The problematisation of refugees in Danish Asylum Policies

Development and International Relations Master's Thesis

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Abstract

The Social Democratic Party (Socialdemokratiet) has gone through a paradigm shift in their asylum policies. This shift was evident in the party's political discourse, when concerning the problematisation of refugee. In this thesis those discourses will be analysed using Carol Lee Bacchi's 'What's the problem represented to be?' approach, in order to explore the problematisation of refugees within the political discourse as well as using the questions approach uses to get a critical understanding of the consequences of the problematisation. A further understand into the problematisation will be found using the social constructed approach to understanding target populations within policy designs by Schneider and Ingram (1997), where they make use of categorisations of the 'deserving' and 'undeserving'. These categories will be explored and analysed in order to understand how refugees are being framed in the Danish asylum policies and political discourse. Additionally, there will be a look at how the refugees' rights are being represented, which will be done using Hannah Arendt critique of The Human Rights 'the right to have rights'. The scepticism towards the international agreements in the context of both nation-states as well as supranational institutions, will further an understanding of how the problematisation of refugees is bring reproduced.

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Introduction

Following the refugee crisis in 2015, where headlines and pictures with stories of displaced people seeking refuge in Europe by crossing the Mediterranean Sea and walking along routes and highways into Europe. What followed was described as a 'refugee crisis' of a never seen magnitude since the end of WW2. This prompted national states as well as international organisations to reform their asylum legislation.

The 'refugee' crisis was not as such, a crisis of the amount of people, as the influx of people to Europe in context with countries such as Turkey and Lebanon, or in general the displacement of people within the global south within the global south (Duarte, Lippert-Rasmussen, Parekh, Vitikainen, 2018, p. 1). The UNHCR report 'Global Trends 2019' have shown that the need for resettlement[1] has increased, as the number of people displaced globally has not stopped growing, Turkey at the time of that report hosted 3.9 million people, where 92% were Syrian refugees.

For Europe the crisis has been political, as has the pressure on European border countries such as Greece, following the Dublin 3 agreement from 2013, as the original agreement meant that the point of safe entry was also the place that the asylum seeker should register themselves. Additionally, this agreement meant that the flow of people was stopped at the point of entry, to avoid what was considered as 'asylum shopping'.

In Denmark, the sitting minority cabinet government, led by the Social Democratic party, are pushing for reforms to the asylum policies, with an aim and framing that emphasises on aligning its policies with international conventions, such as the Human Rights convention of 1951, as well as their international responsibilities. The Social Democratic party's 'Retfærdig og Realistisk' proposal pushes for reforms for instance to the Schengen agreement, suggesting the opening of asylum camps outside of Europe as a 'pragmatic' solution to problems of displacement, thus speaking in the direction of the agreement the EU has with Turkey.

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[1] "Resettlement involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – with permanent residence status. The status provided ensures protection against refoulement and provides a resettled refugee and his/her family or dependents with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalized citizen of the resettlement country".(UNHCR, 2015, p. 5)

"On 18 March 2016, the European Council and Turkey reached an agreement aimed at stopping the flow of irregular migration via Turkey to Europe. According to the EU-Turkey Statement, all new irregular migrants and asylum seekers arriving from Turkey to the Greek islands and whose applications for asylum have been declared inadmissible should be returned to Turkey" (Corrao, 2019)

This implementation of a blockade into Europa as well as aggressively framing of refugees into categories as irregular, spontaneous, and legal refugees, which is by no means a new development but rather an additional hindrance in the journey. However, there is still debates on where the categorisation and definition of what constitutes the political definition of 'refugee', which is generally only the human beings that has been processed through UNHCR's resettlement program, of which the Danish government each year calculate into the financial year and set an amount which is the maximum amount of quota refugees that will be received that year. There has also been a paradigm shift in what the Social Democratic party's political agenda on quota refugees. As a law which was implemented in 2005 by The Liberal Party cabinet government, which sought to handpick quota refugees that were deemed to have an easier time integrating into the Danish society. This decision was at that time criticized by the UNHCR. This law has then revoked by a Social Democratic government in 2014, just to be reinstated the following year by The Liberal Party government by the then immigration- and integration minister Inger Støjberg (Rickers, 2019). However, where the paradigm shift is in the decision to keep the criteria that were implemented in 2005, as Denmark did not receive quota refugees in the period from 2016 till 2019, where there in the meantime had been elected a new government, is considered to be a paradigm shift within the Social Democratic party's refugee politics.

Furthermore, there has been political hearings concerning the Social Democratic Party's interpretations of UNHCR's definition of resettlement. The Danish Parliament (Folketinget) define the resettlement as temporary, the resettled quota refugees are expected to return to their country of origin, when there is no immediate presence of conflict[2]. Whereas the Red-Green Alliance in a hearing questioned the Social Democratic party's interpretation of what resettlement constitutes, as

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[2] "In June [2019], Denmark became the first country in Western Europe to change its criteria for who counted for asylum by classifying Damascus as a different case: Syria's capital, Copenhagen concluded, firmly under the Syrian government's control, no longer posed a general security risk for returning Syrians. So immigration officials started reviewing cases: If they couldn't find evidence of a specific threat against a Syrian from Damascus, the individual could be deported under the new guidelines" (Berger, 2019).

the UNHCR's definition of resettlement, is that permanent residency is to be granted to the resettled refugees.

By refusing to complying with some of the international agreements which several countries (including Denmark) have agreed with, the Social Democrats are today revisiting not only the party positioning on asylum issues and regulations, but also Denmark's standing and international reputation (Berger, 2019). In recent years, the party seems to have framed asylum and immigration predominately as political 'variables' depending on consideration of what the Danish economy and local societies can handle. Meaning that until there are issues accounting for the integration of non-westerners living in Denmark, Danish society cannot take more in, or at least reduce immigration to a minimum. This supports framings of the issues of asylum into a problem, a burden that the Danish society is struggling to bear.

This thesis will make use of Carol Bacchi's 'What's the problem represented to be' approach, in order to understand the policy representations embedded in the 2018 Social Democratic party's proposal "Fair and Realistic"/'Retfærdig og Realistisk' (Social Demokratiet, 2018), as well as the decision to receive quota refugees still using the criteria presented by The Liberal Party (Venstre) in 2005. This proposal frames refugees into the categories, and in order to analyse these there will be made use of the categories presented by Schneider and Ingram (1997) concerning targeted populations with in policy designs, where irregular and spontaneous refugees are categorised as unwanted/undeserving, as these refugees have to make use of human smugglers to reach Europe, thus putting them and their children's lives in danger and giving criminal organisations monetary incentive to organise illegal smuggling. Carol Bacchi's 'What's the problem represented to be' approach to analyse the Danish asylum regulations will allow to understand how the Danish asylum politics are framed under the incumbent Social democratic government and how this argues for the country international responsibilities defined by the International Refugee Convention of 1951, and the amendment in 1967.

The paradigm shift that has happened in the Social Democratic Party as well as the decision of again receiving quota refugee, has led to the question of:

How are the danish asylum regulations framed, considering the refugee quota set by the Danish government in relation to the commitment to international responsibilities and UNHCR resettlement agreements?

Background

The refugee question and the development of International rights and convention

In the aftermath of World War II, the international community acknowledged that there was a need for a common agreement that could grant people seeking refuge and protection due toward, conflicts and direct threats because of political opinions, ethnicity, race and religious issues to be entitled to basic rights, and acknowledged refuge and safety by the countries which had signed the international agreement. As a direct consequence of the World Wars, the number of forcibly displaced people had in the period 1918-1945 raised to 50 million people following WW2 (UNHCR I, 2014). The conflicts revealed the clear need for an internationally shared definition of what constitutes a person's status as a refugee, which triggered the implementation of the 1951 Convention of Human Rights (reference), stating that:

A refugee, according to the Convention, is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion (UNHCR, 2010, p. 3).

Prior to establishing the Convention and Protocol relating to the status of refugees, various other international instruments had been put in place, as mentioned in Chapter I, Article 1 of the Human Rights Convention:

"(1) [It] has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization; Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil he conditions of paragraph 2 of this section" (UNHCR, 2010, p. 14).

The main aim with the Geneva Convention was to achieve an internationally acknowledged definition of the treatment of a person seeking refuge; yet the initial wording of the convention was applied to the European, while the applicability of the terms were set with a specific spatiotemporal period which were the events that had occurred before 1 January 1951. Those limitations were eventually lifted with the amendment of Protocol Relation to the Status of Refugees.

Global developments and mobility patterns

From the 1950s till the early 1980s

Although this thesis will focus on recent the aspect of refugee and asylum in Danish politics, there is a sort of 'genealogical' aspect to the development of immigration policies, that needs here to be mentioned. With the word "genealogical" I refer to the historical legacies of the country's approach to asylum and immigration. Danish immigration policies have in fact adapted and reacted to the developments defined by specific periods in history (e.g. of affluence, stagnation, crisis) and also by the regions the migrants coming to Denmark originated form.

The fast economic growth in the 1960's created a strong need for more working force and a global shift in the workforce mobility made possible for employers to hire cheaper workers abroad. The guest workers hired for labour in the industrial sector in the 60's and 70's came predominately from Turkey, Pakistan, and Yugoslavia (Farbøl, Sørensen, Borring, & Olesen, 2019). The workers were expected to stay a couple of years and then to return to their country of origin. However, the economic growth saw an immediate shift as a result of the oil crisis and stagflation in 1973, as well as by Denmark's entry into the EEC "which, from January 1973, meant that free movement of workers was guaranteed within the European community of which Denmark was now a part" (Farbøl, Sørensen, Borring, & Olesen, 2019). The economic crisis led to high unemployment rates, which triggered the decision by the then Minister of Work, the Social Democrat Erling Dinesen to stop the agreement that allowed workers from outside the EEC to work in Denmark, much to the dismay of the employers.

> Longer stays were only possible if you had obtained refugee status or had been granted the right
> to family reunification with a Danish citizen or a foreigner living in Denmark who had a work
> permit (Farbøl, Sørensen, Borring, & Olesen, 2019).

Although there was a political debate about immigration, it was not a high priority for the politicians. However, as early as the 1970's the discussions of immigrants being a burden to the Danish social welfare, started to gain support and to be one of the central staples of political discussions. Nonetheless, the Danish Parliament put forward an immigration law in 1983 which was amongst the most liberal and more inclusive, also going beyond the categories of refugee defined by UN Convention. The 1983 law also inferred that family reunification with a refugee was automatically be

granted asylum. It should be noted that the spectrum of family reunification extended beyond spouse and children, also including parents and distant relatives.

> Additionally, what had previously been two different categories of refugee were given equal legal status, namely, refugees under the United Nations Convention on Refugees, an *de facto* refugees, who did not fulfil the UN Convention, but whose circumstances were of such a nature that substantial reasons suggested they should not be sent back to their countries of origin (Farbøl, Sørensen, Borring, & Olesen, 2019).

This liberal policy did not last long; as the number of asylum seekers increased every year, and the political discussion moving to integration issues as well as mayors of the municipalities with pre-existing social problems had received a high number of refugees. This led to a shift in the Social Democratic Party's opinion on asylum policy, that eventually also contributed to the reform in 1986, which limited the definition of what criteria had to be fulfilled to be entitled to asylum, being this strictly defined by the UN convention on refugees.

The late 1980's and 1990's

Public as well as political opinions grew considerably immigration sceptic in the late 1980's and early 1990's; a relatively new party, the Progress Party gained seven mandates in the 1988 election. There was also an increase of turmoil over various opinions on immigration. This was in part due to an increase in the number of foreigners living in Denmark between 1986 to 1988 with 14%. Although most of the foreigners being from western countries the attention being on foreigners from a non-western background.

A significant change to asylum policies in the 1990's where both the 'Palestinian law' and the 'Balkan Law'. The 'Palestinian Law', was a reaction to three hundred displaced Palestinians that has been rejected asylum on the basis that the conflicts that had been in Lebanon had ceased, making the area safe to return to, however this sentiment was not shared by rejected asylum seekers. They sought refuge in a church in Copenhagen, where the Danish government led them stay although there is no legal obligation to uphold the tradition of the church being able to give people protection. The law was controversial as it was target specifically to the Palestinians that were seeking refuge in the church, as well as undermining the asylum system (Farbøl, Sørensen, Borring, & Olesen, 2019).

The 'Balkan Law' was also controversial however as Denmark has received 17.000 refugees from the former Yugoslavia, legislation was made in 1992 to specifically make sure that the refugees were prepared to return once the conflict had ended, as the general international consensus was that the conflict in the Balkan region was estimated to be a short one. As well as the UN recommending that in order for the refugees to rebuild their former home, their refuge should be temporary. Meaning all of the refugees were granted temporary residence permit, a new concept to Danish asylum legislation, without having their cases being processed in the asylum system. However, the Balkan War continued, leaving the refugees in a continuum of not being accepted into Denmark, therefor not being integrated into society, leaving them in Red Cross camps with little to do other than waiting with frustration over the political debate concerning their future. In 1994, it was decided to grant the 17.000 refugees' permanent residency in Denmark (Pedersen, 2002).

In 1995 the Danish People's Party (Dansk Folkeparti) was established by Pia Kjærsgaard and three members of the former controversial right-wing party Fremskridrspartiet. This is an important event in Danish asylum policy, as their opinions on the matter were quite controversial. Their political principles are build on nationalism, though it is important to note that the Danish People's Party is top-down organisation, which means that the chairman, vice chairman, and the chairman of the parliamentary group, can remove any members from the party if a connection to far right groups could be found (Brunbech, 2017).

The 2000's
After the terrorist attack on the World Trade Center in New York City on 9 September 2001 and the subsequent declaration of war on terror. Stronger anti-immigration policies arose in Denmark as "a long succession of more or less incremental policy changes that have tightened asylum rights, raised the bar for access to permanent residence and citizenship, and restricted immigrants' rights to social welfare benefits" (Bækker Simonsen, 2019). As mentioned in the previous section, Denmark entered the ECC agreement in 1973, which sought to liberate the cooperation with other European nation-states, as well as there being an incentive for free movement of in the market of goods and people. This would eventually be the Schengen agreement, which Denmark join in 2001, which open the borders to passport free movement. This decision has since then been under constant scrutiny fin political discussions, mostly by the Danish People's Party, which saw the open borders as the source of illegal immigration and organised crime (BBC News, 2011). This was possible as 2001 also was

the year where a minority cabinet was established by the Liberals (Venstre) and the Conservative Party (Konservetive) with support from the Danish Peoples Party (Danskfolkeparti), which meant that the Danish Peoples Party's symbolic political initiatives where reforms to immigration politics was one of them.

Danish responds to 2015 'European refugee crisis'

The Syria civil war that began in 2011 and is still ongoing, was a conflict which began as a part of the Arab Spring, where civil unrest against the Syrian President Bashar al-Assad started a war which resulted in millions of people to be displaced and in the need of refugee. The stream of people seeking refuge in Europe rose, which caused the international agreement within EU in crisis. As the border countries such as Greece and Ital, which are countries that did and still do not have the ability to handle the share number of people, leading to breaches of the Dublin agreement. As a reaction to this another agreement, the Schengen agreement has momentarily been suspended and the free movement the countries within the agreement enjoyed was replaced by border controls.

As images of people fleeing either by boat, train or walking on highways made their way around newspapers in 2015, there was a parliamentary election in Denmark, this came about as the Socialist People's Party exited the government because of internal turmoil, forcing the Prime minister Helle Thorning-Smidt (Social Democratic Party) to announce an election (Hønge, 2014). The election campaigns themes where among others asylum and refugees. The absolute winner of the election was the Danish Peoples Party who won 21,1% of the votes, thereby becoming for the first time in its history the largest party in the blue block (Sørensen, 2017). The Parliament at was then led by the Liberal Party and their minister of Immigration, Integration and Housing Inger Støjberg began introducing reforms to the immigration policies. The following section will describe a few of the domestic policy changes that happened after 2015.

Asylum Politics in Denmark (2015-2019)

This section will focus on the changes to domestic policies, from 2015, when the coalition of Liberals and Conservatives, supported by the right-wing populist party the Danish People's Party came in Parliament to remain until June 2019, when the Social Democratic Party won the general election and formed a minority government. One of the first changes to immigration policies in the years 2015-2019 was a reform to family reunification, as "the period for access to family reunification for

foreigners with temporary protection is postponed from 1 year to 3 years" (Støjberg, 2015). Additional reforms were introduced as conditions that needed to be fulfil in order for a permanent resident's permit to be issued. However, those conditions served the purpose of limiting the access for permanent residency for refugees. The reform also consisted of giving the police the right to confiscate belongings that other valuables (the so-called Jewellery Law of 2015), which could help covering the state costs of the asylum seeker and his/her family. The benefits allocated to asylum seekers were trimmed down of 10 percent of their value, basically putting refugees on other conditions that ethnic danes. Also the asylum seeker could no longer be housed outside of the asylum housing. This reform was adopted with a large majority, also including the votes from the Social Democrats, Danish People's Party, besides the Liberal Party, Liberal Alliance, and Conservative People's Party.

The reforms above were a highly discussed issue and a source of disagreement, with criticism from the Red-Green Alliance (*Enhedslisten*), as there was a chance that the reforms would be in dispute with The Human Rights Convention. Among the reforms biggest critics was Johanne Schmidt-Nielsen (former party leader of the Red-Green Alliance) who in a hearing about the reforms in 2015 argued that (Folketinget, 2016):

> " UN's quota refugee system is an attempt to right the wrongs, as that in the camps, where some of the world's most vulnerable refugees are sent to the countries that are members. […] There will as a starting point be refugees sorted out, that cannot read or write […]The only criteria, which matters, when we are choosing refugees from around the world, is the ones with the biggest need of protection. This is the kind of: Who will contribute the most to the danish bottom-line? This has nothing to do with refugee politics" (Folketinget, 2016).

In the introduction it is explained that a paradigm change had happed in the Social Democratic Party's political discourse, by not making changes to the previous governments decision to stop taking in quota refugees, and only within this year (2020) beginning to receive quota refugees again, tough with the criteria set up in 2005. In the quote from Johanne Schmidt-Nielsen above, it is evident that there is a disagreement in Danish politics concerning the asylum and immigration policies. For this thesis there will be a focus on the more recent development and reforms of immigration policies regarding the question about quota refugees, and it is important to understand the genealogy of how

political decisions and discussions have been, which will be analysed in the relation to using Carol Lee Bacchi's 'What's the problem represented to be' (2009).

Methodology

This thesis will seek to answer the question of how the danish asylum regulations are framed, considering the refugee quota set by the Danish government in relation to the commitment to international responsibilities and UNHCR resettlement agreements? Firstly, will the thesis be based on empirical sourced data, as the analysis will be conducted on the political discourses, which are found in political debates, hearings, statements, as well as news articles. The data will be used in order to understand how the various political discourses frame refugees, as well as seeing how the framing of refugees are being produced. The source material will mostly be in Danish, therefor will all direct quotes be translated by the author.

Social constructions

To understand the social constructivism of policies, this thesis will make use of Anna Larason Schneider and Helen Ingram's understanding of the deserving and undeserving in public policy design. They introduce the concept of 'degenerative policy design', where the task is to unveil and determine how a policy frames a targeted population, as there is a division into four groups:

> "advantaged (who are powerful and positively constructed); contenders (powerful but negatively constructed as undeserving or greedy); dependents (positively constructed as "good" people but relatively needy or helpless who have little or no political power); and deviants (who have virtually no political power and are negatively constructed as undeserving, violent, mean, and so forth)" (Schneider & Ingram, 1997, p. 102).

Unpacking how the various groups are framed, as the understanding of how the policy is created in order to teach an understanding of how the groups are being targeted. Thereby there is an understanding of how dichotomies are presented, which in this thesis will be analysed with Carol Lee Bacchi's 'What's the problem represented to be?' (2009) approach, it will later in the methodology be explained how binaries, key concepts, and categories will be used to see how those are constructed. It should also be noted that this will also be subjugated to criticism be following a poststructuralist

understanding "that no categories or concepts can be regarded as value-free and uncontested" (Jørgensen, 2012, p. 47).

Carol Lee Bacchi's 'What's the problem represented to be?' approach

The analysis will follow Carol Lee Bacchi's 'What's the problem represented to be?' (WPR) approach from 2009, the epistemological background for WPR is on Michel Foucault's understanding of poststructuralism. Starting out with explaining the connection to Foucault and poststructuralism

Bacchi introduced WPR approach, by using various questions as a tool to interrogate policies. The general idea is to understand the various implications there exists within how a government understands a problem. There is a need to understand how problematic issues come about, as policies are considered a cultural product with anthropological ideas such as historical and influences both national and international. "This way of approaching 'policy' - asking questions about its sources and how it operates - is part of a larger project: to understand how governing takes place, and with what implications for those so governed" (Bacchi, 2009, p. ix). 'What's the problem represented to be' approach does not seek to solve a problem, in the sense of there is a need to introduce policies to fix a problem, rather by interrogating how governments policies have identified problems and solutions.

It must be noted that while the analysis will follow Bacchi's WPR approach, it will be done using the questions in a more fluent manner, therefore allowing the analysis to jump a bit around in the questions. In this section there will be a thorough explanation of the six questions Bacchi produced to understand what underlies in decisions and understandings of ideologies within a policy. Firstly there will be a presentation of the six questions of Bacchi's WPR approach to policy analysis (Bacchi, 2009, p. xii) :

1. What is the problem represented to be in a specific policy?
2. What presuppositions or assumptions underlie this representation of the problem?
3. How has this representation of the problem come about?
4. What is left unproblematic in this problem representation? What are the silences? Can the problem be thought of differently?

5. What effects are produced by this representation of the problem?

6. How/where has this representation of the problem been produced, disseminated and defended? How could it be questioned, disrupted and replaced?

The analysis will be based on this approach and follow the questions, with the framework of social constructions presented by Schneider and Ingram in their understanding of policy design and targeted groups with the focus of the deserving ang undeserving. Additionally, will the theory of Hannah Arendt's critique on human rights 'the right to have rights', and international relations will be used to analyse the Danish asylum policies. The following section will be an in-depth description of what the six questions seek to understand, as well as how the additional aspect socially constructed targeted populations and the right to have rights critique of human rights theory will tie the analysis together.

Question 1: What is the problem represented to be in a specific policy? The first question posed by WPR is 'What's the problem represented to be in a specific policy?'. The exercise here is to understand the problematisation, as the intention of the policy, therefore WPR works backwards in an attempt to understand how the problem was viewed and as a result the policy was place in order to solve.

The initial part of WPR approach is determining the problem representation, "since all policies are problematising activities",

Question 2: What presuppositions or assumptions underlie this representation of the problem? The second question 'What presuppositions or assumptions underlie this representation of the problem?'. The aim is to understand the background that underlies the problem, "the task is to identify the assumptions and/or presuppositions that *lodge within problem representation*" (Bacchi, 2009, p. 5). Therefore, Bacchi suggests that the analysis using the second questions, is to understand which understandings that existed in order for the representation of the problem came into existence. This means there is a need to understand cultural understandings and look at the historical aspect of how the problem is represented. Bacchi's WPR approach is inspired by Foucault, "the goal of Question 2, as an exercise in Foucauldian archaeology, is to uncover the (assumed) thought that lies behind specific problem representations" (Bacchi, 2009, p. 5). To do the analysis for the second question, there is a need to understand discourses.

As discourse goes beyond texts and is the driving force in how knowledge is created and how thought is created.

"The point to remember is that these 'knowledges' do not exist apart from the statements that constitute them. In this sense, they are fictions. However, they are powerful fictions due to their commonly accepted status as truth. Calling something a 'discourse' means putting its truth status into question" (Bacchi, 2009, p. 35).

Along with this understanding of where the status quo is put into questions, using Foucauldian 'archaeological' understandings of how things came to be, there is a need to also understand what Bacchi calls status of discourse. Which is "discourses that are institutionally sanctioned, the products of the institutional (non-discursive) practices that sustain them" (Bacchi, 2009, p. 36). Institutionally sanctioned means the law, courts, marriage and family, and religious institutions, as they are the institutions which know about how behaviour as well as thoughts.

Within these discourses there is power, Bacchi's WPR approach makes use of many ideas from Foucault, this is also the case when power is needed to be considered. Foucault's thoughts on power is that it makes things happen. "Power shapes our conceptions of ourselves and of the world at the very deepest levels. In this sense, power is positive, or productive (of who we are), rather than negative or restrictive" (Bacchi, 2009, p. 38).

Following this description of power and discourse there are three additional aspects to subject the problem representation to binaries, key concepts, and categories. Binaries, which is an important part of the 'WPR' approach, as analysing the binaries within the problem representation. Meaning is finding the dichotomies of the issue, this exercise will also showcase the element of power, as binaries "assumes an A/not-A relationship" (Bacchi, 2009, p. 7). Key concepts should also be considered in relation to Question 2, as "[p]olicies are filled with concepts" (ibid, p. 8). It is a discursive practice to discern, as political visions reflect on the understanding of a concept. Categories are a vital part of governing, as people are categorised into categories such as age, sexuality, gender, and citizens, the presuppositions are going to be clarified. "The task here, as with binaries and key concepts, is not to accept these categories as given but to see how they function to give particular meaning to problem representation" (ibid, p. 9).

Schnieder and Ingram point out about policy design is that: "Eligibility rules define who the recipients of policy are intended to be and place boundaries around several different target populations that are made explicit within the design" (Schneider and Ingram, 1997, p. 97).

Question 3: How has this representation of the problem come about? Bacchi introduces that there are two interconnected objectives to how has this representation of the problem come about.

"One is to reflect on the specific developments and decisions (the non-discursive practices) that contribute to the formation of the identified problem representation. The second is to recognise that competing problem representations exist both over time and across space, and hence things could have developed quite differently" (Bacchi, 2009, p. 10).

The focus is on the historical aspects of the evolution of the policy, what Bacchi refers to Foucault's idea of genealogy. The objective of genealogy is to understand the development and decisions that led to the representation of the problem represented in the policy. Bacchi uses the analogy conducting a genealogy of a family. "We look back in time to trace 'roots', the 'descent' of our family. What we often find are surprises. There is not a clear path of descent with predictable outcomes; rather there are twists and turns, even the occasional skeleton in the closet" (ibid). Which is what this question seeks to understand, to trace the evolution of the problem representation, allow ourselves to follow the twists and turns. "The goal of genealogy is to upset any such assumptions about 'natural' evolution" (ibid).

Question 4: What is left unproblematic in this problem representation? What are the silences? Can the problem be thought of differently? Posing this question allows for a critical approach to the problem representation, as subjecting it to scrutiny will bring out the limits of the problem representation. "A key intervention here is to ask - what fails to be problematised?" (Bacchi, 2009, p. 12). Furthering the discourse analysis from question 2, where the "binaries simplify complex experience, it is possible to indicate where this simplification distorts or misrepresents certain issues" (ibid, p. 13).

Question 5: What effects are produced by this representation of the problem? Allows us to analyse the effects the problem representation has on social groups, In the beginning of the methodology section, Schneider and Ingram were introduced with their social constructivist approach to how social groups are divided target populations within the policy design, and thereby as well into categories of deserving and undeserving. Using this approach as well as the theory of human rights can the problem representation be interrogated in order to understand how refugees as a social group are being positioned in the policy design and how this specific positioning has lived effects on the social group in question.

Question 6: How/where has this representation of the problem been produced, disseminated and defended? How could it be questioned, disrupted and replaced? The first part of the question is asking how the problem representation has been produced, disseminated and defended, here there will be made use of theory of human rights as well as public discourse to consider first the role of the problem representation has been defended. Secondly, it is to see how the problem representation has been either disseminating or supporting. The Second part of the question is reevaluating the original problem representation, by reflecting as to reflect on once own logic.

Human Rights

The right to have rights

In this section there will be an exploration of human rights, that is based on the philosophy of Hannah Arendt's idea of 'the right to have rights', which is from a chapter in her essay 'The Rights of Man: What Are They', called 'The Origin of Totalitarianism', where she critiqued the Universal Declaration of Human Rights. In connection with the philosophy of Arendt's critique, there will simultaneously be a look at the aspect of international relations, as human rights span across on an international level, as well as Arendt's critique being created in the aftermath of WW2 where the Declaration of Human Rights was created. The critique is based on "scepticism about the ability of governments to respond to human rights violations by the imposition of a juridical system of laws and institutions designed to defend human beings against the atrocities of totalitarianism" (Boucher, 2009, p. 311). Within Arendt's critique the paradox of universal rights of human beings and the principle of having nation-states which are sovereign and with territorial sovereignty. As she saw that there was a transformation of the nation-state in the 1930's, which was evident in the League of Nations being an ineffective, and that "The modern nation-state as being transformed from an organ which would execute the rule of law for all its citizens and residents into an instrument of the nation alone" (Benhabib, 2004, p. 54). As it will be noted throughout this section Arendt critiques that there cannot exists a universal human right, as nation states exists as an authority. "Theoretically speaking, although the source of law and governance could be reduced to the individual sovereignty of human beings, the real source of law and governance is the people of a particular territory and not the individuals" (Azar, 2019).

There is an aspect of 'community', which Arendt sees as being missing from the Universal Human Right, which means that there are general conditions that need to be fulfilled as cited by Benhabib using a quote by Arendt:

> We become aware of the existence of a right to have rights (and that means to live in a framework where one is judged by one's actions and opinions) and a right to belong to some kind of organized community, only when millions of people emerge who had lost and could not regain these rights because of the new global political situation . . . The right that corresponds to this loss and that was never even mentioned among the human rights cannot be expressed in the categories of the eighteenth century because they presume that rights spring immediately from the "nature" of man . . . the right to have

rights, or the right of every individual to belong to humanity, should be guaranteed by humanity itself. It is by no means certain whether this is possible. (Arendt [1951] 1968, 296–297). (Benhabib, 2004, p. 55).

To understand the 'right to have rights', there is a need to understand who are left out as human rights are considered to be the legal tool that determines a person's status as a refugee, however there are qualifications of one's situation which needs to be fulfilled in order to making a claim to asylum. There is a community one needs to be a part of, as "one's legal status is dependent upon protection by the highest authority that controls the territory upon which one resides and issues the papers to which one is entitled" (Benhabib, 2004, p. 55). Which means there are gaps within human rights, which scholars contribute to be as the ideals a based on Western values.

The concept of 'the right to have rights' came as a reaction to the declaration of universal human rights, where Arendt noted that there exist discrepancies within the understanding of the declaration, she sees the events that lead to the creation of the declaration.

"The impetus, and what is more important, the silent consent to such unprecedented conditions are the products of those events which in a period of political disintegration suddenly and unexpectedly made hundreds of thousands of human beings homeless, stateless, outlawed, and unwanted, while millions of human beings where made economically superfluous and socially burdensome by unemployment (446)" (Birmingham, 2006, p. 5)

Arendt sees the consequences as a result of ideas that were brewing underneath the surface, which came into being through totalitarianism, which was could not be prevented with a declaration of human rights. "The crystallizing event of totalitarianism allows us a glimpse into the subterranean realm, revealing that the modern nation-state with its declaration of human rights is deeply entangled in racism and an imperialism that call for something more than a restoration of the Enlightenment project" (Birmingham, 2006, p. 5). A further reading looks at a person place within the scope of being qualified for rights, where it is understood that the Western understanding of being politically accepted, however this acceptance is only to be found for the citizen within a state that is stable. There is a question to people's human rights, when the stability of the nation, which they are a citizen of has committed human rights violations, thus displacing them thereby also not having the protection of being citizens of a nation-state anymore. This is where the Human Rights Conventions and Refugee Conventions fail the displace people, they may or may not be citizens of a nation-state, but the fact

of the place of origin being in crisis, most also mean that the citizenship is, perhaps not permanently, but suspended. The refugees would be in need of protection, which is provided citizens.

> "Any system, organization or structure is there to support, not to determine, the freedoms of the individuals affected by it. Evil, as Arendt sees it, lies in "the reluctance ever to imagine what the other person is experiencing". Thus the proliferation of evil in political terms, as Arendt sees it, results from a lack of judgment based on a lack of combining thought with speech and both with action in order to put into practice well-considered and -informed judgment" (Dew, 2020, p. 173).

There is a lack of protection of human beings, which rights have been compromised by violations of their human rights, committed by the nation-state which should have been protecting them, thereby are those human being defacto without the protection which are usually enjoyed by citizenship. "Refugees, minorities, stateless and displaced persons are special categories of human beings created through the actions of the nation-state" (Benhabib, 2004, p. 54).

Human rights violations

An important aspect of human rights is the recognition of human rights violations, as well as sanctions against the violations, and protection of the human beings that are misplace, threatened or in danger because of the violations. In order to recognise and prevent violations against human rights, is a difficult aspect of international law, as there is need for sovereign nation states to accept the terms of what are human rights, as well as there needing to be a supranational court that can judge on the subject. This is where obligation to international law is necessary. "If the content and scope of obligations to prevent gross human rights violations are more clearly articulated, states can more easily implement them and be held legally responsible for failures to prevent and there will be less flexibility for a lack of political will to prevail" (van der Have, 2018, p. 10).

In Europe there are supranational institutions in place, though not considered to be a fully incorporation of human rights, as what constitutes an 'act of persecution', which is on the subject of human rights violations there is in the EU the Qualification Directive, which defines in Article 9(1):

> "In order to be regarded as an act of persecution within the meaning of Article 1(A) of the Geneva Convention, an act must: (a) be sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights

from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or (b) be an accumulation of various measures, including violations of human rights which is sufficiently severe as to affect an individual in a similar manner as mentioned in point (a)" (Burson & Cantor, 2016, p. 9).

Looking at the Geneva Convention with the understanding from Arendt, there is no protection on the individual human being, the paradigm of what is the nation-states individual sovereignty. "Within the paradigm of the democratic nation-state, every individual possesses sovereignty, and since all individuals are assumed to be equal, they should share their sovereignty in the governing state to prevent one group from dominating the others" (Azar, 2019).

Refugee with human rights

There are two understandings of what human rights are within the scope of being a refugee is one is, and as mentioned above that refugees have human rights. The later one is defined within the United Nations Article 1 of the Refugee Convention, as it is amended in the 1967 Protocol Article 1A(2);

> "…owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" (Burson & Cantor, 2016, pp. 6-7)

This is the widely accepted definition of what a refugee is, however, this definition has been repeatedly criticised for being too weak and leaving the nation-states that have signed the Convention to interpret the definition (Burson & Cantor, 2016, p. 6). Though there is a supranational institution there is still room for the nation-states to interpret the definitions of what constitutes being a refugee. Within these definitions intend of refugees are categories into a plethora of variations, however the intend within those definitions are usually a political motivation, where arguments of economy are being made. "When economic issues are raised, decision-makers sometimes resort automatically to dichotomous categories, such as voluntary versus involuntary refugees, economic versus political refugees, and genuine refugees versus those merely seeking a better life" (Foster, 2016, p. 230). As

this thesis concerns refugees, nation-states, and human rights it is an important task to analyse the discourses that are being frame from a perspective that sees the faults within the legal framework of human rights. This will also be an additional layer to the understanding of the question of what the silences are, which is found through Bacchi's WPR approach.

Analysis

Immigration has been since 2015 been a highly debated political topic, the policies have been tightened making it increasingly difficult to seek asylum in Denmark. This analysis will initially seek to understand how quota refugees are being problematised? The idea of seeking to understand how it is problematised is connected to the WPR approach, as it is important to understand the perspective of the political decisions. This is done in order to understand how problematisations of quota refugees' effects how policies are being implemented.

There is the perspective of an economic burden in having people go through an asylum process, integration, and the non-western foreigners living in Denmark. All three are intertwined in danish immigration policies, some are perceived as being in correlation with each other. In the following section there will be individual sections dedicated the framing of these issues.

How has quota refugees been problematised by the Danish government?

The quota refugee system, as it is referred to in Danish politics, is based on UNHCR resettlements program, as refugees in refugee camps all over the world can be resettled in another country. Denmark is a part of that system and has agree to receive 400-600 refugees a year. The initial agreement is so that "[r]esettlement is the transfer of refugees from an asylum country to another State that has agreed to admit them and ultimately grant them permanent settlement" (UNHCR, 2020). It is expected by Denmark to receive refugees from the UNHCR resettlement program, however there are no legal requirement, therefor is the agreement as such an understanding between the UNHCR and Denmark. Therefor can Denmark have autonomy in who and how many people the country will receive, which is determined on an annual basis in the financial law. The amount of quota refugees accepted in 2020 was 200, in an official statement from the Minister of Immigration and Integration Matthias Tesfaye stated:

> "We have decided to only receive 200 quota refugees. This is due to us still having continuing huge issues with integration. Some refugees have nicely adapted to Denmark. However far too many are still receiving governmental benefits. In fact, five out of six refugee women are still without employment after three years in Denmark. This is too much, too expensive, and completely unsustainable. That is why I tread carefully" (Udlændinge- og Integrations Ministeriet II, 2020).

The problematisation is create in such a manner that there is a correlation between the amount of quota refugees Denmark can receive and how well the refugees that live in Denmark have integrated and have become employed. The problem is being represented as refugees are expensive, the cost of receiving refugees is too high, as the refugees do not meet the expectations to be integrated, working, and contributing members of society. This problematisation of refugees, where the problem is being presented as Denmark being the exploited by refugees, can be seen in the Social Democratic Party's immigration reform called 'Retfærdighed of Realistisk' translated to ''justice and realistic' with the subtext of 'an immigration politic which unifies Denmark' (Social Demokratiet, 2018). In the foreword, there are expressions and understanding for people have different opinions on foreigners coming to Denmark, and the representation is that native Danes all wish to see a Denmark that keeps its danish values, which is being challenged because of the lack of integration.

> "Maybe have we Danes been too quick to judge one another? But one is not a bad person, because one does not want to see one's country be changed at its foundations. And one is not naive because one wants to help other people to a better living. Far and most wants both: to help more and protect Denmark" (Social Demokratiet, 2018, p. 4).

This viewpoint of understanding of sympathy for nationalism, where the understanding is there is a threat to what constitutes being a Danish society as a welfare state, is very much in line with the rhetoric used by the Danish People's Party, and the chairman of the party Kristian Thulesen Dahl has mentioned that the Social Democratic Party has become a party where policies that they wish to see implemented has become a reality (Thulesen Dahl, 2017). There are also many similarities in the parties' immigration politics, as seen in the statement from Tesfaye, were the focus is on how refugees do not integrate to Denmark and become contributing members of society. In the Danish People's Party's key issues, it is noted; "We have to set demands for immigrants to get an education and participate in the workforce, for them to contribute to the welfare they benefit from" (Dansk Folkeparti, n.d.). There is an element of reclaiming Denmark as in the quote above from 'Retfærdighed og Realistisk', it is mentioned how it is acceptable to be dissatisfied with foreigners, however it is not all foreigners it is specifically non-Western foreigners. Changes to Denmark are explained to be that was 1 percent of the Danish population that did not have a western background in 1980, to now where it is 8 percent of the population. Additionally, it is explained that far too many that arrive in Denmark without becoming a part of Denmark. This change has put pressure on the Danish welfare model.

The two parties share a common discourse which serves to emphasise that integration is key issue, that they want to see a reform in, the reform is to limit access to Denmark for refugees. The presupposition in the estimation of how many quota refugees Denmark can receive is represented as receiving refugees has a negative impact on the Danish economy and society. As mentioned in the quote from Mattias Tesfaye the understanding is that there are far too many refugees receiving social benefits and far too many refugee women are without jobs. Furthermore, there is a distinction being made to who is a refugee, as it is stated that the people seeking refuge are not fleeing a war or a disaster zone, rather for the betterment of their lives (Social Demokratiet, 2018, p. 4). On the same page there are various reasons listed as to why people are on the run, betterment of one's situation in life, climate change, and additionally is it estimated that Africa's population will be doubled by 2050. This adds to the discourse of Denmark not having the capacity or means to allow refugees to seek asylum, there by framing the necessity for helping countries that are in the area of where the refugees place of origin is.

The categorisation of quota refugees and irregular refugee

The political agenda problematise further the idea of it being unsustainable for Denmark to receive refugees, quota refugees are an amount that is controllable as these refugees are being allocated to resettle in Denmark. This leaves out the irregular asylum seekers, which are the refugees that make use of human smugglers to make their way to Europe. The narrative is that irregular asylum seekers which has resulted in human smuggling, has caused people to parish en route to Europe, as well as forcing women into prostitution, forced labour, and abuse. "Exploitation of other people has become a billion industry, which finances weapons and terrorism" (Social Demokratiet, 2018, p. 21). A solution to this problematisation is making it clear that Denmark does not receive irregular refugees, as well as providing a reform of the current asylum system, according to the Social Democrats, is necessary to stop human smugglers. As mentioned before has the current asylum system has the flaw that people need to travel to Denmark/Europe to seek asylum. However, that would be obsolete if the asylum system allowed for people to seek asylum closer to the areas the asylum seeker is from. Such steps have been made where Denmark joined forces with Austria in funding Tunisia and Libya to stop the human smugglers (Udlændinge- og Integrationsministeriet I, 2020).

"Currently it is the strongest and the richest that can pay human smugglers for the escape across the Mediterranean. That is something we need to put a stop to. That is why we are collaborating with Austria and Tunisia to create conditions that will benefit the weakest and that need it the most with protection. Thereby we are building an asylum system which is just" (ibid).

The irregular refugees are being perceived to be wealthy and quota refugees are poor and in a desperate situation. there are various There exists a dichotomy of who is deserving and undeserving of protection, which according to Schneider and Ingram is social constructions of target populations, divided into advantaged, contenders, dependents, and deviants (Schneider & Ingram, 1997, p. 102). The target population with the most negative categories are refugees, and human smugglers, refugees are categorised as unable to integrate into Danish society and thus a threat to the welfare system, to which they are categories as being free riders on the system. Though, there is a need to understand that the immigration- and asylum system seeks to differentiate between refugees, using key terms such as irregular or spontaneous immigrants/asylum seekers, seeing them as a group which has an advantage in contrast to the more deserving group of refugees, as they can afford the journey and to pay human smugglers. Whereas the quota refugees which are chosen to be granted asylum in Denmark, which are categories as being poor and unable to afford the journey. The Social Democratic Party noted: "We shall not accept people drowning in the Mediterranean or exposed to violence and abuse during their escape. The goal must be that less have to leave and more can create a future in their own country instead of seeking a living in Europa" (Social Demokratiet, 2018, p. 6). Schneider and Ingram matrix of political power and social construction is categorised into weaker and stronger, as well as deserving and undeserving, this is here the refugees are framed as being weaker and deserving, and undeserving at the same time. A refugee can only be accepted within the framework of being weak and deserving, as mentioned before the Social Democratic Party, has framed quota refugees as the truly weak and deserving, as they are poor, without the means or the ability of escaping their situation. Whereas irregular refugees are framed as being capable and wealthy, as well as supporters of the weaker and undeserving human smugglers, who are framed as exploitative, and criminal.

The right to have rights

There are some supranational commitments that Denmark follow, which are the Dublin 3 agreement, Frontex, and the Human Rights Conventions. Denmark has chosen not to be a part of the European Union's regulations and has therefore not received any of the 160.000 refugees from Greece and Italy (Chege, 2019).

In the analysis was there a focus on the framework that is a dichotomy presented as human smugglers being framed as offering a dangerous solution to rich refugees, and the Danish quota refugee system, which helps bringing refugees in the need of protection. There is a silence within the political discourses of the necessity of why refugees make use of human smuggling to reach Europe, the action of being smuggled is framed as being dangerous especially for women and children. This framing is accepted on an international level:

> "Thousands of people have died at sea attempting to reach the EU. Almost 90% of the refugees and migrants have paid organised criminals and people smugglers to get them across borders. As a result, they are known as 'irregular' migrants - that is, they have not entered the EU through legal means" (Publications Office of the EU, 2016, p. 2).

Framing and problematising refugees as 'irregular' migrants, not as refugees and follow the statement up with relating the actions of making use of human smugglers in order to enter Europe, there is a need to look at this with human rights theory, as

> "Many who attempt the sea crossing to Europe are intercepted by the Libyan Coast Guard and returned to Libyan shores. More than 6,200 refugees and migrants have so far been disembarked in Libya in 2020, suggesting the final figure for the year will likely eclipse the 9,035 returned in 2019. They are often taken and held arbitrarily in official detention centres, where they face daily abuses and appalling conditions. Others end up in 'unofficial centres' or warehouses controlled by smugglers and traffickers who subject them to physical abuse in order to extract payments" (UNHCR, 2020).

Arendt's understanding of the Human Rights Convention is that there is a perpetual suspension of citizenship for the refugee, this can also be seen in the quote from the Publications Office of the EU, as refugees are presented to be breaking laws. The legal way to Europe would have to be through the UNHCR resettlement program, which is not a binding agreement, members can just as Denmark did

for several year not receive any, Denmark only began receiving quota refugees again this year. The rights of refugees are suspended if there they have to make use of what is considered 'illegal' means, which is what paying human smugglers is considered to be. Human smuggling is connected to the key terms such as: violence, terrorism, danger, and death, to name a few. This framing is perpetuating an idea of these refugees have no right to the treatment that the citizens of the EU claim. As there is a clear connotation with human smuggling and terrorists and violence, the Social Democratic Party, has also made statements concerning this, where negative connotation is being used in connection with human smuggling, as it has caused people to parish enroute to Europa, as well as forcing women into prostitution, forced labour, and abuse. "Exploitation of other people has become a billion industry, which finances weapons and terrorism" (Social Demokratiet, 2018, p. 21). The link between refugees and terrorism are presented as being intertextual, meaning that the refugees' passage into Europe is social constructed as being morally wrong. It is not illegal to be a refugee, however the means that they have to make use of are. Benhabib states:

> "having been once rendered a refugee, a minority, or a stateless person, one cannot find another polity to recognize one as its member, and remains in a state of limbo, caught between territories, none of which desire one to be its resident" (Benhabib, 2004, p. 55)

This is where the refugee is stuck in a defacto limbo, where human right is suspended, as there are few 'legal' manners where a refugee can then have their right of asylum, when the term 'irregular' is being attached. Additionally, there is the effect that the refugees that have 'irregular' attached to them are seen as wealthy and capable. This can be seen in the legislation concerning giving refugees that have been rejected a choice of either accepting a set amount of money in exchange for the refugee not appealing the verdict. It is also an ongoing theme within the pollical agenda 'fair and realistic', that the UN resettlement program is the only manner of which a refugee can obtain asylum.

How has refugees been produced, disseminated and defended?

In the introduction, it was mentioned that the Social Democratic Party had gone through a paradigm shift, aligning their political agendas concerning asylum seekers along the political agenda of the Danish Peoples Party. Their political reform proposal from 2018 'Fair and Realistic', led to the chairman of the Danish Peoples Party Kristian Thulesen-Dahl to publicly propose a sit down with the Prime minister Mette Frederiksen (Westphal, 2018). The paradigm shift and the proposal which focuses on only accepting quota refugees, thereby effectively being able to have complete control over which refugees Denmark will receive and where they are from is also in alignment with the

Liberals key points where a complete 'asylum stop' in the precious election (Larsen & Just, 2018). The Social Democratic Party's proposal was received with mixed opinions, as the idea of placing an asylum center in an African country is inconceivable, the general secretary for the Danish Refugee Council Christian Friss Bach states:

> "Currently we have seen, just within Europe how we have not been able to send refugees back to Greece under the Dublin agreement, because the EU member states agreed that the refugees were not secured a safe treatment. So, when we have not been able to send them back to Greece, then it is unrealistic to expect that it would work in Africa" (Gram, 2018)

The sentiment is shared with others, as the treatment of the refugees cannot be vouched for, therefore seeing this proposal more as an election proposal, that is meant to seem as close to the Danish Peoples Party's political discourse, which did not go unnoticed by the Danish Peoples Party, as mentioned above. However, the paradigm shift did help the Social Democratic Party win the election, as the nod of approval from the Danish Peoples Party convinced voters to vote for the Social Democratic Party rather than the Liberals or the Danish Peoples Party (Nedergaard, 2019).

Discussion

What has been left unproblematic?

In the analysis human smuggling was denoted as the illegal consequence of irregular refugees making their way to Europa. The Danish government and the European Union are well aware of the danger it bares to pay human smugglers. However, the framing is on the refugees entering Europe in an illegally and by proxy also funding human trafficking, violence, weapons, and terrorism. The solution is to establish asylum centers and refugee camps outside of Europe, thereby there is still technically a system in place where authorities from Europe can through UNHCR's resettlement program receive refugees that are in need of protection.

However, what has being left unproblematic is that boarder countries to the Mediterranean as well as Frontex have been sending boats with refugees away (Fallon, 2020) (Human Rights Watch 2, 2020). These refugees are sailing from countries such as Lebanon in hope of reaching Europe. An article from The NGO Human Rights Watch (2020), accounts for several breaches of the Refugee Convention noted by UNHCR, as the refugees did not get the chance to seek asylum but where in this case pushed back by Cypriot coast guards. The refugees that the Human Rights Watch spoke too were refugees from Syria and Lebanon, that want to seek asylum because of the political situations, in their respective countries, that are making it hard for them to survive.

Arendt's critique of the Declaration of Human Rights, where it is derived that the 'right to have rights' is unattainable in situations where the refugee, becomes a refugee, as the rights are fundamentally bound with the organisation that recognises it. As Benhabib writes when discussing what she understands as the meaning of 'the right to have rights':

> "One's status as a rights-bearing person is contingent upon the recognition of one's membership. Who is to give or withhold such recognition? Who are the addressees of the claim that one "should be acknowledged as a member"? Arendt's answer is clear: humanity itself; and yet she adds, "It is by no means certain whether this is possible."" (Benhabib, 2004, pp. 57-58).

Using this understanding in context with refugees, who are fleeing as their human rights are being violated, having their rights further taken away by being refused by coast guards as well as Frontex. The articles from the Human Rights Watch as well as the news outlet The Guardian have documented

how the coast guards and Frontex, who are effectively the border control, have aggressively pushed back refugees, denying them their right.

Framing human smuggling as dangerous, while being a part of the cause to why seeking refuge is dangerous, is leaving out a problematic aspect to the understanding that is being problematised through several decision made by the Danish government. The boarder countries to the Mediterranean are without a doubt under pressure, as the Dublin 3 Agreement forces them to register the refugees that sail ashore, making the act of pushing the dinghies back across boarders from Greece to Turkey a reality (Fallon, 2020). As mentioned in relation to the categorisation of refugees, and specifically the category of the irregular refugees and how EU has framed their journey to Europe as being through illegal means, as well as the Danish government's involvement in stopping the flow of refugees before they reach Europa (Udlændinge- og Integrationsministeriet I, 2020). This is done under the framing of stopping human smuggling, however, as the pressure on Greece and Cypress leads to taking actions against dinghies. Then Banhabib's understanding of Arendt's 'the right to have rights':

> "The moral claim of the guest not to be treated with hostility upon arriving in the lands of another and his or her claim to temporary hospitality rest upon this moral injunction against violating the rights of humanity in the individual person. It is not the common possession of the earth, but rather this right of humanity, and the right to freedom which follows from it, that serves as the philosophical justification for cosmopolitan right" (Benhabib, 2004, p. 59).

The cosmopolitan right is only a right for the human beings who are a part, in this case Europe, the refugees are being push out and not welcomed or shown hospitality when arriving, they are actively being pushed out by force. As the Human Rights Watch observed:

> "Since Frontex deployed officers along the full length of the Turkey-Greece land border in March [2020], Human Rights Watch has documented that Greek law enforcement officers routinely summarily returned asylum seekers and migrants through the land border with Turkey. Human Rights Watch found that officers in some cases used violence and often confiscated and destroyed migrants' belongings" (Human Rights Watch 2, 2020).

It is the recommended by NGOs such as Human Rights Watch that EU resettles the refugees that are trying to make their way to Europe, as Greece is unable to handle the responsibility of the refugee flow on its own.

Conclusion

 The paradigm shift the Social Democratic Party had gone through resulted in their problematisation of refugees being aligned with the Danish Peoples Party asylum politics. This paradigm shift as well as changes to the political discourse led to the question: How are the danish asylum regulations framed, considering the refugee quota set by the Danish government in relation to the commitment to international responsibilities and UNHCR resettlement agreements?

The decision to announcing that Denmark will again begin accepting quota refugees from the UNHCR resettlement program. Was a clear indication on how the problematisation of refugees is, as the amount of quota refugees being accepted is based on the integration of non-western foreigners living in Denmark. That there is a calculation in place to justify the amount, has strong connotations to non-westerns that the level of integration into Denmark is unsustainable. Additionally, there is also an understanding presented in 'Fair and Realistic' of acceptance for opinions that are against refugees coming into Denmark. This development is in line with the paradigm shift in the Social Democratic Party. Which was a successful endeavour in the parliament election as they won the election on shifting their political views on asylum policies to be more aligned with the Danish Peoples Party.

Agreeing to accept quota refugees, with the condition of having full control over who is elected, which is based on a principle where the potential of a successful integration into Danish society is key, this means that there is a need for the refugees to have an education. This is evident in the how the calculations of how many quota refugees can be granted asylum. Denmark has since entering the resettlement program on average received 500 quota refugees, which have been allocated in the Financial year, and since 2005 has there been specific requirements set in place. This year, 200 refugees have been granted asylum, based on the unemployment of refugee women (Udlændinge- og Integrations Ministeriet II, 2020). Framing quota refugees as the most viable manner of receiving refugees, with quota refugees there will be a process of choosing who will have the best chance of integrating into Danish society. Has the effect of categorising both the refugees living in Denmark as well as the refugees living outside of Denmark being undeserving of participation and inclusion into the Danish society. Furthermore, the quota refugee will not receive a permanent residence permit, as the refugee is expected to leave Denmark once the situation in their country of origin is safe. This goes against the recommendations put forward by the UNHCR's resettlement handbook.

Throughout the analysis there was a focus on the political discourse, as this thesis is based on Bacchi's 'What's the problem represented to be?' (2009), as well as social constructive approach from Schneider and Ingram (1997) where target population of the 'deserving' and 'undeserving'. As the political discourse used in relation to refugees was divided into categories of 'quota' and 'irregular', the latter one being used when discussing refugees that had on their made the way to Denmark and seeking asylum upon arrival. However, there are many other connotations to 'irregular' as it also denoted a discourse of a refugee that by illegal means, human smuggling, made their way to Europe.

In the Social Democratic Party's reform proposal 'Fair and Realistic', it was proposed that Denmark stopped accepting irregular refugees, and only would only receive quota refugees. This proposal was framed as a cracking down on human smuggling, as endeavouring on the journey to Europe through the means of human smugglers was denoted as dangerous, violent, and as funding terrorism. By exporting the process of asylum seeking to the areas where larger refugee camps are, the necessity of traveling to Europe would be eliminated. In the discussion this was brought up again, as there are silences as well as aspects of the problematisation of the irregular refugees and human smuggling that was left unproblematised. As EU's efforts to aid boat refugees, Frontex as well as cost guards from border countries Greece and Cypress, have been active in the effort of diverting dinghies away from Europa's borders. Thus, making it impossible for the refugees to seek asylum.

The problematisation of refugees has led to policies that frame refugees seeking asylum into the category of being undeserving. There is a denial of the refugees 'right to have rights', and as Benhabib states: "Nevertheless, while the right to seek asylum is recognized as a human right, the *obligation to grant asylum* continues to be jealously guarded by states as a sovereign privilege" (Benhabib, 2004, p. 69). This aligns well with the situation in the Mediterranean, as well as the Danish asylum policies, and the international agreements of Dublin III agreement, where displaced refugees are being left in limbo. However, this is only a limited account and analysis of a larger issue of the function of human rights in relation to nation-states and sovereignty which would still need further research.

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