/74 (Van Duyn). EU-Domstolen fastslog i præmis 18, at de omstændigheder, der kan berettige anvendelsen af begrebet "den offentlige orden", kan være forskellige fra land til land og fra periode til periode. Dommen er et meget klart eksempel på, at det er hver enkelt medlemsstats kompetente myndighed, der må afgøre, om en bestemt virksomhed er i strid med den offentlige orden. I Danmark har de kompetente myndigheder

forbudt både danske og udenlandske statsborgere at slå lejr i park mv., og forbuddet er strafsanktioneret.

Retsgrundlaget

Ordensbekendtgørelsen er udstedt i medfør af § 23 i lov nr. 444 af 9. juni 2004 om politiets virksomhed. Bestemmelsen i ordensbekendtgørelsens § 3, stk. 4, blev indført ved bekendtgørelse nr. 305 af 31. marts 2017. Bestemmelsen, der trådte i kraft den 1. april 2017, er sålydende:

”Stk. 4. På steder, hvortil der er almindelig adgang, er det forbudt at etablere og opholde sig i lejre, som er egnede til at skabe utryghed i nærområdet.”

Sanktionen fremgår af ordensbekendtgørelsens § 18, stk. 1, hvoraf bl.a. fremgår:

”§ 18. Overtrædelse af §§ 3-13 og § 15, stk. 2, overtrædelse af de i medfør af § 14 og § 15, stk. 1, og § 16 udstedte regler og bestemmelser eller overtrædelse samt manglende efterkommelse af påbud eller forbud udstedt i medfør af § 3, stk. 5, § 4, stk. 2, § 6, stk. 1-4, § 8, stk. 1, § 13, stk. 4, og § 17 straffes med bøde. Ved fastsættelse af straffen skal der lægges betydelig vægt på hensynet til sikring af den offentlige orden og beskyttelse af enkeltpersoners og den offentlige sikkerhed...”

Forud for indsættelse af ordensbekendtgørelsens § 3, stk. 4, besvarede Justitsministeriet en række spørgsmål fra Folketingets Retsudvalg. I besvarelse af spørgsmål nr. 858 stillet den 31. august 2016 er bl.a. anført:

”Det er afgørende for regeringen, at borgerne kan færdes trygt i det offentlige rum. Ophold i lejre, på veje og andre steder i det offentlige rum skal derfor kriminaliseres, og regeringen foreslår endvidere, at der skal kunne meddeles zoneforbud ved gentagne overtrædelser heraf.”

I besvarelse af spørgsmål nr. 213 stillet den 3. februar 2017 redegjorde Justitsministeriet for ændringen, og hvad der forstås ved en lejr:

”Den foreslåede ændring af ordensbekendtgørelsen indeholder et forbud mod at etablere og opholde sig i lejre, som skaber utryghed på steder, hvortil der er almindelig adgang. Det foreslåede forbud indgår som en del af finanslovsaftalen for 2017.

Baggrunden for den foreslåede ændring er, at det i sommer blev konstateret, at der blev etableret lejrlignende ophold i det offentlige rum, f.eks. i offentlige parker og på offent-

lige gader og veje, hvor de pågældende personer sov og opholdt sig – ofte i længere tid ad gangen. Sådanne forhold kan indebære gener for omgivelserne i form af f.eks. støj, uro og uhumske sanitære forhold og kan give anledning til utryghed hos omkringboende og forbipasserende.

Den foreslåede ændring af ordensbekendtgørelsen indebærer ikke en kriminalisering af overnatning på steder, hvor der er almindelig adgang. Formålet med ændringen er derimod at kriminalisere utryghedsskabende lejre i det offentlige rum.

Ved en lejr forstås i overensstemmelse med almindelig sproglig forståelse, jf. eksempelvis Ordbog over det Danske Sprog, bl.a. et sted under åben himmel, hvor (om)rejsende, omflakkende personer indretter sove- eller hvilepladser. Der skal således være tale om en vis grad af etablering af soveplads eller lignende. Opstilling af en enkelt madras eller sovepose vil i almindelighed ikke i sig selv være tilstrækkelig til at udgøre en lejr i bekendtgørelseændringens forstand, men hvis sovestedet efter sin indretning bærer præg af at have en mere varig karakter, f.eks. ved opstilling af telt eller hvis der er sat presenning op, kan det efter omstændighederne få karakter af en lejr.”

Justitsministeriet har i besvarelsen ligeledes redegjort for, hvad der skal forstås ved begrebet utryghedsskabende:

”Ved vurderingen af om en lejr er egnet til at skabe utryghed, kan der bl.a. lægges vægt på antallet af personer i lejren, om lejren er placeret et befærdet sted, og om lejren fører til støjgener, trafikale gener eller andre gener i lokalområdet. Der vil endvidere kunne lægges vægt på de tilstedeværende personers generelle adfærd, herunder om de pågældende begår strafbare forhold i området omkring lejren, f.eks. henkastning af affald, eller udviser chikanøs eller truende adfærd.

Det er ikke efter den foreslåede bestemmelse et krav, at der konkret skal være givet udtryk for en følelse af utryghed i forhold til en lejr, idet den pågældende lejr alene skal være egnet til at skabe utryghed, men henvendelser eller lignende fra personer, der oplever, at en lejr skaber utryghed, vil dog kunne indgå i den samlede vurdering af, om en lejr er omfattet af bestemmelsen.

Det er i sagens natur ikke muligt udtømmende at opliste, hvornår der er tale om en lejr, som er egnet til at skabe utryghed. Det må imidlertid antages, at en kø foran en butik, ved indgangen til en koncert, festival eller lignende, hvor folk – afhængig af vejret – ligger med soveposer, formentlig sjældent vil have et mere varigt præg og være egnet til at virke utryghedsskabende i nærområdet.”

Højesterets begrundelse og resultat

Efter [udlændingelovens § 25 a, stk. 2](#), nr. 3, kan en udlænding, som ikke har haft lovligt ophold her i landet i længere tid end de sidste 6 måneder, udvises, hvis hensyn til den offentlige orden tilsiger, at udlændingen ikke bør have ophold her i landet. Udvisning af udlændinge,

der er omfattet af EU-reglerne, kan dog kun ske, i det omfang det er foreneligt med disse regler, jf. [udlændingelovens § 2, stk. 3](#).

Hvis det er nødvendigt for at sikre, at udvisning af en udlænding i medfør af [udlændingelovens § 25 a, stk. 2](#), nr. 3, kan gennemføres, kan politiet i medfør af § 36, stk. 1, frihedsberøve udlændingen. I tilfælde af frihedsberøvelse skal udlændingen fremstilles for retten, der tager stilling til frihedsberøvelsens lovlighed og fortsatte opretholdelse, jf. [udlændingelovens § 37](#). Som anført i Højesterets kendelser af 31. marts 2011 (UfR 2011.1788, UfR 2011.1794, UfR 2011.1799 og UfR 2011.1800) skal prøvelsen efter § 37 omfatte en rimelig sandsynliggørelse af, at det grundliggende faktum er fastslået med rette efter de foreliggende oplysninger. Endvidere indebærer prøvelsen, at retten skal tage stilling til, om betingelserne for at udvise på dette grundlag må anses for opfyldt, og herunder prøve den retlige subsumption, og om udvisningen er proportional.

Efter de foreliggende oplysninger kan det lægges til grund, at [REDACTED] sammen med fire andre rumænere havde indrettet sig med madrasser, dyner, soveposer og tæpper i Ørstedsparken. Omkring dem var andre af deres ejendele. Flere af personerne lå ved politiets ankomst og sov under dynerne. [REDACTED] forklarede til politiet, at han var i Danmark for at sælge blade, og at han også samlede flasker og nogle gange sad på gaden og betlede.

[REDACTED] har ved afhøringen erkendt at have overtrådt ordensbekendtgørelsens § 18, stk. 1, jf. § 3, stk. 4, og har vedtaget et udenretligt bødeforelæg på 500 kr. Højesteret tiltræder, at det efter de foreliggende oplysninger er lagt til grund, at forholdet er omfattet af ordensbekendtgørelsens § 3, stk. 4.

Forholdet er begået kort tid efter [REDACTED] indrejse i Danmark. Han har tidligere den 24. maj 2017 vedtaget en bøde for overtrædelse af ordensbekendtgørelsens § 18, stk. 1, jf. § 3, stk. 4, og han er den 18. og 30. maj 2017 bortvist som overnatter på gaden samt den 27. og 29. maj 2017 meddelt advarsler for betleri. [REDACTED] har ingen tilknytning til Danmark. Betingelserne efter udlændingelovens § 25 a, stk. 2, nr. 3, for at udvise [REDACTED] må herefter på det foreliggende grundlag anses for opfyldt.

Spørgsmålet er herefter, om udvisning er forenelig med artikel 27, stk. 2, 2. led, i direktiv 2004/38/EF af 29. april 2004 (opholdsdirektivet). Da anmodningen om præjudiciel forelæggelse angår den konkrete anvendelse af EU-retten og ikke fortolkning, findes der ikke grundlag for præjudiciel forelæggelse for EU-Domstolen, således som kærende har anmodet om.

Højesteret finder, at [redacted] adfærd udgør en reel, umiddelbar og tilstrækkelig alvorlig trussel, der berører en grundlæggende samfundsinteresse. Det bemærkes herved, at hensynet til den offentlige orden også beskyttes efter opholdsdirektivet, og at den aktuelle overtrædelse sammenholdt med de kort forud begåede overtrædelser af ordensbekendtgørelsen og betlerireglerne ikke har en tilfældig karakter med begrænset skadevirkning, men må anses for at være udslag af en systematisk adfærd som led i [redacted] ophold i Danmark som bladsælger og flaskesamler. [redacted] har ikke tilknytning til Danmark, hvorfor udvisning med indrejseforbud i 2 år ikke anses for stridende mod proportionalitetsprincippet i opholdsdirektivets artikel 27, stk. 2, 1. led, sammenholdt med artikel 28, stk. 1. Opholdsdirektivet er således ikke til hinder for udvisning, jf. herved udlændingelovens § 2, stk. 3.

Højesteret tiltræder herefter, at frihedsberøvelsen af [redacted] var nødvendig for at sikre muligheden for udvisning, idet mindre indgribende foranstaltninger efter det oplyste om hans forhold ikke var tilstrækkelige, jf. udlændingelovens § 36, stk. 1. Højesteret stadfæster derfor landsrettens kendelse.

Thi bestemmes:

Landsrettens kendelse stadfæstes.

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Udskriftens rigtighed bekræftes.

Højesteret, den 19. december 2017.

**Kirsten Lohmann
kontorfuldmægtig**

Appendix 3, Interviews conducted

There has for this thesis been conducted nine semi-structured interviews in the period from the 9th of February to the 28th of March. They have been conducted in the following order:

Bo, projekt UDENFOR, 9th of February 2018.

Aicha, Grace, 23rd of February 2018.

Line Ervolder Christensen, Conservative Party, member of the Social Committee in the City Council of Copenhagen, 2nd of March 2018.

Justine, Hugs and Food, 6th of March 2018.

Anders, International Christian Centre, 13th of March 2018.

Nick, Kompasset, 16th of March 2018.

Diana, Project Blisko, 16th of March 2018.

Dorrit, The Warm/Cold Nose, 20th of March 2018.

Thomas, Homeless Unit, 23rd March 2018.

The interview guides have been attached see Appendix 4, Interview guides.

All the interviews have been recorded and can be made available upon request. The interview with Diana from Project Blisko has however only been recorded partly and notes can be made available for this.

Furthermore an email-interview with Charlotte Lund from the Red-Green Alliance was conducted.

Charlotte Lund, Red-Green Alliance, member of the Social Committee in the City Council of Copenhagen, 28th of March 2018.

Appendix 4, Interview-guide

Interviewguide til organisationerne i Transitprogrammet

1. Hvad tilbyder XX de hjemløse?
 - a. Er der forskel på hvad I kan tilbyde udenlandske og danske hjemløse?
2. Hvad er din rolle i XX?
3. Hvad er dit kendskab til udenlandske hjemløse på gaden i København?
 - a. Er der kommet flere/færrer de seneste 5 år?
 - b. Ønsker de hjemløse migranter at leve (integrere) sig i danmark, eller ser de deres ophold her som midlertidigt?
 - c. Hvis de er her midlertidigt, hvor længe oplever i så, at de typisk er her?
 - d. Hvor kommer de udenlandske hjemløse typisk fra?
 - e. Er det de særligt sårbare migranter eller arbejdsmigranter i møder i XX?
 - f. Er der nogle særlige dilemmaer I støder på i arbejdet med udenlandske hjemløse?
4. Hvilke løsningsmuligheder ser du?
5. I modtager støtte fra København Kommunes Transitprogram, hvordan bruger i pengene og er der noget særligt I her er opmærksomme på?
 - a. Hvad er jeres rolle i Transitprogrammet?
 - b. Arbejder I også med hjemsendelse? Hvorfor, hvorfor ikke?
 - c. Har I haft/har I nogen indflydelse på hvordan Transitprogrammet bliver benyttet og hvordan det er udformet overordnet set?
 - d. Hvordan er samarbejdet med Københavns Kommune og de andre NGO'er i Transitprogrammet?
 - e. Hvilke ulemper ser du ved Transitprogrammet?
 - f. Hvilke fordele ser du ved Transitprogrammet?
 - g. Forstår du "transit" som transit ud af Danmark eller som transit ud af hjemløshed?

6. Kan du beskrive et typisk forløb i Transitprogrammet for os?

7. Er der sket en forandring i forholdene for de udenlandske hjemløse i løbet af de seneste år?

Hvis ja, hvilke?

Interviewguide til politikerne

1. Hvad er din faglige baggrund?
2. Hvorfor er du medlem af Socialudvalget?
3. Hvor længe har du siddet i Borgerrepræsentationen?

Hjemløse i København

4. Hvad er XX politik på hjemløseområdet i København? Specifikt ift. udenlandske/europæiske hjemløse.
5. Synes du, at der er et problem med udenlandske/europæiske hjemløse i København?
 - a. Hvis ja, hvordan ser du, at vi løser denne problematik?
6. XXX stemte for/stemte ikke for Transitprogrammet, hvad var årsagen til dette?
 - a. Hvilke fordele ser du ved Transitprogrammet?
 - b. Hvilke ulemper ser du ved Transitprogrammet?
 - c. Ser du nogle udfordringer i, at Transitprogrammet er et samarbejde mellem Københavns Kommunes Hjemløseenhed og 7 NGO'er?
7. Hvordan forholder du og XX sig til de nyeste lovændringer på hjemløseområdet fra Folketinget (Tiggeriloven og zoneforbuddet)?
 - a. Mener du/XX, at de bidrager til løsningen af hjemløse problematikken i København?
 - b. Hvis ja, hvordan?
 - c. Hvis nej, hvorfor?
8. Der har været tale om, at løsningen på problematikkerne omkring udenlandske hjemløse, skal findes på et EU-niveau. Hvordan forholder du/XX sig til et eventuelt europæisk samarbejde?