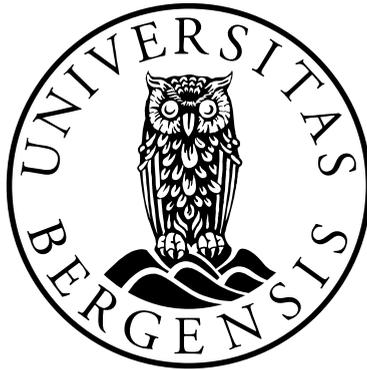


# The Regulation of Marriage Migration to Norway

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## **Abstract**

This thesis investigates the regulation of family migration to Norway. This topical issue is explored from the perspectives of politicians, bureaucrats and applicants and their families in three articles, respectively. I argue that the regulation of marriage migration is marked by contradictory developments in different fields of policy: While the regulations and norms concerning intimate relations are characterised by increased liberalization, immigration regulations and public debates on migration focus on restriction and control. These contradictory developments create dilemmas, tensions and paradoxes for politicians and bureaucrats, as well as for applicants and their families.

The regulation of marriage migration is explored through interviews, observations and documents. Due to the complexity of the empirical material, it has been necessary to engage with a broad spectre of theoretical perspectives. The three articles discuss the regulation of marriage migration drawing on welfare state theory, and on theoretical perspectives on the transformation of intimacy, bureaucracy and emotions, respectively. Marriage migration is a phenomenon that cuts across the public and the private spheres, as well as the inside and the outside of the nation state. The public/private distinction and the boundary between the inside and the outside of the nation state are discussed and problematised within citizenship theories. These theories serve as an overall theoretical framework for the thesis as a whole because they facilitate an understanding of the dilemmas, tensions and paradoxes that characterize the regulation of marriage migration to Norway.

## List of publications

- Eggebø H (2010): The Problem of Dependency: Immigration, Gender and the Welfare State, *Social Politics: International Studies in Gender, State & Society*. 17(3): 295-322.
- Eggebø H (2012) 'With a Heavy Heart': Ethics, Emotions and Rationality in Norwegian Immigration Administration. *Sociology* published online before print 23 July 2012  
DOI: 10.1177/0038038512437895.
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# Contents

<b>ACKNOWLEDGEMENTS</b> .....	<b>2</b>
<b>ABSTRACT</b> .....	<b>4</b>
<b>LIST OF PUBLICATIONS</b> .....	<b>5</b>
<b>CONTENTS</b> .....	<b>6</b>
<b>1. INTRODUCTION</b> .....	<b>8</b>
1.1 CENTRAL CONCEPTS.....	11
1.2 THE PUBLIC DEBATE ABOUT IMMIGRATION TO NORWAY .....	14
1.3 PATTERNS OF MARRIAGE MIGRATION TO NORWAY .....	18
1.4 THE LEGAL REGULATION OF MARRIAGE MIGRATION .....	22
1.4.1 <i>Regulations and Application Processes</i> .....	22
1.4.2 <i>EEA-rules – Freedom of Movement or Loophole?</i> .....	25
1.4.3 <i>Norwegian Law from a Comparative Perspective</i> .....	26
1.5 THESIS OVERVIEW .....	29
<b>2. ARTICLE ABSTRACTS</b> .....	<b>30</b>
<b>3. THEORETICAL PERSPECTIVES</b> .....	<b>32</b>
3.1 PREVIOUS RESEARCH ON MARRIAGE AND FAMILY MIGRATION.....	34
3.2 CITIZENSHIP ACCORDING TO T.H. MARSHALL.....	38
3.3 CITIZENSHIP AND SOCIAL INEQUALITY .....	40
3.3.1 <i>Gender, Sexuality, Intimacy and Emotions</i> .....	40
3.3.2 <i>Ethnicity and Culture</i> .....	43
3.3.3 <i>Outside the Public Sphere and the Nation State</i> .....	45
3.4 CITIZENSHIP AND THE NATION STATE .....	46
3.4.1 <i>Acquiring Status and Rights</i> .....	46
3.4.2 <i>Belonging to a (National) Community</i> .....	47

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3.4.3	<i>Citizenship Beyond the Nation State</i> .....	48
3.5	CITIZENSHIP AND MARRIAGE MIGRATION.....	50
<b>4.</b>	<b>METHODS AND METHODOLOGY</b> .....	<b>55</b>
4.1	DESIGN.....	56
4.2	RECRUITMENT, ACCESS AND DATA COLLECTION.....	58
4.2.1	<i>Interviews</i> .....	58
4.2.2	<i>Texts</i> .....	61
4.2.3	<i>At The Norwegian Directorate of Immigration</i> .....	63
4.2.4	<i>Procedures for Recording and Collecting Personal Data</i> .....	66
4.3	DATA ANALYSIS.....	67
4.3.1	<i>Text Analysis</i> .....	68
4.3.2	<i>Interviews With Applicants and Sponsors</i> .....	69
4.3.3	<i>Analysing Data on the Immigration Administration</i> .....	71
4.4	ETHICAL CONSIDERATIONS.....	71
4.5	METHODOLOGICAL STRENGTHS AND WEAKNESSES.....	74
<b>5.</b>	<b>THE PARADOXES OF MARRIAGE MIGRATION</b> .....	<b>78</b>
	<b>REFERENCES:</b> .....	<b>83</b>
	<b>APPENDIXES:</b> .....	<b>94</b>
	<i>Article 1: The Problem of Dependency</i> .....	
	<i>Article 2: A Real Marriage?</i> .....	
	<i>Article 3: 'With a Heavy Heart'</i> .....	
	<i>Interview Guide 1</i> .....	
	<i>Interview Guide 2</i> .....	

# 1. Introduction

The regulation of marriage migration is marked by a central paradox. Here, contradicting developments in family norms and regulations on one hand, and immigration regulations on the other, clash. The regulation of intimate relationships through, for instance, the marriage act and other civil law measures, is characterised by increasing liberalisation. Norms and public debates about intimacy reflect the same tendency: marriage and intimate life are increasingly regarded as private matters in which individuals are free to decide for themselves what choices they make and how they organise and live their intimate lives (Giddens, 1992; Plummer, 2003; Weeks, 2007). The regulation of immigration however, is characterised by increased regulation and control.<sup>1</sup> The regulation of borders is an issue of public and political concern, rather than a matter of individual choice. As I will show in this thesis, these contradicting developments create numerous tensions, dilemmas and paradoxes with regard to the regulation of marriage migration. The thesis inquires into what happens when a non-citizen enters into a union with a citizen, and the national border is ‘drawn down the middle of the marital bed’.

The aim of this study is to investigate the regulation of marriage migration to Norway in order to analyse and understand the legal and symbolic borders of the nation state created by this type of regulation, as well as the central norms, values and dilemmas at the heart of contemporary Norwegian societies. The overall research question is: What are the ethical, legal and practical dilemmas of regulating marriage migration to Norway for applicants, bureaucrats and politicians? This broad question is explored through a subset of questions specified and discussed in three different articles (Eggebo, 2010; Eggebo, 2012; Eggebo, 2013). Marriage migration represents a strategic site for analysing the intersection of private matters and public concerns. Here, national political concerns about controlling the borders of the nation state penetrate intimate relations. In this thesis introduction, therefore, I pose an additional

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<sup>1</sup> This is true for the regulation of immigration by third-country nationals. Intra-European Union (EU) migration is subject to decreased regulation and governed by an individual right to freedom of movement.

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question: How are the borders between the public and the private and the inside and the outside of the nation state constructed and contested through the regulation of marriage migration?

From 1990 to 2008, marriage migration constituted 26 per cent of all migration to Norway (Henriksen, 2010), and globally, marriage migration is a central route to migration. Throughout past decades, marriage migration and other forms of family migration have received considerable interest by policy-makers and in public debates. Marriage migration has increasingly been regarded as a problem by national governments and policy makers. Issues such as forced marriage, marriages of convenience and concerns about the economic costs of family migration for host societies, have figured as central issues in public debates. At the same time, however, national media also frequently write empathetically about spouses and families separated by strict immigration regulations and bureaucratic procedures, threatening people's right to self-determination with regard to intimate relations. The aim of this PhD-thesis is to produce systematic, research-based knowledge on this topical issue.

The thesis consists of three articles: 'The Problem of Dependency: Immigration, Gender, and the Welfare State' (Eggebo, 2010 – article one), 'A Real Marriage? Applying for Marriage Migration to Norway' (Eggebo, 2013 – article two) and "'With a heavy heart": Ethics, Emotions and Rationality in Norwegian Immigration Administration (Eggebo, 2012 – article three). These articles are products of an inductive research strategy: the choice of theoretical perspectives grew from the process of analysis. The complexity of the empirical material made it necessary to draw on a wide range of theoretical perspectives ranging from feminist welfare state theory, to theories on intimacy and modernity, and sociological theories about bureaucracy and emotions. In article one, I use welfare state theory and argue for a combined focus on welfare state policies, immigration policies and gender equality policies. In article two, I argue that sociological theory on intimacy is relevant for understanding marriage migration, and that the case of marriage migration may contribute to our understanding of contemporary intimate life. In article three, I aim to

contribute to sociological debate about emotions, ethics and bureaucracy by analysing the Norwegian immigration administration.

In order to analyse and discuss the overall findings of the thesis, I draw on the interdisciplinary scholarship on citizenship. Throughout the last two decades, citizenship theories have gained increased interest in the academic scholarship on migration, as well as in academic debate more generally. The citizenship literature includes discussions about the relationship between the citizen and the state as well as relationships between citizens (Siim, 2000). The application processes for marriage migration represent a particular meeting between state authorities and a married couple, where one spouse is a citizen and one spouse is a non-citizen. I am concerned with how the transition from non-citizen to citizen by becoming the spouse of a citizen, is formally regulated through laws and regulations, as well as informally through assessment procedures and societal norms.

Scholars of gender and sexuality have questioned the public/private distinction embedded in traditional conceptualisations of citizenship. As a result of their critique, citizenship has become a relevant analytical concept for issues regarded as ‘private’ matters: for instance family, intimate relationships and sexuality. Moreover, many scholars have critically examined the relationship between citizenship rights and the nation state and highlighted citizenship’s double face: seen from inside the borders of the nation state, it is an inclusive principle of equality, but from the outside, it institutionalises exclusion and inequality (Bosniak, 2006; Lister 2003). In order to analyse the dynamics of international migration, both the inside and the outside dimensions of citizenship have to be taken into account. Interestingly, however, the critiques of the public/private distinction and the problematisation of the inside/outside dimensions of citizenship have not yet been properly integrated. Drawing on empirical analyses of the Norwegian case, I argue that the insights from these two streams of citizenship literature should be merged in order to fully capture the dynamics and paradoxes of marriage migration. With this thesis, I aim to contribute greater nuance to citizenship theory, and to take a more unified view of some of its seemingly diverging

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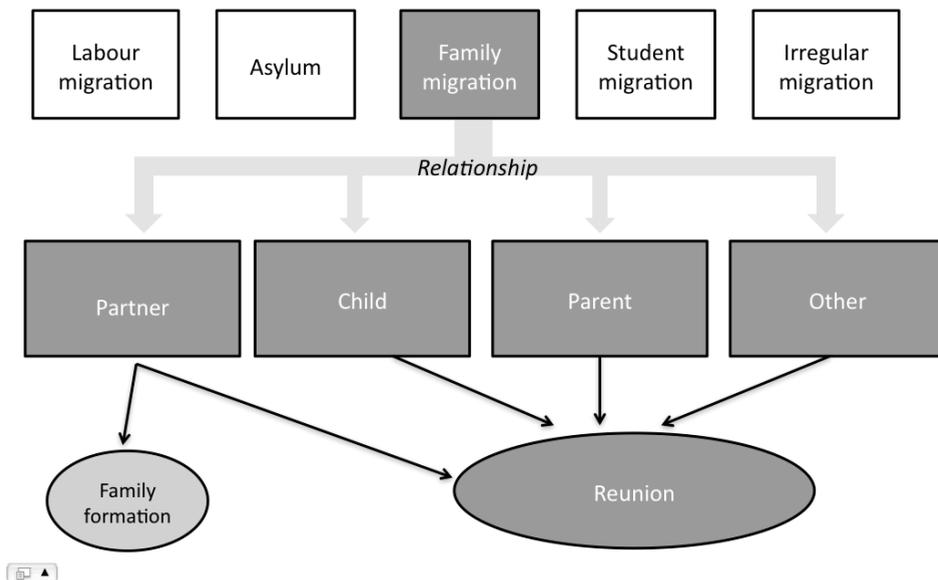
components, through empirical analyses of the regulation of marriage migration to Norway.

The regulation of marriage migration brings about quite different concerns, dilemmas, challenges and consequences for policy-makers than for applicants. While policy-makers have the power to pass laws and regulations, applicants are subject to legal regulations that they, as non-citizens, do not have the political right to influence through elections. In order to account for diverging perspectives and positions, the project design includes the voices of politicians, civil servants as well as applicants and their partners. The research design includes three main data sources: 1) legal documents, law proposals and parliamentary debates 2) qualitative interviews with applicants and/or their partners and 3) data from a short-term field work at the Norwegian Directorate of Immigration. A wide range of data sources, illuminating the perspectives and experiences of the various relevant actors, has been essential in order to capture the tensions, dilemmas and paradoxes resulting from the social processes through which the borders between the public and the private and between ‘Norwegian’ and ‘alien’ are constructed.

## 1.1 Central Concepts

‘Marriage migration’ is a key concept in this thesis and it is used to denote partners, including spouses, cohabitants and registered partners, migrating across national borders under family immigration regulations. ‘Family migration’ is another central concept. It is an administrative category referring to people granted residence permits on the basis of a familial relationship. Family migration is also known as ‘family-related migration’ (Kofman, 2004), ‘family reunification’ (European Migration Network, 2008; Fonseca and Ormond, 2008; Luibhéid, 2002; Myrdahl, 2010b; Staver, 2010) and ‘family reunion’ (Lister, 2003; Ramirez et al. 2007; Svašek and Skrbiš 2007). In Norway, spouses, children or siblings under 18 years of age and the parents of a Norwegian child have the right to family migration. In some cases, family migration may also be permitted for other family members, for example children above 18 years of age or older parents of grown up children. In both research and legal

texts, ‘sponsor’ is the established English term for the person that an applicant for family migration seek to unite with. In Norwegian law however, ‘reference person’ is the common term for the sponsor. In this thesis, the terms ‘marriage migrant’ or ‘applicant’ will be used to denote the foreign partner and the term ‘sponsor’ denotes the partner settled in Norway.



*Figure 1. Administrative categorisation of immigration.*

The above figure illustrates the most central administrative categories of immigration: labour migration, asylum, family migration, student migration and irregular migration. Migrants are categorised according to the grounds on which they have been granted a residence permit. Migrants without a legal residence permit are categorised as irregular migrants. It is important to note that the administrative categorisation of migrants does not necessarily correspond to people’s motives for migrating. For example, some people migrating in order to live with their partner may find it most convenient to apply for labour migration rather than family migration. For others, irregular migration may be the only option for migrating in order to live with their family members. While

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people often have multiple motives for migrating, residence permits are based on one ground only.

As we see from the above figure, family migration is permitted on the basis of conjugal relationships, parent-child relationships and other family relationships. This thesis focuses on conjugal relationships, and this is what I call marriage migration. In the international literature as well as in Norwegian law and statistics, the administrative category of family migration is sub-divided into ‘family reunion’ (or family reunification) and ‘family formation’ (or family establishment). Family formation is primarily used to denote couples who are settled in two different countries at the time of marriage.<sup>2</sup> If a Norwegian woman marries a Kenyan man, for instance, and he applies for family migration in order to be able to live with her in Norway, this would be classified as family formation. Family reunion on the other hand, refers to family migration on the basis of already established familial relationships. If a Polish woman (or child) applies for family migration with her Polish husband (or father) who has been living and working in Norway over the past year, this would be classified as family reunion. While family reunification has been the most common term used in Norway for all kinds of family migration, the new Immigration Act established family migration as the official category, and family reunion and family formation as sub-categories. In principle, family reunions are granted stronger legal protection than family formations. The actual regulations however, are mostly identical for both groups (Arbeids- og inkluderingsdepartementet (AID), 2007: 184-5).<sup>3</sup> As the category of family formation usually refers to marriages, I view family formation as more meaningfully a sub-category of marriage migration, rather than a sub-category of family migration.

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<sup>2</sup> Under Norwegian law, the term family formation (or family establishment) and its subsequent regulations may also cover children conceived after the reference person migrated to Norway (Arbeidsdepartementet 2009: 7.2.2.2); in the vast majority of cases, however, family formation concerns married spouses.

<sup>3</sup> There are two family immigration regulations applicable in cases of family formation only. First, the immigration administration may reject an application for family immigration if there is a considerable risk that a migrant woman or her children will be abused by the sponsor. Second, the recent ‘four-year-rule’ is only applicable in cases of family formation and not family reunion. This rule states that people who have migrated to Norway for other purposes than labour are required to work or study in Norway for four years before they can sponsor a marriage migrant. Furthermore, the Ministry of Justice and Public Security has recently proposed an increase of the subsistence requirement to 261 700 NOK (approximately 36.000 Euros) in cases of family formation, almost 30.000 NOK (4.000 Euros) more than for family reunion (Justis- og beredskapsdepartementet 2012a).

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The marriages, co-habitations or partnerships investigated in thesis are called ‘cross-border marriages’ (Constable, 2005; Williams, 2010). In the literature, a wide range of different concepts are used to describe such marriages. Other terms used are ‘transnational marriages’ (Beck-Gernsheim, 2007; Charsley, 2006; Henriksen, 2010; Lidén, 2005; Schmidt, 2011b), ‘mixed marriages’ (Breger, 1998; García, 2006; Gõrny and Kepinska, 2004) and ‘cross-cultural marriages’ (Breger and Hill, 1998). Migration researcher Lucy Williams argues that terms such as ‘mixed marriages’ and ‘cross-cultural marriages’ are narrow, because they exclude marriages between two members of the same ethnic or cultural community, for instance family reunion between a refugee and his/her spouse from the same country of origin. More problematically, such terms can be culturally essentialist because they assume that ethno-cultural difference is the most important difference (Williams, 2010). I support these arguments and prefer the term cross-border marriage. This term is wide enough to encompass all marriages subject to family immigration regulations, regardless of the applicants’ and sponsors’ ethnic or national background.

## 1.2 The Public Debate about Immigration to Norway

The current Norwegian population of approximately five million people includes 547.000 migrants originating from 219 different countries (Statistisk sentralbyrå (SSB), 2012). As in other European countries, immigration control and the integration of migrants and their children are central issues on the public agenda, much discussed among policy makers and in the media (Koopmans, 2005; Grillo, 2008; Van Walsum, 2008; Lithman, 2010; Wray, 2011). Compared to many other European countries, particularly the former colonial powers of Western Europe such as France, the Netherlands and the UK, Norway has had a relatively homogenous population with low levels of immigration. However, immigration to Norway is not a new phenomenon and ethnic diversity has been an existing reality for centuries (Fuglerud, 2001; Kjeldstadli, 2003). Indigenous populations and national minorities such as the Sami, the Roma, Tatars, the Kven and the Jews have long histories in Norway, but have systematically been left out of the myths of Norwegian homogeneity (Kennedy-

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macfoy, forthcoming 2012: footnote 7). Moreover, Norway's current immigration and integration regime is characterised by both continuity and change compared to previous measures of immigration control and assimilation (Fuglerud, 2001; Kjeldstadli, 2003).

Until the late 1960s, migration was subject to little regulation and politicisation (Brochmann et al., 2010: 38). From then on, labour migration from outside Europe increased (Brochmann et al., 2010: 223-6) and was soon followed by restrictions on immigration. The so-called 'immigration stop' introduced in 1975, represented an important shift in Norwegian immigration policy. However, rather than putting an end to immigration, this regulation established restrictions on unskilled labour migration (Brochmann, 1997, 2003, 2010; Hagelund, 2003: 23-4). Eileen Muller Myrdahl (2010a) has analysed the politicisation of immigration and integration that led to the immigration stop. She argues that the anxiety related to migration, which developed in Norway after 1968 was related to the perceived difference of labour migrants from Asia, Africa and Southern Europe, rather than any dramatic increase in the number of labour migrants. Migrants from these regions were seen as unassimilable due to what was seen to be their inherent and excessive difference from the Norwegian majority population. This perceived difference was marked primarily by phenotype and the immigration stop was a tool for managing and preventing the immigration of people from Asia, Africa and Southern Europe (Myrdahl, 2010a: 74).

As labour migration was heavily restricted from 1975 and onwards, family migration and asylum became the two central routes of immigration to Norway (Hagelund, 2003: 79). During the mid 1980s, the number of people applying for asylum in Norway rose dramatically from a few hundred annually to 8613 in 1987. As a response to this increase, the Norwegian Directorate of Immigration was established the following year in order to assess applications for immigration (Utlendingsdirektoratet, 2008). In 1987, immigration became a central issue in the election campaign for the first time, and the Progress Party, a populist anti-immigration party, achieved its best election result up to that date (Hagelund, 2003: 24, 8-30). While immigration has not always been a central issue in subsequent elections, immigration in general, and asylum in particular, have

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been central issues on the Norwegian political agenda ever since (Brochmann et al., 2010: 240-7; Hagelund, 2003). Sociologist Anniken Hagelund (2003) has studied the Norwegian political discourse on immigration, and argues that the notion of ‘decency’ has been central. Decency implies a moral responsibility to aid people in need and this notion is closely related to a national self-image as a nation governed by humanitarian principles. At the same time, there has been a broad political consensus about the need to control and manage immigration. Consequently, the political rationale for asylum and refugee policies has been to offer asylum only to groups identified as truly in need and, at the same time, uphold a strict control regime (Hagelund, 2003).

While asylum seekers have been subject to massive public attention, family migration remained absent from the public debate about immigration until more recently. During the last decade, however, family migration has become the subject of considerable attention from policy-makers and the media (Gudbrandsen, 2011; Hagelund, 2008). Public debates and policy changes with regard to family immigration regulations are closely related to a growing problematisation of migrant families within public discourse. Issues such as forced marriage, arranged marriage, female genital mutilation, patriarchal family relations, violence against women and children, and second generation migrations marrying a person from their parents’ country of origin, figure as central concerns in the public debate about immigration and integration. These issues are often perceived as evidence of the failed integration of migrants, and have led to a general politisation and problematisation of ‘the migrant family’ (Hagelund, 2008).

The family immigration regulations that receive by far the most media coverage in Norway are means those aimed at preventing forced marriages (Gudbrandsen, 2011: 9). In 2006, when a proposal to introduce an age limit for marriage migration to prevent forced marriage opened to a public hearing, the media coverage on family migration reached its peak (Gudbrandsen, 2011: 9). In fact, the regulation of family migration, and in particular the means to prevent forced marriages, has received more public attention than almost any other legislative discussions (Myrdahl, 2010b: 104). The proposed age limit for marriage migration was eventually withdrawn after

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massive criticism and controversy. Other European countries, however, for example, Denmark, the UK and the Netherlands, have introduced such policies with reference to the prevention of forced marriages. While a proposed age limit was withdrawn in Norway, measures to prevent forced marriages still figured as a central concern in the proposal for a new Norwegian Immigration Act presented in 2006 (AID, 2007).

However, family migration has also been discussed more broadly in newspaper articles. Political scientist Frøy Gudbrandsen (2011; forthcoming 2012) has studied the media coverage of family migration in Norway and Sweden. According to Gudbrandsen, most Norwegian newspaper articles on the issue, in particular during the 1990s, portray an individual applicant as victimised by restrictive immigration policies. In these stories, the Norwegian Directorate of Immigration or some responsible politician is presented as the villain of the story. Implicitly or explicitly, stories about families victimised by the Immigration administration and strict family immigration regulations represent a liberal criticism in favour of less restrictive policies. Criticism of the assessment practices of the Norwegian Directorate of Immigration also frequently occur in these newspaper articles (Gudbrandsen, 2011). Other stories may be read as advocacy for more restrictive policies. These typically uncover instances where applicants are presented as criminals circumventing immigration regulations, for example, through marriages of convenience (Gudbrandsen, 2011).

The public debate about, and the regulation of, family migration share similarities with, but also diverges from, that of asylum and labour migration. While labour migration is usually discussed as a question of the needs of the Norwegian economy, family migration and asylum cannot be reduced to a question about economic cost and needs (Hagelund, 2003). As Hagelund (2003) has shown, the notion of decency implies a moral duty to aid the truly needy, and this rhetoric has structured the regulation of asylum. Humanitarian principles are weighted against concerns about uncontrolled immigration, integration challenges and burdens on welfare budgets. In a similar way, family migration is caught between human rights on one hand, and the principle of sovereign border control on the other. Human rights conventions establish

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the right to family life and the principle of the unity of the family, but national policy-makers may effectively restrict these rights through family immigration policies. Concerns about welfare burdens and forced marriages have been central to recent restrictions (Eggebo, 2010). Moreover, as Myrdahl has pointed out, the phenotype and citizenship of migrants may be more central to immigration regulations and debates than actual numbers. As in the political debates about labour migration during the 1970s, public debates about family immigration regulations often seem to focus on the perceived difference and the presumed inassimilability of migrants originating from Asia and Africa (Myrdahl, 2010a). For example, cross-border marriages between a Norwegian citizen with migrant parents and a person coming from the parents' country of origin are often presented as involving a great risk of forced marriage and being a hurdle to integration. Such marriages have been widely discussed in public debates, despite the fact that they constitute no more than three percent of the total number of cross-border marriages (Daugstad, 2008: 60-5).

### 1.3 Patterns of Marriage Migration to Norway

Williams has reviewed statistics on marriage migration and concludes that it is difficult to quantify the global significance of this category of migration (Williams 2010: 60-3). Firstly, official data rarely separate marriage migration from other forms of migration. Secondly, data collected by national agencies are not comparable across borders. Finally, statistics are shaped by local concerns and preoccupations about how to control migration: 'the sometimes controversial and always debated nature of cross-border marriage affects both the data collected and the analysis of the data local context, in terms of culture, politics and history as well as family and marriage practice, informs how marriages seen as "aberrant" or problematic are reported and measured' (Williams, 2010: 60-1).

This critique also seems to be somewhat relevant for the Norwegian statistical data. Most statistical publications about family migration are organised according to the distinction between family reunion and family formation (Daugstad, 2006, 2008). As a consequence, numbers on marriage migration have been difficult to subtract.

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Moreover, the distinction between family reunion and family formation may also be seen as a politicised categorisation; problems such as marriages of convenience, forced marriages and abuse of migrant women and children are related to the category of family formation. According to the law proposal for a new Immigration Act, family reunions are seen as less problematic and more legitimate than family formations (AID, 2007).

A substantial amount of statistics is available on family and marriage migration to Norway, primarily through the publications of Statistics Norway (SSB) and the Norwegian Directorate of Immigration. Moreover, the registers of the Directorate contain large amounts of data yet to be analysed and published. Between 1990 and 2008, marriage migration constituted 26 per cent of all immigration into Norway; almost 100.000 persons in total, out of which 75 percent were women and 25 percent were men (Henriksen, 2010).<sup>4</sup> During the early 2000s, most marriage migrants originated from Thailand, Russia, Pakistan, Turkey and the USA (Daugstad, 2006: 43) and since 2004, a large number of family migrants, including marriage migrants, has originated from Poland, Iraq and Somalia and Eritrea (Henriksen, 2010: 13; Utlendingsdirektoratet (UDI), 2012b). Norwegian citizens as well as non-citizens residing in Norway may sponsor family migrants. While most sponsors are Norwegian citizens (60 percent), a substantial are migrants (40 percent) (Daugstad, 2006: 41).<sup>5</sup>

The patterns of marriage migration to Norway are shaped by gender and national background. The vast majority of marriage migrants from Thailand, Russia and the Philippines are women married to male Norwegian citizens. The largest groups of migrants married to female Norwegian citizens come from the USA, UK and Turkey (Daugstad, 2008: 40-4). Most Polish family migrants are women applying for family reunion with their Polish husbands working in Norway (UDI, 2008:9). Somali family

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<sup>4</sup> The number and share of marriage migrants is estimated on the basis of the categories family formations (63.105) and family reunions with persons over 18 (35.929) (Henriksen, 2010: 32). The total number of immigrants in this period was 377.000 persons (Henriksen, 2010: 9). Daugstad also finds that marriage migration constituted 26 per cent of all migration to Norway between 1990 and 2006 (Daugstad, 2008: 73).

<sup>5</sup> The category 'Norwegian citizens' used here includes both citizens with a non-migrant background, constituting 57 percent of sponsors, and Norwegian citizens with immigrant parents, constituting 3 percent of sponsors.

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migrants are predominantly spouses or children under 18 years applying for family migration with a Somali citizen settled in Norway (Henriksen, 2010: 18-9), and Pakistani marriage migrants are usually married to immigrants from Pakistan or Norwegian citizens of Pakistani parents (Daugstad, 2006: 44-5).

The number of marriage migrants to Norway has increased considerably over the last twenty years. In 1991, 1700 persons received a residence permit on this basis (Daugstad, 2006: 40), and in 2008 the annual number of permits reached 8014.<sup>6</sup> In 2010 however, the number of family immigration permits authorised, and, therefore, also the number of marriage migrants, decreased considerably. There are two main reasons for this recent reduction. Firstly, European Union (EU) and European Economic Area (EEA) nationals and their family no longer have to apply for family immigration, consequently, this group is no longer present in these statistics. Secondly, a stricter subsistence requirement for family migration has led to a significantly higher rejection rate (Utlendingsdirektoratet, 2011: 28-9).

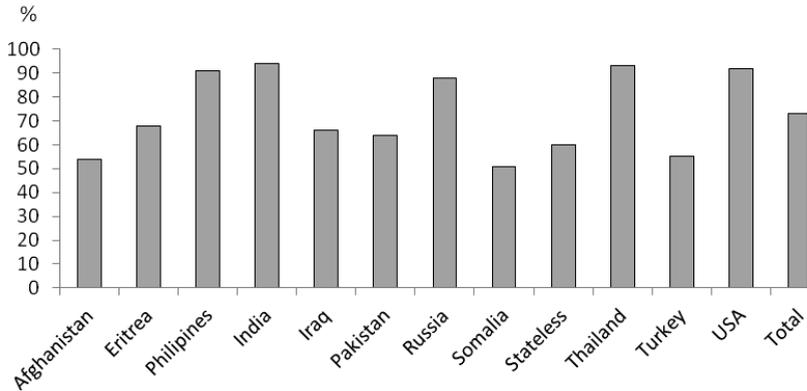
Statistics from the Norwegian Directorate of Immigration show that rejection rates vary considerably depending on gender and national background. For citizens from India, the US, the Philippines and Thailand, more than 90 percent of all applications for family migration were approved. For citizens from Somalia, Afghanistan and Turkey, however, almost 50 percent of all applications are rejected.<sup>7</sup> There is no research systematically investigating and explaining these patterns, but the Directorate reports that the subsistence requirement is the main reason for high rejection rates, and that this affects applicants from different countries disproportionately (UDI, 2012b). Most family migrants from Somalia and Afghanistan have a sponsor from the same country of origin (Daugstad, 2006, 2008), and these groups have weaker ties to the labour market than the majority population (Nerland, 2008). Consequently, it could be

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<sup>6</sup> Statistical table from the Norwegian Directorate of Immigration including cohabitants, spouses and registered partners. Unpublished.

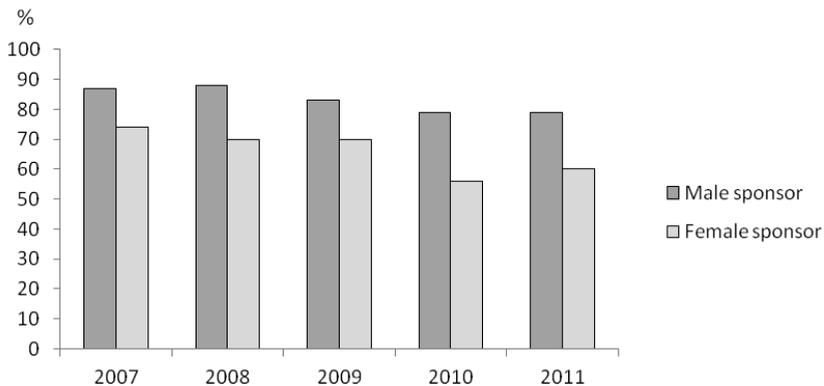
<sup>7</sup> Total: N = 17747. Afghanistan: N = 710. Eritrea: N=1279. Philippines: N= 1076. India: N= 565. Iraq: N = 834. Pakistan: N= 639. Russia: N= 691. Somalia: N= 2626. Stateless: N= 405. Thailand: N= 1271. Turkey: N= 367. USA: N= 507.

expected that these sponsors would be unable to fulfil the subsistence requirement more often than other groups of sponsors.



*Figure 2. Rates of approval in 2011, according to the applicants' citizenship. Source of data: The Norwegian Directorate of Immigration.*

In 2011, 73 percent of all applications for marriage migration were approved and 27 percent were rejected. Rejection rates vary depending on the sponsor's gender; rejection rates are higher when the sponsor is female rather than male:<sup>8</sup>



*Figure 3. Columns illustrate rates of approval according to the sponsors' gender. Source of data: The Norwegian Directorate of Immigration.*

<sup>8</sup> 2007: Male sponsor N=5689. Female sponsor N=1925. 2008: Male sponsor N= 5962. Female sponsor N= 2057. 2009: Male sponsor N= 6612. Female sponsor N= 2457. 2010: Male sponsor N= 5670. Female sponsor N= 2062. 2011: Male sponsor N= 7136. Female sponsor N= 2661.

As we see from the above table, male applicants, married to a female sponsor, have a higher risk of having their application rejected than female applicants married to a male sponsor. Even though the mechanisms explaining these variations have yet to be investigated, it seems likely that this variation could be explained, at least partly, by the increased subsistence requirement introduced in 2010. As the average salary is considerably lower for women than men, income requirements are likely to affect men and women disproportionately.

## 1.4 The Legal Regulation of Marriage Migration

### 1.4.1 Regulations and Application Processes

If one is married to a person living in Norway, one has a legal right to family immigration (The Immigration Act 2008 § 40). There are two different set of rules for family immigration: the general rules (The Immigration Act 2008 chapter 6) and the rules according to the European Economic Area agreement (EEA agreement). The EEA-rules are applicable to EEA citizens exercising their freedom of movement, and their family members (The Immigration Act 2008 chapter 13). In this thesis, I focus on the general rules.

The legal right to family immigration requires certain conditions to be fulfilled. Firstly, there are conditions that concern the marriage: it must be formally legal, the spouses must live together and the marriage must be ‘real’. A formally legal marriage is voluntary, none of the spouses are already married, they are not closely related and both partners were present and above the age of 18 when the marriage was contracted. A formally valid relationship will, however, not give the right to marriage migration if it is ‘without reality’ and entered into with the main purpose of circumventing immigration laws (NOU, 2004: 20: 226-30; The Immigration Act, 2008: § 40). This requirement is meant to prevent immigration on the basis of so-called marriages of convenience and it is discussed thoroughly in ‘A Real Marriage? Applying for Marriage Migration to Norway’ (Eggebø, 2013). Same-sex registered partners have the right to family immigration on the same terms as married couples, and from 2009, the

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Norwegian Marriage Act allows for same-sex marriage. Cohabitation qualifies for marriage migration when the partners have children together or can document that they have lived together for a minimum of two years.<sup>9</sup>

Secondly, there are demands that the sponsor has to meet.<sup>10</sup> Most importantly, all sponsors have to fulfil the requirement of adequate housing and means of subsistence. This means that the sponsor have to document an income of a minimum of 242.440 NOK, which is approximately 33.000 Euros. This regulation is discussed in detail in ‘The Problem of Dependency: Immigration, Gender, and the Welfare State’ (Eggebø, 2010).<sup>11</sup> Some people are required to work or study in Norway for four years before they can sponsor a marriage migrant. This requirement is applicable for family formation in cases where the sponsor has immigrated to Norway for other purposes than labour.

As a general rule, applicants for marriage migration are required to hand in the application to the Norwegian embassy in their country of origin.<sup>12</sup> Applicants with a residence permit in Norway for at least nine months, or applicants with citizenship that does not need to be accompanied by visa to enter Norway, may hand in the application to the local police in Norway. While one can apply electronically on the internet, it is necessary to go to the embassy or to the police station in person to deliver a hard copy of the required documentation. The specific documentation required depends on the applicant’s country of origin, but all applicants have to provide valid identification papers (passport, national ID-card and birth certificate), a marriage license, papers

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<sup>9</sup> Fiancées may apply for a six month temporary residence permits in Norway (fiancée permit), as long as they have the intention of marrying within this period. After the wedding, the migrant may apply for marriage migration.

<sup>10</sup> Foreign citizens can sponsor marriage migrants as long as they have a permanent residence permit or a temporary permit which may qualify for a permanent permit. This may apply to refugees, labour migrants or persons with a residence permit on humanitarian grounds. People with a time limited residence permit in Norway may also bring their family to live with them during their stay. This could be applicable, for example, to students, researchers or victims of trafficking.

<sup>11</sup> Recently, however, there have been some additional changes in the subsistence requirement (Justis- og beredskapsdepartementet, 2012b). These were issued by the Ministry of Justice and Public Security on July 6, 2012 and are naturally not discussed in the 2010 publication. An analysis and discussion of these most recent changes is outside the scope of this thesis.

<sup>12</sup> Applicants are not allowed to enter Norway while the application is being assessed. In certain exceptional cases, it is possible to receive a D-visa, which gives the applicant the right to enter Norway to apply for family immigration and stay there during the time of assessment.

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documenting that the housing and subsistence requirement is fulfilled, and a copy of the sponsor's passport. In addition, marriage migrants are asked to fill in a questionnaire concerning the marital relationship. The questionnaire includes questions about where and when the spouses met, how many times they have met altogether, whether either of the partners has been married before or has children, when they decided to marry, and where, how and by whom they were wed.<sup>13</sup> All official documents have to be authorised and translated into Norwegian or English by a certified translator (UDI 2012a).

As a part of the application process, embassy personnel in the migrant's country of origin, and the local police in Norway interview applicants and sponsors, respectively.<sup>14</sup> These interviews are undertaken in order to ensure that immigration is not permitted if the immigration authorities find that it is a forced marriage or a marriage of convenience. Applications are assessed by the Norwegian Directorate of Immigration.<sup>15</sup> The assessment process usually takes between three and twelve months depending on the applicant's country of origin. Rejected applications may be appealed. Appeals are, after a reassessment by the Norwegian Directorate of Immigration, handled by the Norwegian Immigration Appeals Board. If the application is approved, the nearest Norwegian embassy issues an entry visa. Family immigration permits are temporary and normally have to be renewed annually until a permanent residence permit is granted.

In order to obtain a permanent residence permit, a migrant must have held a temporary permit for a minimum of three years, and completed 600 hours of language and social studies classes (The Introduction Law § 17, The Immigration Act § 62).<sup>16</sup> According to the main rules of the Norwegian Citizenship Act, migrants must have been settled in

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<sup>13</sup> Questionnaires and a check-list of the necessary documents can be found at The Directorate of Immigration's webpage (see UDI, 2012a).

<sup>14</sup> Applicants from non-visa countries are usually not interviewed.

<sup>15</sup> Applications where there is no doubt about the outcome are assessed by the police. Most applications are, however, forwarded to the Directorate of Immigration (Barwin, 2011).

<sup>16</sup> For permits granted before January 1 2012, the requirement is 300 hours.

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Norway for seven years in order to apply for citizenship (§ 7). For marriage migrants married to a Norwegian citizens, however, three years of residence with a legal residence permit is sufficient for citizenship, required that the number of years married plus the number of year living in Norway equals minimum seven years (§ 12). This means that if a couple has been married for four years and living together in Norway for three years, the marriage migrant may apply for Norwegian citizenship.

#### **1.4.2 EEA-rules – Freedom of Movement or Loophole?**

The European Economic Agreement has had major consequences for Norwegian immigration policies. While Norway is not a member of the European Union (EU), it is part of the European Economic Area (EEA) and has implemented most of the EU regulations on immigration, freedom of movement and border control. Consequently, citizens of the EEA and their family members are subject to a different set of immigration regulations in Norway. According to the EEA regulations, EEA citizens have the right to freedom of movement, which encompasses the right to live and work anywhere within the EEA. With the enlargement of the EU in 2004, the right to freedom of movement was extended to include EU citizens from Central Europe. This led to a massive increase in the number of labour migrants from that region, in particular from Poland (Dølvik and Friberg, 2008). As many labour migrants have been accompanied by their family, the EU enlargement also led to an increasing number of family migrants to Norway.<sup>17</sup>

The family members of EEA citizens are subject to EEA-regulations, regardless of their own citizenship status. This means that third country nationals, that is, citizens from outside the EEA, may be subject to a different set of regulations depending on the sponsor's citizenship: while a Filipino migrant married to a Norwegian citizen is subject to the general regulations, a Filipino migrant married to a German citizen residing in Norway (or a Norwegian citizen who has been living in an EU country and returned to Norway) is subject to the EEA-regulations. This makes immigration

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<sup>17</sup> According to current Norwegian legislation, EEA citizens and their family no longer have to apply for a residence permit; all they need to do is to register in order to receive a residence card. This change in the administrative procedures led to a significant decrease in the number residence permits granted in 2010 (Utlendingsdirektoratet, 2011).

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regulations more favourable for EU-citizens than for Norwegian citizens. For example, there is no need to apply from the country of origin for family migrants under these regulations and there is no interviewing of sponsors and applicants. Furthermore, there is no need to document adequate housing and means of subsistence (Eggebø, 2010). Migration scholars have named this phenomenon the problem of 'reverse discrimination' (De Hart, 2007: 153; Kraler, 2010: 38).

Research on marriage migration has documented that some couples move, for example from Copenhagen in Denmark to Malmö in Sweden, in order to be able to take advantage of the EU regulations, rather than the general national regulations on family migration (Schmidt et al., 2009). Returning to the sponsor's country of origin after exercising freedom of movement, the marriage migrant will be under EU law (De Hart, 2007: 154; Schmidt et al., 2009: 26). Research suggests that an increasing number of cross-border marriage migrations make use of this route to migration (Kraler, 2010).

### **1.4.3 Norwegian Law from a Comparative Perspective**

The Nordic model of marriage, as it has developed since the early twentieth century, is usually regarded as secular and progressive compared to the family laws of other European countries. This is due, for example, to the principle of equality between man and wife and the liberal divorce regulations (Lando, 2004; 2006; Melby et al., 2000). According to Norwegian civil law, marriage is first and foremost a formal contract concerning the form and legal effects of the union, and not the substance of the relationship. There are no criteria for cohabitation, consummation of the marriage or any other requirements concerning practices, motives or emotions for a marriage to be formally legal. In principle, spouses are free to decide their motives for marrying and how to live their marital life. In many other European countries, however, family law specifies certain intentions and practices as essential for a marriage. For example, in the UK and Portugal, consummation is legally required, while in Germany and France cohabitation is required for spouses, and in the Netherlands and Portugal fidelity, care,

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support and cohabitation are defined as marital duties (Crowhurst, 2008: 290-1; Lando, 2004: 55, 85-6; Santos, 2008: 202-4).

The Norwegian regulations on marriage migration through the immigration act differ from the regulation of marriage through civil law in some important ways. According to immigration regulations, spouses are required to live together. Moreover, these regulations also distinguish between legitimate and illegitimate motives for marrying, stating that a formally legal marriage will not grant the right to family migration if it is 'without reality' and entered into with the primary purpose of circumventing immigration laws (Eggebø, 2013). While the actual regulations do not mention love or any other emotions as foundational for marriage, it has been argued that love is an underlying criterion for marriage migration to Norway (Myrdahl, 2010b). In effect, cross-border marriages are potentially subject to a different set of rules, which are more detailed and specific, than marriages between Norwegian citizens.

Recent developments in European family immigration regulations are characterised by two major trends: restriction and harmonisation. Based on a historical comparative analysis of family immigration policies in nine European countries,<sup>18</sup> Albert Kraler (2010) argues that since the 1990s, family migration has become more strictly regulated and increasingly problematised. In addition, national regulations are increasingly harmonised through the establishment of common standards, as well as 'horizontal policy diffusion'; that is, when one country follows the example of another by adopting similar legislation or policies. Recent policy changes have focused on three issues in particular: marriages of convenience, forced and arranged marriages, and integration (Kraler, 2010: 39-40).

With reference to the prevention of forced marriages, Denmark, Germany, the Netherlands and the UK have increased the age limit for marriage migration.<sup>19</sup> Austria, Denmark, France, Germany and the UK have introduced mandatory language and integration courses for newly arrived migrants, and the Netherlands has also introduced

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<sup>18</sup> Austria, Czech Republic, Denmark, France, Germany, Italy, The Netherlands, Spain and the UK.

<sup>19</sup> After a Supreme Court ruling, the UK recently abolished the 21 year rule.

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pre-entry integration tests (Kraler, 2010: 41-2). These requirements are justified as being integration measures. Through the regulation of marriages of convenience, immigration authorities have considerable discretionary powers to investigate the private life of marriage migrants (De Hart, 2006; Kraler, 2010). All EU countries also require evidence of material support in the form of adequate accommodation, sufficient income or health insurance (Eggebø, 2010: 298; European Migration Network, 2008: 22-3).

Existing comparative reports on family immigration regulations do not include Norway (European Migration Network, 2008; Kraler, 2010; SOPEMI, 2000). However, as the literature makes clear, in many ways, Norwegian regulations are similar to those of other European countries, and policy proposal as well as policy debates cross borders. In line with other European countries, Norway has an income requirement for sponsors of family migrants (Econ Pöyry, 2010: 51-2; Eggebø, 2010; Staver, 2010). Also, marriage migrants have the right and duty to participate in language and social studies tuition. Even though the regulations on marriages of convenience are largely harmonised, Norway had a broad definition and a comprehensive set of sanctions, and this indicates somewhat stricter regulations than in other countries (Econ Pöyry, 2010). However, as mentioned previously, Norway has not increased the age limit for marriage migration, as has Denmark (Fair, 2010; Schmidt, 2011a; Siim and Skjeie, 2008). Neither has any pre-entry integration tests for marriage migrants been introduced, as they have been in the Netherlands (Vonk and Van Walsum, 2012).

There is a current lack of comparative analysis of Norwegian family immigration regulations. However, an on-going PhD-project by Anne Staver compares family immigration regulation in Norway and Canada, and a recent publication from the European Migration Network includes data on Norway. Furthermore, Grete Brochmann et al. (2010) have compared the overall immigration policies in Norway, Sweden and Denmark, and argue that these three countries, all famously known as examples of social-democratic welfare states, have three different immigration regimes. According to this study, Denmark has a restrictive immigration regime,

Sweden has a liberal regime and Norway is somewhere in the middle (see also Gudbrandsen, forthcoming 2012: 12). The question is whether this conclusion holds true if family migration policies were to be analysed separately. Another on-going study of migration flows and regulations, which includes a comparative study of family migration in Norway and Denmark, may give insight into this question.<sup>20</sup>

## 1.5 Thesis Overview

The thesis proceeds as follows: firstly, I present the abstracts from the three articles, in order to give the reader an overview of the articles included in this thesis. Secondly, I discuss theoretical perspectives on citizenship. My contribution to citizenship theory is to combine the critique of the public/private distinction with the problematisation of the inside/outside distinction of citizenship. Thirdly, I present the methods and the methodology applied in this thesis. A central strength of this research project lies in the combination of different data and the inclusion of different actors' perspectives. In the methodology chapter I put emphasis on describing the different data and how and why it has been combined. Finally, I discuss the overall findings of the thesis. Drawing on different data and a broad range of theoretical perspectives, I have identified some central tensions, dilemmas and paradoxes that characterise the regulation of marriage migration. Copies of the three articles as well as interview guides are printed in the appendix.

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<sup>20</sup> The project is run by The Institute for Social Research, see <http://www.samfunnsforskning.no/ISF/Prosjekter/Paagaende-prosjekter/Migration-to-Norway-Flows-and-Regulation>

## 2. Article Abstracts

*The Problem of Dependency: Immigration, Gender, and the Welfare State* (Eggebø, 2010)

This article discusses the regulation of marriage migration to Norway through an analysis of the subsistence requirement rule, which entails that a person who wants to bring a spouse to Norway must achieve a certain level of income. Policy-makers present two main arguments for this regulation. Firstly, the subsistence requirement is a means to prevent forced marriage. Second, its aim is to prevent family immigrants from becoming a burden on welfare budgets. The major concern of both these arguments is that of dependency, either on the family or on the welfare state. The article investigates the representations of the ‘problems’ underpinning this specific policy proposal, and argues that the rule in question, and immigration policy more generally, needs to be analysed with reference to the broader concerns and aims of welfare state policy and gender equality policy.

*A Real Marriage? Applying for Marriage Migration to Norway* (Eggebø, 2013).

Marriages of convenience have become a central concern in political debates about immigration policy. According to Norwegian regulations, the right to marriage migration only applies to ‘real’ relationships. The notion of a real or genuine marriage, as opposed to a marriage of convenience, raises the question of what characterises a legitimate intimate relationship. This article investigates how marriage migrants and their partners perceive the application process for family immigration to Norway, and how they are affected by the idea of marriages of convenience. This article argues that the scholarly literature on contemporary intimate relationships is relevant to studies of migration, and provides important insights into the narratives of marriage migrants and their partners. On one hand, ‘the pure relationship’ (Giddens 1992) seems to be one standard which cross-border marriages are sometimes judged against. On the other hand, the ideal of the pure relationship is also used by marriage migrants and their partners to question immigration regulations. The pure relationship is one, but far from

the only, normative ideal present in the narratives of the interviewees. Interviewees draw on several different, and sometimes contradictory, norms, ideals and narratives of intimacy when they talk about and justify their own relationships, after being confronted with the immigration regulation's requirement for a real marriage.

*'With a heavy heart': Ethics, emotions and rationality in immigration administration* (Eggebo, 2012).

This article analyses decision-making processes concerning applications for family immigration to Norway by giving an account of the dilemmas and challenges faced by the employees of the Norwegian immigration administration. I argue that these civil servants negotiate two somewhat different ethical principles in which the foundation for ethical conduct is either emotion or rationality. The article investigates the ethical potential of bureaucracy and aims to contribute to sociological debates about ethics, emotion and rationality.

### 3. Theoretical Perspectives

This thesis investigates the regulation of marriage migration to Norway. Throughout the research process, my attention has repeatedly been drawn towards the concept of ‘citizenship’. In its most straight forward sense, citizenship means state membership. A passport, the very symbol of citizenship status, is a crucial prerequisite for legally crossing the borders of nation states. And when people marry across national borders, the marital couple may be physically separated by the different colour of their passports. This thesis investigates what happens when a non-citizen enters into a union with a citizen, and the national border is drawn, quite literally, down the middle of the marital bed.

In academic literature, and also in the everyday use of some languages (see Nyhagen Predelli et al., 2012), the concept of ‘citizenship’ denotes a whole lot more than state membership. For example, citizenship is used to denote rights and duties, belonging, participation, inclusion and equality (Kennedy-Macfoy, 2007). ‘Citizenship’ has been developed as a descriptive and analytical concept, and as a theoretical tradition (Lister, 2003). The citizenship literature is diverse; many different topics, interests and disciplines gather under the umbrella of citizenship. The concept is used to analyse many different issues, for example democracy and political participation, gender equality, diversity and migration (for example Ackers, 2004; Benhabib and Resnik, 2009; Dagger, 2002; Fortier, 2008; Kofman, 2005; Lee, 2010; Rubenstein, 2003; Siim, 2000; Young, 1989). Also, some scholars and activists, for example feminists and anti-racists, use citizenship as a political concept to advocate equality and justice.

The citizenship literature includes discussions about the relationship between the citizen and the state as well as relationships between citizens. The regulation of marriage migration very much concerns people’s private life as well as public interest. As such, marriage migration is situated at the intersection of the public and the private. Moreover, marriage migration is also situated at the borderline between the inside and the outside of the nation state: one spouse formally belongs to the nation-state and the other does not, the married couple simultaneously belongs and does not belong to the

nation-state. Consequently, marriage migration simultaneously marks the distinction between the private and the public and the border between the inside and the outside of the nation state. In this study on marriage migration, I need an overall theoretical framework for analysing how the borders of the nation state are drawn, and with what implications. Moreover, I also need theoretical perspectives that can capture the fundamental paradoxes of cross-national marital unions. These are both utterly private and intimate, but at the same time extremely politicised, because they concern national borders and immigration politics. The citizenship literature is potentially useful for analysing this paradoxical situation. One limitation with the current scholarship of citizenship, however, is that the critique of the public/private distinction and the problematisation of the inside/outside dimension of citizenship are discussed separately. In order to properly analyse marriage migration, a phenomena which clearly encompass the public and the private as well as the inside and the outside of the state, I argue that the insights from these two discussions have to be combined.

This theory chapter proceeds as follows: firstly, I present some previous research on marriage and family migration and discuss the empirical focus and the theoretical perspectives dominating this research. Next, I present sociologist T.H. Marshall's perspectives on citizenship. His historical account of the development of citizenship rights in England has become a point of departure in much citizenship literature. Secondly, I review some literature about citizenship and gender, sexuality and ethnicity (including Kymlicka, 1995; Lister, 2003; Plummer, 2003). While these contributions are inspired by Marshall's emphasis on the relationship between citizenship and social inequality, they expand the scope of analysis to include other social groups and other dimensions of citizenship. Importantly, this stream of literature has developed a critique of the public/private distinction embedded in the concept of citizenship. Thirdly, I present some perspectives on citizenship and the nation state (including Bosniak, 2006; Hammar, 1990; Yuval-Davis, 2007). This stream of literature focuses on the inside/outside distinction embedded in citizenship, and analyses the problematic connection between citizenship rights and the nation state. I

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conclude this chapter by discussing how citizenship can provide a useful theoretical framework for an analysis of marriage migration.

### 3.1 Previous Research on Marriage and Family Migration

In a 2004 article, migration researcher Eleonor Kofman argued that family migration has been neglected in European migration research (Kofman, 2004). In the subsequent years, however, a substantial body of research on family migration to Europe has emerged. Some studies focus on the marriage patterns and practices of different ethnic minorities in Europe (Beck-Gernsheim, 2007; Bredal, 2004; Charsley, 2005, 2006; Grillo, 2008; Liversage, forthcoming; Timmerman, 2006; Timmerman and Wets, 2011). Other studies investigate marriages between people from different ethnic, racialised or national groups, so-called ‘mixed marriages’ or ‘cross-cultural marriages’ (Breger and Hill, 1998; Fleicher, 2011; Flemmen and Lotherington, 2009; García, 2006; Górný and Kepinska, 2004; Panitee, 2011; Riaño, 2011). Finally, migration scholars analyse family migration legislation in different European countries and according to European Union law (De Hart, 2006, 2007; Hagelund, 2008; Kraler, 2010; Myrdahl, 2010b; Van Walsum, 2008; Wray, 2008). Some of these studies also include ethnographic data on how migrants themselves are affected by, and respond to, regulations (Breger, 1998; Fair, 2010; Kraler, 2010; Schmidt, 2011a; Strasser et al., 2009).

Social inequality is the most central issue in the emerging scholarship on family and marriage migration. While gender has been a pivotal dimension of social inequality in many contributions (Constable, 2005; Kraler, 2010; Williams, 2010), other dimensions of inequality, in particular race and ethnicity, but also sexuality and class have gained empirical as well as theoretical interest (Luibhéid, 2002; Mühleisen et al., 2012; Myrdahl, 2010b; Van Walsum, 2008; Wray, 2011). Scholars have investigated how cross-border marriage migration is shaped by, and may undermine as well as reinforce, existing patterns of social inequality. Immigration regulations and their implementation are also related to patterns of social inequality. For example, gendered

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and racialised stereotypes may inform immigration policy and administration in ways that create subtle or more overt forms of discrimination.

Marriage migration and social inequality have been investigated through different theoretical lenses. In the recent book *Global Marriage. Cross-Border Marriage Migration in Global Context*, migration scholar Lucy Williams draws on sociological perspectives on structure and agency in order to theorise gendered patterns of marriage migration (2010: 34-51). A recent project on family immigration regulations in Europe employs the concept ‘civic stratification’ in order to investigate the hierarchies of stratified rights created by immigration regulations (Kraler, 2010). Others have analysed the inclusionary and exclusionary processes of immigration regulations by drawing on post-colonial theories, critical race theory, and Michel Foucault’s theorising of sexuality (Lan, 2008; Luibhéid, 2002, 2010a; Myrdahl, 2010b; Van Walsum, 2008). Gender, sexuality and family norms function as central markers of ‘otherness’, and family immigration policies are deeply embedded in the construction of national identities and belonging (Bonjour and De Hart, forthcoming 2012; Myrdahl, 2010b; Schmidt, 2011a).

Dependency is another central issue highlighted by several scholars of marriage migration (Breger, 1998; Kraler, 2010; Strasser et al., 2009; Tyldum, 2008; Williams, 2010). The regulation of marriage and family migration has traditionally been based on the assumption that family migrants consist of dependent women and children (Van Walsum, 2008; Van Walsum and Spijkerboer 2007). In the publication of the European Migration Network for example, ‘dependants’ family is the term used to describe family migrants (European Migration Network, 2008: 12). Moreover, regulations may also enforce dependency. Importantly, most European countries have probationary periods, ranging from one to five years, before marriage migrants can achieve a permanent residence permit independent of the marriage. During the probationary period, the residence permit depends on the marriage, and a separation or divorce would normally mean that the marriage migrant is forced to leave the country (European Migration Network, 2008; Systeme d’Observation Permanente sur les Migrations (SOPEMI), 2000). These regulations make marriage migrants’ legal status

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totally dependent on their partner, and this situation of dependency makes marriage migrants particularly vulnerable to domestic violence and abuse (Kraler, 2010; Lidén, 2005; Madsen et al., 2005; Patel, 2002; Tyldum, 2008; Williams, 2010).<sup>21</sup> In addition to legal dependency, marriage migrants may also find themselves to be socially and economically dependent on their partner, due to a lack of job opportunities, language skills and social network (Kraler, 2010; Tyldum, 2008; Williams, 2010). Some research on marriage migration to Europe reports that economic dependency may be experienced as particularly problematic for male marriage migrants because it contradicts traditional gender roles expecting men to be the family provider (Kraler, 2010: 57).

Globalisation, risk, individualisation and the transformation of intimacy are core issues in contemporary theoretical perspectives on modernity (Bauman, 2000, 2003; Beck, 1992, 1995; Giddens, 1992, 2000). These theoretical perspectives have also influenced studies of family migration to some extent. For example, Katharine Charsley has analysed the migration strategies of British Pakistanis drawing on theories of risk and risk management (Charsley, 2006). With this work, she shows how a case study of marriage migration may contribute substantially to the broader theoretical debate about risk management as a central feature of modernity. A theoretical interest in globalisation and transnational space has also informed several studies of family and migration (Schmidt, 2011c; Walsh, 2009; Williams, 2010; Wray, 2011: 10-3). Transnationalism challenges the nation-state as a frame of analysis, and investigates the ways in which social relations reach beyond national borders (Wimmer and Glick Schiller, 2002). Cross-national marriages are often the key to creating and sustaining transnational social relations and networks, consequently, marriage migration provides a key site for investigating transnationalism and transnational space (Williams, 2010: 204).

The family, intimate relations and emotions are subject to increasing scholarly interest among migration scholars. A growing interest in family and marriage migration might

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<sup>21</sup> Many countries, including Norway, have introduced regulations that allow divorced marriage migrants to stay in cases of domestic violence (see for example Eggebo, 2007; Madsen et al., 2005).

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be seen as a part of this trend. Nevertheless, the more general theoretical debates about emotions and intimacy in modern societies (Bauman, 2003; Beck and Beck-Gernsheim, 1995; Giddens, 1992; Jamieson, 1998; Roseneil and Budgeon, 2004; Weeks, 2007) are not as central to the current scholarship on marriage migration as one might expect. One exception, however, is Jennifer Patico's (2009) study of the Russian-American matchmaking industry. Drawing on theoretical perspectives on marriage and intimacy, she uses the case of cross-border marriage to contribute to theoretical understanding of love, intimacy and emotions in modern societies. In the recent book *Gender, Generations and the Family in International Migration*, Albert Kraler et al., (2011) argue that 'considerable benefit would be derived from bringing closer together the insights of family sociology and migration studies' (Kraler et al., 2011: 43). A similar argument is presented by Cecilia Menjivar (2010: 9) in the article 'Immigrants, Immigration, and Sociology: Reflecting on the State of the Discipline'.

Citizenship is not a very central theoretical concept in existing studies of marriage migration. However, some scholars propose that this might be a fruitful direction for theoretical development. Sociologist Bryan S. Turner for instance, uses the case of marriage migration as a point of departure for a theoretical discussion of citizenship, reproduction and the family. Since citizenship is usually transferred from parents to their children, regulating reproduction and family relations is a central part of citizenship policies. However, this has not been fully recognised within citizenship theory (Turner, 2008). Turner suggests that the case of international marriage is suited to challenge current understandings of citizenship because cross-national unions complicate the inheritance of citizenship status (Turner, 2008). A similar point is made by Linda K. Kerber who shows how some children of cross-national unions are left in a situation of statelessness, due to national citizenship policies (Kerber, 2009). In a recent book about marriage migration to the UK, legal scholar Helena Wray argues that the study of marriage migration might benefit from a radical reframing. Rather than conceptualising marriage migration as migration, it should be seen as a question about fulfilling citizenship rights (Wray, 2011: 238).

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Several migration scholars have argued that the current scholarship on family and marriage migration is, despite being a strategic site for capturing contemporary processes of social change, theoretically and methodologically under-developed (Kofman, 2004; Kraler et al., 2011; Williams, 2010). With the three articles that comprise this thesis, I have aimed to contribute to theoretical developments in the scholarship on marriage migration by drawing on theoretical perspectives on 1) welfare state policy, 2) norms of intimacy, and 3) bureaucracy and emotions. These theoretical perspectives have been fruitful for empirical analyses of the regulation of marriage migration and point to the potential for further theoretical developments. The diverse scholarship on citizenship encompasses several of the issues and perspectives central to this thesis as well as other research on marriage migration, for instance social inequality, the nation state, intimacy, welfare state policies and migration. Consequently, I propose that the scholarship on citizenship theory can contribute to further theoretical developments in the field of family and marriage migration. Moreover, studies of marriage migration are suited to the development of citizenship theory.

### 3.2 Citizenship according to T.H. Marshall

According to sociologist T. H. Marshall, a citizen is a person who can claim a set of rights and duties vis-à-vis the state, and can be accepted as a full member of society (Marshall, 1992). According to this definition, citizenship has three central characteristics: first, it is a legal status. Second, it is a set of rights and duties. Third, it is about belonging to a community. Moreover, Marshall argues that citizenship is essentially a principle of equality; citizens are equal in status and have, in principle, the same rights and duties and the same claim to be accepted as full members of society (Marshall, 1992: 18-20).

In his famous essay ‘Citizenship and Social Class’ (1992), Marshall’s concern is to analyse the potential tensions between social inequality and the equality implicit in the concept of citizenship (Marshall, 1992: 17). While the development of civil rights and political rights guaranteed a status equality between citizens, such formal rights did

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little to change existing patterns of social inequality. Throughout the 19<sup>th</sup> century, however, there was a gradual recognition that the realisation of a principle of equality required more than equal status and formal rights, and measures were taken to remove barriers to the enjoyment of equal rights (Marshall, 1992: 20-7). The development of social rights, for instance welfare services such as education and unemployment benefits, more radically undermined social class differences. Marshall argued that the expansion of citizenship, from civil to political and social rights, has made the preservation of economic inequalities more difficult. ‘There is less room for them, and there is more and more likelihood of them being challenged’ (Marshall, 1992: 45).

Marshall traced the historical development of citizenship in England and acknowledged that the specific rights and duties of citizenship are historically and contextually contingent: ‘There is no universal principle that determines what those rights and duties shall be’ (Marshall 1992: 18). Nevertheless, he seemed to believe that the principle of equality implicit in the concept of citizenship could and should be developed and extended further to include more groups and more substantial rights: ‘The urge forward along the path thus plotted is an urge towards a fuller measure of equality, an enrichment of the stuff of which the status is made and an increase in the number of those on whom the status is bestowed’ (Marshall, 1992: 18). To Marshall, citizenship is a language with which to articulate a vision for a more equal and inclusive society. However, Marshall’s analysis of citizenship and social inequality has some ‘blind spots’ that may limit his vision of a more equal and inclusive society. First of all, the only dimension of social inequality he analyses is social class. While he seems to be aware that gender represents another relevant dimension (Marshall, 1992: 12), gender is, nevertheless, absent from his analysis.<sup>22</sup> Other dimensions of social inequality, for instance ethnicity and sexuality are not even mentioned. These ‘blind spots’ have been highlighted by scholars of citizenship who investigate the potential tensions between citizenship and various dimensions of social inequality, such as gender (Lister, 2003), ethnicity (Kymlicka, 1995, 2010) and sexual orientation

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<sup>22</sup>Discussing the development of citizenship rights, Marshall briefly mentions that ‘Perhaps one should say to all male members, since the status of women, or at least of married women, was in some important respects peculiar’ (Marshall, 1992: 12).

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(Plummer, 2003; Richardson, 2000). Secondly, it is important to note that the citizenship described by Marshall is a principle of equality confined to the nation-state: ‘the citizenship whose history I wish to trace is, by definition, national’ (Marshall, 1992: 9). The national boundedness of the concept largely goes unproblematised in Marshall’s essay. He does not question the fact that non-citizens are, by definition, excluded from the national community to which status, rights, duties and belonging are confined. In the current academic literature on citizenship, however, the connection between rights and the nation-state is increasingly questioned (see Bauböck and Guiraudon, 2009; Benhabib and Resnik, 2009; Bosniak, 2006; Brodie, 2004; Nash, 2009; Sassen, 2002; Soysal, 1994).

T. H. Marshall’s essay on citizenship and social class undoubtedly deserves its status as a classical text on citizenship. The ‘blind spots’ identified by later scholars, with regard to the concept’s implicit male norm and confinement to the nation state, are understandable given that the essay was first published in 1948. At that point in time, the women’s movement and the civil rights movements of the late 1960s and 1970s were yet to come. These movements have played an important role for the feminist and anti-racist academic critiques of citizenship. Moreover, the nation-state was perhaps a more self-evident frame of analysis during the mid twentieth century than it is today. Consequently, the limitations of Marshall’s analysis should be understood in light of the political context in which he was writing. Despite the fact that Marshall’s own analysis of citizenship and social inequality is limited to focusing on class inequalities, his conceptualisation of citizenship as status, rights and belonging, and the distinction between civil, political and social rights has proved to be a useful tool for empirical investigations of citizenship and other dimensions of social inequality.

### 3.3 Citizenship and Social Inequality

#### 3.3.1 Gender, Sexuality, Intimacy and Emotions

In this section, I present some contributions on citizenship and gender, sexuality, intimacy and emotions. Authors such as Ruth Lister (2003), Ken Plummer (2003) and

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Diane Richardson (1998) have contributed substantially to the current academic interest in the concept of citizenship by expanding it to include previously excluded groups and issues. Most importantly, for my argument here, these scholars have advanced a critique of the private/public distinction embedded in the concept of citizenship. This critique is inspired by the famous feminist movement slogan ‘the personal is political’ (Hanisch, 1970).

Scholars of gender and sexuality have criticised the scholarship on citizenship for being solely focused on the public sphere: ‘Citizenship nearly always refers to the social, civic, public world, not to individual, intimate, or private worlds (Plummer, 2003: 15). This focus on the public sphere has limited citizenship in two ways. Firstly, some groups, for instance women and sexual minorities, have historically and contemporarily been denied access to many citizenship rights. Secondly, some issues, such as family life, reproduction, sexuality and emotions has been largely absent from the citizenship discourse. This is because citizenship rights, including the right to vote and to be involved in politics, are public rights, whereas women’s role in family life and in society, and questions of sexuality, were traditionally viewed as belonging to the domestic (private) realm. Based on a critique of the public/private distinction, scholars have suggested adding new dimensions, usually associated with the private sphere, into the analytical framework of citizenship. Concepts such as ‘gendered citizenship’, ‘bodily citizenship’, ‘reproductive citizenship’, ‘sexual citizenship’, ‘intimate citizenship’ and ‘affective citizenship’ (Johnson, 2010; Lister, 2003; Plummer, 2001; Richardson, 1998; Richardson and Turner, 2001; Turner, 2008) have been proposed as a way to include excluded issues and groups.

Feminist scholars have engaged with the citizenship literature and investigated the relationship between citizenship and gender (Benhabib and Resnik, 2009; Bosniak, 2009; Halsaa et al., 2011; Lister, 2003; Siim, 2000; Young, 1989). They have pointed to the fact that women have been denied many citizenship rights, for example the political right to franchise (Lister, 2003: 69) or the right to keep and pass on citizenship to one’s children after marriage to a foreign citizen (Kerber, 2009; Van Walsum 2008; Wray, 2008). Across various welfare state regimes, social rights have,

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to a large extent, been contingent on labour market participation, and women's paid and unpaid labour within the private sphere has not guaranteed access to welfare rights such as unemployment benefits (Hagemann, 2006). The gendered division of labour, designating women to the private sphere and men to the public, has favoured the male citizen worker and excluded large groups of women from many civil, political and social rights (Siim, 2000: 15). In order to allow for a gender-sensitive analysis of citizenship, the public and the personal have to be understood as fundamentally entangled, and the concept of citizenship should include both rights and duties, as well as well as practices and identities (Lister 2003).

While sexual minorities and sexual rights have escaped analysis in much citizenship literature (Richardson, 1998), some scholars have critically analysed the relationship between sexuality and citizenship (Halsaa et al., 2011: 47-55; Lister, 2002; Plummer, 2001, 2003; Richardson, 1998, 2000). These scholars have shown how people are excluded from citizenship rights on the grounds of sexuality: for example, gay and lesbians are denied access to important civil, political and social rights through legal frameworks and social practices (Richardson, 1998: 88-9). It has also been argued that sexual and reproductive health and rights are central dimensions of citizenship, and different groups of citizens may have different access to such rights (Plummer, 2003; Richardson, 2000; Turner, 2008). Scholars of sexuality, like scholars of gender, question the exclusion of the private sphere from most conceptualisations of citizenship with this argument.

In the book *Intimate Citizenship. Private Decisions and Public Dialogues* sociologist Ken Plummer (2003) draws on insights from scholars of gender and sexuality, and sociological theory on the transformation of intimacy. He proposes 'intimate citizenship' as a sensitising concept that can capture the links between the private and the public spheres (Plummer, 2003: 15). Sociologist Sasha Roseneil has worked extensively with the concept 'intimate citizenship' and according to her definition, it is 'concerned with the processes, practices and discourses that regulate and shape the exercise of agency in intimate life' (Roseneil et al., 2012: 42). Her definition of intimate citizenship is concise, yet expansive enough to take into account both formal

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aspects of citizenship, such as laws and policy, and the more informal aspects of citizenship constructed through social and cultural practices (Roseneil et al., 2012: 41). Moreover, her work on intimate citizenship clearly illustrates the necessity for understanding the private and the personal as fundamentally interrelated aspects of citizenship (Roseneil et al., 2012).

With the concept ‘affective citizenship’ some scholars have sought to put the literature on citizenship in dialogue with the recent theoretical interest in emotions and affect (Fortier, 2010; Johnson, 2010). Carol Johnson uses the concept to ‘explore (a) which intimate emotional relationships between citizens are endorsed and recognised by governments in personal life and (b) how citizens are also encouraged to feel about others and themselves in broader, more public domains’ (Johnson, 2010: 496). What the concepts ‘intimate citizenship’ and ‘affective citizenship’ have in common, is an interest in the production and reproduction of social inequality between groups and individuals. Moreover, both concepts represent an effort to expand the citizenship literature by connecting it to other central theoretical perspectives, such as those on emotions and intimacy, thereby, expanding the concept of citizenship to include a focus on what is usually associated with the private or personal sphere.

### **3.3.2 Ethnicity and Culture**

Another strand of the citizenship literature has been preoccupied with the relationship between citizenship and racialised, ethnic, cultural and religious differences (Castles, 1994; Fortier, 2008; Joppke, 2007; Kymlicka, 1995, 2010; Young, 1989; Yuval-Davis, 2002).<sup>23</sup> In line with Marshall (1992), these scholars stress that equal citizen status does not guarantee equality of respect, resources, opportunities or welfare; social inequality continues to exist despite formal equality (Castles, 1994: 16; Kymlicka, 2010: 100). Unlike Marshall, however, they are preoccupied with ethnic and racialised hierarchies, in contexts where people from diverse cultures and ethnicities live together in the same spaces and places. These authors have a dual focus. On one hand,

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<sup>23</sup> The feminist scholarship on citizenship partly overlaps with the literature on multiculturalism and citizenship. Several feminist scholars have argued for analyses of citizenship combining different dimensions of social difference (e.g. Benhabib and Resnik, 2009; Lister, 2009; Siim and Skjeie, 2008; Williams, 1995; 2008; Yuval-Davis, 2007).

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they focus on the inclusion of ethnic and racialised minorities in the citizenship framework of analysis. On the other hand, they present normative political arguments in favour of minority rights.

Stephen Castles (1994) and Will Kymlicka (1995, 2010) describe the different types of minority rights, or multicultural policies, that have been introduced in liberal democracies, to promote equal access to citizenship for ethnic and racialised minorities. Examples of such rights are language rights, affirmative action, land rights, federal autonomy and exemptions from formal dress codes. Kymlicka (1995, 2010) has introduced an analytical distinction between minority rights for indigenous peoples, sub-state national groups and immigrant groups, and notes that in current political debate, minority rights for immigrant groups appear to be much more controversial than rights for the other two groups (Kymlicka, 2010).

Multiculturalism is also a normative political theory promoting a certain vision of a fair and equal society. Kymlicka underlines the normative underpinning of both multiculturalism and the concept of citizenship: he holds that multiculturalism can be conceptualised as ‘citizenisation’, that is, ‘developing new models of democratic citizenship, grounded in human rights ideals, to replace earlier uncivil and undemocratic relations of hierarchy and exclusion (...) multiculturalism is precisely about constructing new civic and political relations to overcome the deeply entrenched inequalities that have persisted after the abolition of formal discrimination’ (Kymlicka, 2010: 101-2).<sup>24</sup> Scholars of multiculturalism have introduced the concept ‘multicultural citizenship’ in order to a) describe minority rights and multicultural policies and b) dismantle ethnic and racialised hierarchies (Castles, 1994; Halsaa et al., 2011).

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<sup>24</sup> Multiculturalism has been challenged with the argument that it may threaten, rather than promote, the principle of equality embedded in the concept of citizenship (Joppke, 2002; Okin et al., 1999: 254). However, Kymlicka (1995, 2010) argues that minority rights are compatible with the principles of liberal-democratic citizenship and are indeed necessary to promote citizens’ sense of belonging to the community.

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### 3.3.3 Outside the Public Sphere and the Nation State

The literature focusing on gender, sexuality, race and ethnicity, have impacted on the conceptualisation of citizenship in two different ways: firstly, they have performed and encouraged analyses of the status and rights of minoritised groups, such as women, ethnic minorities, sexual minorities and racialised minorities, in terms of formal rights as well as the realisation of rights. Secondly, the above contributions have expanded the concept of citizenship to include new dimensions, which have not traditionally been analysed within the citizenship literature. Much of the feminist and the multiculturalist scholarship on citizenship have a noteworthy 'blind spot'. Despite the critique of exclusion and subordination, the exclusion of aliens from citizenship mostly escapes analysis (Bosniak, 2006; Joppke, 2002; Sassen, 2002). 'The idea of citizenship is invoked to refer to the condition of full belonging and recognition among already presumed members of the state. Ample attention is paid to "second-class citizenship" in various guises, but the issue of formal non-citizenship simply does not arise' (Bosniak, 2006: 10). Even though the feminist and multiculturalist conceptions of citizenship take difference into account, the nation-state continue to function as the implicit frame of analysis in many of these contributions (Bosniak, 2006; Joppke, 2002; Sassen, 2002). Consequently, many of these contributions fail to question the distinction between the inside and the outside of the nation state, a distinction fundamental to the concept of citizenship and essential for analysing migration. In order to fully understand the logics and paradoxes of marriage migration, conceptualisations of citizenship focusing solely on citizenship within the nation-state are inadequate. Central contributions on citizenship and gender, sexuality and ethnicity have to be supplemented by literature problematising the insider/outside distinction of citizenship.

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## 3.4 Citizenship and the Nation State

### 3.4.1 Acquiring Status and Rights

Some parts of the citizenship literature focus on the national boundedness of citizenship, and analyse the current and historical conditions for aliens to acquire citizenship status (Brochmann and Seland, 2010; Nyhagen Predelli et al., 2012) or rights (Morissens and Sainsbury, 2005; Sainsbury, 2006). In these analyses, citizenship is not first and foremost a principle of equality, but an exclusive and privileged status to which aliens can only be admitted on certain conditions. Here, 'citizenship' refers to the formal status as citizen of a nation state and is often used synonymously with nationality. Naturalisation is the process through which a non-citizen can become a (naturalised) citizen. States' citizenship regulations are often described in terms of three citizenship regimes *jus sanguinis*, *jus soli* and *jus domicil*. *Jus sanguinis* means that citizenship is transmitted from parents to children or their descendants, through the blood line. *Jus soli* means that citizenship is required by birth to any person born within the national borders regardless of the parents' citizenship or residence status. *Jus domicil* means that citizenship can be required through residence. *Jus sanguinis* has been the basis of the German citizenship regime, *jus soli* has been the basis for the North American one and *jus domicil* has been the basis of the French citizenship regime (Brochmann, 2002; Brochmann and Seland, 2010: 433; Koopmans, 2005; Statham and Koopmans, 2000). Today, most EU countries, in addition to *jus sanguinis*, allow for naturalisation through residence, when certain conditions are fulfilled (Joppke, 2002: 250). Such conditions include language courses, language tests, a citizenship test, knowledge about political systems, society and culture and pledges or oaths (Brochmann and Seland, 2010: 431).

Even though citizenship rights are tied to citizenship status, the formal status as a citizen is not always a precondition for having access to citizenship rights (Soysal, 1994). With regard to a number of civil and social rights, people with permanent residence status may have more or less the same rights as citizens. Within the European Union (EU), citizens of other EU countries are increasingly treated on equal

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terms as national citizens with regard to social rights and welfare benefits. Thus, Europeanisation has obliterated some of the differences between citizens and non-citizens with regard to rights (Brochmann, 2002; Hammar and Brochmann, 1999; Lister, 2003: 54; Nanz, 2009; Sassen, 2002: 282). Migration scholar Tomas Hammar (1990) uses the term ‘denizen’ to denote people granted citizenship rights without acquiring the formal status of a national citizen. However, it is important to note that regulations designate different rights to denizens, depending on their nationality, residence status and entry category (Kraler, 2010; Sainsbury, 2006). Empirical studies examining the social rights of migrants show considerable variation in welfare entitlements for migrants across entry categories, as well as welfare state regimes (Morissens and Sainsbury, 2005; Sainsbury, 2006). Consequently, the category of ‘denizen’ is not homogenous; it includes different groups with different rights. Thus, social inequality between citizens and different categories of non-citizens is a central issue.

### **3.4.2 Belonging to a (National) Community**

According to T.H. Marshall, citizenship is, in addition to status, rights and duties, essentially about being a full member of society and having a share in the social heritage (Marshall, 1992). While status, rights and belonging are interrelated, these are different characteristics of citizenship and do not necessarily overlap. People may be formal citizens without having a feeling of belonging and visa versa. For example, the ethnic majority population often do not consider ethnic and racialised minorities to belong to the nation even though they have the formal status and rights of citizens (Ahmed, 2004; Yuval-Davis, 2007).

According to the republican citizenship tradition,<sup>25</sup> democracy requires that citizens have a strong attachment to the political community that ‘grows out of a connection to their fellow citizens’. Without such a connection, democracy cannot survive (Dagger,

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<sup>25</sup>The citizenship literature is often described as consisting of two broad citizenship traditions: the liberal citizenship tradition and the civic republican citizenship tradition. The liberal citizenship tradition tends to emphasise the rights dimension of citizenship, while the civic republican citizenship tradition, to a larger extent, emphasises citizenship duties (see for example Lister, 2000: 13–42).

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2002: 148). Citizenship is a matter of legal status, but it is more than that. Citizenship has an ethical dimension which requires so called civic virtues, that is ‘commitment to a common good and active participation in public affairs (Dagger, 2002: 149). Some scholars have argued that immigration and ethnic diversity erode social cohesion and civic virtues, and consequently undermine political participation and the political support for welfare rights (Putnam, 2000; 2002).

Other scholars of citizenship focusing on belonging, criticise the exclusionary aspects of the current emphasis on social cohesion and civic virtues. They analyse how certain conceptions of national belonging may contribute to the exclusion of ethnic and racialised minorities (Fortier. 2010; Lithman. 2010; Yuval-Davis. 2007). Nira Yuval-Davis (2007) discusses the relationship between citizenship and belonging, and argues that ethnically based notions of nationalism or anti-immigration rhetoric, produce exclusionary visions of citizenship. Yuval-Davis critically examines the current politics of belonging in Britain and argues for the promotion of an anti-racist vision of citizenship that allows for multi-layered belonging and participation (Yuval-Davis, 2002; Yuval-Davis, 2007). According to her analysis, racism and exclusionary notions of nationalism should be represented as the problem, rather than ethnic diversity *per se*.

### **3.4.3 Citizenship Beyond the Nation State**

A broad scholarship on citizenship critically assesses the relationship between citizenship and the nation-state (for example Bauböck and Guiraudon, 2009; Benhabib, 2004; Benhabib and Resnik, 2009; Bosniak, 2006; Brodie, 2004; Kukathas, 1997; Nash, 2009; Sassen, 2002; Soysal, 1994). Some argue that the use of the nation-state as an implicit frame of reference for discussions about citizenship, limits the analytical potential of the concept (Bosniak, 2006; Sassen, 2002). Others argue that the connection between citizenship and the nation-state is not only analytically, but also ethically, problematic (Carens 1992). Exploring the possibilities of citizenship beyond the nation-state, these critics have used a range of alternative citizenship concepts: for example ‘global citizenship’ (Armstrong, 2006), ‘post-national citizenship’ (Soysal,

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1994), ‘cosmopolitan citizenship’ (Linklater, 2002; Nash, 2009), ‘universal citizenship’, ‘multi-layered citizenship’ (Yuval-Davis, 2007), ‘transnational citizenship’ (Smith, 2007), ‘denationalised citizenship’ (Bosniak, 2000) and ‘world citizenship’ (Nussbaum, 2010).

Saskia Sassen argues that processes of economic globalisation, the development of an international human rights regime, changes in national citizenship laws and the emergence of political actors unwilling to automatically identify with a nation (Sassen 2002: 277) are historical changes which makes it necessary to readjust our theoretical understanding of citizenship. While the national remains important for the understanding of citizenship, current changes to the national are at the heart of the theoretical development of citizenship (Sassen 2002: 287). Nira Yuval-Davis has introduced the concept of ‘multi-layered citizenship’ to account for the fact that people belong not only to a nation state, but to local, ethnic, religious, national, regional, transnational and international political communities (Yuval-Davis, 2007). However, this does not mean that national citizenship has lost its importance, or that nation-states are no longer important: ‘while multi-layered citizenship does not give monopoly to citizenship in nation-states, it recognises that while states’ roles might be changing in today’s globalised world, they are definitely not withering away’ (Yuval-Davis, 2007).

According to Linda Bosniak, the concept of citizenship is characterised by a fundamental duality. On one hand, citizenship is taken to stand for individual rights, equality, inclusion and recognition. Citizenship in this sense is committed to universalist norms; even though equal citizenship for all is not yet fully achieved, universalism is still its normative standard. On the other hand, citizenship is also used to refer to a persons’ formal legal status. In this sense, citizenship denotes membership to a national community and simply means nationality. When used in this sense, the concept of citizenship is not committed to universalist norms. Rather, it is the exclusive privileged status of those who belong to the national community. According to Bosniak, both aspects of citizenship have to be taken into account, the inclusive, universalist notion of citizenship, and the exclusive, nationalist understandings of citizenship. While Bosniak’s main concern is to problematise the inside/outside

distinction of citizenship, her analyses of domestic work also includes a discussion of the feminist arguments concerning the centrality of care work for citizenship (Bosniak, 2007, 2009). Bosniak's work has pointed me towards the argument I put forward here, namely that the critiques of the inside/outside and of the public/private distinctions, stemming from two different strands of citizenship literature, need to be combined, in order to allow for an adequate understanding of marriage migration.

### 3.5 Citizenship and Marriage Migration

Following in the tradition of Marshall, the literature on gender, sexuality and ethnicity gives a framework for understanding how the realisation of citizenship is shaped by existing patterns of social inequality. These perspectives expand the concept of citizenship to include previously excluded groups and issues. However, as Bosniak (2006) and Joppke (2007) have pointed out, most contributions on citizenship gender and ethnicity focus on the realisation of citizenship rights for groups of people who already have a formal membership in the nation-state. Analysing migration, this view of citizenship and social inequality needs to be supplemented with insights from other streams of the citizenship literatures, for instance political scientists focusing on aliens' acquisition of status and rights. In this thesis, I have made use of central concepts from this part of the citizenship literature such as 'denizens' and the processes of 'Europeanisation'. In order to fully capture the patterns of social inequality embedded in immigration regulations, gender, sexuality, ethnicity, as well as citizenship status, have to be included into the analysis, and this requires merging separate streams of the citizenship literature.

In Marshall's terms, the right to marry a person of one's choosing could be seen as a basic civil right. This right, however, is essentially the right of citizens, as the citizenship Marshall describes is confined to the nation-state. The right to marriage migration can then be understood as a secondary right derived from a citizen's civil right to marry. Such a conceptualisation is in line with the current regulation of marriage migration. Family migration is formulated as the right of any alien with a close family member settled in Norway. For marriage migrants, this right is totally

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dependent on the relationship to the sponsor (and his or her ability to fulfil a duty to be self-supported through labour market participation). One important limitation to Marshall's framework is that he focuses solely on the relationship between the individual and the state, and lacks a conceptualisation of secondary rights derived from or dependent on the rights or duties of other persons. Some feminist perspectives on citizenship, however, have taken into account the fact that the individual's relationship to the state is often shaped and mediated by relationships to other people. Citizenship is just as much about the relationships between individuals and groups, as the relationship between the individual and the state (Halsaa et al., 2011; Lister, 2003; Nyhagen Predelli et al., 2012: 189; Siim, 2000). Such perspectives on citizenship seem better suited to analysing marriage migration than perspectives focusing solely on the relationship between the individual and the state.

Ken Plummer's (2001, 2003) and Sasha Roseneil's (2008, 2012) contributions to the conceptualisation of citizenship are very relevant to the study of marriage migration. Through the concept of 'intimate citizenship' they have brought sociological perspectives on the transformation of family life and intimacy into a dialogue with the citizenship literature. Such a theoretical synthesis is, I would argue, valuable to the study of marriage migration because it theorises the intimate links and connections between what is usually seen as public, such as laws, regulations and policy, and what people tend to understand as personal and private, namely family and intimate relations. Both Plummer and Roseneil describe a development towards diversification and liberalisation of intimate life, both in terms of policy and regulations as well as social practice. What these authors have not paid much attention to, however, is the importance of immigration law for intimate citizenship. Consequently, they do not capture the fundamental tension between liberalisation control in the sphere of family life and immigration, respectively. Based on an investigation including both the dimensions of citizenship theorised by Roseneil and Plummer, and the exclusionary aspects of citizenship highlighted by migration scholars (such as Benhabib and Resnik, 2009; Bosniak, 2006; Hammar, 1990), I argue that this paradoxical development is a central characteristic of intimate citizenship.

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In ‘The Problem of Dependency’ (Eggebø, 2010), I analyse the political arguments for an increased subsistence requirement for marriage migration. With this requirement, a person’s economic gain on the labour market, documented through official tax reports, becomes a precondition for fulfilling an intimate life of one’s choosing. For some groups of citizens then, a tax report becomes the ticket to married life. Consequently, the subsistence requirement is a regulation clearly cutting across the traditional public/private distinction. The article also presents some oppositional voices arguing against the subsistence requirement because it might affect women and ethnic minorities disproportionately. These oppositional voices draw on a discourse of equality which is also central in parts of the citizenship literature. A potential limitation of this discourse, however, is that it primarily addresses the subjects already present within the borders of the nation state. It is the violation of the rights, and potential discrimination against, different groups of sponsors (for instance men and women, minorities and majorities, student and workers) that is presented as unjust within this framing. The question of migrants’ status and rights as individuals remains unclear. This example may illustrate the necessity of taking into account both the inside and the outside dimensions of citizenship. Its inclusive and equality oriented dimension is usually limited to persons already legally residing within the country and is not easily extended to migrants.

The article ‘A Real Marriage?’ (Eggebø, 2013) discusses contemporary norms of intimacy by analysing the regulations on marriages of convenience. Here, I show that a relationship has to be recognisable as authentic and true before a marriage migrant is allowed to enter the country. Checks and controls concerning people’s private and intimate life is a part of the procedures that may allow legal entry. The couple has to accept that the immigration authorities cross the borders into what is usually seen as their private life, in order for the marriage migrant to be allowed to cross the borders into the nation-state. The article ‘With a Heavy Heart’ (Eggebø, 2012) thematises the public/private distinction in a slightly different manner. Here, the main focus is on the bureaucrats’ boundary-making between what they see as their own private feelings and opinions, and the public laws, rules and procedures that should govern immigration regulations. The bureaucrats’ reflections on ethics and justice in the field of marriage

migration problematise the distinction between the public and the private, and reason and emotions. The distinction between the inside and the outside of the nation state is also an important and striking feature of immigration regulations. The discourse on equal treatment, central to bureaucratic assessment, has some clear limitations in this context as immigration law is built on the differential treatment of citizens in relation to non-citizens, as well as between groups of differentiated citizens.

As I have argued in this chapter, I think it is crucial to conceptualise citizenship in a way that takes into account both the public and the private sphere, as well as the inside and the outside of the nation state. For a migration scholar, a framework focusing solely on the rights and duties of the citizens of a nation state is quite limiting. A notion of citizenship that focused exclusively on the public sphere would not be very helpful for an investigation of intimate relations. The citizenship literature includes contributions questioning both the distinction between the inside and the outside of the nation state, and the public/private distinction. Nevertheless, hardly any contributions have sought to make a clear conceptualisation of citizenship bridging both these distinctions, and I would argue that this is a central point for the theoretical development of the citizenship literatures.

In this chapter, I have aimed to contribute to such a merging of different perspectives on citizenship in order to further a more fruitful theoretical understanding of the concept. Combining perspectives from these two sections of citizenship scholarship exposes the fundamental and inextricable link between public and private concerns and the porousness of the borders that separate the inside and outside of the nation-state. Consequently, citizenship is shown to be a complex and multi-layered legal status and practice: applicants do not have the status, but their sponsors do; applicants, sponsors and the relevant civil servants are called on to engage in citizenship practices (applicants), or to verify them (civil servants) in their attempts to respectively fulfil and enforce the necessary requirements of the measures that regulate marriage migration. Marriage migration and the issues it gives rise to, as I have discussed in different ways in the three articles that comprise this thesis, is an important site of

academic investigation, which brings citizenship's inner (private sphere/national) and outer (public sphere/international) entanglements to the fore.

## 4. Methods and Methodology

This is a doctoral thesis in sociology, investigating the regulation of marriage migration to Norway, a topical issue that has not been much studied in the Norwegian context. I have sought to identify and explain the logics and paradoxes embedded in the regulation of marriage migration to Norway. I enquire into contemporary discourses, practices and regulations of intimacy and immigration by use of qualitative sociological methods, and draw on sociological perspectives on the welfare state, intimacy, bureaucracy and emotions (Ahmed, 2004; Bauman, 1989; 1993; Esping-Andersen, 1992; 2009; Giddens, 1992; Weber, 1981).

The analyses are based on standard qualitative data: interviews, texts and observation. The investigation was empirically driven, explorative and open-ended in order to allow for the empirical findings to guide the research process. The research project has resulted in three articles published in international academic journals. These analyse the regulation of marriage migration from the perspectives of policy-makers, bureaucrats and applicants, respectively. Both the specific topics and the theoretical frameworks in each article were gradually developed throughout the process of data analysis. While the data and analytical techniques differ between the articles, they are the products of one coherent research project. I have drawn on several different methodological approaches to qualitative research, for instance institutional ethnography, discourse analysis and method triangulation, and argue for an eclectic use of analytical techniques.

This methodology chapter proceeds as follows: first, I will present the research design. Second, I outline the process of data collection. Third, I present the different analytical strategies I have employed, and discuss the relationship between them. Fourth, I present some ethical reflections that this project has stimulated. Finally, I discuss the methodological strengths and weaknesses of the project.

## 4.1 Design

When I first started developing this research project, my primary concern was to investigate how the regulation of marriage migration is experienced and understood by the people who are subject to these regulations. In order to better understand the institutional arrangements and power relations that the applicants are subject to, text analysis and interviews with bureaucrats was included into the research design. This design was inspired by sociologist Dorothy E. Smith's institutional ethnography (Smith, 2005). According to Smith, sociological enquiry is essentially about investigating and analysing how social relations of power operate in modern societies. Her explicit aim is to produce knowledge that is useful to ordinary people rather than serving the purposes of institutions and people in power. In order to be useful to ordinary people, sociology must be able to explain how the particular experiences of the individual is shaped by more general institutional arrangements and discourses (Smith, 2005). In line with Smith's program for sociological research, I wanted to start my inquiry from the standpoint of ordinary people and investigate what the social world looks like from their perspective. The ambition was to describe institutional processes and their general features beyond the perspective and knowledge of the individual (Smith, 2005, 2006b).

During the research process, the direction of the project changed slightly. The initial interest in the experiences of applicants and their family developed into a curiosity about how the regulation of family immigration to Norway is seen by the various actors involved. The regulation of marriage migration brings about quite different concerns, dilemmas, challenges and consequences for applicants and sponsors than for policy-makers or bureaucrats. While policy-makers have the power to pass laws and regulations, applicants are subject to legal regulations that, as non-citizens, they do not have the political right to influence through elections. While the majority of sponsors have political rights, their future family lives are highly depend on the outcome of bureaucratic assessment procedures. Bureaucrats, on the other hand, have the power to make decisions of the greatest importance to applicants' lives. Nevertheless, their

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decision-making power is defined by laws, regulations and professional norms and procedures.

In order to account for the diverging perspectives and positions of power, this thesis includes the voices of politicians, civil servants as well as applicants and their partners. In ‘The Problem of Dependency’ I analyse parliamentary debates and policy documents. The article ‘A Real Marriage’ investigates how the process of applying for family migration is perceived from the perspective of applicants and their partners. In “‘With a Heavy Heart’” I seek to understand the regulation of marriage migration from the perspective of bureaucrats in the immigration administration. It is important to note that I use different types of data in these three articles. Analysing the perspective of politicians, I draw on parliamentary debates and policy proposals, not interviews. These texts are the products of a specific institutional context and differ significantly from transcribed interviews. For the two other articles, however, I mainly draw on qualitative interviews with applicants and their partners, and bureaucrats. I would suggest, though, that the arguments and justifications that politicians publicly present in Parliament are highly relevant sources of data for understanding the political discourse on marriage migration. The applicants and the bureaucrats have a less public role in this regard.

This research project is inspired by Smith’s institutional ethnography in the sense that I have aimed to take seriously the consequences that power relations and positionality have for knowledge production, combined with the notion of true knowledge (Smith, 1999). While the different articles of this thesis take as their starting point the perspective of politicians, bureaucrats and applicants, respectively, the ambition has been to describe the more general features of institutional processes, discourses and power relations. Furthermore, the analytical strategies I draw on include some elements from institutional ethnography, most importantly the significance of analysing texts in order to capture the general features of institutional processes. Nevertheless, this research project does not adopt institutional ethnography as its overall methodological perspective. Rather, I draw on a series of different methodological approaches and argue for an eclectic use of analytical techniques.

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## 4.2 Recruitment, Access and Data Collection

### 4.2.1 Interviews

As part of this study, I have conducted 19 qualitative interviews with marriage migrants and/or their partners. Informants were recruited through organisations, personal networks and an internet forum, and the interviews were conducted during the autumn of 2008 and early winter 2009. Recruiting informants proved to be quite easy; most organisations I contacted were helpful, and the marriage migrants and partners I came in touch with were willing to share their experiences. Throughout the project period, several people contacted me on their own initiative offering to tell their story. In the end, personal networks turned out to be the most efficient recruitment strategy. Most of the informants were recruited in this manner, but one was recruited through the internet forum, two through organisations and one through self-recruitment.

Before I started this research project, I knew that many scholars of migration have struggled to recruit informants. Consequently, I was expecting the recruitment process to be challenging. Quite surprisingly, however, I found it relatively easy to recruit people to participate in the project. There are several reasons for this. Firstly, while migrants coming from certain countries and regions have been subject to much research interest, family and marriage migration has not been much researched in the Norwegian context. Many informants expressed an eagerness to contribute to more knowledge and debate about this category of migrants. Also, I think my choice of studying marriage migrants in general, and not only marriage migrants from a particular country made the recruitment easier. First of all, the population is of course bigger when all nationalities are included and second, I avoided singling out already stereotyped national groups.

Eleven of the interviews were carried out with one partner only and eight had both partners present. The interviewees were fifteen women and thirteen men, twenty-two heterosexuals and six non-heterosexuals, twelve Norwegian citizens and sixteen non-Norwegian citizens (citizens of the Australia, Iraq, Liberia, Nepal, Pakistan,

Philippines, Russia, Somalia, Thailand, Turkey, the Ukraine, USA and Venezuela). At the time the interviews were conducted, two applications had been rejected; four were waiting for a permit and/or visa and 12 had already received a positive decision and been able to join their partner. One of the interviewees had, according to her own story, entered into a marriage of convenience.

Most interviews were conducted in a Western, an Eastern and a Northern Norwegian city. The interviews took place at cafés, in the informants' homes or at their workplace. All interviews were taped and they lasted between one and a half and four hours. At the beginning of the interview, I gave some general information about the project and then I asked the informants to tell me about the application process for marriage migration and the relationship they had applied on the basis of. An open and flexible interview guide informed the interviews. The informants had quite different experiences and stories to tell, and the broad opening question allowed the informants to talk about what they found most important (see appendix, interview guide 1).

Several informants said that they viewed the interview as an opportunity to make public information about an important issue, and hoped that their experiences could be useful to others. Some felt that talking about the troubles they had faced throughout the application process had some therapeutic effect. This is in line with Tom Clark's investigation of informants' motives for engaging with qualitative research: therapeutic interest, empowerment and the wish to inform change, are important reasons for participating in research interviews in which large amounts of personal information and potentially highly sensitive material are revealed (Clark, 2010: 399-400).

The interviews covered a wide range of issues, for example love, family relations, marriage, children, violence and distrust, divorce, personal migration stories, country of origin, Norwegian culture and society, racism and prejudice, language, work, integration, immigration regulations and bureaucratic procedures. As I asked about the application process, the immigration authorities played a central role in many informants' stories. While a few interviewees underlined that they were satisfied with

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the assessment practice of the immigration administration, most were more or less critical of the Directorate of Immigration.

Those who expressed such criticism most clearly were the highly educated, female Norwegian sponsors. They seemed both surprised and utterly provoked by the difficulties they had confronted throughout the application process. One informant described the application process as ‘Kafkaesque’, referring to Franz Kafka’s famous novel *The Trial*. These sponsors’ surprise and indignation may be due to the widespread trust in state authorities that characterises Norwegian society (Catterberg and Moreno, 2006; Wollebæk et al., 2012). In contrast, a refugee who had his wife’s application rejected, expressed his criticism in a different manner. He seemed more resigned and less surprised by the difficulties he had confronted throughout the application process for family immigration. As a refugee, he had already been through an application process once before, and these experiences seemed to have influenced his expectations of Norwegian society in general, and of the immigration administration in particular.

During the interviews, people told me openly about their intimate relationships. On one occasion, by the end of the interview, the informant started asking me questions about my intimate relationships. As this male informant did not have a partner at the time, and had indicated throughout the interview that he was looking for one, I interpreted his questions as if he was making an advance. At that point, I wanted to make clear that my interest in him as a person was purely professional. On the other hand, I did not want to appear rude or abrupt after he had given me his time and answered my questions. This incident illustrates some general dilemmas of qualitative interviews. Interviews tend to simulate ordinary conversations and draw on many of the same elements in order to create confidence and trust in the situation. Normally, a conversation has a reciprocal form, where both participants ask questions, talk and listen. The interview, however, has an asymmetrical form where only one person asks questions and listens, and the other person talks (Fog, 1994). Throughout the interview, the border between interview and conversation may become blurred, and may cause confusion about how to define the situation. When the informant started

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asking me questions about my private life, I felt it was an inappropriate attempt to re-define the situation from an interview into a reciprocal meeting between two people. He, on the other hand, might have seen it just as a polite way to conclude the interview in a less formal way.

The interviews with applicants and their partners were, at least partly, about their interview with the immigration administration. Some of the questions I asked, about the partners and their relationship, might have resembled the interview questions of the immigration authorities, questioning applicants and sponsors about the marriage in order to find out whether the marriage was real. Could I be interpreted as just another official questioning the reality of their relationship? When I started interviewing, I sought to avoid the informants viewing me as an official, and I thought carefully about how I could gain their confidence during the interviews. When I started interviewing, however, I found it quite easy to gain informants' confidence by showing a sincere interest in their stories and reacting empathetically to their stories, whether or not those were positive or negative. During most interviews, I had the feeling that I was seen more as an ally to whom they could question the practices of the immigration administration, and as a conversation partner with whom they could reflect on their experiences and reactions. Nevertheless, there were some instances where I felt that many questions could have been understood as me further questioning the interviewee's relationship. In one instance, I was really surprised by the fact that the applicant had achieved a permit without problems. Throughout the interview, I worried that my surprise had been read as disapproval of them being granted the permit and the reality of the relationship.

#### **4.2.2 Texts**

Throughout the process of recruiting and interviewing marriage migrants, I also collected and analysed policy documents, and legal texts concerning the regulation of marriage migration to Norway. In 2010, the new Immigration Act (Utlendingsloven 2008) came into force, and replaced the old immigration act of 1988 (Utlendingsloven 1988); both the old and the new laws have been important objects of analysis in this

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project. A broad range of policy documents and legal texts were collected and analysed in this project, including laws, law proposals, law changes, regulations, instructions and parliamentary debates. The key texts are the proposal for a new Norwegian Immigration Act (AID 2007) and the following parliamentary debate (Odelstinget, 2008).

Moreover, the White Paper on the new immigration act (NOU, 2004: 20 2004) and the Ministry's instructions regarding prevention of marriages of convenience (Justis- og politidepartementet, 2010) are central. In addition, other texts were analysed, for instance, organisations' responses to the public hearing on the Immigration Act, the Marriage Act (Ekteskapsloven 1991), different proposals for legal changes (Justisdepartementet, 1987; Kommunal- og regionaldepartementet (KRD), 2005a; 2005b) and legal regulations and instructions (UDI, 2002, 2008; Utlendingsforskrifta, 1990, 2009). All of the analysed texts are publically available on the web pages of the Government ([www.regjeringen.no](http://www.regjeringen.no)), the Norwegian Directorate of Immigration ([www.udiregelverk.no](http://www.udiregelverk.no)) and The Lovdata Foundation ([www.lovdata.no](http://www.lovdata.no)).

The regulation of marriage migration to Norway has been subject to continuous change throughout the project period (2008-2012). While the constant changing of the object of study is certainly a general feature of social science (Corbin and Strauss, 1990: 5), the dynamic character of the regulations under scrutiny proved particularly salient in this research project. The subsistence requirement, discussed in 'The Problem of Dependency' (Eggebø, 2010) serves as an example: when I started investigating the political arguments presented for these regulations, the specificities of the regulation were still unsettled, as the administrative regulations were under preparation at the Ministry. In 2010, during the first year of its implementation, the subsistence requirement caused a considerable decrease in the number of family immigration permits (Utlendingsdirektoratet, 2011). In 2012, several newspaper articles reported on the negative consequences that the subsistence requirement have had for some families. Moreover, the Directorate of Immigration also reported to the Ministry about the unintended consequences of the new regulations. On July 6<sup>th</sup> 2012, the Ministry issued some new changes to the subsistence requirement (Justis- og

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beredskapsdepartementet, 2012b).<sup>26</sup> This illustrates the necessity of building ‘change through process, into the method’ (Corbin and Strauss, 1990: 5), for instance through continuous collection of data about new changes in regulations and procedures.

### **4.2.3 At The Norwegian Directorate of Immigration**

The third data source for this project consists of data from short-term fieldwork at the Norwegian Directorate of Immigration. I gained access after a formal request; no special permission was needed as long as I did not seek access to registers and case files containing personal information about applicants. The Department of Professional Strategy and Coordination handled the request, and one of its advisors became my contact and helped me recruit informants.

I conducted ten formal interviews with employees in the immigration administration; five with executive officers, one from each of the five units in the Family Immigration Area, three with bureaucrats in leading positions and two with immigration officers at a local police station. While the immigration officers carry out interviews with applicants and sponsors, the civil servants assess case files only. However, some of the bureaucrats had also interviewed applicants as part of their previous work experience. Officers with more than a decade’s experience were among those interviewed, but most had worked there for no longer than a couple of years. Most employees at the Norwegian Directorate of Immigration are female (ASU, 2010), and only one informant interviewed for this project was male. A semi-structured interview guide informed the interviews, and informants were asked to speak about their tasks and the challenges they face.

A researcher always enters the field with certain preconceptions about the object of study, and it is important to reflect on these and be open to having them corrected by empirical findings. When I first entered the doors of the Norwegian Directorate of Immigration, my knowledge and perceptions of the institution were strongly influenced by the interviews with applicants and sponsors, as well as the research

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<sup>26</sup> An analysis of these most recent changes in the subsistence requirement is outside the scope of this thesis.

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literature and newspaper articles I had read. As Gudbrandsen (2011) has documented, the Directorate of Immigration often figure as the ‘bad guys’ in newspaper articles about people victimised by immigration regulations. Moreover, most of the applicants and sponsors I had interviewed were more or less critical of the assessment practices and procedures of the immigration administration. The first interview at the Directorate of Immigration, however, initiated a process of self-reflection with regard to my preconceptions about the Norwegian Directorate of Immigration. The informant had seemed quite reserved and even somewhat anxious. This led me to ask myself some questions, such as: was her anxiousness influenced by my own critical view of the Directorate? Did I seek to confirm my own presumptions about the immigration administration through the interviews? During the subsequent interviews, I tried to open my mind and to show a genuine interest in the dilemmas and challenges that the civil servants described.

I also found myself being surprised by the finding that most of the interviewees at the Directorate showed a genuine interest in, and concern for, the applicants and their families. My surprise might be related to the fact that the media tend to portray the decisions of the Directorate as heartless and barbaric (Fuglerud, 2003) and these portrayals had probably affected my own presumptions more than I had been aware. Sociologist Åsa Wettergren (2010) has studied the Swedish Migration Board and describes a feeling of surprise when she found that the majority of the civil servants were ‘young and open-minded people, often adopting a cosmopolitan stance and a deep seated concern about human rights issues’ (Wettergren, 2010). Based on the impression given by the Swedish media, she had expected to find ‘cynical and defensive employees’. To a certain degree, Wettergren’s feelings of surprise paralleled my own upon meeting employees of the Directorate of Immigration.

Most of the interviewees talked openly and willingly about their job. Some however, seemed reserved, anxious and even hostile. The informants seemed conscious of their role as representatives of the organisation, and were careful to act and talk within the limits of their professional authority. I got the feeling that as a researcher, I was sometimes seen as a representative of critical voices from the media and the public.

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Some bureaucrats might have felt pressured to participate in the study, since interviews took place at work and an employee at the directorate mediated the request.

During the days I spent at the Directorate of Immigration, I observed a so-called 'practice meeting'. Practice meetings bring together 10-15 officers from the Family Immigration Area and are held regularly in order to establish uniformity. At this particular meeting, the group discussed six general legal and administrative issues and five specific case files. My data consists of transcribed conversations from the meeting, reconstructed on the basis of the field notes. I also got the opportunity to investigate a sample of case files that the directorate had identified as related to 'marriages of convenience'. These files had been selected and anonymised for the purpose of another research project, commissioned by the Directorate of Immigration (Econ Pöyry, 2010). The cases were sorted into three categories: 1) Cases rejected on the basis of being marriages of convenience after the first application round (9 cases). 2) Cases where a temporary residence permit had been withdrawn due to being marriages of convenience (6 cases). 3) Cases investigated on the basis of being marriages of convenience, but nevertheless approved (14 cases). According to the Directorate of Immigration, the 29 case files investigated constitute about 10 per cent of the total number of cases of marriages of convenience.

The short-term field work at the Directorate of Immigration lasted for six days in total; four days in February and two days in April 2010. According to research literature on ethnographic methods, field-work usually last a lot longer; the strength of the ethnographic method is related to the kind of knowledge one gains from spending a considerable amount of time in the field. On this basis, one may question whether the processes of data gathering at the Directorate deserves the term 'field-work', as I did not have the opportunity to stay there for a longer period and follow the work processes and work relations over time. Consequently, it would perhaps be more precise to describe the process of data gathering as a collection of different kinds of data: interview data, observational data as well as text.

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Regardless of its limitations however, I would argue that the data from the Directorate of Immigration does have some of the qualities of field-work. Firstly, I met people face-to-face at their work place, and participated in the employees' social interactions during lunches. Tacit information about the work atmosphere supplemented the formal interviews in important ways. Secondly, the opportunity I got to investigate case files resulted from being present in the field at the right time. Thirdly, through field-work, I got to know about and obtained access to central texts, for example the ethical guidelines discussed in the article "'With a heavy heart': Ethics, Emotions and Rationality in Norwegian Immigration Administration' (Eggebø, 2012). As the studying of texts is an important part of ethnographic work (Smith, 2006a), the field-work may be said to be more extensive than the limited number of days spent at the institution. Also, communication and relations with the employees continued throughout the project, for example through e-mails, and I was invited to deliver a lecture about my findings at the Directorate, discussed further below.

#### **4.2.4 Procedures for Recording and Collecting Personal Data**

In Norway, researchers collecting personal data, for example through interviews, observations or questionnaires are required to notify the Data Protection Official for Research. Before I started the process of recruiting informants, I notified the Norwegian Social Science Data Service (NSD), which is responsible for handling notifications. The project design and data collection procedures were approved by the NSD. Before fieldwork at the Directorate of Immigration, the approval from NSD was updated and renewed. According to the NSD's terms and conditions, all information that may identify informants will be marked for destruction as soon as the project ends in 2012.

All interviews, 29 in total, were recorded and later transcribed. I transcribed the first 19 myself, but due to the limitation of time I outsourced the transcription of the remaining 10 interviews. Most interviews were conducted in Norwegian, and some in English. The interviews in English are influenced by the fact that this was not the mother tongue of either the informants or me. Except from the interviews in English,

all quotes used in this thesis were translated from Norwegian to English. The level of detail in the transcriptions is adjusted to capture the meaning and content of what people said; it was not my intention to do any detailed conversational analysis of the interviews. Moreover, the quotes presented in the articles are often cut and edited considerably in the process of ‘translating’ oral into written text. I have analysed the meaning and content of the interviews without focusing on exact wording.

### 4.3 Data Analysis

This research project combines different types of qualitative data, most importantly interviews, observational data and texts. These types of data are often seen as standard data sources for qualitative methods (Mason, 2006: 13), and it is hardly controversial to use one of these methods, or a combination, for sociological inquiry. However, there is an ongoing debate in sociology about how to mix different types of data and methods. Literature on ‘mixing methods’ mostly focuses on the challenges and advantages of mixing qualitative and quantitative methods. Sociologist Jennifer Mason has discussed this issue, and asked how we can integrate different forms of data, and whether it is possible to reconcile methods building on different epistemologies, different world views and different explanatory logics (Mason, 2006: 19-20). While these questions undoubtedly need to be addressed when combining qualitative and quantitative methods, they may very well also be relevant questions with regard to the combination of different qualitative data and analytical strategies.

In this research project, the process of analysing data has been inspired by several different qualitative approaches, most importantly the ‘What’s the Problem-Approach’ (Bacchi, 1999, 2009), institutional ethnography (Smith, 2005, 2006b) discourse analysis (Bacchi, 2005, 2000; Smith 2005, 2006b; Widerberg, 2001), triangulation (Moran-Ellis et al., 2006) and theme-based interview analysis (Widerberg, 2001). The different kinds of data collected for this project, have necessitated the use of different analytical techniques. Consequently, I have taken a pragmatic approach to analytical strategies, selectively drawing on the techniques and insights I have found useful for analysis. I would argue that the different qualitative methods and analytical strategies

used, despite their differences, do have some commonality, which facilitate synergy and synthesis. For instance, all of the analytical approaches I have used are based on theoretical perspectives acknowledging the importance of language for representing and analysing social reality, while at the same time upholding an ambition to investigate experiences, material realities and power relations. In line with Mason, I would argue that one does not need an overarching theory to integrate methods and establish coherence (Mason, 2006: 19-20).

### **4.3.1 Text Analysis**

In my analysis of policy documents and parliamentary debates, I have used Carol Lee Bacchi's (1999, 2009) 'What is the Problem-Approach'. Bacchi's perspective combines insights from Foucauldian discourse analysis and feminist theory, and includes deconstruction and critical analysis of power and position. According to Bacchi, policy is not simply an attempt to solve a problem. Implicitly or explicitly, the 'problem' is constructed by the policy proposal. Policy-making involves different problem representations, and the competing diagnoses as well as the different 'solutions' proposed have to be investigated. Bacchi's basic thesis is that policy documents should be analysed by asking questions about what 'problem' a certain policy document addresses. Moreover, it is essential to analyse power relations between different actors, and to look for the dominant as well as the alternative or marginalised problem representations in policy documents. Bacchi's perspective is outlined and applied in 'The Problem of Dependency: Immigration, Gender, and the Welfare State' (Eggebo, 2010: 298-9). I found this to be a useful approach for analysing policy documents. What is the problem is represented to be? is a question suited to enquiring into how problems, issues and policy measures are constructed in policy proposals, and allows for questioning their underlying presuppositions. Questioning the presuppositions and definitions of immigration regulations and policies have been a central aim of this project.

When analysing the law proposal for a new Immigration Act, I started with a broad description of the various 'problems' that the policy proposal sought to address with

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regard to family migration (the diagnosis), as well as the proposed measures to address these problems (the prognosis). Based on this initial analysis, I decided to concentrate on one measure, namely the subsistence requirement for family migration, and the two ‘problems’ that this requirement is meant to address, that is forced marriage and burdens on welfare budgets. The subsequent analytical process involved investigating the content of the subsistence requirement, the different arguments presented in Parliament for or against the proposal, as well as competing and alternative problem representations found in organisations’ responses in the public hearing on the law proposal. Feminist welfare state theory played a decisive role in the later stages of the analytical process, and I focused on identifying potential gaps and paradoxes between welfare policy, gender equality policy and immigration policy.

### **4.3.2 Interviews With Applicants and Sponsors**

After transcribing the interviews, I had a good overview of the complexity and details of the data material, and some thoughts and ideas about what to investigate further. The initial analysis of the interviews with applicants and sponsors was inspired by the topic-based analytical strategy described by sociologist Karin Widerberg in *Historien om et kvalitativt forskningsprosjekt* (The story of a qualitative research project) (Widerberg, 2001: 116-62). I began by carefully reading through the material and making notes. Based on these notes, I identified different themes and topics found across the interviews and started writing briefly about these topics and gathering relevant quotes (Widerberg, 2001). The themes and topics were derived from the empirical material. Most topics came from the interviews, but some central issues, for example the concept of a ‘real marriage’, was derived from the text analysis performed earlier. At this point in the analytical process, I coded the interview quotes, according to the themes and topics identified, using the software program HyperResearch.

The next step in the analytical process was to make a choice about what issues and topics I should include in a planned article. The decision to write about the concept of a real marriage was both empirically and theoretically informed. First of all, the phenomenon of marriages of convenience, to which the concept of a real marriage

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refers, is a central issue in the literature about regulation of marriage migration (De Hart, 2006; Williams, 2010). Although marriages of convenience was not a central topic in most interviews, the procedures and regulations aimed at preventing such marriages seemed to have great influence on the application process, and applicants' and sponsors' experiences of this process. Secondly, the concept of a real marriage could be related to the academic debate about the nature of contemporary intimate relationships, and the interviews included numerous explicit comments and more implicit assumptions about what a real relationship should or should not look like.

The later stages of the analytical process were more theoretically informed than the initial steps. Drawing on sociologist Anthony Giddens' (1992) concept of the 'pure relationship' and sociologist Lynn Jamieson's notion about practical and silent intimacy, I analysed the different norms of intimacy found in the interview material. I looked for the informants' ideas about love, how they expressed their views and ideals about intimate relationships and how they narrated their own intimate relationship. Here, I drew on social constructivist perspectives, focusing on the importance of analysing language and discourse in order to understand social reality.

However, the analytical process also took a quite different direction: inspired by sociologist Dorothy Smith's institutional ethnography, I investigated how the experiences of the informants were shaped by legal regulations and administrative procedures. The legal texts I had investigated, as well the data from fieldwork, were now read in relation to the interviews in order to explain how such regulatory texts govern institutional processes *and* the individual experiences that takes place within an institutional framework. Moreover, the interviews with applicants, sponsors and bureaucrats gave detailed information about procedures and application processes, and such information about the actual working of legal regulations could not always be found in actual texts. Through a combination of ethnographic data and text analysis, I have aimed to produce knowledge grounded in individual experience, which, nonetheless, has a general validity beyond the individual case.

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### 4.3.3 Analysing Data on the Immigration Administration

The formal interviews were the main data source from the fieldwork. As the topic-based analytical strategy described by Widerberg (2001) had proved useful in the initial phase of interview analysis, I also used this approach for analysing the interviews with the bureaucrats. Among the topics initially identified was the notion of 'culture', the impact of the applicants' national background, considerations regarding the principle of equal treatment, the tasks, dilemmas and challenges described by informants, the notion of professionalism, and finally emotions and ethics. Drawing on previous research on bureaucracy in general and immigration administration in particular, emotions and ethics was the empirically identified topic I decided to focus on through further analysis.

When analysing the field notes, I focused on these themes from the interviews. This is an analytical strategy for combining different data that Moran-Ellis et al. (2006) have described as 'following a thread': 'Based on the literature and the original research questions, we picked an analytic question or theme in one dataset and followed it across the others (the thread) to create a constellation of findings which can be used to generate a multi-faceted picture of the phenomenon' (Moran-Ellis et al., 2006: 54).

The analysis in the article "'With a heavy heart'" is based on the interview data as well as the observational data from the 'practice meeting'. The two different types of data produce different kinds of information: while the interview data may give access to narratives, justifications and professional identities, the observational data is suited to revealing negotiations and disagreements between employees, and concrete considerations and dilemmas in relation to specific case files. In addition, other field notes contributed to the overall understanding of the institution, but these were not analysed systematically in the article.

## 4.4 Ethical Considerations

It would have been a serious ethical problem if participating in this research project caused harm to the informant, for instance by reducing the chances of a successful

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application for family immigration. Indeed, one interviewee did reveal information that could have caused problems for later applicants if this information had become known to the immigration authorities. Another interviewee included information which could cause serious harm to the informant by actors other than the immigration authorities if this information was disclosed. Consequently, these interviews made me think twice about the importance of, and challenges related to, anonymity and the careful storage of personal information.

Several of the informants' stories included particular circumstances that made them difficult to present without revealing information that would lead to the identity of informants. However, anonymity was less of a challenge than anticipated when it came to writing up the analysis and the findings. There are two main reasons for this. Firstly, I chose to write an article-based thesis, and articles leave less room for extensive case presentations than in a monograph. Secondly, I chose to do theme-based rather than case-based analyses of the interviews. Letting a topic rather than a personal narrative lead the analysis required less personal information about informants (Widerberg, 2001).

However, the choice to write articles and not write analyses based on case-presentation also create some ethical problems. Some informants had expressed clearly that they wanted to tell their story to the public and presented this as a motive for participating in the research project. One informant had wanted to write a book about her story, but as she had not been able to realise this project, she had decided to participate in the research project. At the time of the interview, I did not comment on this motive. Even though I knew that I would probably not be able to present every single story, I had not yet realised how little room the article format would leave for presenting the experiences and opinions of each informant. In the end, there were just so many important aspects, issues and dilemmas arising from the interviews, that I could not possibly write about more than a few of them.

According to Dorothy E. Smith, sociological enquiry should be motivated by an ambition to produce knowledge that is useful to the people that the project has taken as

its starting point (Smith, 2005). Indeed, this project was motivated by the wish that my findings would be useful for applicants for family migration. With regard to this ambition, writing articles in English was not necessarily a good choice. For many of the people who want to know more about the process of applying for family migration to Norway, the combination of sociological theory and English language makes the information difficult to access. Consequently, there are some unresolved issues with regard to the ethical duty to communicate findings back to informants.

In addition to the applicants and their families, my informants also consisted of bureaucrats working in the immigration administration. Because of the emphasis I put on knowledge production being useful for the people it concerns, I was happy to be invited to the Norwegian Directorate of Immigration to present my research. Before the presentation, however, I was more nervous than I would usually be before giving a lecture. What would they think about my findings? How would they react to my presentation? Would they find it useful? If they were provoked or disagreed totally with my analysis, would I have failed to produce knowledge that was useful for the people whose standpoint I had taken as a point of departure? Moreover, I risked the informants withdrawing from the project, which could have caused problems with a forthcoming publication. Despite my worries, however, the lecture proved to be useful and informative to me, and judging from the feedback I have received, also for the employees at the immigration administration.

My initial aim with the project was to focus on how applicants and their families experience the regulation of marriage migration to Norway. Data from the immigration administration was included primarily in order to better understand the institutional processes that shape the individual experiences of the informants. As I started to analyse the fieldwork data from the immigration administration, I quickly found that it would be possible to use this data to describe how the work of the civil servants was shaped by gendered stereotypes, and problematic notions of 'culture' impacting on the experiences of the applicants. I did ask myself, however: was this a fair way to use the data? For ethical reasons, as well as reflections about the most valuable contribution to this field of research, I decided to define the bureaucrats as 'ordinary people' whose

standpoint I took as my point of departure for analysis. Rather than only using the interviews with the bureaucrats to make sense of the experiences of the applicants, I have tried to explain the dilemmas and challenges faced by the immigration administration, and sought to understand how power relations, discourses and institutional arrangements influence the work experiences of the civil servants in the immigration administration.

## 4.5 Methodological Strengths and Weaknesses

Social scientists have underlined the point that the merits of the social sciences should not be judged according to the parameters and standards of the natural sciences, but according to their own specific goals and purposes (Flyvbjerg, 2001). In a similar vein, proponents of qualitative methods have stressed that these methods should be assessed according to their own evaluative criteria. A precondition for such evaluations, however, is that the evaluative criteria of a certain methodological perspective are made explicit. Moreover, the specific steps and procedures of a research project must be thoroughly described (Corbin and Strauss, 1990). So far in this methodology chapter, I have tried to describe in detail how the research was been conducted. In this final section of the chapter, I will discuss social science evaluative criteria, and the strength and weaknesses of this particular research project.

A central strength of this research project lies in the combination of different data and the inclusion of different actors' perspectives. The project takes into account the voices of policy-makers as well as organisations, civil servants on different levels in the bureaucratic hierarchy, and applicants and/or their partners. Geographer Bent Flyvbjerg has presented some methodological guidelines for social science, and argues that it should be dialogical in the sense that a polyphony of voices is included. The aim of social research should be to 'produce input to the ongoing social dialogue and praxis in society' (2001: 139).

The combination of text analysis, interviews and observational data is also considered a strength of the project, as such meshing of data may create a broader understanding

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of the different dimensions of the regulation of marriage migration to Norway (Mason, 2006; Moran-Ellis et al., 2006). The specific ways in which perspectives and data are combined, however, has some limitations worth discussing. Firstly, the data on policy-makers, bureaucrats and applicants, respectively, are analysed in three different articles. Consequently, these different perspectives are not systematically contrasted and compared. Secondly, the three articles analyse three different substantive issues, as well as different individual cases. While one article analyses the subsistence requirement, another investigates the regulation of marriages of convenience, and the third discusses the ethical considerations involved in the assessment of applications. Also, the individual cases discussed in the two latter articles, presented through quotes and observational data, are not the same. Thirdly, the different analyses are also informed by, for the most part, different theoretical perspectives. While all articles shed light on the regulation of marriage migration to Norway, they do not analyse the same substantive or theoretical issues. However, ‘social experience and lived realities are multi-dimensional and [...] our understandings are impoverished and may be inadequate if we view [a] phenomena only along a single dimension’ (Mason, 2006: 10). For this reason, I have chosen to investigate different issues in the different articles of the thesis, ranging from welfare policies to norms of intimacy, and the role of emotions in bureaucratic work.

The kinds of data I have chosen to include, or not to include, in the articles as well as in the research project as a whole, also result in some potential limitations worth noting. The article “‘With a Heavy Heart’” (Eggebo, 2012) could potentially have benefitted from including the case files investigated into the analysis. The case files were comprehensive and included many different kinds of documents. From copies of passports, ID-cards, pay cheques and housing contracts, to reports from doctors and psychiatrists, open letters written by sponsors to the UDI and small post-it notes written by executive officers. During the initial analysis of this material, I discovered that markers of class background, such as educational level, labour market position, familial background and familiarity with bureaucratic discourse appeared to influence the final decisions on case files where marriages of convenience were suspected. I did not follow up this issue further. In retrospect, I would have wanted to read those case

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files again, focusing on emotions and ethics, in order to figure out how this material could have contributed to the analysis in “‘With a heavy heart’”. The case files did reveal emotional reactions from the applicants and sponsors, as well as how the bureaucrats may have felt and reacted, when confronted with feelings expressed on paper; this could have been valuable to the analysis.

In a similar vein, systematic analysis of data from the fieldwork could have strengthened the analyses presented in ‘A Real Marriage’ (Eggebø, 2013). In fact, at some point in the analytical process, I did make an effort to include these data into the article. Due to the limited scope of journal articles, however, I concluded that an in-depth analysis of a limited set of data would make a more valuable contribution. Consequently, the data from the fieldwork was analysed in a different article. This choice was also made in order to allow for the applicants and the bureaucrats, respectively, to speak ‘with no one voice, including that of the researcher, claiming final authority’ (Flyvbjerg, 2001: 139).

With regard to the research project as a whole, I would like to point to the potential gains from including analyses of quantitative register data in addition to the qualitative data. Through the fieldwork at the Directorate of Immigration, I was made aware of the large amounts of unexploited data in the registers of the Directorate. While Statistics Norway has used some of these data to describe patterns of family migration to Norway (Daugstad, 2006, 2008; Henriksen, 2010), there have been few statistical representative investigations of the characteristics of rejected applications (Bratsberg and Raaum, 2010; Woon, 2007). A statistical analysis of rejected applications, including variables such the legal grounds for rejection as well as gender, national background, age, educational background, labour market position for the sponsor and applicant, respectively, would have been a valuable supplement to the qualitative data. For instance, in ‘A Real Marriage’, I touch on the issue of stereotypes and their impact on individual case assessment (Eggebø, 2013). The discussion of stereotypes would have benefitted greatly from data on the statistical patterns of approvals and rejections. In the ‘Problem of Dependency’, I speculate on the consequences of the subsistence requirement with regard to gender and national background (Eggebø, 2010). This

publication could have been followed up by an analysis of quantitative registered data in order to establish the actual statistical consequences of the regulation. Some brief discussions of statistical patterns are included in paragraph 1.3 of this thesis. However, an in-depth analysis of these patterns, for example through a multiple regression analysis of rejected and approved cases, would be a relevant topic for further research on the regulation of marriage migration to Norway.

## 5. The Paradoxes of Marriage Migration

This thesis investigates the regulation of marriage migration to Norway from the perspective of politicians, bureaucrats and applicants. I have sought to identify the logics and paradoxes characterising the regulation of marriage migration. The regulation of marriage migration is marked by a central tension between liberalisation in the field of family and intimate relations, and strict regulation in the field of migration. Norway has a long tradition of liberal regulation of marriage (Melby et al., 2000), and throughout the last four decades, the regulation of intimate relationships has been further liberalised: in 1972, cohabitation and homosexuality were formally legalised in Norway; while formally illegal, cohabitation and homosexuality had usually not been prosecuted for some time (Hellesund, 2008: 157-8, 62-3). Since the 1970s, cohabitation and same-sex relationships have increasingly become accepted and recognised through legal regulation, and according to common norms and social practices (Syltevik, 2010). Freedom, inclusion and individual choice characterise Norwegian family law. The regulation of immigration to Norway, however, has been subject to a different development. Until the late 1960s and early 1970s, immigration to Norway was subject to relatively little control and few restrictions. With the 1975 immigration stop, however, there was a radical change in immigration policies. From then onwards, immigration was subject to increasing and relatively strict control (Brochmann et al., 2010; Fuglerud, 2001; Hagelund, 2003).

These different changes in the regulation of intimate life and immigration seem to correspond to changed perceptions of what groups tend to be regarded as a threat to societal norms and stability. While homosexuality used to be regarded as a major threat to morality and the institution of marriage, the majority of Norwegians no longer see it as such (Anderssen et al., 2008). Rather, liberal and accepting attitudes towards same sex relationships are seen as integral to Norwegian national identity (Gressgård and Jacobsen, 2008). With regard to migrants and ethnic minorities, there is a long historical tradition for seeing these groups as a potential threat to society, whether they have been Swedish labour migrants, Jews, Roma, Sami, or more recently, labour migrants from Asia or Africa (Fuglerud, 2001). Myrdahl (2010a) has identified a

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marked shift in the perception of labour migration between 1968 and 1975. In the late 1960s, labour migration was seen as a necessary and positive contribution to economic growth. During the early 1970s, however, the political discourse on labour migration was more problem and control oriented. According to Myrdahl's analysis, it was not 'immigration per se that was seen as threatening: it was the immigration of workers from Asia and Africa, and, often, Southern Europe' (Myrdahl, 2010a: 107). '[T]he national home is seen as threatened by the introduction of too many migrants that are seen as excessively different (Myrdahl, 2010a: 115).

With regard to the question of whether marriage migration is perceived as a threat to the nation, the answer may be both yes and no. On one hand, recent policy documents conceptualise family migration as a potential burden on the welfare state because applicants are presumed to be dependant rather than employed (NOU, 2011: 7). Moreover, the family members of some migrants, as well as Norwegian citizens with migrant parents tend to be perceived as excessively different, and consequently a potential threat to Norwegian norms and values. This has become particularly clear through the public debates about forced marriage (Hagelund, 2008, 2010a; Myrdahl, 2010b). On the other hand, marriage migrants, at least some of them, are first and foremost perceived to be the legitimate family members of a Norwegian citizen. Within such a discourse, intimate life and marriage based on love and free choice is an individual right, and marriage migrants are legitimately tied to the Norwegian nation state through their bond to a citizen. Then, marriage migration becomes less a question about threat and economic costs than about liberal rights. In this way, marriage migrants inhabit a paradoxical position: they both belong and do not belong to the nation (-state).

Three specific paradoxes are identified and explored in the three articles of the thesis. Firstly, the regulation of marriage migration is characterised by potential tensions between gender equality policies, that usually aim to promote women's autonomy, and immigration regulations that sometimes create and reinforce a situation of dependency for marriage migrants (Eggebø, 2010). Secondly, the regulation of marriage migration, and in particular the regulation of marriages of convenience, is caught between two co-

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existing and somewhat contradictory norms of intimacy and family life. On one hand, there is the idea of romantic love, and on the other hand, there is the realist notion of love. These two co-existing ideals make it particularly difficult to pinpoint a legitimate standard for what a real marriage is (Eggebø, 2013). Thirdly, the regulation of marriage migration is characterised by two different ethical norms. On one hand, there is the idea that emotions are the foundation of ethical conduct. On the other hand, there is the idea that rationality is the foundation for ethics (Eggebø, 2012). While the ideal of rational and disengaged assessment practices is of the uttermost centrality to the bureaucrats, a different ethical norm, based on commitment, feelings and identification, is also important.

In different ways, all the three articles of this thesis discuss and analyse central societal norms. The first article discusses norms of autonomy and self-sufficiency. While autonomy and self-sufficiency are certainly norms that all citizens are expected to uphold, these norms have become strictly enforced through the regulation of marriage migration. Here, a certain level of income, precisely 242.440 NOK (33.000 Euros), has become a precondition for bringing a spouse to Norway. Hence, economic self-sufficiency is no longer only a norm but a requirement for living with a partner of one's own choice. While the new subsistence requirement has provoked many critical reactions from applicants and partners prevented from living together in Norway, the regulation also resonates with deep rooted social norms. In Norway as well as in the U.S., economic self-sufficiency through wage labour has become a norm, which all adults are expected to conform to (Fraser and Gordon, 1994; Syltevik and Wærness, 2004).

The second article shows that the regulation of marriage migration, and in particular the requirement that the marriage is 'real', initiates reflections and debate about what a real marriage is. I identify two contradictory but co-existing ideals of love and intimate life: first, there is the narrative of romantic love. According to the narrative, love is an immediate, irrational and overwhelming force superior to reason and family considerations. Romantic love is love at first sight, an extraordinary adventure where the protagonists often meet obstacles that prevent them from marrying (Illouz, 1998:

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164-73). Second, there is the narrative of realistic love characterised by slow development, the sharing of everyday routines and compatibility in terms of age, class and ethnic and religious background. The regulations' operationalisation of a 'real marriage' comes closer to the ideal of realistic love than romantic love. Nevertheless, the regulations, the bureaucratic assessment procedures and the applicants themselves seem to draw on both narratives of love. While the requirements for a 'real marriage' are contested by applicants, partners and some voices in the public debate, because intimate norms are diverse, the regulations also resonate with common but often unarticulated norms about what a real marriage is.

The third article discusses norms of bureaucratic conduct, notions of justice and ethics found among the civil servants in the immigration administration. As the article shows, the norms of bureaucratic conduct and ethics mostly resonate with what Paul du Gay (2000, 2005) describes as the bureaucratic ethos. It is an ethos where justice is secured through equal treatment of applicants and a strict division of labour between policy-makers and bureaucrats. These norms of bureaucratic case assessment are central to modern societies. Nevertheless, they are also challenged by different and partly contradictory norms where emphasis is put on what is right in the individual case, and where emotions are central to ethical conduct. As the articles clearly shows, central values are at stake in the regulation of marriage migration. For policy-makers, the future of the Norwegian welfare state, as well as gender equality, is at stake. For applicants and their families, love, intimacy, family life and freedom of choice are at stake. For bureaucrats, justice, professional integrity, but also their own humanity, are at stake.

Many features of the regulation of marriage migration to Norway are strikingly similar to those of other European countries. For instance, the Netherlands introduced a subsistence requirement for family migration already in 1993 that was very much like the current Norwegian regulation (see Van Walsum, 2008: 232-9). Moreover, Van Walsum's (2008) research on family migration to the Netherlands also emphasises the many paradoxes stemming from the contradictory development of liberal regulation of family life on one hand, and strict immigration control on the other. Nevertheless,

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there might important features of the regulation of marriage migration to Norway that is specific to the Norwegian context. For example, Hagelund (2003) has identified a discourse of ‘decency’, aimed at ‘aiding the truly needy’, as characteristic of the Norwegian political discourse on immigration. This ‘helping’ discourse is also evident in the policy documents and political debates I have analysed for this thesis. This case study of Norway may prove to be an important contribution to both the research on marriage migration, as well as citizenship theory, which tend to be dominated by research on and discussions from Anglo-American contexts, such as the UK, the U.S. and Canada.

This thesis has engaged with a wide range of theoretical perspectives and traditions. By drawing on feminist welfare state theory, sociological perspectives on the transformation of intimacy, and theories on bureaucracy and emotions, I have identified the norms and paradoxes characterising the regulation of marriage migration. On one hand, the quite strict regulation of marriage migration contradicts commonly accepted norms about self-determination and privacy with regard to family and intimate life. On the other hand, the regulations also resonate with commonly accepted norms with regard to self-sufficiency and economic independence, romantic and practical love, and equal treatment in bureaucratic organisations. Moreover, marriage migration cuts across the public and the private dimensions of social life, and the inside and the outside borders of the nation-state. These distinctions, the public/private and the inside/outside, have been critically examined within the interdisciplinary scholarship on citizenship. Consequently, citizenship theory has proved useful as an overall theoretical framework for this thesis; it has allowed for a thorough investigation of how the borders between the public and the private and the inside and the outside of the nation-state are constructed and contested through the regulation of marriage migration. Based on this case study of Norway, I argue for a theoretical integration of the critique of the public/private distinction and the problematisation of the inside/outside distinction within the conceptualisation and application of citizenship.

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