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Sweden and its Historical Productions of Migrant Detainabilities

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Abstract

This research deals with the question of how detention of foreigners and the creation of different forms of detention centers have been rendered possible in the context of Sweden, from the early 1900s up until today. A qualitative content analysis is used to explore four periods, in terms of the motivations and regulations that produce “detainable categories”, as well as the logic behind such practices of encampment. Drawing on the concept of the “state of exception”, and by using policy documents, this research argues how the Government by gaining extended powers in different periods of time justifies and regularizes the detention of foreigners. This has been done for the sake of security of the state, protecting the welfare and wellbeing of the nation. This tells us that the creation and production of detainabilities is not only related to exceptional situations, but becomes the normal condition of the existence of the nation-state.

Keywords: camp, detainability, immigration detention, state of exception, securitization, Sweden

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1. Introduction

The use of immigration detention is on the rise across the world. Throughout Europe we are witnessing ever-stricter border controls where internationally organized border regimes “protect” Europe from unwanted categories of people and set up systems to control their entry and to ensure their removal. Hence, different forms of detention centers are set up within and around the borders of Europe, and today all liberal, democratic states practice some form of immigration detention (Silverman & Massa 2012). Sweden is currently allocating more resources to this policy area under the name of “return migration” and in recent months the police has received harsh criticism for their methods used in their hunt for irregular migrants, with the purpose of ensuring their removal. The critique has revolved around the high increase in the number of “internal border checks” in forms of ID controls on the streets, at work places, and on public transport, giving rise to a debate about racial profiling. This intensification of resources is the result of the so-called REVA¹ project, a Swedish acronym for Legal and Effective Enforcement Work, which was piloted in the Scania region of southern Sweden in 2011, and according to the authorities leading to an increase of 25 percent in the number of deportations carried out. What has been less debated is the increase of detention, which has followed in the footsteps of REVA. As part of REVA, a new so-called transit detention center has been set up for the purpose of increasing efficiency in terms of removals. In Sweden there are now ten existing locked detention units on five different geographical locations that the Swedish Migration Board is in charge of, with the capacity to hold 235 detainees (Migrationsverket 2012).

As argued by Nicholas De Genova (2012), deportation and detention have become elementary features of how nation-states react to all manifestations of human mobility that somehow elude or concede their comprehensive control and surveillance. However, deportation and detention have not always been considered self-evident and unquestionable techniques of immigration control and border policing. To the contrary, it is a remarkably recent development of modern history. Detention and different forms of detention centers are present throughout the Swedish modern history and is, in relation to the management of migration and “foreigners”, materialized through the first practice of detention in regular prisons or correctional institutions in the beginning of

¹ REVA stands for: ”Rättssäkert och effektivt verkställighetsarbete”

the 20th century, escalating into the numerous internment camps for foreigners that were established in the beginning of World War II. Today the Migration Board's detention centers hold mainly rejected asylum seekers who are awaiting deportation.

This thesis deals with the question of how detention and the creation of different forms of detention centers have been rendered possible in the context of Sweden. I will partly use Giorgio Agamben's (2005) theories on the "state of exception" to explain how the creation of the detention center becomes a possibility throughout the modern Swedish history, i.e. from the early 1900s, when the first Aliens regulation was established, until our contemporary times. Agamben's "state of exception" is an emergency situation announced by the sovereign power in order to protect the law – through the suspension of the law – which enables additional flexibility in a time of (perceived) "crisis". Furthermore, I will discuss how the notion of security becomes central to the justification of the "state of exception", how certain categories of people become understood and governed as security problems and as a threat to the sovereignty of the nation and its population.

My starting point is to investigate how the "state of exception" permits the sovereign power of the state to suspend the law and to place certain categories of people – which are changing over time, depending on different ideological, juridical and bureaucratic contexts – beyond the protection of the law, to deprive them of their prior conditions as citizens, as political beings and render them "detainable". This is what I refer to as the legal practice of producing "detainable populations", which give rise to different forms of "illegality" or "criminality", what De Genova (2002) calls "the legal production of migrant 'illegality'". Following De Genova, Alexandra Hall (2012:8) states: "the status of being 'detainable' in any western state is created by law's tactical productivity as it is strategically implemented to differentiate between mobilities and subjects within historically constituted contexts". Through political-juridical discourses and regulations the system creates a politicized human being in terms of a citizen of a nation-state – a process that is coupled with the inevitable creation of a byproduct, a politically unidentifiable "leftover" (Bauman 2004; Khosravi 2009).

1.1 Purpose and research questions

My intention is to explore the historically particular political, juridical and administrative processes by which detention, or the very possibility of being detained, is produced and justified. By investigating the history of the creation of a (by the state perceived), “state of exception” in the Swedish context, my aim is to explore how “exceptional circumstances” make the opening of different forms of detention centers possible in different periods of time, by rendering certain populations “detainable”. By doing so I intend to “denaturalize” this specific modern technique of state power and shed light on its historical roots, its contextual specificities and its relationship to sovereign power and the nation-state. Hence, the specific research questions that will guide this thesis are the following:

- What are the motivations and regulations that render certain categories detainable in different historical contexts?
- What categories are being detained or considered “detainable” in these different periods of time?
- What is the logic behind the creation of the detention center – is there any continuity or differences between different forms of detention centers throughout the Swedish modern history, i.e. from the early 1900s up until today?

1.2 Research Delimitations

1.2.1 Sweden as a case study

I will use Sweden as a case study. I believe that Sweden serves as a good example for the discussion of “camp-making”, which contradicts the dominant image of the country as a front figure for human rights. Sweden is praised for its policies and practices of immigration detention, claiming that the physical conditions and organization of the detention centers are among the best (see for example Mitchell 2001; European Parliament Report 2007). As argued elsewhere, there is certainly a contradiction between keeping people in detention centers and respect for human rights, since the detention center “constitutes a unique setting for the arbitrary exercise of power” (Verdirame & Harell-Bond 2005:271, cf. Agier 2011:85). Even though my research focuses on Sweden, the state’s power to decide on the exception, i.e. the legal production of detainable categories, should not be seen as an exception to the rule,

rather I suggest that the detention center could tell us something about the contemporary organization of the global political system and present forms of state power, beyond the context of Sweden. Especially since deportation and detention has become increasingly Europeanized during the past two decades.

1.2.2 Limitations

I will strictly focus on administrative detention, which means detention by order of an administrative authority, without criminal prosecution in the courts. Hence, it is not a measure of the penal system, although its use takes on characteristics of criminal incarceration (JRS 2004). Furthermore I will solemnly focus on detention of those considered “foreign citizens”. Naturally I will not be able to cover all changes and regulations regarding detention and detention centers in Sweden throughout the past century, which would be beyond the scope of this paper. Rather, I will focus on specific important events, where crucial changes have occurred, which have resulted in increased detention and/or a radical change in the organizational structure of the detention apparatus in Sweden. This limitation inevitably results in a selective presentation of the practice of detention. However, my intention is not to give a detailed historical account, but rather to point out how different historical contexts give rise to different forms of detention and “detainable populations”.

1.2.3 Periods of analysis

As a first step I set out to find out when detention was first introduced in Swedish law and regulations, since this event in itself represents a radical change in how the government “thinks” about immigration and foreigners and as a consequence has to start defining who is “detainable” by law. Hence, the introduction of detention through the first so-called Deportation Act in 1914 and during WORLD WAR I, when stricter control on immigration was introduced, represents the first period of analysis. This was when the first internment camp for foreigners was established in Sweden.

The second period of analysis includes the prior years of WORLD WAR II until the end of the war, since the detention practice was extensively extended between 1940 and 1946. Fourteen closed internment camps where civil foreigners were forcibly detained by The National Board of Health and Welfare (Socialstyrelsen) were established. (Berglund & Sennerteg 2008).

The third period will describe a major turning point towards a more restrictive policy, namely when the Swedish Government decided to radically restrict the

possibilities for asylum, also known as the Lucia decision² (Johansson 2005). These events were also coupled with comprehensive changes regarding detention, which meant that detention could be used more frequently. Thus, the increased rejections gave rise to an increased number of detainable categories such as “illegal immigrants” and “bogus asylum seekers”.

The fourth period focuses on the contemporary situation and the intensification of resources for detention and deportation, which are introduced under the name of the REVA project. I will also go back a few years to cover some important events related to the restrictions in asylum policy in the middle of the 1990s, as well as the European harmonization of migration to explain the increase in the use of detention and the fight against “illegal migration”.

1.3 Disposition

After this introduction chapter, the methodological standpoints of the thesis, as well as the material used will be explained and discussed. The third chapter consists of a theoretical framework that will be used for the reading of the empirical part of the thesis. The empirical part (chapter 4–7) is divided into the four periods mentioned above, and each period is followed by a discussion using the theoretical framework. The thesis ends with chapter 8, where the main conclusions are presented.

² In Swedish ”Luciabeteslutet”. On the 13th of December the day of Lucia is celebrated in Sweden, which gave rise to the name of the event

2. Methodology and Material

2.1 Qualitative Content Analysis

Since my research aims at investigating how detention is motivated by the Government, I will be looking at policy documents regarding the regulation of detention. When analyzing such policy documents I will make use of qualitative content analysis. Content analysis can be used with both quantitative and qualitative approaches. However, it is most commonly known when applied with quantitative approaches, i.e. when used for counting or measuring the frequency of certain words or particular phrases in texts as a means of identifying its characteristics. Hence, the quantitative approach “[...] deals only with what has been produced, not the decisions which informed its production” and therefore “[...] reproduces the meanings used by authors in the first instance, as opposed to subjecting them to critical analysis in terms of the political, social and economic contexts of their production.” (May 2011:210). Qualitative content analysis on the other hand, is used for text analysis where nothing is counted or measured (Bergström & Boréus 2000:44), “it starts with the idea of process, or social context, and views the author as a self-conscious actor addressing an audience under particular circumstances”. Hence, “the text is approached through understanding the context of the production by the analysts themselves” (May 2011:211). For this purpose the use of secondary sources becomes helpful. Important for my research is to elaborate what is expressed by a document in relation to the different historical and political contexts in which it is produced, such as the current immigration policies, ongoing discourses related to immigration and foreigners, as well as the political situation with regards to international events. Therefore I apply a qualitative approach, combining literature and document analysis, in order to elaborate the context of the documents that are being analyzed. The flexibility of this method “enables the researcher to consider not only the ways in which meaning is constructed, but also the ways in which new meanings are developed and employed” (May 2011:211).

2.2 Methodological standpoints

While using qualitative content analysis as my main method when approaching my research material, it is nevertheless influenced by Carol Bacchi’s approach to policy research called “what’s the problem represented to be?”. This is a post-structural approach, which implies that categories and concepts cannot be regarded as value-free or neutral (Bacchi 2009:31f). Bacchi claims that policies by their nature imply certain

understandings of what needs to be changed, i.e. the “problem”, and thereby suggesting that “problems” are rather created within the policy-making process, than existing outside of it. As she argues: “Policies *give shape* to problems, they do not *address* them (2009:xvi, emphasis in the original). My research aims at investigating how the state *produces* “detainable” categories through law. There are so to speak *implied* “problems” behind the detention of certain categories, which changes depending on different ideological, juridical and bureaucratic contexts. What Nicholas De Genova (2002) refers to as “the legal production of ‘illegality’” is related to Carol Bacchi’s (2009) methodological approach to policy. De Genova emphasizes the “tactical” character of the law to make explicit its strategic and calculated production of “illegality”, or “detainability” at distinct historical moments. Thus, a restriction of immigration laws produces “detainability”. De Genova therefore argues that it is necessary to describe historically the sociopolitical processes of “illegalization” and not just its consequences, which inevitably implies a historical investigation of immigration law. Thus, these standpoints serve as the methodological basis for this thesis.

2.3 Source criticism

“Clearly, the types of questions we ask of history and how our contemporary existence informs this process, have a bearing on what we discover and importantly, what is ignored as a result” (May 2011:193). The ways in which documents are used is therefore an important methodological question. Not only can a selective reading of documents influence history and our understanding of it, but the documents themselves may also be selective. Source criticism can therefore be a helpful way to assess the quality of documents. Source criticism is in its classical terms designed to enable the researcher to get as closely to the “truth” as possible. Even though I do not belong to the positivistic research tradition regarding objectiveness, this does not exclude the possibility to make use of source criticism as a method to approach data. According to the method of source criticism, the source should be tested regarding the following criteria: its authenticity, representativeness, tendency, dependency and distance to the event in terms of time and space (Thurén 2005). The first criterion – that of authenticity, is an assessment of whether the source is authentic or not. This is not of a major concern of this study, since the material used consists mainly of official policy documents, such as laws, proposals for laws and reforms and evaluation reports (SOU³). It is quite

³ Statens Offentliga Utredningar

unlikely that such documents would be falsified. Facts on the other hand, stated in such documents, should be considered regarding their authenticity. The second criterion – representativeness – is about considering whether a source is selective in some way, if the information stated is representative for the general understanding of a situation, event, etc. This is important regarding the secondary sources I am using for placing the primary sources in their context. The third criterion – tendency – considers the bias of a source, and sources that are less biased are to be considered as more trustworthy (Thurén 2005:66). Evaluation reports (SOU), commissioned by the Government as a basis for policy development and evaluation, should be considered more carefully. Such reports are produced by agencies or expert groups and are more or less dependent on the Government's opinion, i.e. they have a tendency to be biased. The fourth criterion – dependency – is about assessing whether a source is independent to other sources or not. This is relevant for the use of secondary sources with regards to facts. The fifth and last criterion regards the distance in terms of time and space of a source to what is being analyzed. The secondary sources used are written quite a long time after the events they are describing, which might of course affect the interpretation of the events. This is however something that is inevitable, since we are always colored by our own experiences, preconceptions and theoretical standpoints. Therefore transparency is of most importance. Below I will elaborate on my position as a researcher, the selection and use of material, as well as the process of translation.

2.4 My position as a researcher & ethical considerations

In terms of transparency it is important that the reader knows about my position – being both a researcher and an activist. I work with issues concerning asylum and undocumentedness in practice, which means that I am in contact with individuals who have personal experiences of detention. Obviously I have a bias here that influences my study. However, knowledge is never neutral, nor objective. Already when choosing the topic you are striving away from objectiveness, as well as when choosing your method and theory. Having practical knowledge about the phenomenon can also be helpful in order to understand underlying assumptions. Since I am not basing this study on individuals' experiences of detention, but governmental policy documents, ethical considerations are not that central. However, how you name and frame categories such as “illegal migrants”, are also a matter of ethics, which is why I specifically explain my standpoints under the section “Definition of terms”.

2.5 Translation & Material

Since I am analyzing detention in the Swedish context, while writing in English, translation and interpretation of terms become important. In order to make the analysis as transparent as possible I have chosen to write central terms (names of institutions or key words in policy documents) in their English translation in the text, followed by their original Swedish expression in parenthesis. Secondly, for the sake of flow, when quoting longer sections of documents they appear in English in the text, while the original quotation is given in a footnote.

I will use a range of theoretical sources in analyzing the empirical conditions of Swedish detention and detention apparatus throughout the paper. The main empirical material will consist of primary sources in the form of official policy documents, such as laws, proposals for laws, reforms, evaluation reports (SOU) and official statistics, but also secondary sources such as academic literature on immigration laws and detention, as well as reports. Especially for the first half of the 1900s I make use of secondary sources, since the material is extensive and a lot of academic literature already exists, where the original sources have been summoned, structured and referenced.

2.6 Definition of terms

2.6.1 Refugee, asylum seeker and irregular migrant

There is often confusion between the terms “refugee” and “asylum-seeker”. I will use the terms interchangeably, although technically the term refugee denotes a person granted asylum status. As Steve Cohen (2006:12) argues, the only reason for the technical distinction is a political one, where governments operate a culture of disbelief, which means that those fleeing persecution (refugees) have to justify their need for asylum. Those who have never sought asylum, or have been denied the right to asylum, or overstayed their tourist or working visa, but reside in the country undocumented are generally referred to as “illegal immigrants”. As argued by Khosravi (2006:284) “Illegal” migration violates state laws, but not the common sense of justice, or public morality and ethical standards. Thus, by using the term “illegal”, the discursive power of immigration law is reinforced rather than contested. I will throughout this paper apply the terms “irregular migrant” and “irregular migration” and whenever the term “illegal” is used, I will put it within quotation marks.

3. Theoretical framework

3.1 Human rights, the sovereign state and the camp

Administrative detention of foreigners is strongly connected to migration politics and border control. According to Saskia Sassen (2001), migration politics in the West has its roots in a common understanding of the role of the state and national borders – an understanding that emerges in connection to World War I. The introduction of passports and the visa system became an important tool for the protection of national borders (Sassen 2001:119), and as argued by John Torpey (2000) the state’s “monopolization of the legitimate means of movement”. It was the development of nationalism that increased state sovereignty and a more restrictive border control – a development that transformed the concept of “foreigner” (Sassen 2001). The rise of the nation-state and the idea of national identity increased the tension between who belonged to the nation and who was a foreigner. The nation was essentially the idea of “homogeneity of population and rootedness in the soil” (Arendt 1973:270), understood in terms of a common national identity based on a common language, history and education. As Sassen puts it “the coupling of state sovereignty and nationalism with border control made the ‘foreigner’ an outsider” (Sassen 2001:118). And with a greater state control over the society and its borders, the possibility to choose between wanted and unwanted foreigners emerged.

The cornerstone of state sovereignty, i.e. the policing of borders, has increasingly become subject to internationally recognized norms, such as the Universal Declaration of Human Rights from 1948. However, in terms of transnational migration there is a tension between state sovereignty and the human rights – that is between the right to exit and the right to enter. The declaration says nothing about the state’s *obligation* to grant entry to immigrants, to grant asylum or permit citizenship. Hence, the right of entry is conditioned by the states. As a consequence of this conflict of norms people get stuck “in between” states as depoliticized subjects (Benhabib 2004:10-11). Hanna Arendt (1973) noted this already after the two world wars and argued that in the nation-state system, the so-called human rights of the refugee cannot be protected as long as they are not linked to the citizenship of a country. The fate of the refugees was to endure “the abstract nakedness of being human and nothing but human” (Arendt, 1973:297), they had lost “the right to have rights” (Ibid:296). Giorgio Agamben (1995) has drawn on Arendt’s work and argues that the refugee – the very

figure that was meant to embody human rights more than any other – rather becomes the symbol of the system’s deep crisis and the necessary dissolution of the trinity state-nation-territory.

It is in relation to this process that the detention center as a “solution” for nation-states emerges. Arendt (1973:284) notes that the internment camp became the “only practical substitute for a nonexistent homeland” and “the only country the world had to offer the stateless”. For Agamben, the camp signals the crisis of Western politics and citizenship (Walters 2002:286). It makes explicit a sort of surplus of “depoliticized life” (Agamben 1998) or “human waste” (Bauman 2004) that can no longer be contained within the political order of nation-states: “what we call camp is this disjunction” (Agamben 1998:175). The camp becomes the “logical consequence and an almost necessary correlate of a world fully divided into territorial nation-states” (Walters 2002:285), a “lasting crisis” in the relationship between territory, state, nation. Along with refugees, unidentified asylum seekers and irregular migrants, represent what Agamben calls “disquieting elements” in the nation-state system because they “throw into crisis the original fiction of sovereignty”, by “breaking up the identity between man and citizen, between nativity and nationality” (Agamben 1998:131). And this contradiction threatens the existence of the nation-state itself. However, through what Agamben calls the “state of exception” the sovereign creates and guarantees the situation that the law needs in order to be in control, by making “exceptions” of those who do not count and do not belong (Hall 2012:14). It is time to elaborate a bit further on the “state of exception”.

3.2 The state of exception and the camp

For Agamben, the notion of “state of exception” reflects the power structures governments employ in times of emergency, when state sovereignty is perceived to be under threat (Ellerman 2009). The state of exception is an emergency situation, which is announced by the sovereign power in order to protect the law. The protection of the law happens through the suspension of the law. In such emergency conditions of perceived crisis, Agamben identifies “increased extension of power as ‘states of exception’, where citizenship and individual rights can be diminished and rejected in the process of claiming this extension of power by a government.” (Bak Jørgensen 2012:51). Agamben (2005:13) posits World War I as the beginning of “exceptional legislation by executive decree”, which he argues became a regular practice in the European democracies. In modern times, this has come to mean that those in power can suspend

the law if they find themselves in need. It is the sovereign power that decides on the state of exception, i.e. when the state is facing a so-called emergency situation. Thus, sovereignty operates through its capacity to define situations as “exceptional”, which require and justify actions and procedures outside the normal juridical order. In this way, the state of exception can open up for a possibility of rights-stripping, producing a depoliticized and rightless condition, which Agamben (1998) calls “bare life”. Agamben used the “enemy combatants” detained in Guantánamo Bay to exemplify how individuals can become stripped of their legal identities, but the situation of those excluded from citizenship – the refugee, the asylum seeker, the stateless, the irregular migrant – could be used to illustrate the same logic (Bak Jørgensen 2012:51).

In Agamben’s (1998:174) work the detention center and (concentration) camp is the *space*, or the “materialization” of the state of exception. The camp is the structure where the state of exception is realized in a normal way. “The camp is the place where people are ‘taken outside’ yet governed more tightly, where sovereign power intervenes directly on bodies and individual lives, which do not have the normal protection of law and where people become reduced to bare life” (Agamben 1998, cf. Hall 2012:13). Agamben reminds us that we find ourselves virtually in the presence of a camp every time such a structure is created. The camp is not “an anomaly belonging to the past ... [but] the hidden matrix and *nomos* of the political space in which we are still living” (1998:166). The concentration camps were created through a temporary suspension of the law in order to preserve the law in a declared state of emergency, but they gained a more permanent and spatial setting where “the rule of law and exception blurred and everything became possible.” (Agamben 1998:170). When the state of exception has become the rule, it no longer appears as an administrative-technical method or as an extraordinary measure. That is, today, the logic of the camp is generalized, the exception is normalized – the law and its exception have become indistinct. As argued by Agier (2011:183), the developments of refugee camps in the 1980s and 1990s, especially in Asia and Africa, as well as of different forms of immigration detention centers on the borders of Europe in the 2000s, confirm this conviction that there exists a contemporary form of camp as a lasting social and political organization. These are all spaces where the exception becomes the norm (Walters 2002:285).

3.3 Security as a legitimizing force for the state of exception

The legitimacy of the declaration of a state of exception arises from political calculations of security. Agamben (2001) argues that security, which used to be one of many measures of public administration, has since the first half of the 20th century become the sole criterion of political legitimation. Thus, the securitization of migration is an important aspect in order to understand Agamben's state of exception and the detention center. Elisabeth Abiri (2000, 2003) has explored the securitization of migration in the Swedish context and argues that during the 1990s refugee policy was gradually removed from the human rights field to be more closely linked to security. This change meant that refugees were no longer seen as individuals who were exercising their human right to seek asylum from persecution, but as parts of larger migratory flows that could pose potential security risks for the richer countries of Western Europe. Thus, to keep refugee flows outside of the country's borders became the main task of the state. Abiri (2003:136) holds that the end of the Cold War contributed to this change in refugee policy. Before the end of the Cold War security was traditionally defined as freedom of military threats towards the territory. Thus, there was a traditional connection between refugees (and other immigrant groups) and security, in a sense that the loyalty of such individuals could be questioned in times of crisis, i.e. during the two world wars, the Cold War, etc. However, after 1989 when the Cold War was over, the concept of security had to be redefined and refugee flows became its main target. Refugee flows were now seen as security threats and as "illegal migration" that had to be stopped (Abiri 2003:145). The "war on terror" has further exacerbated the refugee and asylum seeker as a transnational threat against national security, even though none of the persons behind the attacks in 2001 were refugees or asylum seekers (Castles 2003, in Bauman 2004:54).

3.4 The perception of the stranger, nationalism, racism and ethnicity

The perception of the stranger, which results in the binary creation of "us" and "them" is something that largely affects migration policy and "encampment". Above I have described how nationalism perceives the refugee as a threat to the nation-state and its sovereignty. However, the refugee is also seen as a threat to the imagined homogeneity and wellbeing of the population.

Ingvar Svanberg and Mattias Tydén (1999) have studied the production of the stranger, or the "other" in a historical perspective, showing that the stranger has been embodied differently in different moments of history. For example in preindustrial

Europe it was religion and domestic groups with “deviant behavior” such as travelling populations (“vagrants”) that were seen as outsiders, and cultural differences were rather related to class than nations (Ibid:12ff). Thus, earlier alienation was not necessarily defined in national terms. It was not until the end of the 1800s that the Swede became “Swedish” and the migrant a “foreigner”, which was a result of putting nationalism and “race” to the fore instead of religion (Ibid:20). The race-biological perception held that the mixing of inferior races was dangerous to the well-being of the population and certain categories of people became classified as unreceptive to control and improvement efforts – racial characteristics were perceived as inherited and forever given. Hence, racism functioned as a type of modern social engineering to achieve a “better” social structure, where the “inferior races” were seen as a threat to the social body (Bauman 1989).

During the period after World War II, denominations such as “race” and “vagrants” were discarded, while others gained ground. Ethnicity and ethnic groups became the prevailing notions that embodied the “other” and thereby emphasized cultural differences as boundary markers between “us” and “them” (Svanberg & Tydén (1999:25), making *integration* a main concern. In this way ethnic groups that are perceived as “difficult” to integrate can be subject to exclusion, for example in terms of denied entry, asylum and citizenship (see Johansson 2005:44). The multicultural agenda that gained ground by the end of the 1960s led to a categorization of different cultures in terms of ethnicity, where some cultures are seen as inferior to others, or even as a threat. This understanding of culture can be described as a reification of culture, which means that false boundaries are created and cultures are seen as something static and fixed (see Baumann 1996:16). Svanberg and Tydén (1999:27) use the term “culture racism”, referring to this type of hierarchical categorization of cultures. Thus, “culture” and “race” have been used in different historical periods to accentuate difference and legitimize exclusion, where both ethnicity and race are described in primordial terms, as something inherently biological and preeminently natural.

3.5 Welfare nationalism and the criminalization of the poor

Swedish welfare is something that has been central to the shaping of the state and the “Swedish people”, i.e. to the process of nationalization, which implies that welfare resources are to be reserved for the “Swedish people”. Among scholars in the Nordic countries the term “welfare nationalism” has become popular lately to describe the importance of the Scandinavian model of the welfare state as an exclusionary factor with regards to immigration (see for example Suszycki 2011). In the perspective of welfare nationalism, immigration can be seen as a burden for the society, that it leads to social problems and that the integration of newcomers might affect the integration of those who have arrived in earlier stages (Johansson 2005:45). Different types of welfare arguments can therefore be an important part of processes of homogenization and exclusion. For example Martin Bak Jørgensen (2012:56) has analyzed how irregular migrants are constructed as a target group for policy intervention in Sweden and argues that irregular migrants are connected to security related issues in the sense of a threat to the labor market arrangements and the Swedish welfare state.

The dismantling of the welfare state is often blamed on migrants, while neoliberal politics is rarely considered. The sociologist Zygmunt Bauman (2004:51) points to how the welfare state institutions are being phased out, while free market competition is left without its previous restraints, resulting in a criminalization of those who are incapable of participating in the market game. Another sociologist, Loïc Wacquant (2003:102ff), also considers how the neoliberal political turn has resulted in the strengthening of the state’s repressive functions and the expansion of the prison system and has thereby concentrated on the criminalization of the poor. With the dismantling of the welfare state, the interest in, and the resources intended for the maintenance of law and order has increased. The prison becomes the place for the categories of people who are not desired in the political order. He sees the “illegal migrants” as such a category, which has become subject to punitive measures. Residing irregularly in a country has increasingly become subject to detention and police action, which according to Wacquant has become a legitimate way of dealing with non-desirable groups. Thus, to reside irregularly in a country is increasingly criminalized.

4. First period – The first Aliens law of 1914 and World War I

4.1 Context

In 1860 Sweden abolished the principle of passports that had existed for centuries, which meant that people could cross the Swedish border, rent housing and obtain employment in Sweden unregulated. This was a general tendency in the major part of Europe that lasted until the outbreak of World War I in 1914, when most countries set up restrictions for immigration (Hammar 1964). By the end of the 1800s Sweden had become an early democracy⁴ and Gustav V was the King of Sweden from 1907–1950. Compared to the vast emigration from Sweden to the United States of a total of 1,2 million people from the middle of the 1800s until the beginning of the 1900s⁵, immigration⁶ was quite insignificant at this time (Johansson 2008:193). Thus, the legal framework for immigration control, expulsion and detention of aliens remained undefined by specific law.

However, the perception towards immigrants changed in the beginning of the 1900s and in 1907 the Parliament had requested that the Government would let prepare a law that prevented such immigration that was considered to be “harmful” and to regulate other types of immigration and residence in an appropriate manner (Hammar 1964:134). When the County Agencies’ (länsstyrelserna) commented on the Parliament’s bill in 1907, they argued that great care must be exercised so that the growing intercommunication was not damaged and to make sure that “useful” and “beneficial” aliens were not prevented from coming to Sweden (Hammar 1964:139). There were many reasons behind this request. It was partly due to labor issues related to Galician⁷ and Polish farmworkers and strikebreakers, but also due to the immigration from Eastern Europe to Sweden in 1904–1905, which totaled a few thousand immigrants. Many were Jews from Lithuania, Belarus and Poland. Others were political refugees from Russia who fled the Russian Revolution in 1905, and it was of great concern for the Swedish authorities that they could become a threat to the safety and

⁴ Women didn’t get the right to vote until 1921.

⁵ Between 1900 and 1914 about 20–30,000 emigrated from Sweden per year (Hammar 1964:385).

⁶ In 1910 there were around 50,000 people who had been born abroad, which equated less than one percent of the total population of 5.5 million. Of those born abroad less than 12,000 were foreign citizens. There were nearly 10,000 foreign citizens born in Sweden (Hammar 1964:386)

⁷ Galicia was an autonomous region, which belonged to Austria at this time, where mainly Poles, Ukrainians and Germans lived.

order of the state, because of continued political activities in Sweden (Hammar 1964:57ff).

4.2 The 1914 Deportation Act

In 1914, the same year that the war broke out, the first Swedish immigration legislation⁸ was established concerning aliens' right to reside in the country, the so-called 1914 Deportation Act⁹, which still accepted the principle of passage without a passport. It had not been issued because of the war, but had emerged from many different, sometimes contradictory interests and after a long preparatory work. The purpose was to regulate the practice of deportation and to establish control over foreigners in the country, however the law only targeted some specific groups (Hammar 1964:9f; 386).

4.2.1 Targets of the 1914 Deportation Act

In practice, the Deportation Act regulated the prohibition of *certain* foreigners to reside in the country, either through *the refusal of entry (avvisning)* or *deportation (utvisning)* (Hammar 1964:141). The refusal of entry would take place upon arrival or immediately after, and it applied to three groups. The first group concerned gypsies, traveling musicians, vagrants and beggars. The second group concerned criminals convicted for certain crimes and prostitutes. These categories were open for quite wide interpretations, but the third group was even more vaguely specified. It concerned foreigners who came to Sweden to work, but who were likely to become in need of poor relief assistance. Mentally insane, cripples, sick and old people were also mentioned in the third category, as possible targets for refusal of entry.

Deportation concerned foreigners already residing in the country for a longer or shorter period of time. It applied to the same categories as those who could be refused entry, except for the third group, where the Deportation Act instead referred to the poor relief regulation¹⁰ regarding repatriation of the poor¹¹. Deportation of criminals was further specified and applied to those who had been charged for illicit trading (peddlery) and for wandering around engaging in crafts work, as well as illicit distribution of alcohol. Most importantly however, according to a special article the Government was

⁸ The first Aliens Act (Utlänningslag) was established in 1927, as a summation of previous regulations, one of them being the Deportation Act of 1914 (Hammar 1999:172).

⁹ In Swedish: "Lagen (1914:196) den 14 september 1914 angående förbud för vissa utlänningar att här i riket vistas", även kallad "Utvisningslagen".

¹⁰ Fattigvårdsförordningen

¹¹ Repatriation of poor foreigners, many times applied to persons who had been working in Sweden for decades, but had been forced to take help from the poor relief aid, due to age or reduced work capacity (Hammar 1964:68)

granted explicit powers to make use of “political expulsion”, which meant that aliens, other than those who belonged to the above-mentioned categories, could be deported “when it was imperative for the security of the realm or otherwise in the interest of the state.”¹² (Prop. 1913:42, p. 134, cf. Hammar 1964:386). These powers were frequently evoked during World War I in 1914–1918, to deport foreigners suspected of being engaged in espionage, often on very vague grounds (Hammar 1964:340).

The 1914 Deportation Act also included some regulations concerning the detention of aliens. It stipulated that an alien could be detained if: a decision on deportation could not be immediately enforced; if the question regarding deportation of an alien had been raised; if there was a risk that the alien would abscond; or with regards to political expulsion “when the circumstances would bring forth such a measure”¹³ (Melander 1981:11).

Of most importance in the 1914 Deportation Act was the article that gave the Government explicit powers to – during war, in danger of impending hostilities, or when otherwise necessary – issue the necessary instructions concerning the supervision, deportation and detention of aliens (Hammar 1964:149f).

4.2.2 Motivations behind the 1914 Deportation Act

The main purpose of the law was to make it possible to deport foreigners who were considered a threat to national security or those who could become a public charge due to poverty or sickness. However, the 1914 Deportation Act was the product of several years of compromises, which in the end left aside the issue that had been of most controversy – that concerning labor immigration. Another issue at debate was that of race-biological concern and especially Jewish refugees from Polish and Russian areas were targeted (Öberg 1994:30f). During a parliamentary debate in 1914, when the law had already been passed, the MP David Pettersson argued that the most important issue at stake was: “the racial issue, namely the danger of any foreign elements being introduced, which would induce a mixing of our pure Germanic race”.¹⁴ Axel Schotte, the Minister of Public Administration, who had presented the law proposal, agreed by claiming that: “the racial issue, public health, has to be taken into consideration when

¹² ”där sådant av hänsyn till rikets säkerhet eller eljest statens intresse finnes påkallat”

¹³ ”när omständigheterna därtill föranleda”

¹⁴ ”Rassynpunkten, nämligen faran för att det kommer in främmande element, som föranleda en uppblandning av vår rena germanska ras”

shaping Swedish immigration control.”¹⁵ (Andra kammaren 1914, in Hammar 1964:139). Hence, the immigration regulations in the early 1900s reflected the strong racist and antisemitic attitudes that were prevalent at this time and immigrants, especially refugees were seen as a potential political and social burden.

4.3 Extension of the law through explicit powers of the Government

On the basis of the exceptional powers given to the Government through the 1914 Deportation Act, immigration control was introduced in August 1917 (Hammar 1964:387). This strict control of aliens was also introduced in Norway and Denmark during 1917 and 1918. Passports became obligatory for everyone, as well as entry permits and visa, and all aliens were subjected to strict control. Hence, the conversion from free to limited traffic of persons was an international phenomenon connected to the war. The motivation behind this strict control was due to the fact that the United States and Australia restricted immigration, which meant that the European states feared that they would have to receive European migrants, and especially the political refugees coming from Soviet Russia. Immigration control was however increasingly justified as a means to prevent the mixture of races, but even more important was to protect the labor market, and the visa regulations provided good opportunities to do so¹⁶ (Hammar 1964:8ff). The Government’s exceptional powers and strict immigration control also paved the way for the extension of deportation and detention.

4.3.1 New targets due to the extension of the law

The control of foreigners asking for permission of entry into Sweden from 1917 was extended in the fall of 1918 to include all those foreigners already residing in the country. In practice this was done through a decree in 1918 “concerning the surveillance of foreign nationals in the realm”¹⁷ (Prop. 1918:793), which opened up for more possibilities to detain and remove unwanted foreigners by either denying them residence permits or through deportation. This was often done on very vague grounds where businessmen and especially Russian Jews could be removed without much reason. For example a Jewish shoemaker was deported after six years in the country because he was a bad craftsman, who drank and had a wife who was a beggar. And a Jewish salesman

¹⁵ ”Rassynpunkten, folkhälsan, måste beaktas vid utformningen av den svenska utlänningskontrollen

¹⁶ However, since regulations regarding entry permits and visa became a problem for regular travelling, they were abolished during the 1920s, through bilateral agreements between many states, however excluding states producing larger numbers of refugees.

¹⁷ ”Kungörelse angående övervakande av utlänningar i riket”

was deported after eleven years in Sweden, because he was accused of engaging in illicit trading and for having venereal diseases (Hammar 1964:343).

Hence, while the 1914 Deportation Act stipulated what specific groups of foreigners were subject to deportation and detention, immigration control gave the Government possibilities to remove aliens who were considered undesirable for some reason, after a discreet inquiry made by the Passport Office and the local police. However, there existed no written accounts of their decisions (Hammar 1964:388).

4.3.2 The extension of detention resulting in internment camps

In order to facilitate the removal of unwanted foreigners, detention was used, which was conceived of as a practical tool to aid “rational and efficient” administration of the laws (Hammar 1964:348). During this time there were still no separate detention facilities for foreign citizens, so detainees were placed in police arrest or in prison. The regulations did not secure how long this could take and foreigners could spend several months, and sometimes up to more than six months in detention (Ibid).

Due to the war and the strict immigration control established in all the neighboring countries in 1917 and 1918, there were a number of foreigners with pending expulsion orders who could not go back to their “home country” and their deportation had to be postponed until further notice. This problem was related to particularly one group of foreigners – those who had been rendered stateless by not applying for citizenship in Poland or in the new Baltic States, or the ones who due to political reasons were denied the visa they needed in order to go back to their hometown in the Soviet Union (Hammar 1964:345ff).

This resulted in a need for the Government to manage such populations in an “efficient” way, by introducing long-term detention as a safety measure, when deportations could not be enforced (Hammar 1964:261). So-called red guards, from the Finish civil war (the ones who were not deported or immediately rejected at the border), were detained in internment camps in Morjärv in 1918–1919. It was considered inappropriate that they remained in freedom due to their “revolutionary ideals” that could agitate Swedish workers, but also because these Finish-speaking refugees were seen as a threat to “Swedishness” in the north (Tornedalen) where Finland-Swedish was widely spoken (Westerlund 2004:94f). Russian war refugees were also put in camps, deported or immediately rejected at the border, since the authorities feared that more people were to cross the border (Hammar 1964:261f). Hence, detention was also used as a preventative measure.

The internment camps in Morjärv were closed down in January 1919, since the war had come to an end in November 1918 and the refugees were either repatriated or granted residence permits. However, there were still plans to establish a new camp in Fristad. The State Secretary for Foreign Affairs, Boström, wrote to the Minister of Public Administration, Schotte, that in such a camp it would be possible to take care of “the Russian and Finish red guards and other non-desirables, whom one cannot get rid of”¹⁸ (Hammar 1964:349). However, such plans were not implemented until World War II, twenty years later.

4.4 Discussion part I

The motivations behind the establishment of rules and regulations regarding immigration in Sweden prior to the outbreak of the war were related to a fear of immigration from East Europe – consisting of political refugees threatening the security of the state – labor and racial issues. While the labor issue was left out, the main purpose of the 1914 Deportation Act was to make it possible to deport foreigners who were considered a threat to national security or those who could become a public charge due to poverty or sickness.

The juridical categories “vagrants”, “beggars” and “prostitutes” that became susceptible for deportation and detention resembles the earlier perceptions of the stranger as someone with “deviant behavior” (Svaneberg & Tydén 1999), which points to the fact that such xenophobic tendencies were still prevalent by the early 1900s. The motivations were however increasingly affected by race-biological concerns where Jews and especially gypsies were singled out as a threat to the “pure Germanic race”. So-called “welfare nationalism” also played its part in the exclusionary machinery and early formulations of the criminalization of the poor that Loïc Wacquant (2003) finds in contemporary times was also prevalent by simply rejecting, detaining and deporting those who by their appearance were suspected of becoming a public charge. The groups under this category, such as “mentally insane”, “cripples” and “sick”, points to a sort of cleansing activity of those who pose a threat to the whole of the population by becoming a burden for society. Detention (and deportation) could therefore be seen as a type of “social engineering”, to get rid of the “inferior races” and the “sick” in order to achieve a wellbeing and functioning social body (Bauman 1989). In sum, the purpose of

¹⁸ ”de ryska och finska rödgardister och andra non-desirables (sic), som man icke kan bliva kvitt”

the 1914 Deportation Act was not to restrict immigration, but to separate desirable from undesirable migrants. Through emerging ideological, legal and bureaucratic systems, aliens were created as a distinct group set apart from the rest of society. As argued by Bauman (2004:33), the modern nation-state has claimed the right to preside over the distinction between useful (legitimate) and wasted (illegitimate) lives, and the border control systems facilitated the selection.

The Government created an exception to the 1914 Deportation Act that would be used in emergency situations – during war or in danger of impending hostilities, which was first used in 1917 to introduce a general immigration control based on passports and a system of visas. These restrictions were due to a fear of European immigration; especially the political refugees from Soviet Russia, labor migrants, Jews and other groups of “inferior race”. In 1918 the control was extended to include all foreigners already residing in the country. In practice, this exception gave the Government explicit powers to decide on the “deportable” and “detainable” categories without referring to law. The war had now served as a legitimization for what in Agamben’s (2005) terms could be called a “state of exception”, the law was suspended – all foreigners, residents as well as newcomers, could be detained and deported.

The “detainable” groups that were now incarcerated posed a security threat to the state in terms of what Abiri (2003) calls a traditional connection between security and refugees: Those suspected of being engaged in espionage were detained and Red guards from the Finish civil war were detained due to the fear of their political ideology being spread among “Swedes”, while at the same time posing a threat to the homogeneity of the Swedish people in the north. Russian war refugees were detained mostly for preventative reasons, i.e. to prevent more people from crossing the border.

The fact that the increasing amount of “detainable populations” with pending expulsion orders, many of them stateless, could not be deported due to the war and the strict border controls, resulted in the creation of the first camp. It became in Arendt’s (1973) terms “the only practical substitute for a nonexistent homeland”. Thus the camps in Morjärv were set up in order to manage such populations in a more “efficient and rational” way, facilitating the removal of the undesirables that were both due to “safety” for political and nationalistic reasons, as well as “prevention” – to prevent more people from crossing the borders.

5. Second period – World War II and the Swedish internment camps

5.1 Context

The principle of passport remained even after World War I, and an even more restrictive control was implemented by issuing restrictions on work permits in 1920. The United States introduced work permit regulations shortly after, which made the European states fear that they would have to receive migrants from Germany and Eastern Europe, just like during the war. The fear of a massive immigration of Jews from the East also gave room to more explicit race-biological and anti-Semitic expressions in Swedish politics, which played a major role for the immigration policies during the 1920s and 1930s. This should be understood in relation to the world's first *State Institute for Racial Biology* that was established as a governmental agency in 1922 (Öberg 1994:34f).

Consequently, the most important motives for the first Aliens Act, which was introduced in 1927, was to protect the “Nordic race” and the Swedish labor market from foreign competition. In practice this meant that all aliens who wanted to enter the country had to show passports and apply for a residence permit from the National Board of Health and Welfare, if they wanted to stay longer than three months. The Government also introduced extended visa requirements for foreign citizens. Thus, regardless of Nazi Germany's strict policies towards Jews and dissidents, Sweden upheld a restrictive refugee policy throughout the 1930s (Berglund & Sennerteg 2008:29). After World War II broke out on the 1st of September 1939, the Social Democratic Prime Minister Per Albin Hansson declared that Sweden would take a neutral stance in the conflict. This was however later changed to non-belligerent, which meant that Swedish war policy was to keep the country out of the war (Westberg 2010).

An investigation issued by the Parliament's Second Legislative Committee in 1937 recommended that the Government itself should decide on refugee issues if “in view of national security” or otherwise “in the state's interest” (Lindberg 1973:50). The possibility to have refugee's asylum rights “forfeited” should also be introduced and suspicious refugees that could not be rejected on humanitarian grounds should be detained in custody¹⁹. The investigator considered it problematic to detain foreigners for a longer period of time on such grounds, but after examining other countries' practices in this area it was concluded that “both due to foreign policy reasons as well as for reasons of internal order and security it could be ‘necessary’ to detain refugees in

¹⁹ ”fängsligt förvar”

camps” (Lindberg 1973:60). Hence, the investigation suggested that the Government should have the power to decide on such detention.

5.2 Explicit powers – introduction of internment camps

Through Article 54 of the new Aliens Act, which entered into force on the 1st of January 1938, the Government was given the right to independently decide on matters regarding detention, which also applied to those foreigners who actually had the right to reside in the country. The responsibility for issues concerning refugees and other foreigners remained under the National Board of Health and Welfare (Socialstyrelsen) and the Ministry of Foreign Affairs, but through article 54, the Government had the final say (Berglund & Sennerteg 2008:32f).

In the so-called “Tillsynskungörelsen” of the 1st of September 1939 (the same day that the war broke out), the Government decided that special supervision of foreigners would take place, which meant that the authorities should keep an eye on them in order to trace suspected saboteurs and fifth columnists. However, these categories were to be changed from the beginning of the war to the later stages of war.

Six months later, on the 25th of February 1940, the Government introduced the possibility to “take aliens into custody in quarters”²⁰, in other words to lock them up in a certain type of camps, without a trial. The possibility to “detain an alien”²¹, which meant to lock them up in prison for an indefinite period of time and without a trial – as a security precaution – was introduced at the same time (Berglund & Sennerteg 2008:22).

Between 1940 and 1946, the detention apparatus was extended with fourteen closed internment camps. Through administrative decisions made by officials at the National Board of Health and Welfare, foreigners were detained without a trial and for an indefinite period of time – in most cases for more than a year. Detention did not require a motivation and could not be appealed (Berglund & Sennerteg 2008). About 400 political refugees were detained in 1940, which was a considerable amount considering that around 1,000 political refugees resided in the country at that time (Åmark 2011:558). At the most some 1,500 foreigners were incarcerated at the same time, and in total about 3,000 people were detained in these camps during 1940–1946 (Berglund & Sennerteg, 2008:8f). What all the interns had in common was that they were considered “unreliable foreigners”, and belonged to different categories of

²⁰ ”Omhändertaga utlänningar i förläggning” (Berglund & Sennerteg 2008:22).

²¹ ”taga utlänning i förvar” (Berglund & Sennerteg 2008:22).

“dangerous” internees. The interns themselves, as well as critics called these camps Swedish concentration camps, however the official name was “Closed quarters”²². It was Tage Erlander, who came to be the Swedish Prime Minister in 1946, who had the overall responsibility for the camp system throughout the war (Berglund & Sennerteg 2008:8; 15).

5.2.1 The internment camps and their populations

What is remarkable about these internment camps is that the detainable categories varied according to the political situation during the war. In the beginning of the war when Nazi Germany had a strong influence, the interns consisted mainly of anti-Nazis and communists. The two first camps that were set up in Långmora and Smedsbo held those suspected of being radical social democrats, syndicalists and pacifists, most of them being German-speaking people, stateless and some Jews. Even refugees coming from other countries, occupied by Germany, could be subjected to detention if they were considered harsh opponents of Hitler. Foreigners who had lived in Sweden for many years could also suddenly be detained. For example a German-Jewish refugee allegedly brought suspicion by traveling around on a motorcycle in the area of Kristianstad. He had also promised to acquire the communist paper “Die Welt” to two people in Scania, it was said. Even though it was a matter of two-year-old rumors, he was interned in Långmora as a safety measure on the 10th of September 1942, when the Third Reich was on its peak of military power (Berglund & Sennerteg 2008:19).

At the end of 1942 a new closed internment camp was established in Rengsjö, outside of Bollnäs, with room for in total 80 internees. This time the purpose was to hold Norwegians and Danes that were considered having a criminal past or so-called “severe disciplinary cases”. For example many Norwegians were sent to cut trees during the winter, from where some of them escaped, and as a consequence they were sent to Rengsjö as a disciplinary action (Åmark 2011:559). Hence, the selection of interns was not political, and the main reason for the internment was that it was impossible to deport them, due to Germany’s occupation of Norway and Denmark. Another important reason for detention was “observation”, which concerned people with either unidentified identity or unclear asylum reasons (Åmark 2011:564).

However, as the luck changed for the Nazi regime, so did the categories of internees in the Swedish camps. In the spring of 1943 the authorities started to detain

²² ”Slutna förläggningar”

Nazi supporters. Thus, another two camps were established in Florsberg and Hälsingmo, with the purpose to hold Danish and Norwegian Nazi supporters and German collaborators (Berglund & Sennerteg 2008:105; 137).

With time, the camp apparatus was extended in a new way. In October 1943 a camp managed as a closed psychological clinic was established in connection to the mental hospital Säter in Dalarna, since several of the interns suffered from “nervous disorders”, anxiety and instability due to the internment (Berglund & Sennerteg 2008:111). Another camp was established in Tjörnarp to hold women who were described as “libidinous” and “unwilling to work” – motivations that had nothing to do with “the security of the state”. Of most importance regarding this camp, is the fact that the camp was established at the end of the war when peace was already a fact and was not closed down until one year after the war was over. As Berglund and Sennerteg argue, this shows that the existence of the women’s camp had rather more to do with sexual policies than security policies (Berglund & Sennerteg 2008:215ff). During the last months of war in 1944 and 1945, large immigration flows reached Sweden, which meant that the camp activities had to be extended once more. Nazis and collaborators had not been present in the camps during 1940–1942, but were instead the majority during 1944–1945.

5.3 The Government’s censoring of the camps

It was not until 1945, when the new Aliens Act replaced the 1937 Aliens Act that a special law was issued concerning the possibility to detain or take aliens into custody in quarters. Hence, this meant that throughout the war, the authorities had been empowered to dispense from the law through the issuing of additional administrative regulations (Johansson 2004:43). The new law stipulated that the only factor that could justify detention was if the authorities could consider that the person constituted a serious safety risk with regards to the war. The law expired on the 1st of July 1946 after the parliamentary inquiry commission on refugees and security delivered its report regarding the treatment of refugees²³ (Prop. 1954:41 p.22). However, this report left out many aspects and even the mere existence of some of the camps. Ever since the closure of the camps the Government has tried to hide their existence; the archives of the camps

²³ SOU 1946:36, ”Betänkande angående flyktingars behandling”

have been classified for fifty years and they were strictly censored once revealed to the public (Berglund & Sennerteg 2008).

5.4 Discussion part II

The motivations behind the first Aliens Act of 1927, was a product of the way the 1914 Deportation Act had been implemented in practice. As the United States closed their doors on labor migration, there was a fear of massive immigration of especially Jews from the East. Consequently, the most important motives for the first Aliens Act of 1927 were to protect the “Nordic race” and the Swedish labor market from foreign competition. All these restrictive policies made it hard for Jews or other dissidents of Nazi Germany to take refuge in Sweden.

The Parliament’s investigation of 1937, recommended that the Government should decide on refugee issues if “in view of national security” or otherwise “in the state’s interest” (Lindberg 1973:50) and claimed that it would be “necessary” to detain refugees in camps for foreign policy reasons and for the sake of internal order and security. This enabled the Government to conduct special supervision of *all* foreigners who were suspected of being saboteurs or fifth columnist by the outbreak of WORLD WAR II in 1939, irrespective of if they had a residence permit or not. This meant that the Government was empowered to dispense from the law and independently decide on the “detainable categories” (Johansson 2004:43). Hence, the outbreak of the war was by the Government perceived as an “emergency situation” that justified actions outside of the normal juridical order. As Agamben (1998:167) reminds us, the first concentration camps in Germany were established by the Social-Democratic Government and not by the Nazi regime, which held thousands of communist militants in 1923 on the basis of Schutzhaft. Schutzhaft (protective custody) made it possible for the Government to “take into custody” any individual, independently of any criminal behavior, only for the reason to avoid danger to the security of the state. However, Schutzhaft was also the basis for the Nazi concentration (and extermination) camp. The term concentration camp can undoubtedly lead to misunderstandings, since it brings to mind the extermination camps where Jews, Roma and other undesirable groups were exterminated. However, as Nicklas Sennerteg (2008) argues, technically the Swedish internment camps meet the definition: In the camp you were not interned because of what you had done, but because of what you unchangeably were (Arendt 1973:294).

Hence, through the suspension of law, fourteen closed internment camps were established during 1940 to 1946 in order to manage all those categories identified as “unreliable foreigners”. Being a foreigner, no matter how long you had lived in Sweden, was reason enough to be interned on very loose grounds, even for several years. The security of the state was in fact the only reason that could motivate setting aside basic principles of Habeas Corpus and humane treatment. However, the camp system turned out to go beyond those principles.

The two first camps that were established, Långmora and Smedsbo had been a part of the social system since 1923. Långmora had earlier been used as a workhouse to hold 50 so-called “neglectful family men” and Smedsbo functioned as a similar institution for women (Berglund & Sennerteg 2008:11). Interesting enough the personnel working in the facilities continued on their posts even after the transition to closed internment camps for foreigners. Perhaps this appears less peculiar considering the fact that the camp system also functioned as a tool for social control – a technique for social regulation (Walters 2002:271), or to use Bauman’s (1989) term “social engineering”. Beyond the perceived “political interns” (first the Nazi opponents and later the Nazi supporters), the camps held “asocial elements”, i.e. those refusing to work (disciplinary cases), those with “nervous disorders” (produced by the internment itself) and even women that were considered as “libidinous” became detainable. However, apart from the strictly political and social reasons, there was also a practical need – detention places were needed for those refugees that were awaiting deportation, but whose deportation could not be enforced due to the war. In this sense the internment camps during WORLD WAR II were both used as a political, social and practical tool.

6. Third period – the Lucia decision and new grounds for detention

6.1 Context

Contemporary regulations regarding administrative detention of aliens have their origins in the regulations established during the two world wars described in the previous chapters, but got its contemporary form in the 1970s and 1980s, after being mainly unchanged since the 1950s (Ribbenvik 2008:5). Swedish immigration policy has changed a great deal in the last two decades. The process of liberalization that characterized much of the refugee and asylum policy in the 1970s and 1980s has been replaced by a more restrictive policy since the late 1980s (Spång 2008).

This third period will describe one major turning point towards a more restrictive policy, namely when the Swedish Government, on the 13th of December 1989, without consulting the Riksdag, decided to radically restrict the possibilities for asylum, also known as the Lucia decision²⁴ (Johansson 2005). This led to a high increase in the number of rejected asylum applications, which meant that more and more people went underground, i.e. stayed in the country undocumented (Hammar 1999). These events were also coupled with comprehensive changes regarding detention. With the new Aliens Act of 1989, the grounds for detention were made less restrictive (Wikrén & Sandesjö 2010:476), which meant that the detention of non-citizens could be used more frequently. Thus, this third period of analysis will explore the above mentioned events that gave rise to an increasing number of rejected applications and thereby the creation of a growing population of “detainable” categories, namely the “illegal immigrants” and the so-called “bogus asylum seekers” that also represent contemporary categorizations.

6.2 The Lucia decision

On the day of Lucia, the Social Democratic Government made a radical change in the criteria for refugee protection, without consulting the Riksdag. This change meant that Sweden would only accept so-called Convention refugees, i.e. those who fulfilled the criteria stipulated by the 1951 Geneva Convention for Refugees, and those who had “exceptionally strong reasons for protection”²⁵. This meant that it would no longer be

²⁴ ”Luciabeteslutet”. On the 13th of December the day of Lucia is celebrated in Sweden, which gave rise to the name of the event

²⁵ ”särskilt starka skyddsbehov”

possible to be granted asylum as a de facto refugee or war refuser²⁶, unless there were “exceptionally strong reasons for protection”. Due to the restrictive interpretation of the Geneva Convention, only around 10 percent of the asylum seekers at this time would fulfill the criteria as Convention refugees (Johansson 2005:29; 162). Thus, this opened up for a highly restrictive immigration policy.

The Lucia decision was made by means of the exception clause “special reasons”²⁷, which had been implemented already in 1975 (Prop. 1988/89:86 p. 156). It stipulated that “special reasons” to deny asylum would, except with regards to national security, prevail when “the conditions are such that it is deemed necessary to regulate immigration”²⁸. However, it would have to be a matter of “so many people that it would cause great pressure on the Swedish society and the Swedish refugee reception system to receive them in Sweden.”²⁹ (Ibid.).

6.2.1 Motivations behind the Lucia decision

So how did the Government justify this highly restrictive policy change? The reasons behind the Lucia decision was, according to the Minister of Immigration Maj-Lis Lööv, that the situation regarding the refugee reception system had become unsustainable. The Government expressed a situation of “crisis”, which was related to an unexpectedly high number of asylum applications and that the municipal refugee reception systems were overloaded (Johansson 2005:163). Lööv argued that the reception of refugees could no longer proceed under “dignified conditions”. Ironically enough the Government vindicates its decision to restrict the possibility for asylum on “humanitarian grounds”, by saying that the current reception conditions are inhumane. However, at the same time the Immigration Minister Lööv is justifying the decision in a different way by saying that: “We have reached the limits of what we can handle. To be able to in the future, in a good way, provide a sanctuary to those who need it the most, we now have to restrict the ability of *others* to get residence permits in

²⁶ A “de facto refugee” was an alien who, although not fulfilling the criteria as a refugee according to the Geneva Convention, could not return to their home country because of the political conditions prevailing there. A similar opportunity exists today through the provision regarding “particularly distressing circumstances” (synnerligen ömmande omständigheter), but the interpretation of this provision is *extremely* restrictive. “War refuser” is a Swedish legal term for a deserter from other countries, i.e. people who flee a war zone, or who stay away to avoid military service. War refuser was a valid reason for asylum between 1976 and 1996.

²⁷ ”Särskilda skäl”

²⁸ ”att förhållandena är sådana att det bedöms vara nödvändigt för att reglera invandringen”

²⁹ ”så pass många personer att det skulle medföra stora påfrestningar för det svenska samhället och den svenska flyktingmottagningen att ta emot dem i Sverige.”

Sweden.”³⁰ (Pressmeddelande 1989-12-14, *my emphasis*, cf. Christina Johansson 2005:164). As Christina Johansson notes, the minister is here implying that the ones who have been granted asylum might not have had actual grounds for it. Thus, Lööw is implicitly arguing that Sweden has until now given room for “bogus” asylum seekers.

By the stroke of a pen the Government had all of a sudden not only publicly accused asylum-migrants of being “fake” refugees and a threat to the Swedish society, but also through law rendered a large number of people “illegitimate”. This should also be understood in relation to an event in 1972, namely the final stop for the recruitment of foreign labor³¹. In short, this decision meant that after 1972 only two categories of migrants were wanted or accepted: refugees and their family members (Hammar 1999:171ff). Thus, while refugees or their family members were seen as “legitimate” immigrants, the “economic migrant”, was all of a sudden an “illegitimate” category for immigration. This could be viewed as a starting point for the suspicion towards refugees’ motives, that they are not “real asylum seekers”, but “economic migrants”.

6.2.2 Events behind the Lucia decision

So, what brought on these restrictive policy changes? According to Tomas Hammar (1999) there was a paradigmatic change at the end of the 1980s when asylum seekers started to be seen as a heavy burden for the Swedish society. The reasons for this change are of course complex and can only be roughly mentioned here. To begin with, the increasing number of asylum seekers, starting from the middle of the 1980s³² was a matter of concern for the Government, which expressed that the numbers had increased significantly in the fall of 1989 (Regeringens skrivelse 1989/90:68, cf. Johansson 2008:207). Accordingly, the costs for the refugee reception system had increased in the end of the 1980s, but this was partly related to its organization; ineffectiveness and long waiting times were seen as major problems. For example, it had become more difficult to enforce deportation orders, which was related to an increasing number of asylum seekers arriving without ID documents. Thus, it was nearly impossible for the authorities to enforce an expulsion order when a person’s identity could not be verified

³⁰ “Vi har nått gränsen för vad vi klarar av. Skall vi framöver på ett bra sätt bereda fristad åt dem som behöver det allra mest måste vi idag inskränka möjligheterna för andra att få uppehållstillstånd i Sverige”.

³¹ This remarkably radical policy change was however not the work of the Government, but the national organization of trade unions – LO, which used its veto against the import of labor (Hammar 1999)

³² Up until 1985 there were about 5,000 asylum seekers per year, between 1985–1988 there were around 15–20,000 a year, between 1988–1991 there were around 30,000 a year and in 1992 there was a peak of around 84,000 people arriving mainly from former Yugoslavia (Hammar 1999:176).

(SOU 1988:1 p. 165). Identification problems also made the asylum process itself more difficult and time consuming (Öberg 1994:84) and the Government viewed the lack of documents as “asylum abuse”³³ (Prop. 1988/89:86, p. 93), which further indicates the suspicion directed towards refugees.

Refugees’ integration was also seen as problematic. First of all the Migration Board was concerned that refugees had to stay too long in their reception facilities, even after getting a residence permit. Secondly, that it took a long time for refugees to get a job, once installed in the receiving municipality (also partly due to the lack of ID documents) (Öberg 1994:84). With regards to integration, Christina Johansson (2005) argues that the Lucia decision should be understood in terms of a specific group of asylum seekers that were seen as difficult to integrate, namely the Bulgarians with Turkish descent that was a major group coming to Sweden at this time. Johansson is thereby arguing that discussions regarding ethnic and cultural characteristics were important factors behind the policy restrictions. Another factor important to mention was the perceived threat of mass immigration from the east, due to the fall of the Berlin Wall on the 9th of November in 1989, just before the decision was made.

6.3 Changes to detention – the new Aliens Act of 1989

While the Lucia decision gave rise to a high number of rejected asylum migrants, the new Aliens Act of 1989, which came into force on the 8th of June, had made it easier to detain them. According to the previous Aliens Act of 1976, an alien could be detained if “probable grounds”³⁴ for removal prevailed or in case of enforcement of an expulsion order. However, detention was only possible if there also prevailed “reasonable grounds”³⁵ to assume that the alien may otherwise go into hiding or pursue criminal activities in Sweden (Wikrén & Sandesjö 2010:476). In the new law of 1989, two important wordings were changed that made it easier to detain aliens; “probable grounds”³⁶ were replaced by “probable”³⁷ and “reasonable grounds”³⁸ were replaced by “reason to believe”³⁹ (Wikrén & Sandesjö 2010:476).

³³ ”missbruk av asylrätten”

³⁴ ”Sannolika skäl”

³⁵ ”Skäligen kunna befaras”

³⁶ ”Sannolika skäl”

³⁷ ”Sannolikt”

³⁸ ”Skäligen kunna befaras”

³⁹ ”Finns anledning att anta”

With the new law it also became easier to detain a person for *identity investigation (identitetsförvar)*, which had previously only been possible if it was probable that a decision on deportation would be made, a prerequisite that was now removed. These changes were seen as necessary in order to make detention “an effective instrument to solve the identification problems”⁴⁰ (SOU 1988:1 p. 165). This should also be understood in relation to the restrictive asylum policy change that was introduced on the 2nd of November in 1989, which implied that if a person did not have reasonable grounds for not presenting ID documents, it would be viewed as a disadvantage in the asylum investigation (Regeringens skrivelse 1990/91:77 p.33, in Johansson 2008:207). Another novelty that was introduced was *detention for investigation (utredningsförvar)* relating to cases where detention would be “necessary”, for example in cases when many migrants arrive at the same time, making it impossible for the authorities to make a first interview immediately upon arrival (SOU 1988:1 p. 166).

6.4 Increased detention and deportation

The rate of rejections increased during the 1990s, and so did the number of people going underground. In 1997, 3,500 persons were deported, but in 1993 and 1994 the numbers were more than twice as high (Hammar 1999:189f). In Sweden, there was a high ambition already in the early 1990’s that the rejected asylum seekers, “overstayers” and other “illegals” would also leave the country. Hence, special resources were allocated to the police to make sure that as many as possible would leave the country after having their asylum applications refused, and information regarding irregular migrants was privately given to the police by the public (Hammar 1999:191). The methods used by the Police were highly contested in this period, especially violent incidents and ill-treatment during deportations, coupled with reported violence, suicide attempts and hunger strikes at the detention facilities (CPT 1999). Until 1997, the police were responsible for detention and deportation, detainees were held in police custody and private security firms were hired to enforce the deportations (Khosravi 2009). The Swedish Government assigned the Migration Board to take over detention and deportation procedures in October 1997, in order to create a “more civil, culturally sensitive and open detention policy” (Mitchell 2001). However, the Government still argued that detention centers were a necessity for verifying aliens’ identities before

⁴⁰ ”ett effektivt instrument för att komma till rätta med identifieringsproblemen”

releasing them into society, as well as to enforce deportations effectively (Ibid.).

6.5 Discussion part III

The motivations behind the Lucia decision, which resulted in a substantial increase in the number of rejected applications, was according to the Government the high number of refugees that had provoked a “crisis” in the refugee reception system. The Government made use of the exception clause that made it possible to deny asylum exactly in times when the number of migrants caused “great pressure on the Swedish society and the Swedish refugee reception system” (Prop. 1988/89:86 p. 156). Even though it was not a matter of a “state of exception” in its technical terms (Agamben 2005), the Government referred to an emergency situation, which all of a sudden rendered a great number of asylum migrants “illegitimate”; the new rules even applied to those who were already residing in Sweden, waiting for their decision. As mentioned in the theoretical section, Elisabeth Abiri (2000) detects the securitization of migration to the period *after* the end of the Cold War. However, she argues that even though the security-migration nexus was not yet mirrored in the official migration discourse, the Government already *acted on* what it considered to be its security concerns in the field of migration, already in the 1980s. Thus, “[b]y these actions, migration was de facto treated as a security issue” (Ibid: 187). If the war had served as the legitimization for a “state of exception” in earlier periods, now the migrant, or “mass migration” served the same purpose.

The Minister of Immigration held that resources were to be saved for those *who needed it the most*, which meant that restrictions had to be applied on *others*. This induced negative attitudes towards migrants and as argued by Hammar (1999:198), the distinction between “us” and “them” was drawn more clearly. The statements by the Government even made this distinction legitimate by implying that already too many had been admitted, without or on very little ground. Asylum migrants started to be accused of being simply “economic migrants”, i.e. “bogus asylum seekers”. Integration had become the main concern for the Government; asylum seekers were seen as a heavy burden by putting strains on the welfare system and especially one ethnic group was targeted as problematic in terms of integration, namely the Bulgarians with Turkish decent (Johansson 2005). Hence, migrants became understood as a cultural threat, as well as a threat to the Swedish welfare state.

The rejections that followed the restrictive policy resulted in more people remaining irregularly in the country, which meant that they were now considered as

“illegal migrants” and thus “detainable”. The use of detention was made easier with the change of law in 1989 and was especially used to enforce pending deportation orders, but also to examine a person’s uncertain identity. Identity detention could be seen as a punishment for what the Government called “asylum abuse” (Prop. 1988/89:86, p. 93). The detainable populations were in the hands of the police and private security firms – as Loïc Wacquant (2003) argues, detention and police action had now become a legitimate way of dealing with a non-desirable group – the “illegal migrants”.

7. Fourth period – Contemporary detention: European cooperation and REVA

7.1 Context

The third period discussed the beginning of an increasingly restrictive migration policy, which has become more stringent throughout the last two decades. Migration is increasingly seen as a threat to security, which has resulted in the criminalization of migration, where focus lies on the protection against “illegal migrants”. The European harmonization of migration and asylum policy since the 1990s has resulted in increased external and internal border control mechanisms (Appelqvist & Zettervall 2008) at the same time as return migration and deportation has become the main focus for migration policies in Sweden. The restrictive policies have resulted in increasing numbers of deportations as well as the increased use of detention facilities. The locked units that the Migration Board is in charge of were extended at the beginning of 2013 and now have the capacity to hold 255 detainees (Migrationsverket 2013).

7.2 Swedish policy focuses on return migration and deportation

An important change towards a more restrictive asylum policy on national level became visible in 1995 when it was proposed that migration should be integrated with other areas, such as foreign policy, development aid and trade (SOU 1995:75, in Spång 2008:72). In the investigation “Swedish refugee policy in a global perspective”⁴¹ (SOU 1995:75), ordered by the Social Democratic Government, it was argued that resources tied up in asylum systems in the rich countries of immigration should instead be used to prevent the causes of flight. Especially an increased focus on *return migration* (återvandring) was brought forward and it was suggested that certain resources should be devoted to return projects as an integrated part of Swedish foreign aid policy (Ibid.). The investigation also proposed restrictive changes to the criteria for asylum, which were implemented in law in 1997. The two categories “de facto refugees” and “war refusers”⁴² were abolished and asylum seekers in these categories were given protection only if they have exceptionally strong reasons, under the new category “persons otherwise in need of protection”⁴³. The widely used practice of giving residence permits on humanitarian grounds was also abolished and immigration of relatives was restricted

⁴¹ ”Svensk flyktingpolitik i internationellt perspektiv”

⁴² ”De facto flyktingar”, ”krigsvägrare”

⁴³ ”övriga skyddsbehövande”

to the nuclear family (Hammar 1999:186f). Temporary protection for refugees had been introduced in 1994 and remained in the new law, given for two or maximum four years. This was a tool meant to be used in situations of “mass refugee immigration” with the same arguments used in 1989 when the Lucia decision was made; it is necessary to restrict migration in order to use the resources for the protection of *those who need it the most* (Johansson 2005:90f). Just like in 1989, the restrictions were based on Sweden’s possibilities to receive immigrants, which were related to Sweden’s ability to integrate them (Ibid.). Hence, apart from severely restricting the possibilities for asylum, the policy from the middle of the 1990s had a clear focus on “voluntary return migration” (aimed at those who have permanent residence permits), as well as temporary protection, where *return* (återvändande) is one of its main purposes (Appelqvist & Zettervall 2008:234).

During the last decade, Swedish migration policy has increasingly come to focus on return in terms of *deportation*: “Return efforts are a priority task for the Migration Board. A clear shift from reception operations to return operations have been made.”⁴⁴ (Migrationsverket 2011a:24). This shift is visible in the annual budget for removal operations, which increased from 121 million krona (€14 million) in 2000 to 296 million krona (€35 million) in 2013 (Khosravi 2009:40, Ekonomistyrningsverket 2013). The Minister of Migration Tobias Billström even called 2009 the “year of return”⁴⁵ (Bergström 2012:172). The Government’s letter of regulation for the Migration Board for 2012 underlines this policy, stating that the Migration Board’s priority areas are asylum applications and *return* (deportation) (Ekonomistyrningsverket 2012). The number of “open deportation cases”⁴⁶ that the Migration Board handed over to the police increased from 8,703 in 2008 to 20,089 in the beginning of 2013 (Migrationsverket 2011a:52, 2013:61). Thus, due to a substantial increase in the number of rejections, which has resulted in more people going underground, detention and deportation have gradually become central parts of the asylum system in Sweden (Khosravi 2009:41).

⁴⁴ ”Återvändandearbetet är en prioriterad uppgift för Migrationsverket. En tydlig förskjutning inom mottagningsverksamheten till återvändandeinsatser har gjorts.”

⁴⁵ ”Det stora återvändande året”

⁴⁶ ”öppna återvändandeärenden”. These include cases of forced deportation and cases where people have gone underground.

7.3 European securitization and criminalization of migration

So, how have these restrictive changes become possible? Since the beginning of the 1990s the European Union has increasingly moved towards a criminalization of migration by connecting migration to issues of security (Khosravi 2009). The EU has strengthened cooperation in the area of migration, asylum and security, where the focus lies on protecting the European borders from “illegal immigration”. An important step in this direction was the Schengen Agreement, which resulted in the creation of Europe as a “borderless Schengen area” in 1995, leading to an intensification of the protection of the external European borders, while blurring the internal ones. In order to administer the security of the European Union and to fight back against “illegal border crossing”, the FRONTEX Agency for the common management of the Union’s external borders was established in 2005 (Hailey 2009:242). FRONTEX has a yearly budget of 86 million Euros for the removal of migrants from European territory, which is commonly exercised through joint deportations (Statewatch 2013). Sweden’s increasingly restrictive policy is connected to the European harmonization of migration and asylum policy, which has resulted in increased external and internal border control mechanisms (Appelqvist & Zettervall 2008:234).

Sweden became an operative member of the Schengen area in 2001⁴⁷, which has resulted in decreased control of the country’s external borders. Hence, because of a fear of an increased number of irregular migrants entering the country, the use of internal border checks has been emphasized (SOU 2004:110, in Spång 2008:78), which has in turn opened up for discrimination towards immigrants residing in Sweden (Hydén & Lundberg 2004). In terms of external control, visa requirements have become the main control instruments. As we have seen in the earlier periods, this instrument has been used since World War I, but the number of visa countries was further extended when Sweden became a member of the Schengen area. Today almost all non-European citizens, especially from those countries from which unwanted immigration might be expected, are required to apply for visa to enter the country. Thus, due to its geographical location, Sweden has been able to block unwanted flows of immigrants through the system of visas (Hammar 1999:193). It should be noted that it is not possible to seek asylum from outside a country and visas are in general denied people coming from countries from where many people flee, which means that refugees are

⁴⁷ Sweden signed the membership already in 1996 and the process to adjust laws and regulations was started at that point (Spång 2008)

forced to enter European territory “illegally”. Another tool used to prevent migrants from entering the EU, which was further extended by the Schengen membership, is the use of carrier sanctions, i.e. the imposing of fines on private transport companies that carry persons who do not hold the necessary documents to enter European territory (ECRE’s Website). The visa system coupled with carrier sanctions has resulted in a situation where migrants’ only option is the help of smugglers to cross borders irregularly – in most cases an extremely dangerous operation. At least 18,673⁴⁸ people have died since 1988 in their attempts to cross the European borders, out of which 2,352 only in 2011 (Fortress Europe Website 2012).

The Dublin Regulation that was first introduced in 1990 has further restricted and criminalized the movement of refugees on European territory. The Dublin Regulation is a EU law that determines what country should be responsible to examine a person’s asylum application, which was established in order to prevent people from seeking asylum in more than one country (Migrationsverket Website). Usually the responsible Member State is the state through which the asylum seeker first entered the EU, which means that refugees are not allowed to choose in what country they want to seek asylum. Through the EU database EURODAC, the migration authorities can check if a person’s fingerprints are registered in another “Dublin country”, which would result in her/him being sent back. It should be noted that individuals are often forced to leave their fingerprints under threat or direct violence (Jansson & Molander 2012:55). The principle of the “first country of asylum” is an important factor for the Swedish authorities to reduce the amount of asylum seekers (Abiri 2003:143-44).

7.4 The REVA project and increased detention

Due to the restrictive asylum policy introduced in 1997 and the Dublin regulation, which has resulted in people being deported across European territory, the amount of people with pending expulsion orders have increased enormously. Thus, the focus on deportation and detention has taken a central part in the Swedish asylum system where the goal is to increase the number of deportations. In order to meet this goal the REVA project, which stands for Legal and Effective Enforcement Work⁴⁹, was started in 2011. The REVA project is a collaboration between the Migration Board, the police and the Prison and Probation Transport Service⁵⁰, and is partly funded by the “European Return

⁴⁸ This number is from the 10th of November 2012, however only including the documented cases.

⁴⁹ ”Rättssäkert och Effektivt Verkställighetsarbete”

⁵⁰ Kriminalvårdens transporttjänst

Fund” (!). REVA was piloted in the south of Sweden in 2011, but has now been extended to a majority of the police districts in the country and will continue its rollout until June 2014 (Migrationsverket 2012:34). In practice this has resulted in increased internal border checks on the streets in terms of ID controls, with increased detention and deportation as a result. The police have been severely criticized for racial profiling with regards to their methods in selecting people for ID control, as well as for arresting people at former sanctuaries for irregular migrants, such as in schools, hospitals and at the psychiatric clinic for minors (see for example Sydsvenskan 2013-01-12).

The majority of the persons being detained today are asylum seekers whose applications have been rejected and are awaiting deportation. The use of detention as a pre-deportation mechanism has become central, since detention is a prerequisite for the authorities to enforce a deportation as “quickly and effective as possible”. Hence, as part of REVA, a new so-called transit detention center has been established in Märsta, giving room for 20 more places and in order to increase efficiency it is located close to Arlanda airport from where most deportations take place (Migrationsverket 2013). Only in 2012 the number of detainees increased from 2,244 to 2,550 (Migrationsverket 2012:50). However, REVA is only the most recent extension of the detention apparatus. Due to the increased European cooperation of chartered joint deportations administered by FRONTEX, a temporary detention unit with 20 places was established in Flen in 2010 and in May 2011 the new and bigger detention center in Åstorp replaced the old facilities in Örkelljunga, giving room for another 30 places (Migrationsverket 2010). In Sweden there are now in total ten locked detention units on five different geographical locations that the Swedish Migration Board is in charge of, with the capacity to hold 255 detainees (Migrationsverket 2013). Police arrest and correctional institutions are however also used for detention, applied to people who are considered a “safety risk” for either themselves (due to self harm or suicide) or other detainees. The Migration Board has been severely criticized for putting people who are suicidal in arrest, where they spend most hours locked into a small cell and without access to necessary medical treatment (CPT 2009). According to the European Return Directive it is stipulated that detainees held in police arrest or correctional institutions should be separated from other interns in order to not confuse asylum seekers with criminals. As a result a new unit with room for seven detainees was established in the Prison and Probation Service’s institution in Skogome, outside of Gothenburg in October 2012 (P4 Göteborg 2012-10-11).

7.5 Discussion part III

The increasingly restrictive Swedish asylum policy is a result of both the European harmonization of migration and asylum policy and the so-called security panic associated with migration. The Dublin Regulation, increased visa restrictions and carrier sanctions have made it impossible for asylum seekers to enter or move on European territory “legally” to seek asylum, which has resulted in a fight against “illegal immigration” (Khosravi 2009; Vestin 2007:3). Thus, the securitization of migration has resulted in a new political approach: the elimination of the threat (Abiri 2003:136).

The restrictive policies that were introduced in the end of the 1990s severely restricted the possibilities for asylum and were focused on “voluntary return migration” where foreign aid was seen as a solution for the prevention of the causes of mass migration (SOU 1995:75, in Spång 2008:72). Since the 2000s, the main focus lies on deportation. Refugees have indeed become a “lasting crisis” in the nation-state system – a surplus of “depoliticized life” impossible to contain within the political order of the nation-state (Agamben 1998). The refugee or the “illegal migrant” as a security threat has become the main legitimating force behind a fictional and continuous “state of exception” (Agamben 2005). In the post-war era, the migrant itself plays the role of enemy, which is enough for establishing a state of exception. As argued by Bak Jørgensen (2012:51) the use of the category “illegal migrant” could be understood as a policy tool that constructs migrants as undeserving and deviant, while at same time deliberately placing them outside the law.

What is new about the recent developments is that the resources and efforts to remove undesirable populations have become regionalized, i.e. European. The main concern has become the “normalization” of the nation-state system, which is achieved through deportation, and the detention center becomes the logical consequence in the form of a pre-expulsion mechanism. Detention should therefore be seen as “a crucial part of the (forcible) reallocation and organisation of bodies within this ‘national order’” (Hall 2012:14). As argued by William Walters (2002:270), the camp is both a symptom and a response to the lasting “crisis” in the relationship between territory–state–nation.

8. Conclusion

In this concluding chapter I will summarize the findings from the four empirical parts, in order to explicitly answer my three research questions. The questions are divided in two sections, where the two first questions are answered together under the heading “Motivations, Regulations and Categories” and the third and last question is answered separately under the heading “The logic behind the detention center – continuity and differences”. However, these questions could be investigated further by looking at lived experiences of those individuals that have been detained throughout the history. This would depict another part of the history not accessible in policy documents, such as the struggles and strategies to resist regularized practices of detention.

8.1 Motivations, Regulations and Categories

- What are the motivations and regulations that render certain categories detainable in different historical contexts?
- What categories are being detained or considered “detainable” in these different periods of time?

Period I & II

In the first two periods the motivations and regulations behind the detention of foreigners were mainly based on security reasons in terms of political, social and labor threats. When the 1914 Deportation Act was established, the purpose was to separate desirable from undesirable migrants and the border control systems facilitated the selection. The “detainable categories” reflected a mixture of social and racial concerns, such as “vagrants”, “beggars”, “prostitutes”, “mentally insane” and “gypsies”. By the outbreak of WORLD WAR II, the intention was rather to restrict migration and the control over foreigners (both residents and newcomers) became stricter.

During the two world wars the Swedish Government was empowered to dispense from the law and independently decide on the “detainable categories” (Johansson 2004:43). Hence, the two world wars were by the Government perceived as “emergency situations” that justified actions outside of the normal juridical order. The wars served as a legitimization for a “state of exception” (Agamben 2005) in which the law was suspended – all foreigners, residents as well as newcomers, could be detained and deported.

In this way the first internment camp in Morjärv was established in 1918, which

held those with pending expulsion orders that could not be deported (mainly stateless people) due to the war and strict border controls, as well as political refugees that posed a threat to the security of the state both in terms of their communist beliefs, but also by threatening the homogeneity (language) of the “Swedish people”. During WORLD WAR II the detention apparatus was extended by fourteen closed internment camps for the purpose of managing all those categories identified as “unreliable foreigners”. The security of the state was the only reason that could motivate detention. However, the camp system held categories beyond the perceived “political interns” (which first consisted of Nazi opponents and later Nazi supporters), such as “asocial elements”, i.e. those refusing to work (disciplinary cases), those with “nervous disorders” (produced by the internment itself) and even women that were considered as “libidinous”. As shown in the theoretical chapter, this development was closely related to the breakthrough of nationalism and the development of strong nation-states at the end of the 1800s (Sassen 2001).

Period III & IIII

The Lucia decision in December 1989, which resulted in a substantial increase in the number of rejected asylum seekers, was based on an exception clause that empowered the Government to deny asylum in times of “mass migration”, i.e. when the flows pose a great pressure on the society and the reception system. According to the Government the high number of refugees that arrived in 1989 had provoked a “crisis” in the refugee reception system and now saw itself forced to restrict the asylum policy. The statements by the Government implied that Sweden had already received too many, without or on very little ground. Thus, asylum migrants started to be accused of being “bogus asylum seekers”. Integration difficulties served as a main legitimization for the restriction – resources were scarce – but “welfare nationalism” (Suszycki 2011) was merged with cultural reasons. The increased rejections following the Lucia decision resulted in more people going underground, which meant that they were now considered as “illegal migrants” and thus “detainable”. The rules for detention had been made less strict, which meant that it was easier to detain them – police action had now become a legitimate way of dealing with “bogus asylum seekers” and “illegal immigrants” (Wacquant 2003).

The suspicion towards refugees (and other migrants) has increased in the last two decades, at the same time as migration has been more closely connected to security (Abiri 2001). The European harmonization of migration has resulted in a regional

(European) fight against “illegal migration”, which has affected the Swedish asylum policy. Since the end of the 1990s, Swedish asylum policy focuses on “voluntary return migration”, and since the beginning of the 2000s deportation is the main goal. The REVA project has been initiated to increase the number of removals, where the growing detention apparatus plays a major role to increase efficiency.

The securitization of migration that was evident in practice already when the Lucia decision was made in 1989 has resulted in a new political approach: the elimination of the threat (Abiri 2003:136). If the two world wars had served as the legitimization for a “state of exception” in the beginning of the 20th century, in the post-war era the threat of “mass migration” has become the main legitimating force behind a fictional and continuous “state of exception” (Agamben 2005). In sum, throughout the last century up until today, the Government has through the “legal production of ‘illegality’” (De Genova 2002) rendered a wide range of categories “detainable”, which is closely related to migration policy and how the state chooses to define and categorize migrants.

8.2 The logic behind the detention center – continuity and differences

- What is the logic behind the creation of the detention center – is there any continuity or differences between different forms of detention centers throughout the Swedish modern history, i.e. from the early 1900s up until today?

In the first two periods the internment camp served as a type of “social engineering”, which enabled the Government to get rid of a large number of undesirable populations – for the wellbeing of the social body (Bauman 1989). However, the camps also served as a solution for long-term detention when refugees that were awaiting deportation could not be deported due to the war and strict border controls. Thus the camps were set up in order to manage such populations in a more “efficient and rational” way, which was both due to “safety” for political and nationalistic reasons, as well as “prevention”, i.e. to prevent more people from crossing the borders. In this sense the internment camps during the two world wars were both used as a political, social and practical tool. The difference was that the World War II camps were more developed and included even more categories.

By 1989 the detention center was primarily used to enforce pending deportation orders of rejected (“bogus”) asylum seekers. However, the need to examine unidentified asylum seekers lacking ID documents had also become a major purpose of detention.

These measures, coupled with the categorization of “illegal immigrants” heavily increased the criminalization of migrants, which in turn, as argued by Bak Jørgensen (2012:51), serves as a policy tool to construct migrants as undeserving and deviant, which further justifies increased police actions and detention. The number of deportations has run high during the last decade and the detention center has become its logical consequence in the form of a pre-expulsion mechanism. William Walters (2002:288) stresses that deportation (and detention) is not only a consequence of a world divided into nation-states but is “actively involved in *making* this world”. However, what is new about the recent developments is the way deportation has become regionalized. The detention center is not only part of protecting the national social body, but a European one.

What this historical approach to detention has shown is that the logic behind the legal-political structure of the camp – in all its forms – is a highly arbitrary one, where “everything becomes possible” (Agamben 1998). Agamben (2008:93) reminds us that the first camps in Europe were established for controlling refugees and that the internment camps, concentration camps and extermination camps that followed – all represent a possible continuation.

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