

Irregular migrants' structural vulnerability and survival strategies

A case study in the Bergen area

Faustin Gasana



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Table of contents

ABSTRACT	3
ACKNOWLEDGEMENTS	4
ACRONYMS	5
SETTING THE STAGE	6
Introduction and research question	6
Relevance and background of the study	8
Irregular migrants – a moving target	9
Outline of the thesis	11
PREVIOUS RESEARCH RELATED TO IRREGULAR MIGRANTS' ACCESS TO HEALTHCARE, THE LABOR MARKET, AND HOUSING	13
Irregular migrants and healthcare	13
Irregular migrants and the labor market	16
Irregular migrants and housing	17
THEORETICAL FRAMEWORK	19
Theorizing structural vulnerability	19
Multiscalar structure of migration control regimes	24
Macro level	24
Meso level	30
Micro level	31
METHODOLOGY	34
Data collection: accessing the «hard-to-reach»	34
Methodological choices	34
Approaching the field	35
Methodological and ethical issues	36
Methodological challenges	37
Ethical considerations	39
Coping with challenges	40
FINDINGS AND DISCUSSIONS	42
Healthcare	42
Access issues	44
Alternative strategies	47
Labor market participation	49
Access issues	50
Alternative strategies	53
Housing	55
Access issues	55
Alternative strategies	56
The importance of networks and social capital	57
Differential local responses	60
The relevance of «here and there»	65
CONCLUSION	70
BIBLIOGRAPHY	73
APPENDICES	84

Abstract

This study is about irregular migrants' experiences and how they deal with exclusionary practices they face as they attempt to access the Norwegian health care system and the labor and housing markets. The thesis is based on a qualitative study among irregular migrants in the Bergen area.

Drawing on the concept of structural vulnerability, the thesis investigates the underlying factors and structures that create unequal power relations and dependency. To this end, the study investigated how migration management regimes of control and enforcement were practiced and how they shaped individual irregular migrants' experiences in diverse ways.

The research findings point to and confirm enormous challenges and obstacles that irregular migrants face and the strategies they deploy to overcome them. Further, this study found that the three areas of healthcare, employment, and housing were intertwined and mutually reinforcing, hence generating a cumulative disadvantage.

To cope with access difficulties, irregular migrants resort to short-term strategies such as self-medicating when they are sick, working in the black labor market to earn a living, or moving frequently to avoid being a burden to a host friend.

Moreover, this research foregrounds the crucial role migrant networks play in the everyday lives of irregular migrants. Irregular migrants actively use their networks as a resource to support them in their struggles to earn a living, to secure medical help, and to find a place to stay.

Furthermore, the study shows that irregular migrants' experiences and survival strategies are mediated by their entrapment between «here and there». Respondents expressed feelings of disillusionment, disempowerment, disenfranchisement, and lack of control.

This study used the concept of structural vulnerability to understand and explain irregular migrants' experiences by looking into the factors and structures underpinning their difficulties in accessing basic necessities such as healthcare, work, and shelter. Structural vulnerability also was used to reveal the role of state policies, legislation, and practices in creating irregular migrants' subordination and dependency.

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Naturally, I assume responsibility for any errors and shortcomings in this thesis.

Faustin Gasana

Acronyms

DubliNet	An electronic network of transmission channels among national authorities dealing with asylum applications in EU member states, plus Norway and Iceland, within the framework of Dublin II Regulation
EU	European Union
EURODAC	European fingerprint database for identifying asylum-seekers and irregular border-crossers over the age of 14
HIV	Human Immunodeficiency Virus
ICT	Information Communication Technology
ILO	International Labor Organization
IMER	International Migration and Ethnic Relations
IOM	International Organization for Migration
OSCE	Organization for Security and Cooperation in Europe
PROVIR	Provision of Welfare to Irregular Migrants
SIS	Schengen Information System
UDI	<i>Utlendingsdirektoratet</i> /Norwegian Directorate of Immigration
UNE	<i>Utlendingsnemnda</i> /Immigration Appeals Board
VARP	Voluntary Assisted Return Program

Setting the stage

Introduction and research question

In recent years, irregular migration has become a salient issue in scholarly and political agendas in Europe and across the globe. A major concern in many Western states, the phenomenon of irregular migration is multidimensional and remains the object of significant attention among the public, policy makers, the media, and academia. Koser (2005:2) described irregular migration as a complex and diverse phenomenon that poses real challenges and dilemmas for states while exposing migrants themselves to insecurity and vulnerability.

This thesis is concerned with irregular migrants' structural vulnerability. Drawing on the concept of structural vulnerability, this study investigated the lived experiences and survival strategies of adult irregular migrants residing in the Bergen urban area, focusing on three areas: healthcare, employment, and housing. Using qualitative interviews and participant observation, the study took irregular migrants' subjective experiences as a point of departure to examine their structural vulnerability following their status of irregular residents and to articulate irregular migrants' experiences with migration control debates in Norway and other Western nations. The study deployed the concept of structural vulnerability to investigate the relationship between structural forces and processes and irregular migrants' everyday lived experiences. In other words, this research examined the complex relationships between migration control policies and irregular migrants' daily experiences and their everyday resistance (Scott 1985). The utilization of the concept of structural vulnerability provided insights into the ways in which irregular migrants are differentially inserted into the social, economic, and political context and how they tackle multiple exclusionary practices as they try to earn a living.

Anderson and Ruhs (2010:175) presented irregular migration as «an inevitable feature of border control and nation-state organized citizenship». From a migration control perspective, irregular migration is viewed as a corollary of what Turner (2007:290) called «immobility regime». In other words, nation states establish policies and legislation as well as methods of surveillance and control to keep out «unwanted migrants» (Turner 2007:293). The state assumes the sovereign right and prerogative not only to regulate entry, residence, and exit of foreigners, but also to control foreigners' (and citizens') access to healthcare, education, employment and welfare benefits (De Genova 2002). Furthermore, as Andrijasevic (2009:398) argued, border controls «produce differentiation and stratification of legal statuses and subjectivities». (See also Andrijasevic and Anderson 2009).

Quesada et al. (2011) conceptualized structural vulnerability as a positionality and as such «the vulnerability of an individual is produced by his or her location in a hierarchical social order and its diverse networks of power relations and effects». Structural vulnerability permits the connection of issues of power and inequality to irregular migrants' lived experiences and the examination of these relationships at the intersection of the (inter) national and local contexts of migration control. In addition,

the structural vulnerability approach emphasizes the importance of human agency, paying significant attention, in the realm of this study, to irregular migrants' coping capacity in the context of extremely limited access to healthcare, employment, and housing. It is paramount to note that my concern in engaging the concept of structural vulnerability went beyond asking how people's irregular migrant status was related to their constrained access to medical care and the labor and housing markets; I sought to go further to inquire why and under what conditions some irregular migrants access these things while others do not.

According to Watts and Bohle (1993:45), the most vulnerable groups and individuals «... are those most exposed to perturbations, who possess the most limited coping capability, who suffer the most from crisis impact, and who are endowed with the most circumscribed capacity for recovery». In this respect, I argue that there are other dimensions (such as economic, political, social, cultural, demographic, social, and human capital) in addition to and beyond migration status that contribute to irregular migrants' coping capacity. In this sense, structural vulnerability describes a cluster of intertwined and mutually reinforcing elements that dispose individuals to abject living conditions (Quesada et al. 2011:344). Evidently, the major risk factor for irregular migrants remains their migration status as it limits their capabilities to acquire basic resources of healthcare, employment, and housing. It should be emphasized that the engagement with structural vulnerability entails an exploration of the underlying structural inequalities and social relations and how they influence irregular migrants' experiences and their coping capacities as well as how they shape their perceptions and orient their actions and survival strategies.

This thesis has the following broad interrelated objectives: First, it seeks to create knowledge about the living conditions of irregular migrants while highlighting the various experiences of irregularity and the structural constraints imposed by immigration policies. Second, it utilizes the structural vulnerability perspective to study irregular migrants' subjective experiences and coping strategies, and how the latter can expose migrants to further risk. Third, it draws upon collected empirical data on irregular migrants' perspectives on their own situations and on complex access issues in connection with healthcare, employment, and housing.

These objectives were pursued by attempting to answer the following questions: How do irregular migrants experience their irregular status and respond to daily exclusionary practices as they attempt to access medical assistance and the labor and housing markets? What are the underpinning factors and structures that generate and reproduce irregular migrants' structural vulnerability?

Using structural vulnerability concept as a lens to view the various experiences of irregular migrants and their daily life conditions, I found that structural vulnerability inheres in irregular migrants' status of irregularity, entailing implications for their lived experiences. The focus was on the ways in which irregular migrants and their households bear the brunt of controls and restrictions and on strategies they adopt to deal and cope with these constraints. As in many other Western states, irregular migrants in Norway have extremely restricted access to healthcare, the labor market, and housing. These three areas offer a space to study irregular migrants' experiences as they

attempt to access health care services and secure employment and housing, as well as to explore their alternative strategies to secure these necessities.

An obvious question at this stage is why not study issues of healthcare, employment, and housing separately? Why consider them together when many studies have dealt separately with irregular migrants and health and the healthcare situation (Gross 2009, Hjelde 2009, 2010; Torres-Cantero et al. 2007), work issues (Anderson 2010; Berggren et al. 2007), and housing conditions (Chavez 1990)? As some studies have suggested; these three areas are interlocked and mutually reinforcing (Baghir-Zada 2010; Øien and Sønsterudbråten 2011). Therefore, this study was based on a fundamental assumption that the issues of health, work, and shelter are interrelated and that they individually and collectively shape profoundly the experiences of migrants in an irregular situation. Healthcare, employment, housing, and other welfare benefits are arguably essential factors of irregular migrants' living conditions.

Relevance and background of the study

The decision to undertake a research activity entails making choices both from a personal and researcher's perspective. This study was part of the PROVIR project – Provision of Welfare to Irregular Migrants – led by IMER Bergen and funded by the Research Council of Norway. PROVIR is an interdisciplinary project that «aims to provide a combined judicial and social science approach to the provision of welfare to 'irregular migrants' in Norway» (Uni Rokkansenteret, IMER Bergen). The PROVIR project combines a judicial and social science approach to investigate the complex relationship between law, institutional practice, and migrants' lived experiences (ibid.). This study was anchored in the project's social scientific study component, focusing on how irregular migrants experience being in an irregular situation. A bottom-up perspective was adopted by delving into the lived experiences of irregular migrants and the strategies they used to cope with the quotidian conditions and restrictions they faced and negotiated to organize their personal and family lives.

My connection with IMER Bergen goes back to 2010 when I had a 10-week internship at IMER/Uni Rokkan Centre (IMER Bergen). Since then, I have regularly participated in IMER Bergen events and activities such as seminars, conferences, and doctoral courses. When the PROVIR project began in 2011, I was offered an opportunity to carry out research within the PROVIR focus area.

I chose Bergen for my fieldwork because I noticed that previous research on irregular migration and irregular migrants had focused on Oslo and I sought to rectify this imbalance. As a researcher, I found it important to scrutinize the various ways migration control policies are implemented at the local level and examine how irregular migrants respond to and cope with restrictions and exclusions. By choosing Bergen as a locus for my fieldwork on irregular migrants' lived reality, I could look at how they fared in a city that is different from the capital Oslo and other Norwegian cities in terms of immigrant population, labor market, and services. For instance, in Oslo there is a health centre dedicated to irregular migrants where they can get free medical assistance, whereas in Bergen irregular migrants do not have such an option. As the second largest city in Norway, Bergen also has the second largest immigrant population and is home to

about 35,000 persons with immigrant backgrounds among a total population of 264,000² (Statistics Norway 2012).

On a more personal note, my family and I live in Bergen, which made the logistics easy especially concerning accommodation. Moreover, as I am familiar with the city, it was relatively easy to get information about events and activities, such as demonstrations and talks where I could encounter for the first time some of my research participants. At these events, I also was able to meet some members of nongovernmental organizations, such as Amnesty International, SOS Racism, and the Red Cross, which were involved in issues related to irregular migrants at various occasions.

During my field study, a number of respondents described Bergen as their sanctuary town; that is, they came to Bergen from other regions of Norway where they had initially settled in reception centers as asylum-seekers. They described the difficult and trying moments of isolation, stress, and depression while they were waiting for the Norwegian Directorate of Immigration (*Utlendingsdirektoratet*, UDI) to determine their cases. However, moving to Bergen, *a priori* a relief, did not necessarily entail the end of their ordeals. Without resident permits, their access to healthcare, employment, and housing was possible, but under difficult conditions.

Along the lines of Cvajner and Sciortino (2010), I believe that the phenomenon of irregular migration cannot be studied in isolation from the receiving context in which the irregular migrants live. Thus, I contend that the experience of structural vulnerability is context-specific. Accordingly, the experience of migrants in an irregular situation in a given locality of Norway carries some local specificity and leaves a more or less lasting imprint on their experiences. In this sense, the significance of the local context cannot be overemphasized.

With this in mind, I argue that even though managed migration policies and legislations are determined at the national and supranational (EU) levels, the experience of being in an irregular situation is distinctively local. Consequently, the local context is singularly important because, after all, irregular migrants reside in the locality; that is where they work, study, and seek medical treatment. Therefore, their structural vulnerability is context-specific; it carries the stamp of the locality.

Irregular migrants – a moving target

Irregular migration is a multifarious and fragmented phenomenon that is very difficult to define and to theorize. Thomsen (2010:28) described the concept of irregular migration as ambiguous, underlining that «there is still no clear or universally accepted definition² of the concept». She added that it is a rather diffuse concept, which remains open to a range of definitions and different interpretations. Thomsen further referred to irregular migration as «a legal, political, and social construct of current times», adding that «it is also a loaded concept, loaded with values and highly politicized» (p. 30). Bloch and Chimienti (2011) described the term «irregular migrants» as «people who do not

² Note that irregular migrants are not included in these figures as there are no reliable estimates of their number in Norway.

have a residence status in the country in which they are residing». This definition of irregular migrants applies well to the participants in this research, the majority of whom had seen their asylum applications rejected by Norwegian immigration authorities. They formed a diverse and multifaceted group of women and men, young and old, with a variety of marital statuses and family situations and from a mosaic of ethnic and sociocultural backgrounds. The majority lived in other regions of Norway prior to moving to Bergen in search of better living conditions and opportunities.

One feature of the ambiguous nature of irregular migration is the prolific terminology it has generated over the years in various parts of the world. The most frequent adjectives associated with irregular migrants are undocumented, illegal, unauthorized, clandestine, and *sans papiers* (equivalent of *papirløse* in Norwegian), among others. All these terms and qualifiers used to signify migrants in an irregular situation are problematic because they do not help to capture the true picture of «irregular migration» and «irregular migrants». Even though the terms «illegal migration» and «illegal migrants» are still in use in some quarters, especially in media and political parlance, researchers and activists for migrants' rights frequently prefer the term «irregular». The term «illegal» is rejected because of its connotation of criminality, and because defining people as illegal is dehumanizing and stigmatizing. Referring to asylum-seekers as illegal can jeopardize their asylum claims and encourage a political climate of intolerance towards those seeking asylum (PICUM 2003).

The term «irregular migrants» or «irregular migration» adopted by the PROVIR project is preferred and is used by several international organizations such as ILO, OSCE, IOM, and the European Council. The European Parliament has enjoined EU institutions to use the term «irregular migrants» or «irregular migration» «when addressing the issue of third country nationals whose presence on the territory of the Member States has not been authorized by the Member States authorities or is no longer authorized» (European Parliament 2011:33). The European Parliament has suggested that this is more «appropriate and neutral terminology» (ibid.).

Literature on irregular migrants defines the status of irregularity as (a) a juridical status and (b) a socio-political condition (De Genova 2002; Willen 2007). Willen, however, added a third dimension, contending that irregular migrant status also «generates particular modes of being-in-the-world» (Willen 2007:10). Willen (2007) asserted that the status of irregularity has a considerable impact on migrants' everyday experiences of time, space, embodiment, sociality, and self.

De Genova maintained that irregularity is *produced by the law* and sustained by discursive formation (De Genova 2002:431). The law stands behind judicial and administrative decisions and policies regulating access to employment, healthcare, housing, education, and eligibility for a range of other social welfare benefits. In this context, laws and policies should be understood as state tactics deployed at the national, regional, and local level to constrain and circumscribe the irregular migrants' predicament. Calavita (1998:531) powerfully argued that, at some fundamental level, the law generates illegality because without the boundaries of law, there are no «outlaws». (See also Jørgensen 2010). Further, Calavita held that the law plays a central role as it sorts and ranks migrants who are no longer outsiders, at least physically, but are now outlaws. In the same connection, Dauvergne (2008:123) highlighted the fact that the

basic logic of migration law is to discriminate among applicants on the basis of those who best meet the needs and values of the nation. The immigration law outlines criteria that function as a code of national values, determining who are eligible as potential future members.

As mentioned above, irregular migration status is also a *socio-political condition*; that is, irregularity, just like citizenship, is not a mere juridical status, but also entails a social relationship to the state – «a social relation that is fundamentally inseparable from citizenship» (De Genova 2002:422). For Stenum (2010), this socio-political relationship between the irregular migrant and the state is manifest in legislation, policies, administrative practices, and in the everyday lives and experiences of irregular migrants in the nation state. While irregular migrants are always engaged in social relationships with regular residents and citizens, their status implies various forms of exclusion from critical rights and services. Irregularity generates a «space of nonexistence» (Coutin 2003) where irregular migrants' daily experiences are marked not only by exclusion, but also by criminalization, stigmatization, «othering», and scapegoating.

This study builds on Willen's three dimensions above (i.e. *juridical status*, *socio-political condition* and *modes of being-in-the-world*) and adds a fourth dimension related to *everyday forms of resistance* (Scott 1985) of irregular migrants. Irregular migrants are not passive, unresponsive victims of conditions of structural inequality that determine their position and status; they also try to earn income, find a place to stay, and attend to some of their health needs. Cvajner and Sciortino (2011:5) argued that «irregular migrants are not an undifferentiated layer of excluded victims, but rather a diverse set of social actors able in many cases, albeit often at high human cost, to resist exclusionary tendencies and to achieve relatively stable informal incorporation». Cvajner and Sciortino drew attention to the fact that irregular migrants demonstrate a certain degree of agency.

The majority of respondents who participated in this research had applied previously for asylum, but had not left the Norwegian territory after a definitive rejection of their individual asylum applications. In fact, rejected asylum-seekers form the majority of residents in an irregular situation, and their presence elicits specific challenges and calls for different policy responses. The current political response towards this group tends to focus on efforts to remove them, while non-governmental organizations and activists call more and more for their regularization and for allowing them access to basic rights and welfare services so that they can live dignified lives. The government refers to irregular migrants as bogus refugees who have resorted to asylum channels to gain residence in Norway, but who do not have genuine claims for protection. The distinction between asylum-seekers and refugees on the one hand and other groups of migrants on the other is increasingly blurred.

Outline of the thesis

The remainder of this thesis is organized as follows: In the **second chapter**, I present a short review of the previous research on irregular migrants' access to healthcare, employment, and housing in Norway. In the **third chapter**, I outline the theoretical research framework against which the data was analyzed. I present the concept of structural vulnerability and explain how it is suitable and useful for understanding

irregular migrants' experiences in a context of structural inequality. In the **fourth chapter**, I discuss methodological issues and choices, and in the **fifth chapter**, I draw on empirical data to discuss irregular migrants' structural vulnerability and coping strategies in the face of unequal access to medical assistance, employment, and housing. I offer some concluding remarks in the **final chapter**.

Previous research related to irregular migrants' access to healthcare, the labor market, and housing

This thesis draws on a nascent but growing body of scholarly literature on the phenomenon of irregular migration and experiences of irregular migrants in Norway. In this respect, this study makes a modest contribution and is a response to calls for more research in this field. The study is in line with the recent debates on irregular migration in Norway that have notably looked into irregular migrants' living conditions (Brekke 2008; Brekke and Søholt 2005; Hjelde 2009, 2010; Kjærre 2010; Kristiansen 2008; Øien and Sønsterudbråten 2011; Ottesen 2008; Valenta et al. 2010; Valenta and Thorshaug 2011b) with particular focus on the challenges this group faces in accessing medical care, employment, and housing, among other things. More research has been done on irregular migrants' health and access to healthcare than on their working and housing conditions, which is reflected in this review.

In a review of the research and knowledge about migration to Norway between 1990 and 2009, Brekke et al. (2010:100) emphasized irregular migrants' vulnerability in terms of physical and mental health as well as their marginal position in the labor and housing markets. Brekke et al. (2010:105) noted that there was little research on irregular migrants in Norway and called for more research and knowledge in the areas of (a) the right to healthcare and practical issues related to access to medical care, (b) access to social services and benefits, (c) the situation of irregular migrant children, and (d) the situation of irregular migrants in the labor market and their working conditions. Earlier, Brunovskis and Bjerkan (2008:60) had called for more research on irregular migrants in Norway, stressing the need for more knowledge within (a) the health field, (b) the situation of irregular migrant children, and (c) irregular migrants' situation in the labor market and their working conditions. Importantly, researchers have noted the scarcity of research on irregular migration and the situation of irregular migrants not only in Norway, but also in other Scandinavian countries (Brekke et al. 2010; Duvell 2010; Meret et al. 2010; Brunovskis and Bjerkan 2008)

Irregular migrants and healthcare

Issues around irregular migrants' health and their access to healthcare in Norway have attracted the researchers' attention. A number of scholars have linked irregularity and migrants' precarious health conditions. Øien and Sønsterudbråten (2011:70) pointed to «the potential links between health and irregularity». They maintained that irregularity can in most cases create or exacerbate health problems while at the same time health problems can make it more difficult to secure decent living conditions for irregular migrants (ibid.). Previous research focused on irregular migrants' (a) health needs, (b) the barriers hindering access to healthcare, (c) the living conditions shaping irregular migrants' health situation, and (d) the strategies deployed by irregular migrants to address their health needs.

Generally, irregular migrants' health situation is reckoned to be poor (Hjelde 2010). Hjelde's research suggested that by and large most irregular migrants experience physical and mental health problems. In a research carried out in Oslo, Hjelde (2010:319) examined the relationship between irregular residence, living conditions, health, and access to and use of health services. The study was based on quantitative data supplemented by qualitative interviews with irregular migrants and health workers in Oslo.

Hjelde (2010:328–329) found that irregular migrants suffered from a plethora of illnesses and aches and pains, such as gastric ulcers, back, neck and shoulder pain, asthma, hypertension, hemorrhoids, chlamydia infections, gallbladder diseases, and chronic injuries following torture. Further, Hjelde (2010) indicated that her informants reported sleep disturbances, depression, and other psychological problems. Others suffered from nightmares, headaches, indigestions, and lack of appetite, among many other conditions.

Furthermore, the health workers who participated in Hjelde's study largely confirmed the reported description of irregular migrants' health (*ibid.*). According to the health personnel, irregular migrants are more prone to psychosocial problems than the rest of the population, and their anxiety and stress are often manifested in physical symptoms and conditions such as sleeping disorders, digestive problems, and stomach-aches (*ibid.*). Other scholars have connected irregular status to physical aches and pains and to depression and stress-related mental problems (Khosravi 2006; Kjærre 2010; Kristiansen 2008; Øien and Sønsterudbråten 2011).

In a report on the access of non-Western migrants to medical services and healthcare, the Norwegian Medical Association (*Den norske legeforening*) pointed out that the health situation of irregular migrants is poor and lies far below that of the rest of the population. According to the report, irregular migrants' health problems consist principally of occupational injuries, infections, sexually transmitted diseases, and mental disorders (*Den norske legeforening* 2008:53). Further, the report stated that this group has a generally greater incidence of infectious diseases, such as tuberculosis and HIV (*ibid.*).

The results in the Norwegian Medical Association's report corroborate those published in a report by the Church City Mission (*Kirkens Bymisjon*), a Christian humanitarian organization operating in several Norwegian towns, including Oslo and Bergen. The report was the outcome of a project aimed at acquiring more knowledge concerning immigrants and their life situation in Norway (Ottesen 2008). Using multiple research methods, the research project contacted a wide range of actors involved in the work with irregular migrants both in Norway and seven other west European countries. According to the report, irregular migrants have poor physical and mental health, in general, with health problems ranging from serious conditions such as chronic and infectious diseases to less serious everyday health issues such as headaches, stomachaches, and stiff muscles and joints (Ottesen 2008:10).

Scholars appear to agree that irregular migrants' bad health situation is a result of their overall precarious living conditions (Hjelde 2009, 2010; Øien and Sønsterudbråten 2011; Ottesen 2008), which constitute a complex and multidimensional reality. Migrants' living conditions, which may vary according to context, include not only substandard working and housing conditions, but also inadequate nutrition and the experience of

living with fear, uncertainty, and insecurity (Ottesen 2008:10). Similarly, Hjelde (2009, 2010) highlighted that irregular migrants' health problems should be understood in the context of living conditions that do not meet the minimal human rights to health, namely entitlement to food, shelter, access to medical services, and employment in a healthy environment (Hjelde 2010:328). In her research among irregular migrants in Oslo, Hjelde (2010:327) found that the irregular migrants living conditions were characterized by loneliness, lack of belonging, and marginalization. Most irregular migrants had neither accommodations nor a source of income, she found, and they did not have the right to basic necessities of life. (See also Brunovskis and Bjerkan 2008; Øien and Sønsterudbråten 2011). She added that her respondents had feelings of humiliation because of their total dependency on others. Their daily life also was marked by feelings of insecurity, uncertainty, and hopelessness. Similarly, the Norwegian Medical Association considered irregular migrants' health problems often to be closely related to poor living standards and working conditions in addition to a sense of fear and hopelessness (*Den norske legeforening* 2008:53).

In addition to poor living conditions, irregular migrants face a number of obstacles in their attempt to access healthcare and other medical services. Hjelde (2010) distinguished between direct and indirect obstacles to irregular migrants' access to healthcare. Direct barriers are legal and economic in nature, while indirect barriers refer, for instance, to the irregular migrants' fear of being exposed to the authorities if they seek medical help. Some research also has cited indirect obstacles such as lack of awareness among irregular migrants of their rights and the inability to communicate in Norwegian (*Den norske legeforening* 2008).

The Patient's Rights Act stipulates that all persons living in Norway have the right to healthcare (Aschehoug 2010; Hjelde 2009, 2010). However, irregular migrants are not entitled to economic support for health services because they are not members of the National Insurance Scheme (Norwegian: Trygden). Therefore, irregular migrants' right to healthcare is limited to «emergency treatment» from specialists and municipal health services, and they are obliged to pay for the treatment. Furthermore, according to the Municipal Health Act, «all» have the right to «necessary healthcare» in the municipality where they live or where they reside temporarily. Hjelde (2010:325) found that «the limits to this right are legally unclear» while Aschehoug (2010:765) brought to light the arbitrariness in health workers' professional judgment when determining the nature of «necessary healthcare».

Whereas irregular migrants can be considered legally entitled to emergency and absolutely necessary medical care, they face economic barriers because they are required to cover or reimburse the cost of consultations and treatment (Baghir-Zada 2010; Hjelde 2009, 2010; Øien and Sønsterudbråten 2011). Øien and Sønsterudbråten (2011:42) explained that a major impediment to irregular migrants' access to healthcare is their inability to pay for medical services because they have little or no income. The state reimburses health facilities for their services to patients on the basis of each person's national insurance number, yet only regular residents can obtain a number (*ibid.*). Consequently, health workers find themselves in a quandary: On one hand, they face economic considerations regarding who will pay for the services they offer irregular migrants, and on the other hand, they must abide by the Health Personnel Act, which

directs them to help patients whenever help is judged to be necessary (Hjelde 2010:332; Øien and Sønsterudbråten 2011:42). In such a context, it is difficult to know whether persons in an irregular situation will receive healthcare or not because everything seems to be contingent upon the decisions and goodwill of health workers and health providers (Aarø and Wyller 2005; Hjelde 2009, 2010; Øien and Sønsterudbråten 2011).

Regarding indirect impediments to accessing healthcare, in many cases, irregular migrants do not seek medical help at all, or do so very late, because they are afraid to be exposed to the authorities and removed from the country (Hjelde 2010; Kristiansen 2008; Øien and Sønsterudbråten 2011). Researchers also have reported that irregular migrants are uninformed about their rights and the Norwegian health system. In addition, legislation on emergency and necessary care is not always known and understood by either the general practitioners and other health workers or irregular migrants (*Den norske legeforening* 2008:53; Kristiansen 2008:46). According to the Norwegian Medical Association, other barriers preventing irregular migrants from seeking medical assistance include distrust of the medical system and a lack of the knowledge about the legislation related to their right to healthcare.

These barriers to access to healthcare services lead to a number of consequences. Many irregular migrants do not seek medical help when they are sick and remain untreated, or they wait until they are extremely ill (Hjelde 2010). This practice is dangerous not only for their own health, but also for that of those living with them, particularly in cases of contagious disease that can easily spread (Torres and Sanz 2000). In addition, irregular migrants may resort to tactics to either circumvent the barriers or to find alternative curative means. Some irregular migrants resort to their networks for help to attend private health clinics where patients are not required to produce an identity card, but to pay for the consultation and treatment (Hjelde 2010:330). Others borrow names and papers from regular residents (Kristiansen 2008:46). According to Hjelde (2010:330), these tactics are problematic because using somebody else's identity card could influence the kind of treatment given to the patient and could have significant consequences on subsequent treatment of the true owner of the identity card. Other irregular migrants resort to self-medication to tackle their health problems (Hjelde 2009, 2010; Kristiansen 2008). However, this aspect needs further investigation in the Norwegian context.

Irregular migrants and the labor market

Access to employment and fair working conditions (Merlino and Parkin 2011) is another basic right of which irregular migrants are deprived in Norway. Since 2011, irregular migrants no longer have the ability to legally earn their living because they cannot secure either a work permit or tax card (Kjærre 2010; Øien and Sønsterudbråten 2011). Consequently, many have lost employment or find it very difficult to secure employment. According to Ottesen (2008:11), some irregular migrants are unemployed, a number of others work in a variety of sectors such as the cleaning industry, construction, and retail business, and still others are involved in survival crimes, dealing in drugs, and working in prostitution because they lack other sources of income.

Irregular migrants resort to their networks of friends and acquaintances to find employment and to cater to their needs for food, shelter, clothes, and health care. Øien and Sønsterudbråten (2011:73) found that many irregular migrants take up employment in the informal labor market where working conditions are considerably inferior to those experienced by regular residents and citizens. McKay et al. documented this correlation between irregular migration status and poor working conditions (2009:53–4). Irregular migrants work under exploitive conditions (Brunovskis and Bjerkan 2008; Ottesen 2008) and earn less than regular workers and often below the legal minimum wages. Further, irregular migrants work long hours, but do not enjoy such workers' benefits as sick leaves, rest breaks, holidays, or compensation in case of accidental or occupational injury. In addition, some social science scholars found that work for irregular migrants is more than a source of financial resources to meet their fundamental needs; work also is conceptualized as a meaningful activity essential for irregular migrants' well-being (Øien and Sønsterudbråten 2011). According to Kjærre (2010), work constitutes a vital activity that enables irregular migrants to remain sane because passive life and idleness can lead to depression.

Irregular migrants and housing

The irregular migrants' housing situation in Norway is an under-researched area, although studies have documented the relationship between health and living conditions of persons in an irregular situation (Øien and Sønsterudbråten 2011:72). In this respect, housing and working conditions are central aspects in irregular migrants' lives that contribute to the improvement or deterioration of their living conditions (ibid.). Øien and Sønsterudbråten (2011) asserted that irregular migrants' struggles to meet their daily needs and to cope with pressure to find work and housing can potentially affect both their mental and physical health.

Available scholarship highlights the barriers that irregular migrants face in accessing shelter (Aarø and Wyller 2005; Brunovskis and Bjerkan 2008; Øien and Sønsterudbråten 2011; Ottesen 2008). Shelter is crucial to securing basic living conditions, and irregular migrants in Norway face enormous difficulties in finding housing. Those who succeed often discover the housing is substandard (Øien and Sønsterudbråten 2011:61). Since 2006, rejected asylum-seekers may stay in state-funded reception centres until their return to their country of origin. Nevertheless, many rejected asylum-seekers prefer to stay outside these reception centers, fleeing what some describe as «unbearable living conditions». In general, reception centers are associated with loneliness, isolation, passivity, waiting, and straitened circumstances (Øien and Sønsterudbråten 2011). For these and other reasons, many irregular migrants do not wish to stay in the centres and, moreover, fearing deportation, they do not want the immigration authorities to know their whereabouts.

The vast majority of those irregular migrants who do not live in reception centres depend on their networks of friends, fellow countrymen, and co-ethnics; some are homeless, living and sleeping in the streets. Generally, irregular migrants have to make do with temporary living arrangements (Brunovskis and Bjerkan 2008) because they cannot afford to pay rent, landlords refuse to rent them, or alternatively, landlords

charge them very high rents (Øien and Sønsterudbråten 2011; Ottesen 2008). Consequently, most irregular migrants stay with friends, moving often to avoid being a burden to their hosts. Øien and Sønsterudbråten (2011:66) argued that housing shapes irregular migrants' living conditions and influences their subjective experiences of living in a irregular situation. Furthermore, many irregular migrants' housing conditions are characterized by a lack of space and privacy, a situation that generates stress and at the same time creates a relationship of dependency (Øien and Sønsterudbråten 2011; Ottesen 2008). Importantly, the issue of housing is closely linked to the question of lack of access to employment and other legal means of livelihood, as it is very difficult to survive without any sources of income.

In conclusion, a common feature is emerging from the scholarship reviewed above: These studies view health care, employment, and housing as basic rights of irregular migrants and as human rights enshrined in a number of international instruments and conventions of the United Nations and European Union. The studies further suggest that irregular migrants lack access to some of their fundamental human rights, which affects their lives and well-being. This thesis engages the concept of structural vulnerability to examine the structural factors and processes underpinning irregular migrants' subordinate position and constrained access to healthcare, work, and housing. Furthermore, assuming that these three areas are interrelated and mutually enhancing, this thesis explores the irregular migrants' lived reality and critically examines the ways in which irregular migrants endeavor to cope with the state's exclusionary policies and practices.

Theoretical framework

The theoretical framework of this thesis draws primarily on the social science concept of structural vulnerability (Farmer 1996; Farmer et al. 2004; Holmes 2011; Kleinman 2000; Quesada 2011c; Quesada et al. 2011) to emphasize the paramount role of state-managed migration regimes in shaping unequal access to rights and resources for irregular migrants. This concept is applied to debates around irregular migrants' quotidian experiences and to how the state's migration policies influence these experiences. In this section, the concept of structural vulnerability is explored to provide a backdrop against which the empirical data was analyzed.

Theorizing structural vulnerability

The theorization of structural vulnerability is rooted in the concept of structural violence. Quesada et al. (2011:341) maintained «individuals are structurally vulnerable when they are subject to structural violence». Norwegian sociologist Johan Galtung introduced the concept of structural violence into the social sciences (particularly the field of peace and conflict studies) with his 1969 seminal essay, «Violence, Peace, and Peace Research». Later, a number of social scientists discussed the concept, medical anthropologists such as Paul Farmer (1996, Farmer et al. 2004), Linda Green (2011), Kathleen Weigert (2010), Elizabeth Cartwright (2011, 2011), Sandy Smith-Nonini (2011), Michael Duke (2011), James Quesada (2011a, 2012, 2011), and Seth M. Holmes (2011).

Farmer et al. (2006:1686) defined structural violence as:

Social structures – economic, political, legal, religious, and cultural – that stop individuals, groups and societies from reaching their full potential.

According to Weigert (2010:126), structural violence «emerges from the unequal distribution of power and resources or, in other words, is said to be built into the structure». For Farmer et al. (2006:1686), the social arrangements that put individuals in harm's way are structural «because they are embedded in the political and economic organization of the social world»; they are violent «because they cause injury to people» (ibid.).

In migration studies, anthropologists have made the concept of structural violence popular, especially Abrego and Menjívar (2011:9) who described immigration laws and their implementation at the local level as «a form of legal violence» that constrains irregular migrants from realizing their migration projects, restricts their ability to secure employment and accommodation, and brings suffering by limiting access to social and healthcare services. Legal violence refers to:

Instances in which laws and their implementation give rise to practices that harm individuals physically, economically, psychologically, or emotionally (Abrego and Menjívar 2011:11).

Abrego and Menjívar (2011) further emphasized that the state is not always the direct agent of violence, but enables violence against the targeted group when laws marginalize group members, leaving them exposed to different forms of abuse.

As a descendant of structural violence, the concept of structural vulnerability refers to: «one's position in social hierarchies that imposes physical-emotional suffering on specific population groups and individuals in patterned ways».³ It results from «class-based economic exploitation and cultural, gender/sexual, and racialized discrimination that are embodied and often result in the formation of subjectivities that are socially depreciated» (ibid.). By extending the concept of structural vulnerability to the situation of irregular migrants in the Bergen locale, this study draws attention to the lived experiences of irregular migrants as a result of their subordinate position in society. Irregular migrants are already structurally vulnerable based on their difficulties in accessing healthcare, unemployment, and housing. At the same time, authorities' focus on enforcement measures, including expulsion and deportation, increases insecurity, anxiety, and uncertainty among irregular migrants. Structurally vulnerable irregular migrants are socially positioned in an inferior status within a prevailing social order by virtue of their social status, life conditions, and deportability (Quesada 2011a). Quesada (2011a:389) stressed that the concept of structural vulnerability is attentive to «the antecedent and present factors and forces that dispose individuals toward taking actions and adopting ways of being that frequently result in endangering or placing their social and health status at risk.» He described structural vulnerability as having real personal, physical, and social consequences, and it is continually produced and enacted.

The structural violence against (structurally vulnerable) irregular migrants in this study was rooted in state-managed migration regimes and encompassed the institutional framework of migration policies, legislation, and administrative practices at both the national and local levels; it also stemmed from stigmatizing norms and discourses and other barriers preventing «undeserving» groups and individuals from accessing medical assistance, employment, housing, education, family life, and dignity. Therefore, I contend that structural vulnerability enables us to understand the factors underlying substandard living conditions of irregular migrants (Øien and Sønsterudbråten 2011), particularly their lack of access to healthcare and their poor working and housing conditions. Irregular migrants are structurally vulnerable because their problems of access, and the consequences thereof, are attributed to the differential allocation of resources and to the structures of power (Weigert 2010:128). In this sense, the utilization of the concept of structural vulnerability seeks to identify forces and processes leading to unequal distribution of power and resources and, hence, unequal life chances and the constraint of the group's and individuals' agency.

Irregular migrants are particularly constrained by the interplay between the national and EU migration policies and legislations; in addition, there are a host of other parameters and factors that contribute to their vulnerability in various ways, such as gender, age, family situation and structure, marital status, family obligations, networks, and the sociopolitical situation in the country of origin. Arguably, migration laws, policies, and practices should not be viewed as passive instruments and processes, but as being imbued with power and the capability of generating structural inequalities and unequal power relations.

³ <http://accessdeniedblog.wordpress.com/2011/09/17/why-structural-vulnerability-why-latino-migrants-in-the-united-states/> [Accessed 12.02.2012].

It is further crucial to note that experiences of structural vulnerability are unevenly shared by irregular migrants as they are differentially shaped by their irregular status (Quesada 2011a). Irregular migrants are not a monolithic category of individuals, but rather a heterogeneous category of people with a plethora of migration trajectories. At the same time, structural vulnerability seeks to trace the forms of resistance that irregular migrants use to survive in a hostile environment. In this regard, the concept of structural vulnerability entails an analysis of the processes and structures that constrain decision making, limit life options, and frame individual choices (Quesada et al. 2011:342). Structural vulnerability further underscores the complex interaction between social forces and individual strategic maneuvers to carry on with life. For Quesada et al., structural vulnerability also has considerable impact on life, actions, and experiences in the form of fear, scarcity, precarious housing, employment conditions, and exclusion from healthcare provision.

Three main themes emerge from the recent anthropological approaches to structural vulnerability of irregular migrants. (For example, see Green 2011; Holmes 2011; Quesada 2011a, 2011b; Quesada et al. 2011; Smith-Nonini 2011; and Willen 2007, 2011.) First, structural vulnerability emphasizes the interaction between the local on the one hand and the national and international context on the other. Therefore, examination of irregular migrants' experiences entails a focus on local and broader forces and processes. To be fully understood, the irregular migrants' lived reality in Norway must be viewed as shaped by the interplay between the local and the global. Local institutions, such as migrants' families and networks, ethnic communities, and nongovernmental organizations, interact with larger institutions at the state and interstate levels. Linda Green (2011:367) proposed placing the concept of structural vulnerability within a complex and historical web of capitalist relations and state-sponsored violence to explore forces and processes that produce what Zygmunt Bauman (2004) called «human waste».

Second, structural vulnerability focuses on social relations that create unequal access to resources and produce asymmetries of power. In the context of irregular migration, national migration policies and laws and international mechanisms of management and control of international mobility shape irregular migrants' experiences and living conditions. For the exponents of the structural vulnerability approach to irregular migrants' experiences, immigration policies, laws, and practices are not viewed as passive instruments and processes, but as forces impregnated with power that generate structural inequalities and unequal power relations. The recognition of irregular migrants' structural vulnerability allows us to engage with, and indeed to challenge, the punitive immigration policies and laws and the official discourses of «undeservedness» and unworthiness of individual irregular migrants that prevail in Norway and other Western states today (see Quesada et al. 2011). Moreover, acknowledging structural vulnerability as the distinctive feature of irregular migrants offers an opportunity to unmask the «fundamental social causes» (Link and Phelan 1996) of unequal access to health, work, and housing and to probe the determinant role of «harmful social conditions» (Singer and Clair 2003) in irregular migrants' living conditions. By considering what Miller and Neaigus (2001) called the «higher order causal level factors», this thesis directs attention towards the social structures that produce irregular migrants'

living conditions and experiences and organize their access to basic resources and rights. Concomitantly, this study highlights the significance of being attuned to the central role that immigration policies and laws play in the lives of irregular migrants and their families, as it is these policies and laws that determine legal status and hence access to resources.

Third, structural vulnerability calls attention to irregular migrants' agency in coping with access difficulties and everyday uncertainties. Irregular migrants are viewed as social actors with limited opportunities, operating rationally within specific circumstances and under multiple constraints. While acknowledging the impact of the «structure of domination» (Blaikie et al. 2000), structural vulnerability also is attuned to the actions that irregular migrants undertake, either individually or in a group, within a context of limited options. The conditions of irregular status constrain these migrants' coping capacities, with consequences for their living conditions as well as their feelings of disenfranchisement, frustration, and depression. According to Quesada et al. (2011:342), structural vulnerability offers a critique of agency and deconstructs the moral judgment often attached to irregular migrants' actions and behaviors, such as «they can return, but they refuse to do so», «they abuse the asylum system meant for those in need of protection», and «they stay in the country and work in violation of the law». Adopting an agentic account of structural vulnerability, this study emphasizes irregular migrants' «individual strategic determination» (Quesada et al. 2011) to survive and improve their life chances. Similarly, Cartwright and Manderson (2011:452) maintained that structural vulnerability seeks to trace the forms of resistance that irregular migrants use to survive, while Quesada (2011a) stressed that for irregular migrants, being structurally vulnerable entails constant maneuvering to see whether they can succeed and even change their precarious situation.

All in all, the concept of structural vulnerability is both useful and relevant to understanding and articulating irregular migrants' personal experiences and the macro context in which they occur within and beyond the state's borders. In other words, this concept invites us to attend to and comprehend the ways in which broad structural forces shape irregular migrants' lived experiences. Brunovskis and Bjerkan (2008:33) pointed out that irregular migration can be studied from two distinct perspectives, (a) as a consequence of global inequality and migration control, or (b) in terms of its effects and manifestations on the irregular migrants themselves. Structural vulnerability responds to both perspectives because it allows inquiry into the relationship between migration control and irregular migrants' real life experiences and survival strategies.

In his paper, «Making the Unreturnable Return: The Role of the Welfare State in Promoting Return for Rejected Asylum-seekers in Norway», Brekke (2008) asked how tough a usually generous welfare state can be towards those the country wants to exclude. Similarly, this thesis engages structural vulnerability not only to shed light on the living conditions of rejected asylum-seekers, but also to reflect on the question of under which conditions irregular migrants' exclusion is tolerated or rejected in the Norwegian welfare state. I concur with Brekke (2008) that rejected asylum-seekers provide an opportunity to investigate closely the outer boundaries of the welfare state. I argue that the institutional practices and unequal social and economic conditions directly or indirectly structure irregular migrants' life chances and social identities.

It is worth restating that the structural vulnerability approach neither considers irregular migrants as passive recipients of state's control policies, nor views them as victims who stoically endure disempowerment, exclusions, and exploitive, abusive working and living conditions. Rather, irregular migrants' maneuvers bear close resemblance to James C. Scott's (1985) notions of «weapons of the weak» and «everyday forms of resistance» developed from his research among peasants in rural Asia. According to Scott (1985:31), everyday forms of resistance refer to acts of «passive noncompliance, sabotage, subtle evasion, and deception» that «typically avoid any direct symbolic confrontation with authority or with elite norms» (p. 29). Moreover, everyday resistance is characterized by its «implicit disavowal of public and symbolic goals» (p. 33) and pursues «immediate, de facto gains» (ibid.).

Previous research on irregular migrants used the notion of «weapons of the weak» to explore migrants' everyday forms of resistance in response to the state's control strategies (for example, Broeders and Engbersen 2007; Ellermann 2010). Broeders and Engbersen (2007:1593) analysed Dutch policies of identification and exclusion of irregular migrants and the counterstrategies these policies provoke among irregular migrants. The two researchers identified and evaluated three state policy strategies, namely blocking access to the labor market, detention and expulsion, and digitalization of borders (ibid.). Broeders and Engbersen (2007:1598) then examined three strategies that irregular migrants may deploy to counteract the state's policies: (a) adopting a false identity, (b) obliterating their legal identity, and (c) concealing their irregular status from others. They argued that these strategies are realized by utilizing «foggy social structures», that is, «social structures that emerge from the efforts by individuals and organizations to avoid production of knowledge about their activities by making them either unobservable or indeterminable» (p. 1594).

Seen as weapons of the weak; the everyday resistance strategies of irregular migrants «are found in the sabotage of the bureaucratic process of migration management by concealing identity» (Broeders and Engbersen 2007:1598). Broeders and Engbersen (2007) maintained that even though irregular migrants' weapons of the weak may constitute a challenge to the state's control policies, they «have usually only marginal significance and are not focused on questioning the foundations of existing power relations» (ibid.). In her examination of the nature of irregular migrants' weapons of the weak, Ellermann (2010:410) described irregular migrants' «resistance as an act of desperation», arguing that it only «constitutes a viable course of action once the individual has nothing left to lose» (ibid.). Ellermann further noted that irregular migrants' everyday «resistance is usually exercised by isolated individuals, rather than collectively», and it «is oriented towards short-term, rather than systemic change» (p. 410).

The incorporation of «weapons of the weak» and «everyday forms of resistance» in the theoretical framework of this thesis assumes that these concepts, together with structural vulnerability, help to tease out how irregular migrants exercise their agency and resistance to frustrate the state's exclusionary control policies and thus avoid or delay returning to their countries of origin.

Multiscalar structure of migration control regimes

This section aims to shed light on diverse ways in which the national and transnational political and policy contexts produce and maintain structural vulnerability and how irregular migrants in Bergen experience structural vulnerability locally. A central position of this study is that state-instigated immigration control policies and practices play a crucial role in irregular migrants' lived reality because they shape these people's life chances, including their opportunities to earn an income, access medical care, study, and form a family, among other things. This section includes a review of the elements that structure and frame the irregular migrants' experiences at the macro, meso, and micro levels.

First, the *macro level* includes national and international control and enforcement activities as well as the Norwegian state's political and administrative practices and procedures. Second, the *meso level* focuses on irregular migrants' interactions with their networks of friends, community members, activists, and organizations. Networks of friends and acquaintances provide crucial material, informational, and emotional assistance in irregular migrants' lives. However, networks also can lead to negative outcomes such as exploitation and abuse. Also at this level, activists and nongovernmental organizations emphasize irregular migrants' fundamental rights, notably the right to health care, employment, and housing (FRA 2011), and urge authorities to prioritize human rights over migration control policy. Third, the *micro level* describes irregular migrants' lived experiences of structural vulnerability and the extent to which irregular migrants are able to exercise their agency in a very constrained environment.

Irregular migrants' experiences are steeped in the interaction among the micro, meso, and macro levels; that is, irregular migrants' daily reality results not simply from the interaction between the macro policy framework and the irregular migrants' actions at the micro level. Rather migrants' experiences and practices are the product of complex and dynamic interactions among (a) the macro policies, (b) individual migrants as social actors, and (c) intermediate actors and institutions. Therefore, the meso level entities and their performances are crucial to the irregular migrants' lived experiences because they link migration control policies to irregular migrants' daily lives.

Macro level

The phenomenon of irregular migration in Western states is often problematized from a migration control perspective (for example, see Anderson 2009, 2010; Anderson and Ruhs 2010; Cvajner and Sciortino 2010; Engbersen and Broeders 2009, 2011a, 2011b; and Engbersen and Van der Leun 2001). The scholarship on structural vulnerability emphasizes that irregular migrants' lived reality and agency cannot be divested from broader structures and processes in both origin and destination locales. Particularly irregular migrants' subordinate position cannot be dissociated from managed migration control regimes in high-income states (See Cartwright 2011; Cartwright and Manderson 2011; Green 2011; Holmes 2011; Quesada 2011a; and Quesada et al. 2011). In Norway, as well as in other affluent Western states, regulating and controlling immigration has become a salient feature of the country's migration management framework (Cooper

2005). The state has the sovereign right to define the institutional context of policies, legislation, and the administrative organization that ensures properly managed migration. The state has the monopoly on legitimate means of movement (Torpey 1998) and control. Migration policies and legislation regulate, *inter alia*, entry, residence, and exit of persons who are required to apply for entering the country (Brekke 2008:3). In the same vein, Guiraudon and Joppke (2004:33) maintained that controlling who enters, who stays, and who leaves the national territory has always been the prerogative of the nation state. In addition, state policies regulate foreigners' access to employment, housing, healthcare, education, and eligibility for welfare benefits (De Genova 2002:431).

Two main concerns seem to motivate control and enforcement measures directed at irregular migrants in Norway. The first issue is how to reduce the number of irregular migrants currently residing in the country and cause them to return to their countries of origin. The second issue is how to reduce, if not stem, the flow of new asylum-seekers. The aim of the authorities is to render unattractive «bogus» asylum-seeking and other forms of irregular migration in Norway. According to Brekke (2008:3):

One key aspect of [the Norwegian asylum] policy is to make sure that those who have their applications rejected actually leave the country. They should be evicted, or at least excluded.

Norwegian authorities clearly expect rejected asylum-seekers to return voluntarily to their countries of origin. Yet, a good number seldom accept voluntary repatriation.

Research distinguishes between two main types of migrant control – external and internal (for example, see Brochmann and Hammar 1999 in Doomernik and Jandl 2008.) External controls focus on the state's borders and ports of entry, while internal controls focus on administratively implemented welfare benefits and public services (Doomernik and Jandl 2008). Doomernik and Jandl (2008) noted that European countries largely resort to a mix of external and internal measures to curb irregular migration. Moreover, in addition to the distinction between external and internal controls, researchers (Aas 2007; Guiraudon 2004; and Lahav and Guiraudon 2006) observed that «the different levels at which the controls may be exercised» (Doomernik and Jandl 2008:24) must also be considered. Accordingly, Guiraudon (2004:33) noted that border control almost has become mission impossible for the state alone. Therefore, the state has sought to associate other actors in border control policy formulation and implementation. Western states have tended to shift responsibility for migration control away from the central government. Guiraudon (2004:34) pointed out that:

Since the 1980s, migration policy reforms have incorporated new actors in the policy process that no longer operate at the national level but rather at the local/regional level, at supranational level, and at the societal/private level (see also Guiraudon and Joppke 2001; and Guiraudon and Lahav 2000).

Guiraudon described these changes as «the de-nationalization of control: up, down, and out» (p. 34).

Table 3.1 Examples of de-nationalization of migration policy

Upwards	Downwards	Outwards
Delegating control tasks to supranational level	Delegating control tasks to local level	Delegating control tasks to private actors
Schengen Dublin Frontex Multilateral agreements with third countries	Local public and social services; example: social and health workers	Employers Landlords Private businesses

Source: adapted from Guiraudon (2004:34)

Other scholars also noted the changing nature of migration control. Aas (2007:3) argued that three main trends have marked European border policing in the past two decades: (a) transnationalization/internationalization, (b) pluralization, and (c) informationalization.

One illustration of the internationalization of Norwegian migration control policies is the Europeanization of migration control through the Schengen and Dublin agreements to which Norway is a party (Cooper 2005; Brekke 2011). Schengen requires member states to implement a common visa policy while the Dublin agreement makes it impossible for asylum-seekers to lodge their applications in more than one country. Moreover, Norway is member of FRONTEX, the European border control agency. If internationalization rhymes with Europeanization, it does not stop at Europe's borders. Norway, like other EU member states, has entered into partnerships with third countries of origin and transit of irregular migrants and has signed repatriation agreements with a number of countries to receive deported nationals. By the end of 2011, the Norwegian government had signed «readmission agreements or similar agreements on return with 27 countries», and had «raised the issue of readmission agreements with governments of some additional 20 countries» (Thorud et al. 2011:32).

Another trend in migration control policies is what Aas (2007) called pluralization, which refers to the fact that migration control tasks are moved «outwards» and «downward» to private and public actors who do not normally have the vocation to carry out migration control activities. According to Aas (2007:5), the plurality of migration control «refers not only to commercial actors, but also to the emergence of local and municipal policing bodies, enlisted by the state in the task of social control». In this respect, Norway has introduced sanctions for those who employ irregular migrants. This delegation of control responsibilities is part of the government's «responsibilization strategy» (Garland 2001) by which the authorities try to enlist the help of nongovernmental actors and agencies to share the burden of controlling unwanted migrants (Aas 2007:6)

A series of technological systems support the internationalization and pluralization of migration control, which are essential for efficiency (Aas 2007:7). According to Aas, «the European border security crucially depends on a variety of transnational information flows and technological zones, most notably the ones based on the Schengen Agreement as well as the so-called Dublin convention and the Eurodac system, dealing with asylum issues» (ibid.). Norway joined the Schengen Agreement in 1995, the Dublin

Convention in 2002, and Eurodac and DubliNET in 2003 (Cooper 2005). The Schengen Information System (SIS), a trans-European database, allows the police and other agents from Schengen Member States to access and enter a variety of data on specific individuals; Eurodac authorizes fingerprinting of all individuals over age 14 who apply for asylum in an EU country or who are found illegally present in the EU territory (Aas 2006, 2007). Aas' research documented that the Norwegian police actively utilize these technological strategies to keep close surveillance on unwanted mobile persons within and outside the nation state. The Norwegian authorities implement a multilevel control and enforcement policy to regulate and control irregular migration. Technological tools support and facilitate the «decentralization and localization of enforcement» (Anderson 2012:4), which means that rejected asylum-seekers meet the border virtually everywhere (Aas 2007).

In addition to the use of ICT tools and systems that support the devolution of migration control «up, down and out», authorities actively deploy discourses to underscore and draw attention to irregular migrants' «undeservedness». I call this practice delegitimation (see Table 3.2), a process by which irregular migrants are discursively constructed as illegitimate people whose presence is not allowed by the law and who have breached the law by staying, working, and refusing to return to their home countries. As such, irregular migrants should be content with extremely limited entitlements because they do not have the legitimacy to claim increased access to welfare goods meant only for regular residents and citizens.

The Norwegian government and immigration authorities argue that migrants with irregular status have had their asylum applications carefully examined by competent entities, specifically The Norwegian Directorate of Immigration (UDI) and The Norwegian Immigration Appeals Board (UNE), and have been found to be unqualified for protection, according to Norwegian legislation. Consequently, the government's objective is to ensure that asylum-seekers with a final rejection return to their countries of origin (Lønseth 2011). Pål Lønseth, state secretary in the Ministry of Justice and Public Security, bemoaned that some applicants refuse to accept the rejection of their asylum appeals and remain in Norway, often for several years, despite the fact that they have no need for protection (ibid). He added, they are responsible for putting their lives and their children's lives on hold by refusing to return despite the fact that they can do so (ibid.). Reiterating that rejected asylum-seekers who prolong their stay in the country do so at their own risk, Lønseth stressed that they assume the blame for their situations. Minister of Justice and Public Security Grete Faremo also underlined the notion of responsibility in an article, stating:

The most important thing to remember is that the examination of asylum applications and the time it takes is the state's responsibility. Everything that happens after a final decision is the asylum-seekers responsibility (Faremo 2012).

Both Faremo and Lønseth implied that irregular migrants who refuse to return home do not behave responsibly by living in limbo, a situation that also affects their children. Such discourses, it can be argued, are meant to damage the moral deservedness of irregular migrants and camouflage the role of the state's migration control policies in creating conditions of abuse, vulnerability, and dependency.

Table 3.2 Trends in border and migration control policy

Brochmann and Hammar (1999)	External border and Internal border				
Guiraudon (2004)	Upwards	Downwards	Outwards		
Aas (2007)	Internationalization	Pluralization		Informationalization	
Aas (2007) Larchanché (2011)	Internationalization	Pluralization		Informationalization	Delegitimation
	Delegating control tasks to supranational level	Delegating control tasks to local level	Delegating control tasks to private actors	Use of technological and electronic means of surveillance	Criminalizing and stigmatizing discourses
	Schengen Dublin Frontex	Local public and social services; example: social and health workers	Employers Landlords Private businesses	EURODAC SIS	«Returnektere» (return recusants), bogus asylum-seekers, abusers of asylum system

Source: Compiled from Guiraudon (2004: 34), Aas (2007) and Larchanché (2011).

The government has consistently and adamantly declined calls from human rights activists, nongovernmental organizations, certain municipal authorities, and indeed irregular migrants themselves to soften the current immigration policies and, for example, allow irregular migrants to work legally while they are waiting to return to their home countries. The state secretary in the Ministry of Justice and Public Security repeatedly has responded that softening the current policy would undermine the intention and the meaning of a rejection as a legally binding administrative decision, which in turn would undercut the state-funded return programs and the asylum system (Abcnyheter 2011).

In addition to the notion of responsibility, the idea of fairness also permeates the official discourse about irregular migrants. For Lønseth, making concessions in favor of the irregular migrants would be unfair to law-abiding asylum-seekers who have left the country after the rejection of their asylum applications and to those who need refugee protection (2011). In essence, irregular migrants are portrayed as «villains» (Anderson

2008) who breach the Norwegian law and abuse the asylum system meant to protect the «weakest» (Abcnyheter 2011). Underscoring the importance of irregular migrants' leaving the country, Prime Minister Jens Stoltenberg said:

It's tough, but necessary if we are to make sure that we have a system that allows to provide residence, protection, and care to those who really have problems, who are persecuted and are among the weakest (Abcnyheter 2011).

Consequently, the Norwegian government insists that irregular migrants must return to their countries of origin and invites them to take advantage of the Voluntary Assisted Return Program (VARP), funded by the government to assist returnees with reintegration in their home societies (see UDI 2012 and Strand et al. 2011). The authorities argue that irregular migrants have the *duty* to return voluntarily because their applications have been rejected, and the legitimacy of the asylum system relies on those denied asylum to return to their origins. By refusing to cooperate, migrants expose themselves to deportation and bear the responsibility for their current poor living conditions in Norway. Government officials refer to them as «*returnektere*», translated as «return recusants»⁴; that is, they refuse to abide by the law that instructs them to leave the national territory after rejection of their asylum applications.

From «bogus asylum seekers,» irregular migrants have become «return recusants,» a discursive escalation meant to justify the state control and enforcement measures against this category of immigrants considered to be deviant (Becker 1963; Schneider and Ingram 1993). For policy purposes in this case, the government exerts its power to negatively construct a target population. For Becker (1963: 7), «the questions of what rules are to be enforced, what behavior regarded as deviant, and which people labeled as outsiders must also be regarded as political». Schneider and Ingram (1993:334) conceptualized the social construction of a target population as «the cultural characterizations or popular images of the persons or groups whose behavior and well-being are affected by public policy. These characterizations are normative and evaluative, portraying groups in positive or negative terms through symbolic language, metaphors, and stories.» In this sense, the negative construction of irregular migrants aims to legitimate the restrictive policies against them and to highlight their undeservedness with respect to their need for protection as refugees and to their access to employment and welfare services and benefits. The «*returnektere*» discourse represents an apologetic for institutionalized restrictive measures directed towards irregular migrants and their families. The official discourse does not deny irregular migrants' disadvantaged position, but emphasizes that the migrants' situation is their «own choice» (Kjærre 2011). They are characterized as undeserving asylum-seekers who not only have failed to abide by the law, but also have exposed themselves and their children to a difficult situation.

In their research on the «social construction of target populations,» Schneider and Ingram (1993) emphasized that policies and measures meant for the deviants, that is, the negatively viewed group, are expected to be more coercive and to involve sanctions,

⁴ Recusant: (noun) a person who refuses to do what a rule or person in authority says they should do (in Oxford Advanced Learner's Compass).

force, and even death (p. 339). In much the same vein, Larchanché (2011:3) argued that the social construction of irregular migrants' illegitimacy and undeservedness seeks to present and produce irregular migrants as unworthy recipients of welfare services. Drawing on her research among irregular migrants in France, Larchanché (2011:5) argued that such constructions and discourses have a potent performative power and «produce immigrant subjects who feel undeserving and nonimmigrant subjects who subjectivate immigrants as undeserving».

Meso level

The meso level lies between the macro level of national and supranational migration control policies and the micro level of irregular migrants' actions, practices, and experiences. Meso-level actors and processes have the crucial role of mediating between control policies and irregular migrants' agency and experiences. Included at this level are such actors and institutions as migrants' communities, networks of families, friends, and acquaintances, nongovernmental organizations, public service providers, employers, and landlords.

The meso level provides answers to questions such as what intermediary actors and institutions that help irregular migrants carry out their daily activities. How do irregular migrants find work or a place to stay in an environment where the risk of exclusion and deportation is relatively permanent? How do they manage to establish themselves in the community, create a certain degree of predictability in their lives, raise children, and even participate in campaigns denouncing restrictive state policies? In comparison with regular residents and citizens, irregular migrants have very limited opportunities, and their actions imply a high risk for their safety and a great deal of psychological stress (Brunovskis and Bjerkan 2008; Cvajner and Sciortino 2010; Øien and Sønsterudbråten 2011, Van Meeteren 2012; Van Meeteren et al. 2009).

Some studies on irregular migrants both in Norway and internationally have documented the cardinal role played by the migrants' networks in providing much needed information, as well as material and emotional support (Cvajner and Sciortino 2011, 2010; Erdemir and Vasta 2007; Øien and Sønsterudbråten 2011; Van Meeteren 2012; Van Meeteren et al. 2009; Vasta 2011). As Cvajner and Sciortino argued, «a main source for survival strategy of the irregular migrant is provided by membership of social networks,» and irregular migrants can be assumed to «face a much lower risk of being detected if they can rely on relatives or friends who are legally resident foreigners or citizens» (2010:399). Indeed, for a wide range of activities, irregular migrants are dependent on people they can trust and those who are willing to help or to take the risk on their behalf. Irregular migrants rely on their networks to find jobs in the informal labor market, to locate places to stay, and to find trustworthy professional help, such as lawyers and medical practitioners.

In her research among irregular migrants in London, Ellie Vasta (2011:202) found that «migrants' networks and communities mediate between the individual and broader structural, social, and cultural contexts». Concerned with the migrants' «paper market» in London, she investigated the way in which irregular migrants buy, rent, and borrow documents, such as passports, national insurance numbers, and even bank accounts,

through their networks and communities as a means of resisting and circumventing exclusionary and restrictive regulations. Vastas' results indicated:

Immigrants have developed innovative identities and cultures of resistance around papers and documentation (2011:188).

Further, Vastas' research showed that irregular migrants' networks play a vital role in the circulation of social capital to help them find work, negotiate the paper market, and settle (p. 198). However, she noted that migrant communities and networks are empowering, but they also can lead to exploitation (p. 198).

Within a context of restrictive migration control policies, actors at the meso level including networks, communities, nongovernmental organizations, and other public and private actors such as employers, landlords, and health and social workers have to deal with a paradoxical situation resulting from the contradictions between national policies and the obligation to uphold human dignity and rights. These actors seem to be stuck between the rock and the hard place as they attempt to respond to irregular migrants' urgent needs and the migration control considerations. During their encounters with irregular migrants, medical personnel walk a fine line between fulfilling their duties as healthcare providers and assuming responsibility for the migration enforcement, which would exclude irregular migrant patients. On the one hand, if healthcare providers care for irregular migrants, they may breach the law, which can have economic repercussions for health institutions. On the other hand, if they refuse to give medical care, they may violate their professional codes of conduct and basic human rights. However, not all actors at this level are well intentioned; there also are those who either do not care or who exploit irregular migrants. Even employers, who are not always well meaning, face a similar dilemma: They may be tempted to hire the cheap, docile, and flexible labor that irregular migrants represent, but doing so may expose themselves to state sanctions for employing persons in an irregular situation (NRK 2011).⁵

Micro level

One of the merits of using structural vulnerability as a lens is that the concept focuses on the policy context of migrants' irregularity and the sociopolitical processes that create relations of subordination and domination (Anderson 2012), while also drawing attention to the irregular migrants' agency. Anderson (2008) cautioned against an oversimplified and unproductive Manichaeic view of irregular migrants as merely either victims or villains. (See also Anderson and Ruhs 2010). Anderson and Ruhs proposed to examine the structural context shaping irregular migrants' living conditions and to analyze irregular migrants' agency by exploring how they cope with their subordinate positions and vulnerable situations.

Empirical research has documented that irregular migrants in Norway have a difficult and constrained access to healthcare, housing, and employment, and consequently, many of them have poor living conditions (Aarø and Wyller 2005; Brunovskis and Bjerkan 2008; Hjelde 2009, 2010; Øien and Sønsterudbråten 2011; Ottesen 2008). Many

⁵ *Risikerer fengselsstraff for å ha hatt ulovlige i arbeid*, <http://www.nrk.no/nyheter/norge/1.7529270>. [Accessed 20.03.2012].

irregular migrants have precarious working conditions and substandard housing, and a good number of them suffer from a variety of health problems largely due to poor living and working conditions, to loneliness and isolation, to the fear of deportation and to uncertainty about the future (ibid.).

However, as Cvajner and Sciortino (2010:395) suggested, a «hierarchy of irregular statuses» exists, arguing that «irregular migrants are not members of an undifferentiated category: they are placed in a variety of social strata defined by very different social conditions» (ibid.). In other words, when analyzing irregular migrants' experiences, researchers must avoid viewing them as a homogeneous category of excluded individuals because not all irregular migrants are equally affected by state control policies and practices. Moreover, Cvajner and Sciortino (2010:397) pointed out that at the bottom rung of the irregular hierarchy, «there are only those migrants who have a low social and economic capital», those who «cannot rely on kinship members, who have little updated information and few and weak contacts, who cannot afford reliable brokers, who rely in their survival strategies on philanthropic institutions and random encounters».

While the state has developed strategies and established bureaucracies and technologies both to keep out and remove irregular migrants (Engbersen and Broeders 2009), irregular migrants have devised counterstrategies, strategies to remain (Broeders and Engbersen 2007; Engbersen and Aujollet 1999; Engbersen and Broeders 2011a) or to survive (Ambrosini 2011; Cvajner and Sciortino 2011). A burgeoning body of literature on irregular migrants concerns issues of irregular migrants' agency and survival strategies (for example, see Cvajner and Sciortino 2011, 2010; Engbersen and Aujollet 1999; Engbersen and Broeders 2009, 2011a, 2011b; Vasta 2011; and Vasta and Kandilige 2010). The notion of «survival strategies» seeks «to stress at the same time the significance and creativity of irregular migrants as social actors, as well as the fact that the space of inclusion they are able to develop often carries a significant price tag» (Cvajner and Sciortino 2011:4).

In her study among irregular migrants in London, Vasta (2011:189) analyzed irregular migrants' agency notably by focusing on «the relationship between the state control, and exclusion, and immigrant resistance». In this study, Vasta (2011) explored «how [irregular] immigrants work out ways of resisting or managing those structures and, in the process, develop innovative and flexible identities» (ibid.). The author argued, «Immigrant agency operates through the construction of social, economic, political practices, and conditions of everyday life» (Vasta 2011:194). She added that irregular migrants contest and manage prohibitive laws and structures and develop their own forms of accommodation and resistance, with reference to Scott's (1985) *Weapons of the Weak: Everyday Forms of Peasant Resistance*. Scott's notions of «weapons of the weak» and «everyday forms of resistance» refer to covert and informal acts of defiance and disavowal in situation of extreme unequal power relations. Everyday forms of resistance are «a form of individual self-help; and they typically avoid any direct symbolic confrontation with authority or with elite norms» (Scott 1985:29).

For example, forms of everyday resistance among irregular migrants in Norway are found in the maneuvers they utilize to tacitly and surreptitiously deal and cope with current restrictive migration control policies. Although these weapons of the weak

constitute a major challenge to the state and its migration management agenda, they usually have had only a marginal significance and have not focused on questioning the foundations of existing power relations (Vasta 2011; Broeders and Engbersen 2007). In the context of increasingly restrictive policies, irregular migrants' agency is not viewed positively. Rather, irregular migrants are often depicted as possessing an abject, unsavory, and even dangerous agency (De Genova 2009; Nyers 2011, 2003). Their strategies to stay and their attempt to circumvent the exclusionary laws and practices are considered illegal and punishable conduct.

Methodology

Data collection: accessing the «hard-to-reach»

This qualitative study investigated migrants' experiences of structural vulnerability as a result of being foreigners in an irregular situation. I carried out semistructured, in-depth interviews with specific questions about irregular migrants' daily experiences accessing healthcare, the labor market, and housing. In addition, I followed and observed two respondents in most of their activities for at least three days. Through interviews and observations and through the lenses of their lived experiences, perceptions, views, and reactions, I attempted to capture irregular migrants' abject experiences as well as their coping strategies.

The research participants included asylum-seekers from Africa and Asia whose asylum applications had been rejected by both the Norwegian Directorate of Immigration (UDI) and the Norwegian Immigration Appeals Board (UNE). A total of 13 respondents (8 men and 5 women) between 20 and 45 years of age were interviewed (see Appendix V). The sample is by no means representative, but illustrates the monotonous and sometimes tumultuous life of an irregular migrant. The participants in this research form a diverse group of people with various social, cultural, educational, and linguistic backgrounds and migration trajectories who experienced their situation differently and who utilized a range of strategies to keep their heads above water.

Methodological choices

In this study I chose to use multiple methods to yield a better understanding of how irregular migrants experience and cope with their day-to-day reality of structural vulnerability. I identified qualitative interviews suitable for examining the relationship between irregular migrants' structural vulnerability and the broad structural factors. The semistructured, in-depth interviews were grounded on the assumption that the research participants were knowledgeable actors who could delineate and illustrate their complex experiences and actions. With semistructured interviews, I was able to ask specific questions while respondents' answers generated further questions, thus contributing to deeper understanding of both the migrants' experiences and strategies. The interviews began with general questions about how respondents would rate their current situation in general, which allowed an open-ended exploration of various issues pertaining to irregular migrants' lives. The interview proceeded with questions to generate an understanding of specific aspects of irregular migrants' vulnerability in terms housing, healthcare, and employment. During the interviews, the participants were urged to speak freely about their experiences and the ways they coped with the difficulties they encountered. I conducted the interviews myself in English, Norwegian, and in French and encountered no linguistic challenges. Only two respondents permitted the interviews to be audio-recorded, and for the others, I took notes⁶.

⁶ I proposed the respondents the two ways I had to record the interviews, namely audio-recording and note-taking. The majority chose note-taking while only two said they did not mind being audio-recorded. I chose to use a recorder to avoid taking notes and concentrate on the interview.

Assuming that irregular migrants are experts in their individual situations, the chosen methods enabled me to get first-hand knowledge from the concerned informants. In this respect, I also utilized participant observation for data collection. Kawulich (2005)⁷ defined participant observation as

The process enabling researchers to learn about the activities of the people under study in the natural setting through observing and participating in those activities. (See also Dewalt and Dewalt 2002).

Participant observation allowed me to see first-hand the everyday mundane activities and provided me with clues and pointers to an array of layers of irregular migrants' daily reality (Silverman 2006). In essence, I had a unique opportunity to access the irregular migrants' own backyard. The respondents and I became quite familiar with one another, and we shared friends among activists. We continued to meet at various events in Bergen after the first interviews. Two of them invited me to the flats where they were staying with friends. I believe that their allowing me to share their lives was a manifestation of trust and openness as I was able to mingle with them more informally and to enter the hidden sphere of their everyday lives.

In addition to the primary ethnographic sources, this study also drew upon a variety of secondary sources, mainly reports, official documents, and academic literature. Furthermore, I followed closely the current debates on irregular migrants going on in the print and electronic media, as well as in social media both in Norway and abroad. All this information was crucial for my understanding of the dynamics underlying irregular migrants' experiences in Norway.

Approaching the field

Conducting research among irregular migrants entails several challenges. Irregular migrants belong to the category of hard-to-reach or hidden populations (Atkinson and Flint 2001; Muhib et al. 2001; Penrod et al. 2003), and researchers concur that the toughest challenges are related to identification, access, and recruitment of research participants or respondents (Brunovskis 2010; Brunovskis and Bjerkan 2008; Duvell et al. 2008; Øien and Sønsterudbråten 2011). The main difficulty lies in assembling a sound sample of respondents who are willing to participate in the research. In this section, I discuss my approach to these challenges and how I eventually managed to gain access to the «hard-to-reach».

To reach respondents, I called upon the advice that Lofland and Lofland (1995, cited in Langslet, 2008) outlined and that Langslet (2008) tried successfully during her fieldwork in Pakistan. Lofland and Lofland proposed four strategies around the notions of connections, account, knowledge, and courtesy.

First, even though I conducted the interviews myself, I depended mostly on my contacts – either personal connections or connections among activists and nongovernmental organizations – to get in touch with prospective respondents. I shared my research project with my contacts and invited them to suggest other actors and

⁷ Forum: *Qualitative Sozialforschung* / Forum: *Qualitative Social Research*, Available: <http://nbn-resolving.de/urn:nbn:de:0114-fqs0502430> [Accessed 20.02.2012].

potential respondents to interview. The answer I usually received was «I know someone you could interview. I will contact them and let you know if they are ready to give you an interview». Within several days I could get feedback as my contacts managed to persuade one or two possible informants; others failed because, they said, respondents were possibly too afraid to participate in any research or any interview if they were not sure it would likely assist them in getting the long-awaited residence permit.

Second, Lofland and Lofland urged researchers to give an account of their research, that is, to provide sufficient information about the project. Therefore, I ensured that all my contacts and respondents knew what my research was about and its purpose. I spent a substantial amount of time giving interviewees information about this study before requesting an interview. Written information also was provided in a letter that I distributed to potential respondents (see Appendix II).

Third, knowledge was another key notion that Lofland and Lofland put forth. According to Langslet (2008), the knowledge referred to here is that which is required for the researcher to gain access to respondents and that which the researcher seeks to gain from the participants. I found it advantageous to adopt a «learner's role» since, as Langslet (2008) stated, the purpose of the interview is to learn more about an issue – in this particular case, the everyday experiences of irregular migrants. I tried as much as possible to assume the role of a learner seeking knowledge about the migrants' situation about which they are the only experts. I allowed myself to express doubts, uncertainties, and lack of knowledge about their idiosyncratic circumstances, while at the same time posing questions to probe their opinions and perceptions about their irregular situation and living conditions. As a result, adopting the learner's role tipped the power balance in favor of the irregular migrant respondents. Langslet (2008:21) maintained that «adopting the learner's role may be a clever strategy to get the informants to explain even 'obvious' aspects of an occurrence».

Fourth, Lofland and Lofland advised researchers to be courteous, which means showing general respect and knowledge of the cultural codes of interlocutors. I found that showing consideration, respect, and politeness was very handy in building trusting and open relationships with respondents, both male and female. Although courtesy per se is not enough, taken together the Lofland and Lofland's four strategies, it can go a long way to facilitate access to «hidden» populations.

Methodological and ethical issues

Research on irregular migrants poses methodological and ethical challenges (Düvell et al. 2010; Liempt and Bilger 2009). Brunovskis and Bjerkan (2008:18) maintained that, in all research involving human beings, research methods and research ethics are inextricably bound together. This view is shared by various scholars who have participated in research projects involving irregular migrants and other categories such as victims of human trafficking. (See Düvell et al. 2010 and Liempt and Bilger 2009). Bilger and Liempt (2009:1) urged exercising extreme sensitivity when conducting research with persons in vulnerable positions. Dahinden and Efiñayi-Mader (2009:115) stated that researches need not reinvent the wheel by introducing new methodologies, but rather improve critical reflexivity.

Methodological challenges

Gaining access to irregular migrants in the Bergen area was not an easy task, but not because they were in short supply or because they were trying to hide at all costs. From my experience, the difficulty in identifying irregular migrants stemmed from the fact that persons in this particular social group do not have any distinctive features to distinguish them from other regular residents and citizens. (See also Øien and Sønsterudbråten 2011). These are ordinary people who happen to live in our neighborhoods, who are employed in a plethora of businesses, shops, and restaurants, and who sometimes help out in our homes without us being aware of their status. As Cvajner and Sciortino (2011:3) aptly put it, there are no «irregular migrants», but only individuals with an irregular status in a specific space and for a specific time. Nonetheless, even though irregular migrants look like the man and woman in the street and are part of the community, their irregular status presents them with particular challenges such that identifying them constitutes an uphill battle. Recruiting and interviewing them as research participants proves to be even more complicated.

Irregular migrants are described as a hidden population because they actively and creatively seek to conceal their genuine identities and their domiciles (Engbersen and Broeders 2009; Vasta 2011). Concealment is in their interest and for their security since authorities consider their status and presence as illegal. People in hidden populations are those whose status is not socially acceptable and who often fear being stigmatized or incriminated (Penrod et al. 2003:100), despite the fact that they may not necessarily be involved in criminal or reprehensible activities (ibid.). In the same vein, irregular migrants are considered as a hard-to-reach population because they normally «do not wish to be found or contacted» (Adler and Adler 2001; Brackertz 2007:1). Even when they are found and contacted, they are not necessarily willing to open up and talk to researchers. In Norway, as in other countries, irregular migrants are not easily identified or accessed (Brunovskis 2010; Brunovskis and Bjerkan 2008). In addition, there are not any specific venues or arenas where irregular migrants congregate or can be found. Consequently, despite their inventiveness, researchers very often have difficulties locating, identifying, and sampling respondents among irregular migrants.

Qualitative research often utilizes the snowball sampling technique to reach hidden or hard-to-reach populations. According to Brackertz (2007:31), the snowball technique:

... relies on a series of referrals that are made within a circle of people who know each other or are loosely connected. The respondent is asked to name other persons that fit the criteria described by the researcher. The newly identified persons are then interviewed and in turn asked to nominate others that fit the criteria and so on (see also Atkinson and Flint 2001).

One of the advantages of this technique is that it seeks to lower the threshold of trust required to initiate contact with irregular migrants. Nonetheless, some critics hold that the snowball technique does not create a representative sample. In addition to the problem of bias and representativity, this technique does not seem to work well with irregular migrants who are very concerned with anonymity and are reluctant to draw other irregular migrants into the research (Brunovskis 2010; Brunovskis and Bjerkan 2008; Hjelde 2009, 2010). I encountered the same difficulty during this study as I

attempted systematically to ask my respondents if they could recommend or put me in contact with another potential interviewee. The answer was either they did not know anyone else or those irregular migrants they knew were too afraid to talk to strangers.

One relatively successful strategy used in similar research is to identify what Brunovskis (2010) calls entry points or social arenas where irregular migrants can be expected to be found (Brunovskis 2010:53; Øien and Sønsterudbråten 2011:30). Brunovskis (2010:53) noted that such arenas may vary from one country to another depending on «the social context and structural framework within which irregular migration takes place». One can also argue that these arenas may vary among localities or cities in a given country. For instance, in Oslo researchers have met irregular migrants at the Health Center for Undocumented Migrants run by the Oslo Church City Mission and the Red Cross (Øien and Sønsterudbråten 2011). However, such an arena does not exist in Bergen. Previously, some organizations have been identified as possible arenas for irregular migrants in Norway, such as immigrants' organizations, minority organizations, and religious communities (ibid.). In this study, my main entry points were nongovernmental organizations and activists that I met at a series of events concerning irregular migrants organized in Bergen in 2011 and early 2012. These events principally included demonstrations organized by nongovernmental organizations and activists advocating for irregular migrants' rights. Other events included panel discussions, torch processions, and activities under a range of themes, all trying to raise awareness about the plight of irregular migrants in Norway. At these events, I met a number of respondents who were participating in one way or another.

These events and venues allowed me to contact various organizations and individuals involved directly or indirectly in assisting irregular migrants. I managed to identify some key individuals and gatekeepers through whom I subsequently gained access to respondents. I cannot overemphasize the critical role these gatekeepers played in this research as they assisted me in dealing with issues of trust with the research participants. I tried to use different gatekeepers to access a diverse group of irregular migrants. Gatekeepers have been used previously in several other studies on irregular migrants (Brunovskis and Bjerkan 2008; Düvell et al. 2010; Øien and Sønsterudbråten 2011), and have been instrumental in identifying, locating, and motivating plausible respondents to participate in the research. Obviously, gatekeepers must be familiar with the target population in order to mediate trust (Brunovskis and Bjerkan 2008; Düvell et al. 2010). Hynes (2003:1) defined trust as the fact of «being able to have confidence in a person or thing». As for Düvell et al. (2010:231), «respect and trust are crucial in establishing a relationship between the researcher and participants». Researchers can anticipate that irregular migrants' current and previous experiences may create mistrust in becoming research subjects. In this vein, I contend that irregular migrants are most likely inclined to mistrust because many feel the system has mistrusted them by rejecting their residence or asylum applications. However, trust remains a prerequisite for successful research about irregular migrants lived experiences. Although initiating, securing, and maintaining trust was a difficult and time-consuming task, direct contact with irregular migrants was pivotal to the investigation because of the centrality of their experiences, stories, concerns, aspirations, and interests.

Gatekeepers ensured the liaison between the research subjects and me. I never interviewed a subject at the very first encounter because my prime concern was to establish a good relationship before scheduling an interview appointment. Last-minute changes in appointments occurred at times because of respondents' work demands. Many reported having been asked to go to work at very short notice and had to call off our meeting, which itself revealed their working conditions. Initially, it was not clear whether they had changed their mind or did not want to participate in the interview. Others failed to show up completely, which I took as a signal that they had decided not to participate. Such incidents made organizing interviews difficult, and required flexibility, availability, and anticipation for time- and energy-consuming fieldwork.

Ethical considerations

The National Research Ethics Committee for Social Sciences and Humanities (NESH, in Norwegian) defines ethics as «a complex set of values, norms, and institutional mechanisms that help to constitute and regulate scientific activity» (NESH 2006:5), while research ethics is understood as «a codification of the practice of science ethics» (ibid.). As for Düvell et al. (2008:5), «research ethics is a process of making decisions that are informed from an ethical position. Ethical codes and guidelines are conducive to this aim but are neither sufficient nor necessary conditions for ethical research.» Sharing this sentiment, Bilger and Liempt (2009:12) argued that:

In research which enables people to come to terms with their everyday experiences and which understands research subjects as participating agents carrying knowledge and interpreting their own life worlds, ethical concerns of justice, fairness, and moral actions go far beyond rigid sets of rules and guidelines.

Alver and Øyen (2007:18) stated:

Ethical principles and guidelines may provide important assistance in promoting reflection and in furnishing bearings whereby evaluations may be made and workable solutions found.

NESH issued a series of guidelines that seek to ensure minimum acceptable standards for the conduct of ethical research in Norway. This entails, among other things, that researchers working with irregular migrants as research subjects shall ensure that the ethical dimension is integrated into their research agenda and that high ethical standards are upheld in their encounters with irregular migrants in the fieldwork. Accordingly, before starting this study, I notified the Norwegian Social Science Data Services (NSD) regarding the research project. NSD is the Data Protection Official for Research for all the Norwegian universities, university colleges, and several hospitals and research institutes (NSD 2012). All research involving personal data is required to be submitted to NSD for review and approval to ensure that ethical issues are considered in collecting, recording, and storing personal data from the inception to the completion of the research project. This study followed ethical guidelines related to the conduct and dissemination of research with irregular migrants as research subjects. In essence, ethical decisions should be based on what is right and just for a range of actors involved in the research including the researchers, the participants, the project sponsors, and the society

at large (Dench et al. 2004). Ethical decisions usually are not a straightforward matter because various actors and groups may have differing views and conflicting interests, such as irregular migrants' wish to be regularized and authorities' and society's desire to control and end irregular migration (Duvell et al. 2008). I believe that it would be wrong to skip over these contentious issues; a researcher working with irregular migrants must be aware of these tensions and endeavor to transcend them in order to conduct research in an appropriate and defensible manner.

At the heart of ethical standards in human research, notably involving those in a special situation such as irregular migrants, is the fundamental principle of autonomy, which entails the opportunity as well as the choice of research participants to make autonomous and informed decisions. In respect for autonomy of human beings, I endeavored to obtain informed consent from the research participants, which implies that:

The human subject of research should be allowed to agree or refuse to participate in the light of comprehensive information concerning the nature and purpose of the research (Faden et al. 1986; Homan 1991:69).

However, Miller and Bell (2002:53) cautioned that informed consent is not a magical elixir, but can be problematic:

... if it is not clear what the participant is consenting to and where «participation» begins and ends.

They contended that informed consent should be both an ongoing process and the object of constant negotiations between the researcher and the participants (see also Bilger and Liempt 2009:12). Therefore, I explained my project comprehensively so that respondents could make an informed decision about their participation (see the letter of information to potential respondents, Appendix II). Further, I emphasized that participation was voluntary and I made it clear that the respondents had the right not to take part and even to withdraw from the interview without having to justify it any further. In addition, the information collected was stored securely, kept anonymous, and treated confidentially. Brunovskis and Bjerkan (2008:31) emphasized that:

Anonymity is not ensured merely by omitting a name, but that the meaning and significance of information will depend on what the recipient of the information already knows.

Therefore, I ensured that in the final text such background information as country of origin, ethnicity, and other details did not appear. Regarding confidentiality and anonymity, Bilger and Liempt (2009:12) warned that «insensitive treatment could not only harm individuals, but a group of persons or a community as a whole». In this research, I exercised the necessary sensitivity, prudence, care, and caution to avoid far-reaching damaging consequences for the participants.

Coping with challenges

Research suggests that interviews are social encounters between the researcher and the interviewee (Rapley 2001; Sinding and Aronson 2003; Whyte 1984). Therefore, an

interview is the product of an interaction between the interviewer and the interviewee on the one hand, and the context on the other, namely the interview topic and its physical and temporal situation. Consequently, the data obtained emerges from the specific interactional context created by and through the conversation between the interviewee and the researcher (Rapley 2001). Even though asymmetric power relations characterize research interviews, the whole research process was marked by collaboration and mutual respect between the informants and me.

Moreover, I had the impression that my socioeconomic position as a foreigner in Norway had a significant impact on our collaboration. I was viewed as a student researcher with no or little access to resources and power. I did not receive requests for any help, as the informants knew that neither my research nor I could impact the outcome of their cases. Moreover, my African origin perhaps influenced my fieldwork and conceivably facilitated my access to a certain section of the research population. My being a foreigner like them may have infused empathy in some respondents, who felt that I needed their solidarity and help with my studies. Many repeated to me that they were participating in the study to help me fulfill my degree requirements. They seemed more open probably because they assumed that I was not associated with the state power and I did not represent the state's stance towards migrants in an irregular situation. The rapport and mood during the interviews was generally that of trust and informality.

I met certain respondents at events organized for irregular migrants by activists and supporters, for example, campaigns for regularization or for improvement of living conditions. As I approached potential respondents at these events, the challenge was to distinguish between my role as a researcher and as an activist. Some of those I met mistook me for a migrant in an irregular situation who had come to the event as they had. In such venues they expected to see activists, journalists, and other irregular migrants, but they did not necessarily expect to meet researchers. They asked me, are you still waiting for a reply from UDI (the Norwegian Directorate of Immigration)? When did you come to Norway? Where do you stay now? A priori, I was taken either as an activist or an irregular migrant. During these interactions, I had an opportunity to introduce myself as a student researcher and explain my project and why I was there. Once I had identified a potential research participant or someone who could refer me to potential participants, I asked if we could exchange telephone numbers and meet another time. I always had with me a letter of information that briefly presented my research goal and requested an interview (see Appendix II). My main concern was to ensure that potential interviewees were adequately informed prior to giving their consent. I have always viewed seeking informed consent not as a ritualistic event (Sin 2005), but as a way to empower respondents so that they can participate if they wish and decide what and how much to tell. In this way, respondents were able to exercise some power and discretion even though, as Holkup et al. (2004) said, a researcher-respondent relationship is inherently unequal.

Findings and discussions

The broad scholarly consensus seems to be that the phenomenon of irregular migration is caused, maintained, and exacerbated by increased border control policies (Anderson and Ruhs 2010; Koser 2005; Turner 2007) and that these migration control policies deeply and variously shape the daily experiences of persons residing irregularly within a nation state's territory (Anderson 2010; Cartwright and Manderson 2011; Cvajner and Sciortino 2011; Green 2011; Quesada 2011a; Quesada et al. 2011; Willen 2007, 2011). According to Anderson (2012:2), immigration controls create relations of domination and subordination, and obscure the responsibility of the state and other institutional practices in creating irregular migrants' structural vulnerability. Anderson (2012:11) argued that:

Immigration controls are not neutral [... but] productive: they produce and reinforce relations of dependency and power.

Against this background, irregular migrants are structurally vulnerable because of their subjection to ubiquitous immigration controls. In the same line of reasoning, my contention is that enforcement is decentralized and localized (Anderson 2012), and the Norwegian state creates conditions of structural vulnerability among irregular migrants, exposing them to abusive practices and abject conditions in their daily lives and as they encounter the labor and housing markets and the healthcare system. The concept of structural vulnerability reveals ways in which the state and immigration legislation and practices reinforce irregular migrants' dependencies and vulnerabilities. More significantly, structural vulnerability also acknowledges irregular migrants as sovereign subjectivities and social actors who, in the context of state policies, laws, and practices, actively endeavor to live normally and to cater to their needs and those of their families.

This chapter examines issues of irregular migrants' access to healthcare, employment, and housing, and examines strategies migrants employ to cope with barriers and restrictions as well as attendant risks of subordination and dependency.

Healthcare

The World Health Organization (WHO) defines health as «a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity» (WHO 2006). The preamble to the WHO constitution stipulates that it is a fundamental right of every human being, without any form of distinction or discrimination, to be able to enjoy the highest attainable standards of health.

Norway has a universal healthcare system for citizens and regular residents. However, irregular migrants do not enjoy universal health coverage. The right to healthcare is regulated by a set of legislation, primarily the Patients' Rights Act and the Regulation on the Right to Healthcare Services to Persons without a Permanent Residence in the Kingdom (HOD 2011). The latter became effective January 1, 2012. In addition, the Municipal Health Services Act and the Specialist Health Services Act come into play. The Regulation on the Right to Healthcare Services to Persons without a Permanent Residence in the Kingdom stipulates that irregular migrants' right to

healthcare is limited to emergency care and to essential care that cannot wait without risk of imminent death, permanent impairment of functions, severe injury, or very severe pain. Furthermore, this regulation provides for medical assistance in case of risk of infection and for mentally unstable persons who may constitute an obvious and serious risk to their own or others' life or health. As for women, they have the right to necessary medical care before and after giving birth, and they are entitled to assistance in case of abortion. For persons under 18 years of age, the regulation provides for health rights largely equal to those of regular residents. It is crucial to note that persons without legal residence generally must pay for healthcare received. However, they are not expected to pay in advance for emergency care or for healthcare that cannot wait from the specialist medical personnel (HOD 2011).

The irregular migrants in this study constituted a diverse group of individuals with multiple and contrasting health needs. Very few said they enjoying relatively good health despite their difficult circumstances, and the majority spoke about a range of health needs impacting their physical, mental, and social well-being. Informants complained about psychic and physical problems, such as depression, stress, sleep problems, migraines, and hypertension. Others complained about occupational injuries, particularly back injuries, or pulmonary and respiratory complications.

The interviews highlighted the link between irregular migration status and health problems, as respondents asserted that their status had brought about health problems. This was the case for Moono, who had been living in Norway for the past 11 years. He was married and had one child. After having worked for nine years, Moono stopped working a year ago when he was denied a tax card. He had been working for five years at a recycling plant when his asylum application was rejected for the second time and his work permit was revoked. However, he continued to work and pay taxes until the tax office stopped sending him a tax card in 2010. Then his employer informed Moono that he was obliged to terminate his contact, but promised to reinstate him as soon as his work permit and tax card issues were settled. Moono said he was always thinking about his and his family's situation. He said he feared for his life if he were deported to his home country because he was a political activist. He said he began having health problems after he stopped working and they had worsened:

I'm very depressive, I have stress ... I can't sleep at night ... I have high blood pressure. I was refused treatment until it became acute and was taken to the emergency ward.

Another respondent, Kelvin, had similar problems, which he attributed to his irregular situation:

I'm stressed. I've sleep problems; I can't sleep.

Similarly, Shiva who had lived in a refugee reception center for more than seven years with her old and sick father, said:

I have migraines all the time and it's because I think very much about my situation.

All the respondents linked their poor mental and physical health to their irregular migration status and their precarious living conditions. For example, over six months, Kayat had been to the emergency ward (Legevakten) two times for problems in the back, and Alex said:

Physically I'm healthy, but psychologically I'm not healthy. I'm always stressed. I never stop thinking about my situation, my hard life. I have to wait. I'm like in prison.

Others reported unmet healthcare needs, problems that had not received adequate or any medical attention despite efforts to approach health institutions to request medical services. Clement said:

The doctor has detected problems with my lungs and respiratory system, but I've not received any treatment so far. I also need to be operated on but I was told I'll not be operated on before I get papers.

Clearly, irregular migration status was both a potent health risk and an obstacle to accessing medical assistance in Norwegian public health institutions for these irregular migrants. This section first examines the difficulties these irregular migrants faced as they tried to access or use medical services and, second, explores strategies and tactics they utilized to address their health needs.

Access issues

Most respondents faced constraints and barriers in accessing medical care. However, gender differences were found. For instance, all males in the sample lacked a personal general practitioner (*fastlege*) while all but one female had one. Also, the only pregnant woman in the sample received all the antenatal treatment she needed *free of charge*. The Norwegian law provides for wide, but not full, access to healthcare to irregular migrant children and pregnant women in an irregular situation. They are expected to pay or reimburse the full cost of treatment and medication (See the Regulation on the Right to Healthcare Services to Persons without a Permanent Residence in the Kingdom). The gender differences in the sample were difficult to explain. Both males and females left the reception centers and moved to Bergen several years ago to join either families or friends. The right to have a general practitioner (GP) is governed by the Regulation on the General Practitioner Scheme in the Municipalities⁸ that stipulates in chapter 2 that «Anyone who lives in a Norwegian municipality is entitled to be registered with a GP». The regulation defines a resident as a person who according to the population register is living in a Norwegian municipality and extends the right to be registered with a GP to asylum-seekers and their family members when they are members of the National Insurance Scheme.

However, adult irregular migrants have difficulty accessing a general practitioner because they are not officially registered as residents in a municipality. In addition, it is very probable that when this study's participants moved to Bergen, they did not report their new addresses to the National Population Register (Folkeregisteret). On the other

⁸ Forskrift om fastlegeordning i kommunene

hand, as many of them moved to Bergen before their asylum applications were finally rejected, and therefore, were not yet considered irregular migrants, they could have been allowed to register with a general practitioner. As for women with children, they may have been able to register with their child's general practitioner. When asked how they had chosen their general practitioner, all women said they made their choices through their networks of family or friends and that the process had been smooth. In contrast, the men's attempts to register with a general practitioner had been fraught with difficulties. They were firmly and bluntly told by health workers at medical centers that they did not have any entitlement to the services of a general practitioner.

When seeking transfers to the main hospital in Bergen for additional treatment, most informants, both men and women, said they had been rejected either by workers in the clinic reception or doctors during consultation; they were told that they did not have the right to specialist medical care, only to emergency medical care (Regulation on the Right to Healthcare Services to Persons without a Permanent Residence in the Kingdom). According to the Norwegian Ministry of Health and Care Services, the term «emergency» entails a need for the patient to be treated immediately or after a few hours, for example, in the case of major injuries or poisoning (HOD 2010:10). All treatments scheduled by a health service within 24 hours also fall under the emergency category.

Moreover, informants talked about how they had been unable to access services at ordinary health centers, at the hospital, and at the emergency ward in downtown Bergen. Maureen said she had had a bad fever and a cold and, as she did not have a general practitioner (*fastlege*), she decided to go the emergency ward:

One day I went to the emergency ward and at the reception I was asked for my ID card. I showed my student card and I was rejected because the receptionist said that my ID card was not valid.

The receptionist did not ask her what was wrong, nor did she allow her to see a doctor who could assess whether to treat her or not. In this case, the receptionist acted as a gatekeeper who used the validity of the ID card (and the Personal Number) as the criteria for access to the health system. The ID card and the Personal Number can be seen as examples of technological tools of surveillance and control deployed along the internal border of the welfare state to bar unwanted migrants and prevent them from accessing welfare goods such as medical services. Although Maureen was rejected at the reception, Kelvin was allowed to see the doctor, but who declared that he could not treat Kelvin and advised him to go to private practitioners. Kelvin said:

I have been refused healthcare a couple of times, so I always pray so that I may not fall sick.

As for Kayat, he was transferred to the main hospital for further investigation of his back injury, but he was rejected because he did not have a valid Personal Number. Kayat said:

I was given a transfer to the main hospital in order to get an operation as they say that it's dangerous. But at the hospital they said they can't help me because I don't have a Personal Number. They said that is the system and I don't get what they mean.

In the interview, Kayat castigated what he called the «system», the organization of the health administration that seems to him to work like a very complicated machine and is too difficult to understand. For Kayat, there were wheels within wheels in the health system organization and he never knew what was going on and who to go to. He had been at the emergency ward a couple of times prior to being transferred to the main hospital in Bergen for specialist treatment. The emergency ward physician advised Kayat to refrain from working because of his back injury; however, Kayat said he could not stop working because «money is life». In the meantime, his health needs were not being treated, presumably because the doctors did not categorize his condition as needing «emergency» or «very necessary» care. In addition, having identified Kayat as an irregular migrant, doctors did not know if he might leave the country or be forced to leave soon. They may have been reluctant to initiate a treatment that might span several weeks or months without knowing if the patient would remain in the country for further medical checkups. Kayat was disillusioned and bitter over what he described as improper and inhuman treatment he received from the health services.

Kayat added that he did not have time to go to the clinic because of his long working hours. «I have to work even when I am in pain», he said. He also explained that he could be fired if he did not go to work because of illness, and chose to prioritize work at the expense of his health. Furthermore, Kayat, like other informants, said that he had lost confidence and trust in the health system and healthcare professionals. For Kelvin, the way doctors and other medical practitioners treat irregular migrants showed that they had departed from what he called their original humanitarian mission to cure the sick. He explained, «Normally doctors are respected because they also respect patients. But here they first ask you your ID card, and when it has expired they refuse to treat you. For me, doctors here are not different from Norwegian politicians. They told me:

You don't have the right to healthcare; you can go to private clinics.

Kelvin's statement pointed out the tensions between migration control considerations and medical workers' primary duties, between the conflicting logics of the control policies on the one hand and the medical profession on the other. Whereas migration control policies aim to exclude irregular migrants from medical services, the medical professionals' role is to include all patients without discrimination. Kelvin noted in this case that migration control policies have infiltrated medical services, which, he said, have departed from their classical duties to cure the sick. Kelvin had lost trust in medical doctors and he criticized the unorthodox role they have assumed.

Other respondents had a more indulgent, albeit still critical, view of the way they were received and treated by the medical services. They faulted the system: They were turned away by a system that rejected their invalid ID cards and prevented them from having access to medical assistance. Clement said a doctor could not complete and print a requisition form for laboratory tests because the system did not recognize Clement's name. However, the doctor filled out the requisition form by hand and took it to the laboratory himself. In this case, the doctor treated Clement as any other patient even though there was no emergency. Strictly speaking, the doctor acted against the law; at the same time, health workers in Norway have a professional and ethical duty to provide

treatment according to their competence (see Hjelde 2010; Øien and Sønsterudbråten 2011).

In addition, the high cost of medical care can put health services out of reach of irregular migrants who, more often than not, have no or very low income. This was the case with Shiva who said:

I need a psychologist, but I'm not allowed to and I don't have money to pay myself.

Because of their very limited access to healthcare, irregular migrants in Norway have many unmet health needs. They resort to a number of *ex ante* strategies to remain relatively healthy (because they are aware of the difficulties in accessing healthcare), and *ex post* strategies to treat some minor illnesses themselves in lieu of going to the doctor.

Alternative strategies

Viewed from the perspective of structural vulnerability, the section above illustrates the ways in which migration control policies operate as a «powerful pathogen» (Cartwright 2011) that not only renders irregular migrants sick, but also debars them from accessing medical care. Concurrently, structural vulnerability provides the means to explore irregular migrants' agency under conditions of extremely unequal power relations. Based on the study sample, irregular migrants do not remain idle in the face of health risks; rather, they deploy a range of preventive and mitigating strategies in anticipation and in response to multiple risks.

Two informants stressed the importance of physical activities and exercise to keep in good shape. They also highlighted the role of friends whose company maintains a minimum of social life. Despite their lack of income and ability to access certain social spaces (night clubs often require valid identity cards before admission), the respondents said they endeavor to break isolation and loneliness by getting involved in social activities and events either in their communities or in town. For example, Lewis said social life was paramount for his psychic well-being, and he had many friends both among Norwegians and among migrants from his community of origin. He said if he could be thankful for one thing in Bergen, it would be for his sizable networks of friends and people with whom he shared culture and language. Prior to moving to Bergen four years ago, he stayed in a reception center in a small locality where he did not have anyone to talk to and where life had become tedious, monotonous, and intolerable. To remain in good health, Lewis said:

I try to be with friends because being alone means being depressed, disappointed, and thinking negatively too much. So I like to spend time with people so I don't feel alone, just to break monotony, loneliness, and isolation.

However, for Kelvin physical activity was more important:

When I noticed that I had begun to have health problems, I started doing sport and physical training. I also go to the library to read.

Lewis also added that when he was sick he needed the attention and care of friends, which, according to him, relieved the pain and reduced desolation and despair.

However, he said that without access to medical care, without the right to engage in legal employment, and without adequate housing conditions, he could not «enjoy normal life». Lewis said:

Life is difficult since I don't have a doctor, I don't have a job, and even I don't have the right to go to a night club to enjoy myself. Without a residence permit I can't enjoy normal life.

Lewis conceptualized «normal life» as one without hindrances resulting from irregular migration status. He said he wished to be freed from both the restraints of irregularity and the shackles of uncertainty so that he could work, learn the Norwegian language, and enjoy a certain level of predictability. He maintained that one cannot claim to be healthy when one does not lead a «normal life». His statements point to what Baghir-Zada (2010:302) termed social determinants of health, that is, the right to housing, to employment, and to social benefits. These irregular migrants were trapped in a «space of nonexistence» (Coutin 2003) as these rights and other entitlements are reserved to regular residents and citizens.

Other strategies the informants employed concerned ways to deal with diseases and ill health in general, including paying their medical bills if they could afford it. Nonetheless, the majority indicated that they were unable to pay for the medical services they needed. Lewis reported being unable to pay medical fees and to buy medicine. He said:

I have serious tooth problems, but I don't have money to pay a dentist. I have already lost three teeth over the past year.

As irregular migrants cannot afford to pay expensive medical bills, they postpone consulting a doctor and, in the meantime, their health conditions deteriorate, which also results in an increased risk that some contagious diseases can get worse or spread to other people around them. Romero-Ortuno (2004) stressed that EU states ought to be concerned about the irregular migrants' limited access to healthcare because unmet health needs have great potential to pose serious risks to the broader public health in the host population (see also Fallek 1996; Torres and Sanz 2000; and Torres-Cantero et al. 2007). Romero-Ortuno (2004:254) also noted that emergency treatments are more costly than preventive ones in terms of both money and human resources. Romero-Ortuno drew attention to unintended effects of restrictive migration controls in European states that could potentially adversely affect citizens. His arguments are an instructive wake-up call to the public and policy makers that irregular migrants' health problems and access to health care services concern not only the migrants, but also the population as a whole. Norway provides medical assistance to irregular migrants suffering from contagious diseases (Regulation on the Right to Healthcare Services to Persons without a Permanent Residence in the Kingdom); however, this provision should not be construed as a form of irregular migrants' inclusion or a recognition of their human rights to healthcare. Rather, the idea is that irregular migrants should be treated in order to prevent harm for citizens and protect them from contamination. In essence, the treatment of irregular migrants is primarily meant to protect the Norwegian «gated community» (Van Houtum and Pijpers 2007), ensuring that unwanted noncitizen

bearers of contagious diseases are quarantined as a threat to public health and a pathogen to be cured.

Another ex post strategy mentioned by respondents in this study was self-medication, or resorting to medication or treatment from their countries of origin or their community residing in the host locale. Self-medication is related to the lack of access to the healthcare system and to the financial affordability of medication and treatment, which were the main barriers respondents cited. Lewis said he had acquired from his compatriots in Bergen a small stock of medical supplies and medicine from his homeland for minor health needs. Lewis was aware that even though this was not enough, it was better than nothing:

Once I got sick for over six months and I got medicine from friends and some medicine from back home. Otherwise, I just use basic medicine like paracet.

Kayat said self-medication was the only alternative he had left to deal with his back pain, given that (a) he was denied treatment in public health institutions, (b) he could not financially afford treatment and medication in private institutions, and (c) he did not have time to seek medical assistance because he had to work very long hours.

On the whole, irregularity or irregular migration status appears to be an essential variable that determines access to healthcare in Norway. Many respondents declared that they did not enjoy a healthy life as a result of their migration status. They had a series of mental and physical problems that remain unattended because of legal and economic barriers. The law provides for emergency medical assistance for irregular migrants and the latter cannot financially afford to pay the medical bills, especially when they do not have a reliable source of income as they are not allowed to take up a legal employment. The situation of irregular migrants and their encounters with health workers illustrate the state's «legal violence» (Abrego and Menjívar 2011) whereby the state has enacted laws and regulations that limit irregular migrants' access to the public healthcare system. Therefore, the policy and legal framework regulating the migration and asylum system represent a powerful pathogen (Cartwright 2011) and a primary barrier to healthcare for persons in an irregular situation. The fact that health workers deny irregular migrants healthcare in contradiction to their ethical code of conduct is another illustration of the way the border control responsibilities have infiltrated healthcare institutions, significantly affecting the life and health of irregular migrants. This study's interviews revealed that healthcare workers, whose prime duty is to address their patients' needs, have assumed the task of punishing and excluding those who have refused to leave the country after the rejection of their asylum applications. In response, these irregular migrants tried to remain in good shape and to use self-medication to cater to minor health problems, even though they had very little room to maneuver and their chances of changing the course of things were tremendously slim.

Labor market participation

In Norway, immigrants without residence permits are not allowed to work or engage in income-generating activities. However, the Immigration Act (*Utlendingsloven*) and the Immigration Regulation (*Utlendingsforskriften*) allow asylum-seekers to access the labor

market during the asylum application process (Immigration Act, art. 94 and Immigration Regulations, art. 17–24). All participants in this research had been allowed to work legally for several years before new restrictions were introduced in 2010. In fact, during the asylum application process, the Norwegian Directorate of Immigration (UDI) may decide, in accordance with the Immigration Act, to grant a temporary work permit to an asylum-seeker who (a) has done his or her asylum interview, (b) has provided a passport or acceptable national identity card to UDI, and (c) is not subject to the Dublin procedure, that is, he or she has not submitted an asylum application in another state that is party to the Dublin Convention (UDI 2010). This temporary work permit lasts six renewable months and is invalid if the applicant receives a final rejection of his or her asylum application. Issuing temporary work permits has been the prevailing practice in UDI for at least 10 years, between 1999 and 2009 (Valenta and Thorshaug 2011a). The temporary work permit gives the asylum-seeker a right to look for employment and to apply for a tax card to give to current or prospective employers (Tax Payment Act, chap. 5). After the first application, the tax card is sent automatically every year to all taxpayers. However, in practice until 2010, when asylum-seekers' applications were finally rejected, UDI did not inform the asylum-seekers' employers nor the Tax Administration (Bendixsen 2011). Consequently, employers were unaware of their employees' current immigration status and the Tax Office continued to automatically send tax cards. The rejected asylum-seekers, who were then irregular migrants, continued to work and pay tax in breach of immigration law (Skille et al. 2011).

Access issues

Today, access to the labor market has become a real headache for irregular migrants. Most respondents interviewed claimed that they had worked and paid taxes for several years, but now had lost their jobs because they no longer could secure a work permit or tax card. Certain respondents said that before 2010, they had worked without a work permit, but had been given a tax card every year. Others claimed they had been able to work without a work permit or tax card because their employers did not ask for these documents. Now they found it hard and even impossible to work legally because the Norwegian Directorate of Immigration (UDI) had withdrawn their work permit and the tax office could not issue them with a tax card. In addition, the Norwegian police had been carrying out raids in workplaces where irregular migrants were suspected to work. Employers faced heavy fines if they were found to employ irregular migrants. In Rogaland County, at least 30 private enterprises and public institutions were fined approximately five million Norwegian kroner (Kvalvåg 2012), and a small Rogaland company, Solabakeren AS, whose director had refused to fire an irregular migrant worker, was fined 300 000 kroner in early 2012. In that case, according to Kvalvåg (2012), the migrant had worked in the company since 2004 while his asylum application was under review; his application was rejected in 2010. After the fine, the director said: «Now I have no choice. I must terminate his contract» (Kvalvåg 2012). Similarly, the university hospital of Stavanger incurred a fine of 350 000 kroner for employing irregular migrants. The public relations officer of the hospital told the *Aftenbladet* newspaper:

When we were made aware of the violation of the law, we immediately terminated our employment of irregular migrants. We also changed our procedures so that this shall not happen again (Kvalvåg 2012).

These developments are emblematic of the pluralization of migration control (Aas 2007), as migration control responsibilities are delegated downwards and outwards (Guiraudon 2004) to actors whose primary duties have nothing to do with immigration controls. UDI's increased control and surveillance for the exclusion of irregular migrants is facilitated by a coordinated cooperation between immigration authorities, the tax administration, and employers. Both the tax administration and employers have assumed control responsibilities that UDI alone has not been able to carry out. I argue that this cooperation is part of a broader migration control policy that aims to further tighten internal controls and restrictions meant to severely curtail irregular migrants' access to welfare goods – and notably to the labor market – with the ultimate goal to push irregular migrants to leave the country. This coordinated over-tightening of irregular migrants' access to the labor market affected all respondents in this study in important ways. Many of them lost their jobs, which were the sole income source for them and their families.

For the irregular migrants interviewed, the work permit constituted the precious key to the labor market. Without a valid work permit, it is impossible to secure a tax card and to work legally. Moreover, employers had terminated their contracts. The informants said:

Now I don't work. It's not easy to find a job. Before, I was cleaning. When I lost my work permit in 2010, it became difficult to find a job. (Lewis)

I left the reception center five years ago. I had been working, but now I have lost my job. (Kelvin)

Before I had two jobs with a permanent contract, but now one company has terminated my contract because I have neither a work permit nor tax card. So the situation is not easy. (Gloria)

I had a full-time permanent contract, but now I have lost my work because my employer says I can't continue working without tax card. (Josette)

Without a work permit it's impossible to work and no one wants to help me get a job. (Shiva)

For most respondents, losing work meant more than losing a source of income, as work also constituted a safety valve from stress and depression, that is, a release from their depressive feelings. Work also represented a meaningful use of time and a form of recognition of whom they were and of their willingness to make it in life. In his ethnographic study among irregular migrants in Oslo, Kjærre (2010:250–51) observed that his informants were aware of the importance of work to remain sane and feel less depressed. Kjærre noted that being engaged in employment helps solve problems related to lack of direction and dignity. Thus, even under dismal and exploitive conditions, work is always far better than a passive life, something that Maureen exemplified:

What makes me strong? It's my work. Before, I was remaining in my room, sleeping and listening to music and thinking about my situation. It was very hard to see others go to and from work while I was forced to stay in my room. Now I go to work at least three times a week and it makes me feel normal and positive about myself.

In addition, many informants indicated they had had a professional life in their countries of origin and they wished to continue working to give meaning to their life and support themselves and their families. Without work, they said, their dreams and hopes for the future were shattered and their illusions about Norway were destroyed.

Even though some respondents had lost their jobs as a result of their irregular status and the loss of work permits and tax cards, several of them were working at the time of the interviews. But the conditions under which they were working had changed. Certain informants reported that they were left with a reduced contract for one or two days a week, while others did not have a contract, but received some piecework via friends and acquaintances. The majority resorted to the black market where working conditions were highly exploitive in terms of payment, safety, and working hours. Here are some of their responses when asked to describe their current working conditions:

Without a work permit, it's hard to get a job, but it's possible to work black although the pay is very low. (Naomi)

As I don't have a tax card, I pay 50 per cent of my salary in tax. My boss [has not sacked me because he] likes my flexibility and hard work. (Maureen)

I have a contract. They ring me when they need me. I do a cleaning job and work also in a restaurant. (Arafat)

I don't have a contract and I don't have any hope for a better job because I don't have a work permit. (Kayat)

Some respondents described their working condition as extremely difficult. They complained about being given too much work for one person, working very long hours, and doing an overly difficult job. Alex said he worked at least 12 hours per day and if he got sick he did not get paid.

Many respondents resorted to the black labor market where the conditions were even worse. But in spite of difficult conditions, many respondents said they did not have any choice because work is life and life is money. Kayat said:

I get 30 kroner per hour. I accept it because money is life; because you can't live without money ... I work more than 15 hours per day to survive.

Kayat said he came to Norway both for his safety and for opportunities for a prosperous life. His dream was to study, work, establish a family, and help his old and sick parents. He said he had a girlfriend in Bergen who gave him comfort and consolation. As a young adult he said he needed money for his subsistence and leisure activities. He was unhappy about his life and conditions of work, but he knew that work was his only source of income.

As for Kelvin, work was a form of «slavery» – extremely hard and badly paid, if paid at all. He said work was indispensable, but he found the price too high to bear:

Work? It's not work; it's slavery. This system will kill us. There is no justice, no rights for us. They want us to die.

Moreover, Kelvin found his working conditions very dehumanizing. He used the metaphor of «machine» to depict the harsh inhuman conditions under which he sometimes worked. Kelvin did not put the blame only on employers who, according to him, had the blessings and green light from the state authorities. He reported that his employers were understanding and aware of the irregular migrants' difficult situation. Kelvin's representation of labor as slavery illustrates irregular migrants' utter lack of job security and is reminiscent of Miles's (1987) notion of unfree labor.

Research has explored the state's role in making irregular migrants vulnerable to precarious working conditions (Anderson 2008; Anderson and Ruhs 2010). Some researchers of irregular migrants in the labor markets in Western states have argued that the process of irregularization aims not to hermetically keep irregular migrants out of the labor market, but to discipline them into flexible, docile, cheap, and exploitable labor (De Genova 2002:439; Green 2011; Scheel 2011). For Scheel (2011), the state's increasingly restrictive migration policies and ever more sophisticated forms of migration control cannot stop irregular migrants from working; rather, they aggravate the conditions under which they work. He stressed that the state's migration control policies produce disenfranchised individuals, thereby creating a range of modes of «unfree labor» (Miles 1987). Scheel (2011) insisted that the irregular migrants' working conditions be conceived as unfree labor since these working conditions are possible only because of the irregular migrants' precarious status. Anderson (2010:313) went even further and argued that immigration controls should be conceived as:

... a mould *constructing* certain types of workers through selection of legal entrants, the requiring and enforcing of certain types of employment relations, and the creation of institutionalised uncertainty (*italics in the original*).

Anderson described irregular migrants as precarious workers whose jobs are characterized by instability, insecurity, uncertainty, social and economic vulnerability, and lack of protection (p. 303). Following are some examples of how the respondent dealt with their precariousness in the labor market.

Alternative strategies

A question to consider is what irregular migrants do when they lose their jobs, or risk losing them, or when their work conditions deteriorate considerably. To gain access to the labor market, most informants reported they resorted to the black labor market or were contemplating doing so. Kelvin said:

I work in the black market because I'm obliged to do so.

Although the Norwegian government is aware that irregular migrants work in the black labor market, the government's position is that «combating undeclared work is important to combat illegal immigration».⁹

The interviewees knew that the working conditions in the black market are unsatisfactory in terms of wages, working hours, working environment, type of contract, and stability of work. Alex worked in exploitive conditions for some years, but indicated that he had no other choice:

At work you do not even have the right to talk about your rights. If I dare ask for improvements of my conditions of service, then I can be fired. I can't change my job because I don't have a work permit. It's worse if I get fired.

Kayat said he talked to his boss about improving his working conditions, especially his wages of 30 kroner per hour. The boss said his prime preoccupation was to make a profit for his company in a very competitive business environment. He explained that it was extremely hard to meet his company's obligations in taxes and other overhead costs. Kayat's boss invoked the state policies and the broad economic and business environment to justify Kayat's precarious working conditions, attributing the blame to a higher level. Kayat's weak position emanated from his irregular migrant status, which his employer tended to exploit. Although the government's policy is to fight against social dumping (Arbeidsdepartementet 2008), the state exposes migrants to work conditions below the country's acceptable standards through policies to irregularize many of them. Some employers, particularly in the informal sector, view this group of migrants as beneficial to their businesses and aim to make the most of this opportunity. For irregular migrants, working in substandard conditions is a necessary evil; while for employers, irregular migrants' labor is a necessary good and a strategic opportunity.

Certain municipal councils, such as in Bergen, Trondheim, and Stavanger, have adopted resolutions in opposition to the central government's decisions regarding irregular migrants' ability to work legally while on the national territory. These municipal authorities contend that allowing irregular migrants to participate in the labor market represents a win-win situation whereby local employers would be free to employ the migrants without fear of breaching the immigration law and irregular migrants would be able to contribute to the local economy and meet their basic needs. The central government's position and response has remained adamant, categorically rejecting such propositions and insisting on the ongoing state-sponsored repatriation programs.

Losing one's employment often means losing the most important source of one's livelihood. Therefore, those who have lost their jobs as a result of their irregular status must depend on their friends in the community to meet their basic needs. They may get assistance with accommodation, food, money, and clothes, as well as moral and psychological support. Arafat said he would not have managed without the solidarity of his friends and people from his country of origin. For couples or single parents with children, losing a job leads to a particularly complicated situation.¹⁰ Indeed, without

⁹ *Kamp mot svart arbeid viktig for å bekjempe illegal*, Available:

<http://www.regjeringen.no/nb/dep/ad/pressemelder/pressemeldinger/2008/kamp-mot-svart-arbeid-viktig-for-a-bekje.html?pid=518611> [Accessed 10.05.2012].

¹⁰ My interview sample included two couples and one single mother with children living with them.

income, they find it virtually impossible to meet their children's needs. Families find it hard to stay with friends for a long time. Consequently, most irregular migrants with families choose to return to reception centers where at least they can get shelter, although their deportability increases.

Housing

Housing was the third example of irregular migrants' structural vulnerability that this study considered. Most respondents in this research stayed in reception centers in various parts of Norway and said they left the centers because life there became unbearable. They often referred to the centers as «camps» and compared them to prisons. Similarly, research has documented challenges related to life in reception centers (Søholt and Holm 2010; Valenta and Thorshaug 2011b; Valenta et al. 2010), which usually are managed by independent organizations with government funding. According to the Norwegian Directorate of Immigration (UDI), rejected asylum-seekers can stay at their respective receptions while they are waiting to return to their home countries (Øien and Sønsterudbråten 2011:24), but informants indicated that they chose to stay in Bergen, hoping for employment and improvements in their lives socially.

Access issues

There was a great deal of heterogeneity in irregular migrants' housing situations in Bergen because the informants had various housing needs and differential abilities to afford a place to stay. Singles did not have the same housing needs as couples, and males and females did not necessarily face similar challenges. The presence of children for couples or single parents also made a difference. Another category in the sample consisted of those who came together in a joint tenancy to rent a flat.

Some irregular migrants lived with friends or family, paying rent if they could afford it. Two women said they lived with their boyfriends, while one woman stayed with her husband; therefore, these three did not report experiencing housing problems. These women's partners were regular residents or Norwegian citizens, and the women said they had not been forced into relationships because of their irregular status. Gloria said, «I live with my partner, so I don't worry about accommodation». Naomi said she was happy with her situation, living with her husband and their two daughters, but would love to have an extra room because their one-bedroom flat was too small.

Those who were staying with friends faced important challenges of having to move often and not having enough space. The said sharing space with friends was an unstable housing situation and some reported having to move at least once every two months because they did not want to burden their friends:

I move every two months. I move very much because I don't want to be a heavy guest ... I don't want people to complain about me ... so it's always nice to have an alternative. (Lewis)

I live with my friends and I have to change my address several times a year. Friends get tired of you, you know. (Kayat)

Respondents explained that they moved often because there was a limit to how long a friend could support them, particularly in terms of accommodation and food. However, Arafat said he had lived with a friend over the past two years without moving:

I share a small studio with my friend. I have not moved since I came to Bergen.

He said his friend and his community of origin showed a great deal of solidarity and support, adding:

This is how our community behaves, especially when we meet abroad. We support each other.

Many informants complained about the lack of space when living with friends, although they accepted it because they said they had no other choice. In some cases, four or five persons shared a small one-room studio. Moono expressed frustration over sharing a bedroom with his son who oftentimes asked why he did not have his own room like his school friends. «I live in one room with my wife and my son. That's all I have,» Moono said. Shiva complained about the lack of privacy for herself and for her father: «I live in one bedroom with my father. He is old and very sick».

Alternative strategies

The irregular migrants utilized a series of ex ante strategies to secure housing and avoid overburdening their friends. Informants who rented private apartments said they tried to conceal their irregular status from their landlords. They used intermediaries to negotiate rent agreements and they paid punctually to avoid any suspicion or unnecessary contact with the landlords or property managers.

Kelvin said his landlord trusted foreigners because he had leased his flat to foreigners for more than 12 years. Kelvin said some landlords increase the rent if they know that they are dealing with irregular migrants; he said landlords demand excessive prices to keep out unwanted tenants, arguing that it is a risk to rent to an irregular migrant. The Immigration Act provides for criminal liability and prosecution of persons who deal with or assist irregular migrants for purposes of gains or economic benefits (Søvig 2012). The landlords Kelvin was describing take advantage of the tenants' irregular status to rent their houses or flat at extortionate prices.

Maureen said she had used electronic channels to secure her flat. She found the flat on the Internet and contacted the landlord through email. She spoke to the landlord over the phone, and was asked to pay before she was sent a rent agreement through the mail, which she signed and returned. Thus, Maureen avoided direct contact with the landlord and any inquisition or suspicion about her status in Norway. Maureen made a conscious and strategic use of technology as a weapon of the weak to conceal her irregular migrant status from her prospective landlord and secure a tenancy contract. Maureen was aware that her position as an irregular migrant did not allow her to easily rent housing, and she knew that avoidance of direct contact was the best way to navigate the market and access certain goods.

For those who live with friends, the housing situation is not an easy one either. As Lewis's and Kayat's statements illustrate, there is a limit to charity and solidarity. «Friends get tired of you», said Kayat to explain why he moved so often; that is, he felt

he had stayed for longer than he was wanted. In addition to having to move often, some informants said they tried to abide by their host friends' rules, to help as much as they could with the household chores, and to contribute money when they could.

The importance of networks and social capital

In the face of barriers as to healthcare, housing, and the labor market, irregular migrants develop innovative strategies to overcome the challenges they meet in their daily lives. This section explores how irregular migrants' experiences and strategies are mediated by their networks in the community. I argue that irregular migrants' networks and community ties shape both their experiences and their strategies to remain healthy and to access the housing and the labor markets. The migrant networks are situated at the crucial meso level, mediating between the migrants' micro-level experiences and practices and the macro-level policies and processes of migration control.

This study's findings from the field suggest that irregular migrants are able to mobilize resources from their friends and community networks whenever necessary and are actively and constantly developing new ties.

According to Massey et al. (1993:448):

... migrant networks are sets of interpersonal ties that connect migrants, former migrants, and non-migrants in origin and destination areas through ties of kinship, friendship, and shared community of origin.

In addition, Massey et al. described network connections as «a form of social capital that people can draw upon to gain access to foreign employment» (ibid.). Some researchers have challenged Massey's model of migrants' networks (Krissman 2005; Wilson 1994), with Krissman appearing to be one of the most virulent critics. First, Krissman found that «a wide variety of non-hometown actors play major roles for various reasons and with diverse effects, in the development of international migration networks» (Krissman 2005:10). Second, Krissman found that network members do not necessarily belong to a «shared community of origin» (p. 16); other actors, exogenous to labor-sending hometowns, also can influence migration networks. Third, Krissman observed that the function of migration networks is not always to help, but at times to exploit the network member (p. 21).

The composition and membership of (irregular) migrants' networks remain very fluid, multiform, and variable. In their study of work strategies and community solidarity among Ghanaian migrants in London, Vasta and Kandilige (2010) found several types of networks such as individual, family, alumni, community, tribal, and religious. In addition to kinship circles, co-ethnics, hometown and home country networks, irregular migrants' networks may be comprised of host country citizens, other ethnic groups, and a wealth of sport, religious, ethnic, humanitarian organizations, and clubs.

Networks may play a variety of roles to respond to irregular migrants' specific needs. These needs go far beyond the focus of this study on healthcare, employment, and housing; in effect, networks assist irregular migrants to settle in and adjust to the local milieu in a many ways – financial, informational, practical, and emotional. As Lewis and Arafat put it:

Before in the north, I didn't have friends. I couldn't find any friends. There was nothing to do there, only worries about my situation and that of my family back home. Here I have some friends. (Lewis)

Without the help from my friends and the solidarity of my community I wouldn't have survived. They help with money, accommodation, finding a job, everything. (Arafat)

Although a number of researchers found networks particularly empowering for irregular migrants to facilitate access to work, housing, and healthcare (Chavez 1990, 1998; Engbersen and Aujollet 1999; Engbersen et al. 2006; Engbersen and Van der Leun 2001; Hagan 1998; Vasta 2011; Vasta and Kandilige 2010), other studies called attention to the rivalry and exploitation that sometimes can characterize migrants' networks (Cranford 2005; Mahler 1995). For instance, Hagan (1998) found migrants' networks can be constraining, whereas Ryan et al. (2008) maintained that networks can lead to ghettoization. This study focused on instances in which irregular migrants' networks have facilitated and helped irregular migrants to «resist exclusionary tendencies and achieve relatively stable informal incorporation» (Cvajner and Sciortino 2011:5). Networks can provide irregular migrants with the «weapons of the weak» (Scott 1985) to resist everyday forms of violence of migration control policies. Networks give irregular migrants access to «parallel institutions» (Mahler 1995 in Broeders and Engbersen 2007), that is, «informal and illegal markets in the spheres of work, housing, relations, and documents» (Broeders and Engbersen 2007:1597). Broeders and Engbersen explained that these institutions are developed by irregular migrants together with both the regular residents and native citizens in response to the demand engendered by restrictive state legislations. Broeders and Engbersen contended that the parallel institutions constitute «foggy social structures» that pose a challenge which the state's instruments of control and surveillance cannot easily penetrate. (See also Bommers and Sciortino 2011a)

As Massey et al. (1993) suggested, network connections constitute a form of social capital that people can draw upon when necessary. The social capital concept was first attributed to the French sociologist Pierre Bourdieu (1986) and the American sociologist James S. Coleman (1990, 1988), and later was developed by other scholars. Among these was the American political scientist Robert Putnam (Putnam 2007, 2000) who redefined the notion of social capital and popularized it in a range of research traditions and intellectual streams such as economic and political studies.

According to Bourdieu (1986:51), social capital is understood as «the aggregate of the actual or potential resources which are linked to possession of a durable network [... that is,] to membership in a group». Bourdieu (1986) held that «the volume of the social capital possessed by a given agent thus depends on the size of the network connections he can effectively mobilize and on the volume of capital [...] possessed in his own right by each of those to whom he is connected» (ibid.). For Bourdieu (1986:52), «the network of relationships is the product of investment strategies, individual or collective, consciously aimed at establishing or reproducing social relationships that are directly usable in the short or long term». In the same vein, Briggs (1998:178) defined social capital as «a resource for individual action that is stored in human relationships. Social capital is what we draw on when we get others, whether acquaintances, friends, or kin, to help us solve problems, seize opportunities, and accomplish other aims that matter to

us.» Briggs distinguished between two forms of social capital, namely social leverage and social support. The latter allows individuals who can mobilize it to «get by» and «cope» materially and emotionally, whereas the former helps people to «get ahead», that is, have access to opportunities such as employment. Along those same lines, Coleman (1988:98) pointed out that the function of social capital is to facilitate certain actions of actors within the structure. He argued that social capital inheres in the structure of relations between actors and among actors. Coleman (1990:300) further indicated that social capital is achieved within a matrix of norms of authority relations, trust, and reciprocity. He noted as well that members of a given group expect each other to keep the trust and in the bargain, each member feels morally obligated to maintain a relation of trust.

In this study irregular migrants very actively utilized their network resources, allowing them both to cope and get ahead. The respondents drew upon their social capital to access basic needs such as food, money, and accommodation. They also relied on their friends and acquaintances for information on lawyers, doctors, charitable organizations, and jobs:

I got my current job through a friend who knows my boss and recommended me. (Kelvin)

When I came to Bergen from the reception center, a friend of mine gave me a place to stay and then helped me find work. (Alex)

Through their networks, many respondents were able to secure several jobs in a bid to maximize their income. They also deployed social capital as a strategy to reduce the cost of living, seeking to cut their expenses by residing with their friends. The majority of respondents shared a flat or a studio with friends. Those without income did not pay rent, while those who earned something shared the monthly rent and utility bills. These were some concrete examples of tangible economic benefits of irregular migrants' social capital, in addition to the emotional and psychological support they gathered through their friendship networks.

The respondents acknowledged the importance of trust and reciprocity with their strong ties, but they preferred to emphasize the value of solidarity, altruism, and mutual support within their communities. They stressed that they were fettered by their irregular status, and thus they remained very limited in how much they could give back to their networks:

Here I have found some friends, but I don't have options to feel free. No papers, no money, so to make friends becomes difficult because you need to go with them to the café, park. (Lewis)

Lewis also said that for the sake of reciprocity and mutual help, he always stood ready to assist anyone who needed help. As for Kayat, he drew attention to the fact that even solidarity has a limit:

Friends have helped, but they can't do it for a year, two years, and I can't become a beggar on the street, so I have to work. (Kayat)

The accessibility to networks resources and social capital is rather stratified. Lin et al. (2001: 61) noted that individuals have unequal access to social capital; that this inequality

yields unequal returns and that the latter impinges on the individuals' well-being. Access to social capital varies as a function of individual's own economic, cultural, and human capital (Ryan et al., 2008). Moreover, Ryan and others observe that networking demands effort, commitment, and investment in time and resources. In effect, networks undergo transformations overtime because of the actors' involvement; they can either expand or contract. Expansion can happen, for instance, in the event that the immigrant succeeds in learning the majority language and quickly starts engaging in professional and voluntary activities, thus strengthening existing networks and initiating new ones. It is a challenge for irregular migrants to nurture efficient networks relations, but some of respondents had been active outside their communities to make their situations known to the public through the media and to engage in voluntary advocacy campaigns to raise awareness about irregular migrants' predicament. Refusing to be silenced (Bendixsen 2011), they staged public demonstrations and hunger strikes to raise public awareness of their situations. They were «rightful resisters» (O'Brien 1996) whose actions and practices became part of a widening support network of volunteers and activists associated with various organizations coordinated at local, regional, and national levels (for example, *Foreningen av tolvte januar* and *Ingen mennesker er ulovlige*)¹¹. The engagement and determination of certain irregular migrants to be visible in the public sphere and make their voices heard contrast sharply with Scott's (1985) everyday resistance, which is individual, quiet, and inconspicuous and makes no news headlines.

Differential local responses

Researchers have documented that the phenomenon of irregular migration cannot be studied in isolation from the receiving context in which the irregular migrants live (Cvajner and Sciortino 2010; Menjívar 2006). This study assumed that the experience of structural vulnerability is context-specific, thus highlighting the importance of the local context in shaping irregular migrants' experiences and interactions with macro factors as well as with meso actors and institutions. The significance of the local context cannot be overstated. This section examines irregular migrants' encounters with diverse actors in the local context of Bergen, focusing on interactions with local public and private actors in healthcare services, and the labor and housing markets. Bear in mind that following the decentralization and localization of migration control and enforcement (Anderson 2012), control and enforcement tasks and operations have been delegated to other actors (other than migration authorities), such as private parties (employers and private landlords), local government administrations, and public institutions (health services and social and other welfare services).

With this in mind, I argue that although policies and legislations emanate from the national and supranational (EU) levels, the experience of being in an irregular situation is a distinctively local experience. The local context plays a significant role because, after all, irregular migrants stay, work, study, and seek medical treatment in the locality, and the local context is where irregular migrants engage various types of networks in their

¹¹ Homepage: <http://tolvtejanuar.org/> [Retrieved May 20, 2012]

Homepage: <http://papirlose.no/> [Retrieved May 20, 2012]

search for livelihoods. In this sense, I concur with Willen (2007:12) who argued that «illegality is locally configured and is the combined result of multiple intersecting global, national, and local processes». In essence, locality is the space where conflicting agendas and interests play out, which irregular migrants experience in several unique ways.

The locality has become a meeting point between migration control policies and welfare policies. While the former seek to return rejected asylum-seekers to their home countries, the latter aim to respond to the public's needs. Control policies are exclusive while welfare policies are inclusive, and the paradox lies in the fact that welfare service providers, such as health and social workers, are enlisted as instruments of asylum and immigration control (Brekke 2008) to push rejected asylum-seekers to return to their countries of origin. This raises important issues pertaining to how health workers respond. Welfare service employees and healthcare workers face the dilemma arising from the clash between their professional goals to cater to clients' needs and the goal of migration management policy to regulate entry, stay, and exit of foreigners (Brekke 2008).

Migration scholars have used Lipsky's (1980) concept of «street-level bureaucrats» and «street-level bureaucracies» to shed light on the tensions and the gap between migration control policy and their local implementation (Brekke 2008; Ellermann 2006, 2005; Engbersen and Broeders 2009). Street-level bureaucracy is concerned with the local context of policy implementation. Lipsky (1980) defined street-level bureaucrats as front line employees in public service delivery (in Wong 2007); in other words, street-level bureaucrats are implementers of public policies who interact with the public (citizens and noncitizens). Street-level bureaucrats face constant dilemmas between being attentive to the users' needs and ensuring that the policies are properly implemented (Wong 2007). At the same time, street-level bureaucrats have the discretionary power and interpretative ability to make judgments and decisions (ibid.).

The implementation of migration control policies normally falls within the remit of street-level bureaucracies such as the police and other law enforcement agencies. However, policy makers currently have delegated migration control tasks to other local level actors such as employers and public services workers who interact daily with the public and deliver welfare services such healthcare and public housing (See Engbersen and Broeders 2009). The state counts on street-level bureaucracies to narrow the gap between the national and international level of policy making and the actual implementation in the local context. In this respect, front line employees such as health workers are increasingly compelled by the introduction of ever stricter policies, legislation, and technological tools of control to carry out migration control tasks in their everyday practices.

Research suggests that the enlistment of welfare services workers such as health personnel in the migration control tasks gives rise to dilemmas and, as a result, certain employees use their professional discretion to get around the exclusionary policies (Brekke 2008; Hjelde 2010; Van Der Leun 2006). Hjelde (2010) discussed the dilemmas of health practitioners whose ability to provide irregular migrants with care and services was profoundly constricted by immigration laws. These practitioners have to consider legal and economic issues before making the decision to provide medical care to irregular migrant patients. These dilemmas also have emerged in research in the

Netherlands regarding the implementation of national migration policies on the local level (Van Der Leun 2006). Van Der Leun noted tensions between the national policies and their local implementation. The study underscored the fact that, at the local level, professionals' norms and ideologies at times can cause them to make decisions contradictory to official policy. Engbersen and Van der Leun (2001:61) delineated three spheres of irregular migrants' embeddedness at the local level: (a) the social networks of relatives, friends, or the larger ethnic community; (b) the labor market; and (c) the extent to which irregular migrants are tolerated or helped by lower officials from different public or semi-public institutions. They found that the local implementation of immigration policies towards irregular migrants played a significant role in irregular migrants' experiences and actions. They further argued that the extent to which irregular migrants have access to the local labor market and to supportive networks explains, albeit only partially, irregular migrants' differential involvement in a range of criminal activities.

Furthermore, the fieldwork for this study attested to the existence of several cases in which «local justice» (Elster 1992) was differentially dependent not only on migration status, but also on other factors. Indeed, although irregular migrants are unable to access most public and welfare services, other criteria, such as age and gender, may influence the allocation or refusal of goods and services to irregular migrants. In this study, women respondents indicated that they had a general practitioner they could see for their health needs, whereas most of their male counterparts struggled to access public medical services. Several young males and other adult men declared being turned away by health workers either at the reception of the medical institution or in the doctor's office because of their irregular migration status. Also respondents who had been lucky enough to receive primary medical assistance were unable to access specialist treatment even when referred by the general practitioner. Also worth nothing, respondents who were received and assisted by public health institutions paid a medical fee corresponding to the one paid by citizens and regular residents. Children continued to get healthcare and attend school, and pregnant women had access to prenatal healthcare and counseling free of charge. Legislation provides for access to healthcare for certain categories of irregular migrants such as pregnant women and children, but stipulates that irregular migrants must pay or reimburse the full cost of treatment and medication.

Based on respondent interviews, two types of responses from healthcare workers were distinguished. First, there were those who complied with the law and implemented the control policies by excluding irregular migrants or limiting their medical assistance to emergency help only. These healthcare workers dismissed all persons in an irregular situation because they did not want to flout the law and because some may have believed that the irregular migrants as nonmembers of the welfare community were undeserving of welfare services and goods. Second, there were those who deviated from the law and ignored the requirement to enforce migration control policies. They used their professional discretion and interpretative abilities (Lipsky 1980) to exercise their professional duties unimpeded and without obstruction from migration control considerations. This study identified no strong empirical backing for the motivations of the compliant and noncompliant healthcare workers because this analysis was based only on interviews with the respondents. A number of questions remained unanswered.

Were healthcare workers' decisions motivated by the willingness to follow the medical professional ethics or the law? Did they make autonomous decisions based on their personal convictions or on perceptions of irregular migrants' deservedness? To what extent were they able to maintain clear-cut boundaries between health services and the migration control field? For their part, the irregular migrants reacted to policies of control and exclusion in a variety of ways. They tried to remain healthy by adopting healthy lifestyles within the limits of their possibilities or they resorted to self-medication. (See also Hjelde 2010). Research has documented that irregular migrants deploy weapons of the weak and resort to «foggy social structures» to access healthcare and other services and the labor or housing markets (Bommes and Kolb 2002). For example, they may conceal their status and borrow or rent documents from citizens and regular residents (Vasta 2011).

Regarding access to the labor and housing markets, this research found that these areas also had been infiltrated by migration control policies on the local level. Current practice allows migrants whose asylum applications have been rejected to stay in reception centers while waiting to return to their home countries; however, the conditions in these centers are not attractive (Berg et al. 2005; Breivik 1997; Sveaas 2005), and many asylum-seekers leave before their applications are rejected by both UDI and UNE. As a result, the respondents did not have access to public housing and could not go back to reception centers where they had previously stayed in other regions of Norway. Instead, the respondents lived with friends or family or rented a studio. Following the tightening of migration control policies, many respondents reported having lost jobs and therefore, were without the means to pay rent. The government ratcheted up irregular migration controls, introducing in February 2012 an amendment to the Immigration Act that provided for the criminal prosecution of humanitarian helpers who assist persons in an irregular situation (Søvig 2012). The amendment targeted persons who deal or transact with irregular migrants for profit purposes. Implementation of this provision is likely to make accessing housing more difficult and the rental costs more expensive for irregular migrants.

In the labor market, the central authorities have attempted to narrow the gap between policy setting and actual policy implementation through local street-level bureaucrats. In 2011, irregular migrants lost the possibility to secure a tax card, which together with the work permit for foreigners is an important document workers must give to their employers. The involvement of tax administration at the local level has made it impossible for irregular migrants to secure a tax card and has jeopardized their chances to work legally. Clearly, the tax administration is carrying out migration control and enforcement tasks. Furthermore, migration measures also have escalated through police raids in workplaces where law enforcement suspects irregular migrants may be employed. Employers who have been found to hire irregular migrants have incurred heavy fines (see Kvalvåg 2012).

An important question is: How do irregular migrants and employers react to these new control policies and the escalation of existing ones? The respondents said they still managed to work, but under very difficult and exploitive conditions in terms of wages, working hours, safety, and employment contracts, among others. The irregular migrants remained attentive to changes in anti-irregular migration policies and legislations, and

they shifted their strategies accordingly. Similarly, Engbersen and Broeders (2009:875) identified three shifts in irregular migrants' counterstrategies, namely the shift (a) to informal work, (b) to criminal activities, and (c) to being unidentifiable. Drawing on ethnographic research in the Netherlands, Engbersen and Broeders (2009:874) argued that:

Irregular migrants have shown a remarkable creativity and inventiveness to develop strategies and informal institutions that enable them to stay and reside in the [country] ... In response to changes in policy, they change tactics, look for ways of circumvention and move to other spheres and contexts.

Irregular migrants' weapons of the weak and everyday resistance observed in this study were also highlighted by Van Der Leun (2006:311) who, in her research on immigration policy implementation in the Netherlands, maintained that:

Illegal migrants have responded to new relations and controls by behaving more unobstructively and by going deeper underground, thereby escaping detection (see also Van der Leun and Kloosterman 2006).

Irregular migrants residing in the Bergen locale and their parallel institutions of support discreetly and tactfully utilized their weapons of the weak to produce «foggy social structures» (Bommes and Kolb 2002; Bommes and Sciortino 2011b) that are very difficult for the state to control. In an attempt to answer the question «why migration policy fails,» Stephen Castles (2004) emphasized the importance of migrant agency, arguing that «migrants are not just isolated individuals who react to market stimuli and bureaucratic rules, but social beings who seek to achieve better outcomes for themselves, their families, and their communities through actively shaping the migratory process» (Castles 2004:209). In other words, if migration control policies misfire and backfire (Van Der Leun 2006), it is because neither irregular migrants nor street-level bureaucrats are passive recipients and implementers of policy measures.

The gap between migration control policies and their actual implementation in the municipalities is yet another proof that the state is not a monolithic entity. As Kjærre (2010:233) put it:

Different levels in social, political, bureaucratic and juridical landscapes can in this way understand the status of migrants differently depending on their understanding of the law and migrant's situation.

Cvajner and Sciortino (2010:294) stressed that immigration control policies are powerful, and at the same time acknowledged that they are limited. They (2010:396) explicated that as an organization, «any state has procedural difficulties, pragmatic weaknesses, and outright inefficiencies». Accordingly, I concur with Boswell (2011:14) who argued that politics and the law are fundamentally incapable of steering social systems. Boswell drew attention to the fact that migration control policies and regulations are counterproductive because they produce distorting effects that in turn may trigger additional regulations in new areas of the system.

In this section, I discussed developments in the implementation of restrictive policies concerning healthcare, the labor market, and housing in the local context of Bergen. I drew upon examples of irregular migrants' experiences in their encounters with street-

level bureaucrats and private actors co-opted into implementing migration control in their daily business and service delivery. I examined counterstrategies deployed by irregular migrants as they deal with exclusionary practices and avoid returning home. Increasingly, irregular migrants are refusing to be silenced (Bendixsen 2011) and are combining their subtle inconspicuous everyday resistance (Scott 1985) with collective overt mobilization in the public space. The locality of Bergen provided them with a space of resistance in Pile's [1997] sense. First, irregular migrants mobilized to make their voices heard, to tell their stories, to sensitize public opinion on their plight, and to counteract the official and media discourses depicting them as criminals, freeloaders, or bogus asylum-seekers, to mention just a few. They reasserted their deservedness, carrying banners and placards showing that they had fled persecution, torture, and lack of basic freedoms. Bergen hosted a series of irregular migrants' actions such as a hunger strike in a church, marches, and demonstrations. Second, irregular migrants did not occupy the space of resistance alone. Members of the local community, in particular advocates and activists from independent organizations, supported them in their campaign for the «right to have rights» (Arendt 1994 in Bendixsen 2011) and to oppose the central authorities' decision to deport them. In addition, activists and supporters organized torchlight processions as well as demonstrations to express their solidarity and raise public awareness.

The relevance of «here and there»

During the fieldwork, all the respondents were asked how they managed to stand firm for so long in an environment in which their life chances were likely to be jeopardized if they were not regularized. All respondents evaluated their situations differently, but clearly all considered returning to their home countries as the last alternative. For many, return was envisaged either as impossible or, at best, the very last resort. Some respondents said they were waiting for a softening of policy that could pave the way for a possible regularization of certain categories of irregular migrants, while others held firm and stood their ground saying that it is more dangerous to return home than to stay in Norway. They were caught on the horns of a dilemma, between «here and there.» In this section, the metaphor «here and there» is used to explore how the irregular migrants' experiences and survival strategies in response to exclusionary control policies were mediated by their here-and-there positioning.

Taken literally, the phrase «here and there» means «in various places» (Oxford Advanced Learner's Dictionary). In a study of the experiences of Filipino domestic workers in Paris and Hong Kong, Leah Briones (2009) used the notion of here and there to put into perspective the domestic workers' experiences, emphasizing that they were in Paris and Hong Kong because that is precisely where they could earn a better living than in the Philippines. She showed that their sacrifices, hardship, endurance, and major risks were associated with making dreams come true, so that their experience of constraints could not be separated from their experience of opportunities (p. 137). In this study, the metaphor of «here and there» is used to investigate irregular migrants' experiences of structural vulnerability in several ways.

First, it is used to reflect on the ways in which irregular migrants look at their situation in their countries of origin (there) compared with their current situation in Norway (here). Respondents shared their thoughts about Norway and where they came from to explain why and how they held firm to Norway and rejected returning to their countries of origin. One informant, Josette, emphasized that keeping alive her hope for a life in Norway together with her two small children was of paramount importance to her. After six years (three in an irregular situation), Josette was not contemplating returning home: «I keep hoping that I'll get a residence permit». Many irregular migrants shared Josette's inclination to stay in the country, but this presupposes that they be granted a residence permit. In the meantime, they experienced their quotidian situation very negatively. Some respondents compared their life to that of prisoners:

I see myself as being in prison because I don't have freedom and I think all the time about when I'll be out of this prison and be free. (Kayat)

We are like in prison. (Shiva)

The respondents blamed the «system,» which has locked away all opportunities and shattered their hopes:

This system is made to make us go crazy ... to kill us slowly... I have to adapt to the system. The authorities use their power and I use also my power and intelligence to survive. (Kelvin)

When I came here I had big ambitions: education, work, do good things for my family, my country ... but when I got rejection all my ambitions were broken. (Moono)

Shiva compared her life to that of an animal:

We live like animals: We sit, we sleep, and we eat like animals.

She felt that she and her father led an inactive, idle, and directionless life.

Even though unhappy with their current situations, most respondents remained adamantly opposed to return as, they said, they were *here* because they had escaped from abuse, persecution, violence, and war *there*. Therefore, even though they were depressed, homeless, exploited, discriminated, and stigmatized, they did not stand ready to return to their countries of origin. Respondents talked about abuses, torture, and prison experiences first encountered *there*, while they referred to their situation in Norway, *here*, as abusive in the form of bad working conditions and lack of access to basic rights. As for torture and prison, *here* those terms took the form of waiting too long and having uncertainty about whether they would be deported or granted amnesty and a residence permit. Torture and prison *here* also referred to the lack of freedom and recognition and not being able to meet one's needs or those of one's family. Respondents were disillusioned and disappointed with Norway and yet, *here* was still better than *there*.

Some respondents referred to their home countries, *there*, as a place too dangerous for any reasonable person to go:

I can't survive back home; the situation is far worse than here. (Alex)

I can't go home because I'm politically active and will be putting my life in danger ... When I stay here I'm tortured mentally. If I did not have a problem in my country I'd go back without any problem. (Moono)

I tell myself every day that things could be worse. (Maureen)

To explain how they cope with life without residence permits, living at the margins of society, certain respondents spoke about how they had learned to endure hardships in their countries of origin and therefore could manage difficulties because it is harder *there* than *here*:

I have a lot of experience to live a hard life, to live without water, without food and without going out for several days. My previous difficult life back home has taught me how to survive. (Lewis)

Life in my country makes us strong, so it's possible to tolerate the hardships here in Norway. (Arafat)

For Kayat, returning home was unthinkable after his family had spent all they had for him to migrate:

My family sold our house and car for me to come here, but now my parents live in misery and so do I here ... I think always about my family, my brother, father and my mother. I can't even tell them that I live like this. My mother is sick and I fear that she will die if she learns it ... if I had peace in my country I would not work for 30 kroner per hour. (Kayat)

Second, «here and there» also reflects the reality lived by some respondents who hold on to Norway as they look back at other places in Europe where they have lived or considered going after their asylum applications were rejected. Some irregular migrants lodge asylum applications in another European state either prior to coming to Norway or after their applications in Norway are denied. For example, Shiva told me that she and her father had tried their luck in other European states after the rejection of their application in Norway, but they were discovered and had to return to Norway. They bumped into the Dublin Regulation, which makes it impossible for asylum-seekers to lodge applications in more than one state signatory of the Dublin Regulation (European Council Regulation 2003, The Norwegian Mission to the EU, Europa 2009). Other respondents reported that Norwegian immigration authorities had asked them to return to the first country where they had applied for asylum. However, they refused, saying the situation was too dangerous *there* and they preferred to endure suffering *here* in Bergen. Clearly, the Dublin system has had a negative effect on irregular migrants' life chances by generating a «second state of immobility» (Haugen 2012) for rejected asylum-seekers. They are stranded between *here* and *there*; they are *here* because they cannot go *there* or do not want to be *there*. The Norwegian government attaches great importance to strengthening the cooperation concerning migration issues with other EU states within the framework of the Schengen Agreement and Dublin Convention (St.meld. nr. 9, 2009–2010; Brekke 2011). Both the Schengen Agreement and the Dublin Convention constitute the backbone of Norway's internationalization of migration and mobility control. Hundreds of rejected asylum-seekers have been sent to various European states where they lodged their first asylum applications. Media have reported

many such forced returns to states such as Greece,¹² while certain scholars have described Dublin operations as a form of neo-refoulement (Hyndman and Mountz 2008).

Third, «here and there» is used to refer to the irregular migrants' state of being neither here nor there; they are in betwixt and between. The use of «here and there» describes the irregular migrants' feelings of uncertainty, liminality, and being stuck in limbo. The respondents described feelings of being trapped between *here* and *there*, which had a significant impact on their individual experiences and the way they interiorized and tackled their situation of irregularity (Øien and Sønsterudbråten 2011). These feelings came across vividly during the interviews and appeared to permeate irregular migrants' everyday beings and doings. They were in a state of both expectation and uncertainty, cautiously and anxiously waiting for a miraculous regularization. Although not full of optimism, they had not given up all hope either:

I don't see my future. I don't know about tomorrow. I'm uncertain ... I must work. Every job I get I catch it because I have to save money for the future. Who knows, maybe next year, I won't be able to work. (Arafat)

I can't plan for the future. No work, no education, it's like I'm in prison. (Naomi)

I live in uncertainty. I wonder about my future. (Maureen)

Maybe one day things will change and I will go back home. I'd prefer to go home, but I can't and I can't stay here either. (Moono)

The respondents reflected the tension between here and there. While the Norwegian authorities expect them to voluntarily go *there*, they preferred to stay *here*.

Fourth, the «here and there» metaphor mediates the incomprehension and disillusionment expressed by irregular migrants in their daily encounters and practices where the distinction between *here* and *there* becomes blurred. In fact, many respondents claimed to relive the human rights abuses, torture, and imprisonment they thought they had fled. Respondents found it very difficult to understand why their asylum applications were rejected and why they were compelled to return to their home countries. They had a very low «sense of coherence» (Antonovsky 1987); that is, it was hard for them to make sense of their entrapped situation. They expressed feelings of disappointment and unfairness:

My grandfather was a refugee, my parents were refugees, and now UDI says I'm not a refugee. It doesn't make sense! Look at my ID card from the reception center where I stayed before. It's written «stateless», but they ask me to return home ... where? (Arafat)

I fled from torture in my country; I mean physical torture. Here I'm still experiencing torture, but psychological torture. (Moono)

I thought I had come to a country of democracy and human rights and peace. Is this democracy? Is this human rights? I don't understand it. (Kayat)

¹² *Norge returnerer flest asylsøkere til Hellas*, Retrieved March 20, 2012
(<http://www.dagbladet.no/2010/07/22/nyheter/asyl/politikk/asylpolitikk/hellas/12655960/>).

Moreover, despite the support from their weak and strong ties, respondents believed that the only way to be in control of their own lives as autonomous and independent individuals was to obtain a residence permit. They were fully aware of the limits of networks and family support to enable them to fully control their destinies. At the same time, they did not find any meaning in today's status quo, nor did they find it meaningful to return home. Moono said:

I would have gone back long ago if it were safe to do so.

The «here and there» metaphor brings to the forefront the fact that irregular migrants' structural vulnerability is rooted and structured locally, nationally, and transnationally. In addition, it underscores that the concerns regarding irregular migrants' security and persecution on ethnic, religious, and political grounds in their home countries have played a cardinal role in the respondents' decisions to emigrate and to stay in Norway. Likewise, expectations from families back home can in certain cases make irregular migrants more reluctant to return. Family members and friends who helped with funding the migration project expect remittances from those they have assisted. For example, Kayat dreaded returning home as a rejected asylum-seeker after his family had invested all their resources in his emigration venture.

The impact of migration control policies on irregular migrants' daily experiences cannot be divested from their here-and-there circumstances. Being structurally vulnerable both in Norway and in their countries of origin entails that control policies *here* do not necessarily constitute a meaningful incentive for returning, nor do they represent a powerful enough deterrent to new immigrants' flows. The current hard line control policies have a real human impact, but they remain less convincing and hence less enticing to return. This corroborates previous research that suggested (Kjærre 2010; Valenta and Thorshaug 2011b) that return measures that focus on irregular migrants' disempowerment are less likely to be effective.

Conclusion

This thesis focuses on irregular migrants' experiences and how they deal with various legal and structural exclusionary practices as they attempt to access the Norwegian health care system and the labor and housing markets. Drawing on the concept of structural vulnerability, this thesis set out to investigate the underlying factors and structures that create asymmetrical power relations and dependency. To this end, the field study investigated how managed migration regimes of control and enforcement were practiced and how they shaped individual irregular migrants' experiences in manifold ways. The social science concept of structural vulnerability illustrates ways in which migration and border control policies shape and reproduce irregular migrants' subordinate positioning and dependency. The research findings confirmed the enormous challenges and obstacles that irregular migrants face and the strategies they deploy to overcome them.

This research showed that irregular migrants generally encounter considerable difficulties in accessing medical services, finding employment, and securing shelter, adversely and significantly affecting their overall living conditions. While certain respondents reported various health problems, the quality of the healthcare they drew upon was reduced to the bare minimum, and their working and housing conditions were tremendously deteriorated.

This study found that the three areas of healthcare, employment, and housing were intertwined and mutually reinforcing, hence generating a cumulative disadvantage. For example, irregular migrants may be unable to work because of illness, yet at the same time, without work they cannot afford the basic necessities of food, clothing, healthcare, and shelter. In the same vein, some respondents indicated that they did not have time to seek medical assistance when they were sick because they had to work.

Irregular migrants endeavor to deal with their access difficulties by resorting to short-term strategies, such as self-medication when they are sick, working in the black labor market to earn a living, or moving frequently to avoid being a burden to a host friend. In this study, the irregular migrants' (counter) strategies to get around state-instigated migration controls and enforcements were conceptualized as weapons of the weak (Scott 1985); that is, subtle and covert acts of defiance against the authorities performed in a manner that avoids direct and ostentatious confrontation. Irregular migrants resort to foggy structures (Bommes and Kolb 2002, Bommes and Sciortino 2011a), which the authorities either cannot control or have little control over. Irregular migrants' everyday resistance is incarnated by strategies such as resorting to the informal labor and housing markets, concealing their irregular status from others to gain access to services and goods, and mobilizing social capital through various kinds of networks.

This research emphasized the crucial role of migrant networks in the irregular migrants' everyday lives. In effect, the respondents actively and effectively used their networks as a resource that supported them in their everyday struggles to earn a living, to secure medical help, and to find a place to stay. In addition, the study findings strongly suggested that irregular migrants' survival is contingent upon their own agentive maneuvers, and the agency and autonomous decisions of street-level

bureaucrats. Their everyday life is also dependent upon mercantilist pursuits of profit in the labor market and, to some extent, in the housing market.

Furthermore, the study found that irregular migrants' experiences and survival strategies are mediated by their situation of entrapment between «here and there» and their being between Scylla and Charybdis. Respondents reflected on their situations in their countries of origin compared with their current situations in Norway. Moreover, the interviews revealed that some respondents held on to Norway as they looked back at other places in Europe they had been before coming to Norway or had thought of going after being rejected. In general, respondents expressed feelings of disillusionment, disempowerment, disenfranchisement, and lack of control

One of the merits of the concept of structural vulnerability is that it provides a way to explain and understand irregular migrants' experiences by looking into the factors and structures underpinning their difficulties to access basic necessities such as healthcare, work, and shelter. Structural vulnerability also unveils the role of state policies, legislation, and practices in irregularizing individual migrants. The official discourse brings to the forefront the fact that irregular migrants can, but refuse, to return to their home countries, and thus obfuscates the role of the state and the negative consequences of state-instigated policies and laws. Like Anderson (2012:12), I have argued that immigration controls are not neutral, but productive; they produce and reinforce relations of dependency and power. The approach of structural vulnerability is a tool to tease out the role of control policies in creating irregular migrants' exposure to abusive practices in their daily lives as they interact with the healthcare system and the employment and housing markets. By penalizing the helpers of irregular migrants (Søvig 2012), imposing sanctions on employers, and limiting access to social and public services to a bare minimum, the state co-opts citizens to migration control tasks, thus rendering the border and border controls ubiquitous (Lyon 2005). On the other hand, structural vulnerability remains attuned to the tactics and strategies of irregular migrants in order to find meaningful alternatives to the lack of access to resources, social recognition, and legal protection.

Using the concept of structural vulnerability, this study raises and sheds light on a series of policy and humanitarian concerns in connection with the situation of irregular migrants, while at the same time, contributes to an understanding of irregular migration as a social phenomenon and a feature of modern society rather than as a social pathology to be cured (Bommes and Sciortino 2011b). Moreover, by discussing the ways in which migration and border control policies are implemented at diverse levels and experienced by individual irregular migrants, this thesis seeks to explain structural processes and conditions of irregularity as well as the differentiated impact of border controls on the irregular migrants' living conditions. I concur with Broeders and Engbersen (2007:1596) who claimed that immigration policies produce «people habituated to their status of the *excluded*» (italic in original). The prevailing mobility control regimes have proved to have powerful «subjectivation effects» (Larchanché 2011), shaping individuals as «nobodies» (Green 2011) and «bodies-out-of-place» (Cresswell 1999) who cannot aspire to rights and entitlements of the common run of human beings.

Scott's concept of «weapons of the weak» is a valuable supplement to structural vulnerability to illustrate irregular migrants' agency and to emphasize, along the lines of Foucault (1978), that power and resistance go hand in hand:

Where there is power, there is resistance, and [...] this resistance is never in a position of exteriority in relation to power (In Chavez 1990: 33).

The utilization of «weapons of the weak» elucidates irregular migrants' inconspicuous acts of defiance that render possible their continued stay in the nation state, although the concept has not been associated with transformative actions aimed at durable improvements in irregular migrants' lives. The «action-reaction» approach seems to have been dominant in affluent Western states, whereby authorities react to irregular migrants' everyday resistance by introducing even more restrictive measures and policies which in turn trigger irregular migrants' further counterstrategies and so on and so forth. The result is a gloomy picture regarding humanitarian concerns arising from ever sophisticated and ubiquitous migration control policies.

Against this backdrop, «all-out-and-all-over» migration controls and their rhizomatic ramifications appear to have created and reinforced irregular migrants' do-or-die attitudes. (See also Ellermann 2010). The current «cat-and-mouse game» between irregular migrants and the state characterized by the parties' strategies and counterstrategies should give way to a meaningful and empowering engagement with irregularized migrants as «sovereign selves» (Anderson 2012). The current restrictive migration policies and practices can be construed as a sanction against those who violate migration laws and as a strategy pragmatically deployed to deter new flows and to encourage the so-called voluntary returns (Brekke 2008; Broeders 2009; Broeders and Engbersen 2007; Kjærre 2010); however, research suggests that policies aimed at disempowering irregular migrants and making them destitute are counterproductive (Kjærre 2010; Valenta and Thorshaug 2011b). I believe that the legal framework is necessary but not sufficient to control human behavior, and I concur with Boswell (2011) who strongly argued that politics and law alone cannot control social systems.

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Laws and regulations

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- Lov 1982-11-19 Nr 66: *Lov om helsetjenesten i kommunene (kommunehelsetjenesteloven)* / Act Relating to the Municipal Health Services.
- Lov 1966-06-17 nr 12. *Lov om folketrygd (folketrygdloven)* / The National Insurance Act

- Lov 1994-08-05 nr 55: *Lov om vern mot smittsomme sykdommer (smittevernloven)* / The Act Relating to Control of Communicable Diseases.
- Lov-1991-12-13-81: *Lov om sosiale tjenester m.v. (sosialtjenesteloven)* / The Act Relating to Social Services.
- Lov-2005-06-17-62: *Lov om arbeidsmiljø, arbeidstid og stillingsvern mv. (arbeidsmiljøloven)* / The Act Relating to the Working Environment.
- Lov 1994-08-05 nr 55: *Lov om vern mot smittsomme sykdommer (smittevernloven)* / The Act Relating to Control of Communicable Diseases.
- Lov 1999-07-02 nr 64: *Lov om helsepersonell m.v. (helsepersonelloven)* / The Act Relating to Health Personnel, etc. (The Health Personnel Act).
- Lov-2008-05-15-35: *Lov om utlendingers adgang til riket og deres opphold her (utlendingsloven)* / The Act Relating to the Entry of Foreign Nationals into the Kingdom of Norway and Their Stay in the Realm (The Immigration Act).
- LOV 1999-03-26 nr 14: *Lov om skatt av formue og inntekt (skatteloven)* / The Act Relating to Tax on Capital and Income.
- For 2011-12-16 Nr 1255: *Forskrift om rett til helse- og omsorgstjenester til personer uten fast opphold i riket* / Regulation on the Right to Healthcare Services to Persons without a Permanent Residence in the Kingdom.
- For-2000-04-14-328: *Forskrift om fastlegeordning i kommunene* / Regulation on General Practitioner Scheme in the Municipalities.

Appendices

Interview schedule

Interview guide¹³

Date:

Place:

Part I: Introduction

- I will give a short introduction to ensure that the respondent is well informed about my research as well as the data collection and processing.
- I will recall that participation in the interview is voluntary and that the respondent can withdraw at any time without giving any explanation.
- I will underline that the interview will not influence in any manner the outcome of the respondent's case, but that the interview gives the respondent a chance to be heard by the public and the authorities and hence increase understanding of and awareness about irregular migrants' living conditions and views.
- I will recall my obligation of confidentiality and that all the data will be anonymized.
- *Do you have any question before we begin?*
- *Are you ready to participate in this interview?* YES – NO

Respondent:

Gender: female – male

Civil status: single – married – widow(er) – separated – divorced

Family members in Norway: yes/no

Number of children:

Nationality:

Date of arrival in Norway:

Part II: Interview¹⁴

About your current life in Norway

- What's your most pressing/urgent need currently?

¹³ This is meant to be a semistructured interview; therefore, various other questions will be posed following the responses and answers from the respondent.

¹⁴ Some of the questions are "yes-no" questions, but the idea is to ask the respondents to expand on their answers as much as possible. Other follow-up questions will also be asked.

- Do you ever fear to be arrested or deported?
- Have you ever had any problem with the police?
- Are there places you feel you would not like to go to?
- What do you fear most?
- Do you have any friends, network in this town or in other parts of Norway?
- What are your activities during your free time?
- How does your irregular status affect your family members?
- Who do you go to when you need help? (from friends, family, other well-wishers, organizations?)
- Do you have dependents back in your home country?

Housing

- Do you rent an apartment or do you live with other people?
- How many people do you live with?
- How many rooms are there in this apartment?
- How many times have you had to change your address over the past year?

Employment and income

- What are your sources of income?
- What is your profession?
- What is your current occupation?
- Does your current job correspond to your qualifications?
- What type of contract do you have?
- Have you changed jobs or employers several times?
- Do you work night or day shifts?
- How would you describe your working conditions?
- Do you think your current status makes it difficult for you to find a better job?

Health and healthcare

- How would you rate your current health? (very good, good ...)
- When was the last time you needed healthcare?
- What did you do last time you felt sick (over the past 6 months)?
- Do you know of any organizations which assist irregular migrants? (in terms of health or other)
- What are your moments of joy, stress, anxiety?

Other

- What is your current main dream/ wish?
- How would you rate your life and stay in Norway (in general)?
- What, in your view, can make your situation better?

Part III: Conclusion

- Reminder about confidentiality and anonymity
- Do you have any question?
- Do you know anyone else I can interview?

Thank you for your time!

Request for interview

Faustin Gasana



Request to participate in the interview in connection with Master thesis.

I am a MA student in Migration and Intercultural Relations at the University of Stavanger and I am currently writing the final thesis. The theme of the thesis is 'irregular migrants', and I will examine their experience of vulnerability and resilience. I am interested in finding out the various experiences of irregular migrants and their daily life conditions.

To determine this, I want to interview 15-20 people aged 18 years and above. I will use the tape recorder and take notes while we talk. The interview will take about an hour and we will together agree on the time and place.

It is voluntary to join and you have the opportunity to withdraw at any time along the way, without having to explain this further. If you withdraw, all data collected about you will be anonymized. The information will be treated with confidentiality, and no individuals will be recognized in the completed project. All personal information will be made anonymous and the recordings shall be deleted when the project will be completed by the end of March 2011.

If you have any questions please call me on [REDACTED] or send an email to [REDACTED]. You can also contact my supervisor [REDACTED] at the Department of Education at the telephone number [REDACTED]

The study is reported to the Privacy Ombudsman for Research, the Norwegian Social Science Data Services A / S.

Sincerely,

Faustin Gasana

NSD notification form

Norsk samfunnsvitenskapelig datatjeneste AS
NORWEGIAN SOCIAL SCIENCE DATA SERVICES

**MELDESKJEMA**

Meldeskjema (versjon 1.1) for forsknings- og studentprosjekt som medfører meldeplikt eller konsesjonsplikt (jf. personopplysningsloven og helseregisterloven med forskrifter).

1. Prosjektittel		
Tittel	Irregular migrants' experience of vulnerability	
2. Behandlingsansvarlig institusjon		
Institusjon	Universitetet i Stavanger	Velg den institusjonen du er tilknyttet. Alle nivå må oppgis. Ved studentprosjekt er det studentens tilknytning som er avgjørende. Dersom din institusjon ikke finnes på listen, ta kontakt med personvernombudet.
Avdeling/Fakultet	Det humanistiske fakultet	
Institutt	Institutt for allmennlærerutdanning og spesialpedagogikk	
3. Daglig ansvarlig (forsker, veileder)		
Fornavn	Dan Dyrli	Før opp navn på den som har det daglige ansvaret for prosjektet. For studentprosjekt er daglig ansvarlig vanligvis veileder.
Etternavn	Daatland	
Akademisk grad	Høyere grad	Veileder og student må være tilknyttet samme institusjon. Dersom studenten har ekstern veileder, kan biveileder eller fagansvarlig stå som daglig ansvarlig.
Stilling	Førsteamanuensis	
Arbeidssted	Universitet i Stavanger	Arbeidssted må være i tilknytning til behandlingsansvarlig institusjon, f.eks. underavdeling, institutt etc.
Adresse (arb.sted)	Rennebergstien 30 (Arne Rettedals hus)	
Postnr/sted (arb.sted)	4036 Stavanger	NB! All korrespondanse går via e-post. Det er derfor viktig at du oppgir korrekt e-postadresse. Det bør være en adresse som du bruker aktivt over tid. Husk å gi beskjed dersom den endres.
Telefon/mobil (arb.sted)	51831599 / 97595221	
E-post	dan.d.daatland@uis.no	
4. Student		
Studentprosjekt	Ja <input checked="" type="radio"/> Nei <input type="radio"/>	
Fornavn	Faustin	NB! All korrespondanse går via e-post. Det er derfor viktig at du oppgir en korrekt e-postadresse. Det bør videre være en adresse du bruker aktivt over tid. Husk å gi beskjed dersom den endres.
Etternavn	Gasana	
Akademisk grad	Høyere grad	
Privatadresse	Adolph Bergsvei 41 T	
Postnr/sted (privatadresse)	5089 Bergen	
Telefon/mobil	55298290 / 46636192	
E-post	fgasana@gmail.com	
5. Formålet med prosjektet		
Prosjektets formål	For my MA dissertation, I intend to study the vulnerability of irregular migrants in Norway, using the municipality of Bergen as a case study. The study will investigate the lived experiences of irregular migrants with particular emphasis on their vulnerability as a result of their status of illegal residents. How do illegal migrants experience and deal with exclusionary practices they face on daily basis?	Redegjør kort for prosjektets formål, problemstilling, forskningsspørsmål e.l. Maks 750 tegn.
6. Prosjektomfang		
Velg omfang	<input checked="" type="radio"/> Enkel institusjon <input type="radio"/> Nasjonal multisenterstudie <input type="radio"/> Internasjonal multisenterstudie	Med multisenterstudier forstås her forskningsprosjekter som gjennomføres ved flere institusjoner samtidig, som har samme formål og hvor det utveksles/deles personopplysninger mellom
Oppgi øvrige institusjoner		

Hvordan foregår samarbeidet mellom institusjonene? Hvem har tilgang til personopplysninger og hvordan reguleres tilgangen?		deltakende institusjoner. Les mer om hva personopplysninger er
7. Utvalgsbeskrivelse		
Beskrivelse av utvalget	I am planning to interview max 20 informants from around Bergen municipality. There will be a mix of adult men and women of different nationalities and ages.	Med utvalg menes dem som deltar i undersøkelsen eller dem det innhentes opplysninger om. F. eks. et representativt utvalg av befolkningen, skoleelever med lese- og skrivevansker, pasienter, innsatte.
Rekruttering og trekking	Jeg skal bruke eget nettverk (snowballmetode)	Beskriv hvordan utvalget trekkes/rekrutteres. Utvalget kan trekkes fra registre, f. eks. folkeregisteret, NAV, pasientregistre, eller rekrutteres gjennom f.eks. en bedrift, skole, idrettsmiljø, eget nettverk. Oppgi hvem som foretar trekkingen/rekrutteringen.
Førstegangskontakt	Jeg skal selv opprette førstegangskontakt og ta kontakt gjennom mitt nettverk	Oppgi hvem som oppretter førstegangskontakt med utvalget og beskriv hvordan den opprettes. Les mer om førstegangskontakt
Alder på utvalget	<input type="checkbox"/> Barn (0-15 år) <input type="checkbox"/> Ungdom (16-17 år) <input checked="" type="checkbox"/> Voksne (over 18 år)	
Antall personer som inngår i utvalget	max 20	
Inkluderes det myndige personer med redusert eller manglende samtykkekompetanse?	Ja <input type="radio"/> Nei <input checked="" type="radio"/>	Redegjør for hvorfor det er nødvendig å inkludere myndige personer med redusert eller manglende samtykkekompetanse.
Hvis ja, beskriv		Les mer om inklusjon av myndige personer med redusert eller manglende samtykkekompetanse
8. Metode for innsamling av personopplysninger		
Kryss av for hvilke datainnsamlingsmetoder og datakilder som skal benyttes	<input type="checkbox"/> Spørreskjema <input checked="" type="checkbox"/> Personlig intervju <input type="checkbox"/> Gruppeintervju <input type="checkbox"/> Observasjon <input type="checkbox"/> Psykologiske/pedagogiske tester <input type="checkbox"/> Medisinske undersøkelser/tester <input type="checkbox"/> Journaldata <input type="checkbox"/> Registerdata <input type="checkbox"/> Annen innsamlingsmetode	Personopplysninger kan innhentes direkte fra den registrerte og/eller fra ulike journaler (NAV, PPT, sykehus, bofellesskap og lignende) eller eksisterende registre (f.eks. Statistisk sentralbyrå, Krefregisteret).
Annen innsamlingsmetode, oppgi hvilken		
Kommentar til metode for innsamling av personopplysninger	semistructured interview	
9. Datamaterialets innhold		
Gjør rede for hvilke opplysninger som samles inn	levkår, oplevelser, muligheter, begrensninger	Spørreskjema, intervjuguide/temaliste, m.m. legges ved meldeskjemaet til slutt.
Samles det inn direkte personidentifiserende opplysninger?	Ja <input type="radio"/> Nei <input checked="" type="radio"/>	Les mer om hva personopplysninger er
Hvis ja, hvilke?	<input type="checkbox"/> Navn <input type="checkbox"/> Fødselsdato <input type="checkbox"/> 11-sifret fødselsnummer <input type="checkbox"/> Adresse og/eller e-postadresse og/eller telefonnummer	NB! Selv om resultatene i den endelige publikasjonen vil være anonymisert, må det krysses av her dersom direkte eller indirekte personidentifiserende opplysninger registreres i datamaterialet underveis i prosjektet.
Spesifiser hvilke		

Samles det inn indirekte personidentifiserende opplysninger?	Ja ● Nei ○	En person vil være indirekte identifiserbar dersom det er mulig å identifisere vedkommende gjennom bakgrunnsopplysninger som for eksempel bostedskommune eller arbeidsplass/skole kombinert med opplysninger som alder, kjønn, yrke, diagnose, etc.
Hvis ja, hvilke?	land, kjønn, sivil tilstand	
Samles det inn sensitive personopplysninger?	Ja ○ Nei ●	
Hvis ja, oppgi hvilke	<input type="checkbox"/> Rasemessig eller etnisk bakgrunn, eller politisk, filosofisk eller religiøs oppfatning <input type="checkbox"/> At en person har vært mistenkt, siktet, tiltalt eller dømt for en straffbar handling <input type="checkbox"/> Helseforhold <input type="checkbox"/> Seksuelle forhold <input type="checkbox"/> Medlemskap i fagforeninger	
Samles det inn opplysninger om tredjeperson?	Ja ○ Nei ●	
Hvis ja, hvem er tredjeperson og hvilke opplysninger registreres?		Med opplysninger om tredjeperson menes opplysninger som kan spores tilbake til personer som ikke inngår i utvalget. Eksempler på tredjeperson er kollega, elev, klient, familiemedlem.
Hvordan blir tredjeperson informert om behandlingen?	<input type="checkbox"/> Skriftlig informasjon <input type="checkbox"/> Muntlig informasjon <input type="checkbox"/> Blir ikke informert	
Blir ikke informert, redegjør hvorfor		
10. Informasjon og samtykke		
Oppgi hvordan informasjon til utvalget gis	<input checked="" type="checkbox"/> Skriftlig informasjon <input checked="" type="checkbox"/> Muntlig informasjon <input type="checkbox"/> Ingen informasjon	Som hovedregel skal det gis informasjon og innhentes samtykke fra den registrerte. Dersom informasjon gis skriftlig, legg ved kopi av informasjonsskriv. Dersom det ikke skal gis informasjon, må dette redegjøres for. Les mer om hvilken informasjon som bør gis til utvalget
Redegjør	jeg skal ha informasjon skriftlig tilgjengelig på engelsk, men jeg skal også forklare muntlig: Hva studien handler om Taushetsplikt Behandling av data Kan trekke seg, la være å svare Intervjuet har ingen betydning for din sak Intervjuet kan gi dem en stemme som blir hørt inn til norske myndigheter. Kan hjelpe norske myndigheter til å forstå irregulære migranternes levekår	
Oppgi hvordan samtykke innhentes	<input checked="" type="checkbox"/> Skriftlig samtykke <input checked="" type="checkbox"/> Muntlig samtykke <input type="checkbox"/> Innhentes ikke samtykke	Dersom det benyttes skriftlig samtykke, anbefales det at dette følger i teksten etter informasjonen. Dersom det ikke skal innhentes samtykke, må dette redegjøres for. Les mer om krav til gyldig samtykke
Innhentes ikke samtykke, redegjør		
11. Informasjonssikkerhet		
Direkte personidentifiserende opplysninger erstattes med et referansenummer som viser til en atskilt navneliste	Ja ○ Nei ●	Direkte personidentifiserende opplysninger bør ikke registreres sammen med det øvrige datamaterialet.
Hvordan lagres listen/koblingsnøkkelene og hvem har tilgang til den?		
Direkte personidentifiserende opplysninger lagres sammen med det øvrige materialet	Ja ○ Nei ●	
Hvorfor er det nødvendig med oppbevaring av direkte identifikasjonsopplysninger sammen med det øvrige datamaterialet?		

Lagres direkte personidentifiserbare opplysninger på andre måter?	Ja <input type="radio"/> Nei <input checked="" type="radio"/>	
Spesifiser		
Hvordan registreres og oppbevares datamaterialet?	<input type="checkbox"/> Fysisk isolert PC tilhørende virksomheten <input type="checkbox"/> PC i nettverkssystem tilhørende virksomheten <input type="checkbox"/> PC i nettverkssystem tilknyttet Internett tilhørende virksomheten <input type="checkbox"/> Fysisk isolert privat PC <input checked="" type="checkbox"/> Privat PC tilknyttet Internett <input type="checkbox"/> Videoopptak/fotografi <input checked="" type="checkbox"/> Lydopptak <input checked="" type="checkbox"/> Manuelt/papir <input type="checkbox"/> Annen registreringsmetode	Sett flere kryss dersom opplysningene registreres på flere måter.
Annen registreringsmetode beskriv nærmere		
Behandles og/eller lagres lyd- og videoopptak og/eller fotografi på PC?	Ja <input checked="" type="radio"/> Nei <input type="radio"/>	
Hvordan er datamaterialet beskyttet mot at uvedkommende får innsyn i opplysningene?	PC-tilgangen beskyttet passord	Er f.eks. PC-tilgangen beskyttet med brukernavn og passord, og står PC-en i et låsbart rom?
Dersom det benyttes mobil lagringsenhet (bærbar PC, minnepenn, minnekort, cd, ekstern harddisk), oppgi hvilken type, og redegjør for hvorfor det benyttes mobil lagringsenhet	Jeg skal bruke minnepinne for sikkerhetsskyld	
Skal prosjektet ha medarbeidere som vil få tilgang til datamaterialet på lik linje med daglig ansvarlig/student?	Ja <input type="radio"/> Nei <input checked="" type="radio"/>	
Hvis ja, hvem?		
Innhentes eller overføres personopplysninger ved hjelp av e-post/Internett?	Ja <input type="radio"/> Nei <input checked="" type="radio"/>	
Hvis ja, oppgi hvilke opplysninger		
Vil personopplysninger bli utlevert til andre enn prosjektgruppen?	Ja <input type="radio"/> Nei <input checked="" type="radio"/>	
Hvis ja, til hvem?		
Skal opplysningene samles inn/bearbejdes av en databehandler?	Ja <input checked="" type="radio"/> Nei <input type="radio"/>	Med databehandler menes en som samler inn og/eller behandler personopplysninger på vegne av den behandlingsansvarlige. Eksempler på ofte brukte databehandlere er Questback, Synovate MMI, Norfakta etc.
Hvis ja, hvilken?	Min egen bærbar PC	Les mer om databehandleravtaler her
12. Vurdering/godkjenning fra andre instanser		
Søkes det dispensasjon fra taushetsplikten for å få tilgang til data?	Ja <input type="radio"/> Nei <input checked="" type="radio"/>	For å få tilgang til taushetsbelagte opplysninger fra f.eks. NAV, PPT, sykehus, må det søkes om dispensasjon fra taushetsplikten. Dispensasjon søkes vanligvis fra aktuelt departement. For dispensasjon fra taushetsplikten for helseopplysninger skal det for alle typer forskning søkes
Kommentar		Regional komité for medisinsk og helsefaglig forskningsetikk
Skal det innhentes godkjenning/tilatelse fra andre instanser?	Ja <input type="radio"/> Nei <input checked="" type="radio"/>	Det kan f. eks. være aktuelt å søke tillatelse fra registreier for tilgang til data, ledelsen for tilgang til forskning i firma, etc.
Hvis ja, hvilke?		

13. Prosjektperiode		
Prosjektperiode	Prosjektstart: 01/04/2011 Prosjektslutt: 31/12/2011	Prosjektstart Tidspunkt for når førstegangskontakt opprettes og/eller datainnsamlingen starter. Prosjektslutt Tidspunkt for når datamaterialet skal anonymiseres, slettes, eller arkiveres i påvente av oppfølgingsstudier. Dette sammenfaller gjerne med publisering og ferdigstilling av oppgave, avhandling eller rapport.
Hva skal skje med datamaterialet ved prosjektslutt?	<input checked="" type="checkbox"/> Datamaterialet skal anonymiseres <input type="checkbox"/> Datamaterialet skal oppbevares med personidentifikasjon	Med anonymisering menes at det ikke lenger er mulig å føre opplysningene tilbake til enkeltpersoner i datamaterialet. Les mer om anonymisering
Hvordan skal datamaterialet anonymiseres?	Datamateriale skal slettes/makuleres, og anonymisert slik at ingen, utenforstående eller jeg selv, kan være i stand til å knytte enkeltpersoner til opplysningene.	Hovedregel for lagring av data med personidentifikasjon er samtykke fra den registrerte.
Hvorfor skal datamaterialet oppbevares med personidentifikasjon?		Årsaker til oppbevaring kan være konkrete oppfølgingsstudier, undervisningsformål eller annet.
Hvor skal datamaterialet oppbevares, og hvor lenge?		Datamaterialet kan lagres ved egen institusjon, offentlig arkiv eller annet. Les mer om arkivering
14. Finansiering		
Hvordan finansieres prosjektet?	Egen finansiering, ie lån fra lånekassen	
15. Tilleggsopplysninger		
Tilleggsopplysninger		
16. Vedlegg		
Antall vedlegg	0	

NSD authorization to carry out the research

Norsk samfunnsvitenskapelig datatjeneste AS
NORWEGIAN SOCIAL SCIENCE DATA SERVICES



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Dan Dyrli Daatland
Institutt for allmennlærerutdanning og spesialpedagogikk
Universitetet i Stavanger
4036 STAVANGER

Vår dato: 29.09.2011

Vår ref: 27551 IB/LR

Deres dato:

Deres ref:

PROSJEKTVURDERING

Vi viser til melding om behandling av personopplysninger, mottatt 01.07.11. All nødvendig informasjon om prosjektet forelå i sin helhet 19.09.11. Meldingen gjelder prosjektet:

27551 *Irregular Migrants' Experience of Vulnerability*

Personvernombudet har vurdert prosjektet og finner at behandlingen av personopplysninger er meldepliktig i henhold til personopplysningsloven § 31. Behandlingen tilfredsstillende kravene i personopplysningsloven. Under følger vår vurdering av prosjektet.

Formålet er å studere illegale innvandreres sårbarhet. I prosjektet undersøkes deres levevilkår og erfaringer, muligheter og begrensninger, med fokus på hvordan deres status som illegale innvandrere gjør dem sårbare, og hvordan de selv takler den ekskluderende praksis de møter i dagliglivet.

Personvernombudet har gjort student og veileder oppmerksom på at forskning på gruppen av illegale innvandrere reiser en rekke etiske problemstillinger og at det derfor stilles spesielt høye krav til vurdering av etiske hensyn og måter å håndtere mulige etiske dilemmaer - før prosjektet startes opp. Vi viser i den forbindelse til Forskningsetiske retningslinjer for samfunnsvitenskap, humaniora, juss og teologi, spesielt del B (om hensynet til personer, dvs. informantene) og del C pkt 22 og 23 (om hensynet til utsatte grupper og kravet om uavhengighet). Vi viser også til del D pkt. 34 (om veileders ansvar).

Veileder ved Universitetet i Stavanger, Dan Dyrli Daatland, og fagansvarlig for masterprogrammet, Nils Olav Østrem, opplyser at masterprosjektet er tilknyttet et større forskningsprosjekt: "Provision of Welfare to Irregular Migrants" (PROVIR), ved IMER Bergen (International Migration & Ethnic Relation Research Unit) som er en forskningsenhet under Uni Rokkansenteret og Universitetet i Bergen. Forsker ved Rokkansenteret, Synnøve Bendixsen, er oppnevnt som biveileder i masterprosjektet. Personvernombudet legger til grunn at prosjektleder Faustin Gasana gjennom denne tilknytningen får bistand til å håndtere de faglige og etiske utfordringer som vil oppstå i forbindelse med gjennomføringen av prosjektet.

Avdelingskontorer / District Offices:

OSLO: NSD, Universitetet i Oslo, Postboks 1055 Blindern, 0316 Oslo. Tel: +47-22 85 52 11. nsd@uio.no

TRONDHEIM: NSD, Norges teknisk-naturvitenskapelige universitet, 7491 Trondheim. Tel: +47-73 59 19 07. kyrre.svarva@svt.ntnu.no

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27551 IB/LR

2

UTVALG OG REKRUTTERING

Utvalget består av ca. 20 illegale innvandrere i en by i Norge. Utvalget rekrutteres via kontaktpersoner i organisasjoner som arbeider med illegale innvandrere, evt. også gjennom snøballmetoden og oppsøkende virksomhet på steder der illegale innvandrere møtes. Personvernombudet minner om at forespørselen i alle tilfeller må rettes på en slik måte at frivilligheten ved deltagelse ivaretas. Ved rekruttering via organisasjon/snøballmetoden bør kontaktpersonen formidle informasjon om studien til aktuelle informanter slik at de selv kan ta kontakt med prosjektleder hvis de er interessert i å delta, evt. må kontaktpersonen spørre aktuelle informanter om det er i orden at deres kontaktopplysninger viderefremmes til prosjektleder og at han tar kontakt.

INFORMASJON OG SAMTYKKE

Utvalget samtykker til deltagelse på bakgrunn av skriftlig og muntlig informasjon om prosjektet. Personvernombudet vurderer informasjonsskrivet som tilfredsstillende, forutsatt at siste setning i tredje avsnitt endres til "All personal information will be made anonymous and the recordings will be deleted when the project is completed by the end of March 2012." Vi ber om å få tilsendt revidert informasjonsskriv før dette distribueres til utvalget.

Personvernombudet legger til grunn at informasjonsskrivet oversettes til andre språk (evt. muntlig ved hjelp av tolk) der det er nødvendig for at de forespurte skal kunne forstå innholdet i skrevet.

Vi anbefaler at det kun innhentes muntlig samtykke, slik at prosjektleder ikke oppbevarer navn på deltagerne i skriftlig form.

DATAINNSAMLING

Datamaterialet innhentes ved personlig intervju.

Prosjektleder opplyser at han selv har erfaring fra tolketjeneste og vil ivareta informanten på best mulig måte i intervjusituasjonen, både mht. frivillighet og mht. å skape tillitsforhold og en trygg ramme om samtalen, slik at belastningen ved å delta blir så liten som mulig. Dersom informanten skulle ha behov for oppfølging, vil de bli henvist til organisasjoner/steder der de kan få hjelp. Samtidig vil prosjektleder være varsom med å skape for høye forventninger om hva han kan bistå med, ettersom denne gruppen står tilnærmet uten rettigheter i det norske samfunnet.

DATAMATERIALETS INNHOLD

Det gjøres lydopptak av intervjuet som senere transkriberes (dersom informanten samtykker til dette), ellers registreres data i form av notater.

Prosjektleder bekrefter i epost 26.08.11 at det ikke skal innhentes sensitive personopplysninger, jf. personopplysningsloven § 2. Han opplyser videre at intervjumaterialet ikke skal knyttes til navn. Av intervjuguiden fremgår det imidlertid at det kan bli registrert opplysninger som gjør det mulig å spore/identifisere informantene indirekte: om oppholdssted, evt. også arbeidssted, hvor de skaffer mat og helsetjenester, om de mottar hjelp fra organisasjoner, samt om deres kjønn, nasjonalitet, ankomstdato, familieforhold og nettverk.

Ettersom informantene oppholder seg ulovlig i Norge, kan det få alvorlige følger for dem dersom slike opplysninger skulle komme på avveie. Det er derfor svært viktig å gjennomføre systematiske sikkerhetstiltak for å ivareta informantenes konfidensialitet i dette prosjektet.

INFORMASJONSSIKKERHET

Prosjektleder opplyser at opplysninger som kan bidra til å spore/identifisere informantene skal lagres på egen koblingsnøkkel (jf. i epost 26.08.11). Personvernombudet forutsetter at koblingsnøkkel

27551 IB/LR

3

oppbevares fysisk adskilt fra det øvrige materialet, og anbefaler at den kun foreligger i papirform. Dersom koblingsnøkkelen skal lagres elektronisk, bør den være kryptert og oppbevares på annen enhet enn de øvrige opplysningene.

Opplysninger som kan bidra til å spore/identifisere informantene bør ikke lagres på minnepinne eller privat bærbar pc tilknyttet internett. Slike opplysninger bør heller lagres i nettverk tilhørende UiS (og/eller Rokkansenteret, etter avtale med UiS), evt. på isolert passordbeskyttet pc som oppbevares nedlåst når den ikke er i bruk. Vi anbefaler at antall sikkerhetskopier begrenses.

Prosjektleder opplyser at lydopptak skal lagres kryptert på pc. Lydfilene bør da slettes fra opptaksutstyret så snart de er overført til pc, og dette bør skje kort tid etter intervjuet. Videre bør man vurdere om lydfilene kan slettes fra pc når de er transkribert.

Dersom det benyttes tolk under intervju, forutsettes det at tolken undertegner taushetserklæring. *må skrive*

Personvernombudet legger til grunn at prosjektleder avklarer sikkerhetstiltakene i prosjektet med behandlingsansvarlig institusjon (Universitetet i Stavanger), slik at disse er i tråd med Universitetets interne retningslinjer for informasjonssikkerhet, jf. personopplysningsloven § 13. *Dc*

PUBLISERING

Personvernombudet legger til grunn at man ved publisering av data utelater/omskriver alle opplysninger som kan bidra til å identifisere/spore informantene. Vi minner også om at det kan være etiske utfordringer knyttet til publisering av gruppedata. Vi anbefaler at student i samarbeid med veiledere på forhånd vurderer om analyseresultatene indirekte vil kunne få negative konsekvenser for deltagerne. *D S*

PROSJEKTSLUTT

I telefonsamtale med Østrem har vi fått opplyst at prosjektet er planlagt avsluttet 31.03.2012. Iht. meldeskjema skal datamaterialet anonymiseres ved prosjektslutt. For at datamaterialet skal være anonymt, må lydopptak, eventuelle samtykkeerklæringer og koblingsnøkkel med bakgrunnsopplysninger slettes. Eventuelle indirekte personidentifiserende opplysninger i det øvrige materialet må slettes eller omskrives/grovkategoriseres, slik at ingen enkeltpersoner kan gjenkjennes eller spores.

Personvernombudets vurdering forutsetter at prosjektet gjennomføres i tråd med opplysningene gitt i meldeskjemaet, korrespondanse med ombudet, prosjektvurderingen (over), samt personopplysningsloven med forskrifter. Behandlingen av personopplysninger kan settes i gang.

Vi gjør oppmerksom på at det skal gis ny melding til personvernombudet dersom behandlingen endres i forhold til de opplysninger som ligger til grunn for personvernombudets vurdering. Endringsmeldinger gis via et eget skjema, http://www.nsd.uib.no/personvern/forsk_stud/skjema.html. Det skal også gis melding etter tre år dersom prosjektet fortsatt pågår. Meldinger skal skje skriftlig til ombudet.

Personvernombudet har lagt ut opplysninger om prosjektet i en offentlig database, <http://www.nsd.uib.no/personvern/prosjektoversikt.jsp>.

Personvernombudet vil ved prosjektets avslutning, 31.03.2012, rette en henvendelse angående status for behandlingen av personopplysninger.

27551 IB/LR

4

Ta gjerne kontakt dersom noe er uklart.

Vennlig hilsen



Vigdis Namtvedt Kvalheim



Inga Brautaset

Kontaktperson: Inga Brautaset tlf: 55 58 26 35

Kopi: Faustin Gasana, [REDACTED]

Kopi: Synnøve Bendixsen, Rokkansenteret

Kopi: Nils Olav Østrem, UiS

List of respondents

No	Gender	Age	In Norway since	Civil status	Family in Norway?	Children in Norway?
1	F	22	2005	Cohabiting	Partner + parents – regular	–
2	F	32	2007	Married	Husband – regular	2 born in Norway- regular
3	F	28	2005	Cohabiting	Partner – regular	–
4	F	39	2004	Single parent	–	2 born in Norway – irregular
5	F	33	2003	Single	Father – irregular	–
6	M	29	2008	Single	–	–
7	M	45	2000	Married	Wife – irregular	1 born in Norway – irregular
8	M	40	2004	Cohabiting	Partner – irregular	–
9	M	23	2005	Single	–	–
10	M	30	2005	Single	–	–
11	M	32	2008	Single	–	–
12	M	37	2006	Single	–	–
13	M	43	2004	Married	–	–