

# The passport: A perception of risk on mobility

- A Documentary Analysis of the passport from a Norwegian view

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## **Abstract**

The passport is an item that most people take for granted; it is internalised in the population that the world constitute of a myriad of nation-states dictating laws that are controlling and inhibiting people's movements (mobility) - legitimised by the usage and acceptance of the passports. This thesis looks at the history of the passport from a Norwegian view and is looking at how the passport came about, why it came about, how it includes, and excludes people to certain rights and what risks have been and still are perceived in people that are crossing borders. It will look at how all travel documents through time have been used as a means to control people's movements and how this has inhibited and still are inhibiting people's level of mobility when wanting to cross borders. The history of the passport will be compared with today's passport with the aim to look at the what has changed and what has not, and bring it in to a discussion about the passport system as we know it today.

The focus is on freedom of movement (mobility) and how this is unequally distributed between different groups of people and nationalities. This thesis seeks to address that the passport is part of stratifying processes, as it will effect if the holder gets an easy access or not in to another country. This thesis will look at the society that creates the passport regime and how this is affecting people's mobility. The sociological framework in this thesis is risk theories where Ulrich Becks ideas about us living in a risk society are in the limelight together with Frank Furedi's concept of the risky stranger. The combination of these two risk concepts will show how the risk society keeps producing a perception of risky strangers and how this is affecting the passport and people's level of mobility. At the base of the theoretical framework is how fear is affecting how the government is regulating our ability to cross borders. Fear is also at the base of how people are viewed through history, although the ways people are controlled and who is controlled has changed a great deal. For example, today the legislations divide different nationalities, which effect the permissions given to cross the borders. In older times the permission to cross borders were given to a person wanting to cross a border and the decision to grant permission was based on the person and did not focus on the nationality. The fear of people is often translated in to risk perceptions of incidents that one fear will happen.

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## Preface

Writing a master thesis can be both exhilarating and daunting at the same time. It has been thrilling to dig in to the history and look at old law material, but knowing when to stop digging has been a challenge at times. It has been an educational journey from start to finish, both the experience of working on a master thesis and the digging in to history.

This project has been in my thoughts and slowly on paper for a long time. Partly due to a leave of absence after giving birth to a wonderful little baby girl and an additional delay while waiting for a vacant spot in a kindergarten for my daughter, and partly due to finding my way in the field of passports which has had minimal focus in the social sciences. In the mean time, many things have happened in the world. In the outset of this project, I was convinced of the idea that the concept of risk is an important part of how border control are conducted and that the 11th September terror attacks changed how people are treated when crossing borders. I was as most people horrified by all the terror that has struck the world during the time I have been writing this thesis, and at times, it has been very hard to write about the passport and border control from the perspective I have chosen. Especially since there has been an increased and heated debate about immigrants that it was impossible to not be affected by. I am therefore grateful that my supervisor for this paper, Professor Ann Elise Widding Isaksen, has kept me on "the straight and narrow" when I strayed from the topic, in addition to give me a motivation boost and encouragement when I was on the right path. Your insight and feedback along the way have been much appreciated. Thank you for your patience!

On a more personal note, I am eternally grateful to my fiancée. Without him, I could not have finished my education. Without his encouragement and hard work to support our little family, I would not have been able to do this. Finishing this education has been a life-long dream of mine. Thank you! To my mum that brought me up encouraging me to pursue an education, I want to say thanks for buying me a record as a child with the song "Barn av regnbuen" (Children of the rainbow), that taught me that all people in this world are created equal. I also want to mention my friends from all over the world that I have met along the way, who has inspired me to dive in to this subject. All of you with double citizenships (A double "identity" is not a "dance on roses" for everyone) and to all of you that always are experiencing restrictions on your movements in this world - this is for you!

- Sissel Waagen, 2016

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## 1. Introduction

*“We are all on the move”,  
and the most sought value is mobility, the freedom to move - to be global.  
There is a new form of social deprivations and at its basis we find immobility,  
not able to move, to be local.  
- Zygmunt Bauman (1998)*

I have always taken the freedom of movement for granted, and for me that includes the right to travel and the right to obtain a passport. As a Norwegian citizen, I can travel more or less all over the world without many restrictions or challenges. If there are any challenges, they are mostly tedious, like having to register for a visa online or having to queue for a pre-approved visa at my destination. In some cases, I would still need to fill in an application on paper and send it timely before my travel. As long as my criminal record is clean, I will most likely gain access to the country in question.

The privilege to travel made it possible for me to go and live in Ireland in 2002. In the space of the 5 years that I spent abroad, I was lucky to meet and become friends with people from all over the world. The conversations I had with people were often about the differences between our countries and citizenships, with all that entails. One of the big differences between different nationalities was the level of freedom to travel to and work in other countries. Some of my colleagues had to apply in advance for visas and their work permits were tied up to the company. If they lost their job or quit themselves, they would receive an eviction notice from the government. I was almost ashamed when telling them that I had moved abroad impulsively, and started working before I was registered living in the country. I was unaware at the time that I was experiencing what Bauman (1998) thought to be the central stratifying factor in what he calls liquid modernity, namely the difference in the freedom to move. I was especially intrigued about the story from two women that held citizenships of the same country in the Americas but held different travel privileges. The difference was that one of them had a dual citizenship due to a European great-grandfather that once went to the Americas. This meant she had two passports. Her European passport gave her the freedom to move around in the world as me. Her friend on the other hand had to

prove herself “worthy” to be able to stay, and her work permit was tied to her employer. This meant that if she was unhappy in her job she could not leave the job, as she then also had to leave the country. In addition, they came from a country that was controlling its citizen's freedom to leave the country. A freedom the holder of a second passport had. This and many other stories about citizenships and passports made me want to investigate more about the history of the passport, and especially look at why some people do not have the same freedom of movement as I do.

The topic of this thesis is the passport and the history of it. As the passport has been a bit neglected as an academic topic in the social sciences, this thesis seeks to address this and aims to add something valuable in the debate about border control. I will primarily look at the evolution of the Norwegian passport system, but since the Norwegian passport system does not appear in a vacuum, but in relations with the international passport system, it will also be discussed and analysed with that in mind. The key issue in the paper is *freedom of movement - mobility* - and the difference in the level of freedom of movement depending on who you are and what passport you hold. The modern passport is closely tied to the idea of nation states and is an important part of the border control, which is there to protect the territories of the nation-states from any threat from outside their realm. The passport is a means to control mobility between nation-states. It will give the owner advantages or disadvantages, depending on the level of mobility an agent's passport will grant him, when wanting to move across borders. Academics who are writing about border control are often concerned about the *control* the nation-states seeks to obtain. I have chosen to zoom in on the passport and look at other sociological perspectives, in addition to control, the passport represent. I believe looking at the passport from a *risk* perspective is important, especially when looking at how border control is conducted in modern times, and when looking at how the passport system has evolved and constantly keeps changing at the beat of any new fear for health and security. A part of these new changes is how the world has become more "documented", the access and level of documenting information about our person has made it easier to do risk assessments about people. Today's passport is linked to several international travel systems that will assess and do risk analysis based on your name in a passenger list or your passport before you even set foot in a different country. Compared to the early history of the passport, when the passport was simply a handwritten piece of paper that was issued by the local authorities where one travelled from, and assessed by the local authorities where one travelled to, one can see how advanced the system has become. At border control today, your passport might be

scanned and all kinds of information will appear on the computer screen in front of the border officials. I will argue that the September 11 attacks in USA in 2001 changed the way we allow to be governed while travelling nowadays, and how these attacks also have changed how risk is calculated on holders of certain passports. These changes are being accepted by the population due to the perception of risk that is constantly being presented to us, especially the focus on the continuous terror threat from different terror networks. Today in 2016, the Islamic State (IS) is considered to be of the greatest threat to us in the western world; back in 2001, it was al-Qaida. The risk perspective can therefore help to explain how the nation-states legitimize the use of control on mobility today. The concept of risk is not a new thing in the landscape of border control, but would also be an important factor in earlier history when controlling mobility, but the risk might have been of a different kind, like risk of spreading disease or the fear of social disorder. This thesis will have a focus on the different kinds of risks that has been perceived in people crossing borders and will compare this to the view of people crossing the borders today. The reason for choosing this perspective is that we today live in a society that is basing the truth about the future on risk calculations. This is an important element in how border control and passport control is conducted and accepted. On a macro level, we see laws and regulations affecting the passport and border control. These regulations, and the continuous changes to them, are fuelled by a society trying to prevent future disasters by continuously doing risk analysis on all levels in society. On a micro level people are scrutinised when travelling, seeking settlement, work permits or asylum. The level of scrutiny is often based on what passport you are carrying, which shows what nationality you have. This influences what status an individual has, based on his/her nationality, and will determine the level of freedom of movement - the mobility - for all agents. I will therefore apply the thoughts from Ulrich Beck that we live in a *risk society* based on fear as sociological framework to describe and analyze the historical events that led up to the passport system we know today. In addition I will use Frank Furedi's concept of the *risky stranger* when looking at the risks perceived in people crossing borders and how these perceived risks varies in degrees depending on what nationality your passport represents. I will introduce the sociological framework in chapter 3.

The research questions in my research were developed from the thought that people are treated differently at border control, based on their nationality and the risk linked to this particular nationality. I decided it was important to look at the background and the history of

the passport before discussing the modern passport system, to get an idea of why we have a passport system. The research questions this thesis is based on are:

- *How has the passport and passport system come about, evolved and changed or not changed?*
- *Why did Norway implement the mandatory passport system?*
- *What kind of risks are/have been perceived in people who are travelling or seeking permanent settlement.*
- *How (does) the passport system includes and excludes individual people and peoples.*

To answer these questions I have chosen to use a qualitative approach where I am using documentary analysis as method. The research object is the passport and the research materials I have chosen to use to study the passport are different law texts spanning from the year 1388 until today 2016. In addition, I have been looking at archived material of actual passports and other relevant texts. I will describe the research material more thoroughly in chapter 4 when discussing the method used.

In chapter 2, I will present the background topics that I see as important in relation to the passport and the continuous legitimising of the passport system. I will present relevant academic work on the topic and introduce the passports role in the field of border issues and immigration, which is the field I have drawn most of the inspiration from when writing this thesis. This chapter also includes the passport's connection to the nation-state and citizenship. I will end chapter 2 with talking about how I see the role of the last decade's increased terror threat and what role it has played in the increased focus on security at border control and all the changes to the passport. I will present the sociological framework in chapter 3 before I give an account of the methodological choices I have made in this thesis in chapter 4. I will in chapter 5 embark on the analysis and first start looking at the history of the passport. In chapter 6, I will continue the analysis and look at today and discuss this findings in relation to the historical findings in chapter 5. The findings will bring the discussion to look at the "modern problem" of immigration using concepts of risk in the analysis, before the thesis ends with a conclusion and thoughts for the future in chapter 7.

## **2. The legitimising of the control of free movement**

*"The passport is a police "disorder" (...) and deprives man of the first, the most well-founded of his rights, that of breathing the air which pleases him without asking the permission of one who can refuse it."*

*- Peuchet, a French revolutionary of 1791 (in Jaffe, 1956:19)*

I have called this chapter "The legitimising of the control of free movement" to signal what process the passport is part of and I will in this chapter introduce what I see as important in the background of a discussion of such a process. I will start with presenting the common populist arguments against immigration that will affect the public debate, create fear among people about immigration, and even effect political decisions about immigration. I will then move on to look at previous academic work regarding the passport that I have drawn inspiration from when writing this thesis. I will continue with introducing the link between the passport, the nation-state and citizenship. As I am considering the concept of risk to play an important role in the continuous work to legitimise the control of people's movement, the last element I will include in this chapter is the increased terror threat that is affecting the passport and the freedom of movement. I will talk more about the concept of risk in chapter 3 where I will present the sociological framework in this thesis.

### **2.1 The populist arguments favouring strict border control**

There are several arguments put forward by politicians and anti-immigrant movements, both often connected to the extreme right of the political scale, about the risks immigrants impose to the nation-state. The regulations on migration were earlier focused on theories that a *flood of people* would enter from the poorer countries in the periphery if migration was not controlled (Moses, 2006). However, most people flee from war or natural disasters to the neighbouring countries more often than buying a ticket to fly to a country far away (Fuglerud, 2001). If you are a poor person, it is highly unlikely that you have the means to buy an airplane ticket or a passport for that matter. These days we do see that the media is reporting

"floods" of people trying to get to Europe after years of war in Syria and from Africa due to a low chance of social mobility in the different countries on the African continent. The imagined flood of immigrants and the current population of immigrants are often seen as a *threat to the national culture*, although many of our dear traditions and much of our culture has come about due to contact with the rest of the world. During the building of the nation-state Norway, that we often pinpoint starting in 1814, the romanticising of what was seen as belonging to and constituting the national in and of Norway was as its height - the time of national romance (nasjonalromantikken) as we say here in Norway. Today we can see the product of this through all the continuous rituals of enjoying what is seen to be the most ultra Norwegian. This keeps confirming and reconfirming what is perceived Norwegian, which could be anything from extreme sports in the nature, Christmas traditions, celebrating the vast variety in dialects and traditional costumes. At the same time many forgets that many traditions has been influenced by other cultures through time. Such influences from foreign parts of the world have been so thoroughly integrated and internalised in the culture that people forgets it. Norway is a young nation, as it only has been independent since 1905, and this might be the cause for why it so important to keep preserving the things that is perceived as Norwegian.

Arguments regarding *crime rate* among immigrants are also common to hear from anti-immigrant movements. The media is mostly reporting crimes and *irregular* events when it comes to immigrants, opposed to writing stories about people's everyday normal life, is somehow convincing people that crimes by a foreign person is part of the characteristic of the nationality the criminal has. At the same time, we do not consider ourselves or other fellow nationals as potential criminals whenever a Norwegian commits a crime. The tendency among people that are afraid of immigrants (including politicians) is often to use one criminal act done by an immigrant and generalise all immigrants in that image<sup>1</sup>. An article published by Reid Jone Stene in 2004 is reporting the main findings in a research that investigated the criminality in Norway. The study looked at criminal charges among Norwegian citizens and

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<sup>1</sup> Several Muslims reports to be looked as potential terrorists, these are some relevant news items regarding this issue (all accessed 6.3.2016): <http://www.utrop.no/13726> <http://www.osloby.no/nyheter/--Muslimer-ma-tale-kontroller-6551255.html> <http://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=4686668> <http://www.vg.no/nyheter/innenriks/terrorangrepet-22-juli-politikk-og-samfunn/kadra-muslimer-ble-jaget-nedover-gatene/a/10088913/> and <https://www.regjeringen.no/no/aktuelt/frykt-for-muslimer/id653435/>

non-Norwegian citizens. The latter group was divided in to two groups a) non-citizen residing in the country and b) not residing in the country. The research showed that most of the criminal charges, about 90% were linked to Norwegian citizens. As Norwegian citizens are the largest group living in the country, this seems only natural. Non-Norwegian citizens was represented in 6.1 % of all the charges. Furthermore was non-Norwegian citizens that **was not living in the country** represented in 3.5% of the total charges. Of the criminal charges put forward to the group of non-Norwegian citizens, were the group containing very little or no asylum seekers. (Stene, 2004).

*Immigrants are a threat to the welfare system:* The focus is often on welfare benefits immigrants receive and the amount of money this is. If we first look at any foreigner that works legally in Norway, they have the same rights as a Norwegian citizen when it comes to welfare 'benefits'. If sick, laid-off, having children and so on, they too have the rights to receive welfare money, just as any other taxpaying Norwegian citizen. The focus is often on other social welfare benefits in the case of people that do not work and need money to support themselves. Research shows that in 2014 it was in total 125 400 people that received social welfare money, where 37 % were immigrants. Roughly calculated this amount to 46 400 people (SSB, 2015). The tendency is that the immigrants receiving social welfare is generally older than the rest of the people receiving such welfare (ibid.). Of the total amount of people that received social welfare were only 1% children of immigrants. To put this in to perspective; 1st January 2015 there was 805 000 people in Norway that is an immigrant or born in Norway by immigrant parents (ibid.).

## **2.2 The passport and border control discussed academically**

As I have introduced, I will look at the passport from a risk perspective. John Torpey (2000) however is looking at the passport from a different view when he says that the modern states have monopolisation on the legitimizing of means of movement. Torpey is analysing and studying the history of the passport in his book called *The Invention of the Passport*, where he has a focus on USA and Western Europe. He is cleverly drawing on the classics within sociology like Karl Marx and Max Weber, when he looks at Marx's thoughts on the capitalists that are expropriating the "means of production" from the workers, and Weber that looks at the state who is expropriating the "means of violence" from the individuals. He is borrowing these rhetoric's and says that the modern state and the international state system that it is part

of, has successfully expropriated the legitimate "means of movement" from the individuals and private entities (Torpey, 2000). This view is valuable in my later discussion of the passport, as I also have a focus on the nation-state and its effect on our mobility. The risk perspective that I bring in to the discussion is however looking at the nation-states continuous risk calculations of people's mobility, while Torpey is looking at how the states have established the *exclusive rights* to authorize and regulate the movement of people (Torpey, 2000). The work to legitimise control of movement is important in both Torpey's work and mine. By using a risk perspective, I aim to show that having a continuous focus on risk is how the nation state can convince its citizens that the passport and border control is a necessity. This way we all become part in the work to legitimise the control on movement using the passport and strict border control as we see today. Darren J. O'Byrne (2001) is calling out for more critical look at the passport and a more focused analysis of tourism as a human right in his paper "*On passports and Border control*". The thought that tourism should be viewed as a human right is what initially sent me on the path to explore the topic of the passport, as I myself know people that cannot just impulsively book a flight to somewhere without applying for permissions. It is therefore important to note that restriction on mobility for the purpose of permanently moving to a different country, is not the only time when people are experiencing such restrictions. I will later discuss this with a risk perspective and show in the analysis how the Norwegian state is categorising citizenships when it comes to the likelihood to get an approval of the visa application. O'Byrne is also commenting on how surprisingly little that has been written about the passport within social sciences. Agreeing with him, I have also drawn inspiration from academics that are writing about border issues. Jonathon Moses (2006) writes about why border control should be banished and free movement should be allowed. He looks at one of the paradoxes of globalisation, namely how the liberation of the free markets of goods and services, that now more easily can cross borders, is not including the same liberation of movement for people. The result is that the gap has even become bigger between the life chances of people born in developed and under developed countries (Moses, 2006). In the discussion about the passport is inspired by his thoughts on why free migration should be seriously considered. The discussion will with this be drawn to the thoughts about a global community that needs to work together for the common goal that is to defeat the increased terror threat everywhere in the world. Moreover, how the terrorism will not be defeated by targeting everyone and limiting peoples movement.

The topic of the passport can touch many different disciplines that can cross paths with sociology. The passport is a *legal* document, enforced by the *law*. In 1956, Louis L. Jaffe, a professor in law, writes about what he calls *the passport problem*. In his paper, he touches upon the current state of freedom of movement in the world after the World War II. He looks at how the regulations have become much stricter in both USA and the world than they ever were, and that it all started with the First World War (Jaffe, 1956). He suggests that freedom of movement should be valued in the same way as freedom of speech (Ibid.). The important point here is to show that the passport has been questioned as early as 1956, where we can see that Jaffe is pointing at what he experience as a grave change in peoples freedom of movement. I will look at how the modern passport system came about in the time after World War I.

Who can obtain a passport, and a whole string of different national and international laws, bi-lateral and legal binding agreements, regulate what nationalities can enter the domain of Norway. Your home country's relationship and agreements with the country you wish to travel to determine if you need a visa or not to enter a country. A visa can therefore be a *political* tool, which can play a role in international conflicts or disagreements, and therefore also be a *diplomatic* tool and improve relationships between countries. Used as a sanction, it can persuade or punish another country in anything from a small to a big disagreement. One example is when the Nobel committee gave the Nobel peace prize to a Chinese activist still imprisoned in China. Even though the prize is not Norwegian per se and the winner not decided by the government, China was quite upset by Norway and has tried to apply different sanctions towards Norway and Norwegians afterwards. There are still reports about Norwegians that experience to be denied a visa to enter China (NTB, 2015).

With *law* follows *crime*. Tightly connected to the passport is therefore both law and criminology. The crimes related to the passport can be quite serious, like human trafficking, which we have seen the result from lately with all the refugees in Europe. Organised criminal networks are selling "travel packs" that in some cases includes a falsified visa or passport, and an "organised" travel route whether it is on foot, boat, bicycle or car. The crimes can also be "harmless" looking actions that in the eye of the law are a crime. Entering the country without a passport, lying about your name, age or nationality, not going home when visa expires, not leaving the country when application for a residence, work permit or asylum is denied are all considered to be a crime and can have serious consequence for the offender. The

criminalisation of the immigrant is a topic Katja Franko Aas (2011) is preoccupied with, and calls these immigrants "crimmigrants". Aas' article (2011:1) is exploring "the notions of bona fide global citizens and 'crimmigrant' others" and "how the seeming universality of citizenship is punctuated by novel categories of globally included and excluded populations". Aas (2011) says that "one marker used to differentiate between the so-called crimmigrants and bona fide travellers is citizenship", when she is discussing the vast amount of systems used at border control today to identify the crimmigrant and secure easy passing for the rest. This thesis wants to address this differentiation marked by citizenships today. The systems used to identify people, can be looked at as surveillance and one of many elements in the surveillance of people's movement is the passport, as with the new modern passport comes a lot of new technology to confirm your identity and to track your movements. I will only briefly mention the usage of all these technologies throughout the thesis, as I did unfortunately not have enough room to talk specifically about them. These systems are after all part of the risk analysis the authorities are conducting of travellers today.

### **2.3 The nation-state, citizenship and the passport**

The idea of a travel document is old, and while it is hard for me to pinpoint the exact time of the idea of a travel document in Norway, I can safely say that the passport has had various degrees of importance in its history and has changed a great deal, both in purpose and in appearance. The focus in this thesis is to look at why and how the modern passport system has come about and grown in to what we see today. I have already mentioned the nation-state and citizenship previous in this introduction, and the reason for this is that the *modern* passport system is closely connected to the growth of nation-states, and especially how they have sought to protect themselves against foreign threat since World War I and II. A nation-state is a modern state form and its definition is many. A simplistic definition is not an easy task but since the key issue in this thesis is *borders*, one can say that a nation-state is; "a concentration of power with clearly defined borders that is not necessarily contained with people with the same cultural and ethnic background" (Heslop, 2014). It is important to note that different nation-states have been formed in different times in history and will therefore have different characteristics. For example, US with united federal states, and France that is a nation-state based on cultural and ethnic background in its formation (ibid.). From a sociological point of view the nation-state can be looked at from several different angles. A Marxist view on the

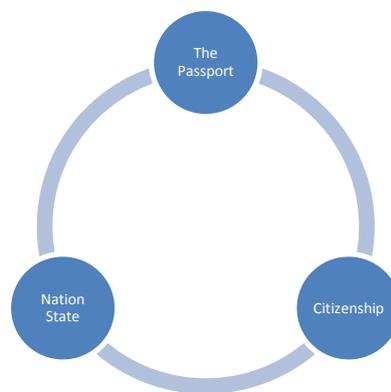
nation-state would view it as a power that is suppressing both the economical system and the civil society (Finke, 1997). A more positive view on the nation-state looks at its power to set the condition for the modern society that among many things protect its citizens with military forces and distributes burdens and welfare (ibid.). In regards to the passport, we can move between these two sociological definitions, as on one side one can see the nation-state as suppressing because it is limiting people's movement but on the other hand, it does this to protect its citizens. It can be debated if this protection is just a smoke, as there are good arguments that this protection is not valid anymore due to the changed nature of threat to the modern nation-states. Ulrich Beck is among other things pointing out that the threat from the outside is not armies that can be fought by traditional warfare anymore. We see random attacks that are hard to prevent and the work to prevent needs to be done by intelligence and not by canons. That is one of the reasons academics, that are talking about a global community and cosmopolitanism, are preoccupied with convincing the world that we need a change in the governance and this can only be done by working together and not by clinging on to the notion of nation-states.

The passport today is a mandatory travel document when crossing borders from one territory to another. In some cases, there is a demand for a visa in the passport, which is a pre-approval of entry from the country one wish to enter. In other cases, the passport is not mandatory as a travel document when crossing borders, like in the Schengen area or between the Nordic countries. Closely tied together with the passport is citizenship. The passport is a proof of your citizenship in a nation-state and a set of rules dictates if a person is eligible for a citizenship, and consequently a passport. If an immigrant aspires to have a Norwegian passport, he or she has to fulfil some requirements before the passport can be obtained. The road to citizenship can be long and trying, or it can be relatively easy. It all depends on who you are, on your background, and where you originated from. Your citizenship can also determine the degree of freedom of movement that you can enjoy in the world, as well as your social mobility. One can sense a hierarchy regarding the possible citizenships in the world, and one of the indicators is the passport. The right to travel that many of us takes for granted, is only a dream for others. In a national survey about the life and wellbeing of immigrants called "Levekår blandt innvandrere 2005/2006", immigrants were asked about their reasons for changing their citizenship to Norwegian. 16 % answered that the most important reason for getting a Norwegian citizenship was because "with a Norwegian passport it would be easier to travel" (Blom & Henriksen, 2008). When asked what the second most important

reason for getting a Norwegian citizenship 29 % answered that "with a Norwegian passport it would be easier to travel". Of the people that didn't have a Norwegian citizenship yet, said 17,8 % that the reason for wanting to apply for a Norwegian citizenship was "with a Norwegian passport it would be easier to travel" (ibid.).

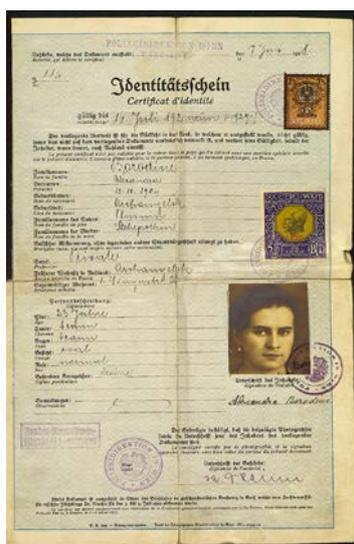
Like a circle (as shown under in figure 1), we can see the connection between the passport, citizenship and the nation-state, because as close as passports are connected to citizenship, the citizenship is closely connected to the nation-state.

**Figure 1 Illustration of the relationship between passport, citizenship and the nation-state**



In some cases, this circle can break and make it difficult for people to move around freely. An example of how this circle can break is after the First World War, when many people found themselves belonging to no nation. These 'displaced' persons would have had a problem trying to enter other countries due to the increased demand for passports at the borders and for implementation of the mandatory passport system in many countries. Their ability to move around - their mobility - became a real problem. To solve this, the 'League of Nations' issued a passport called the Nansen passport. The League of Nations was the early start of nations working together for peace, and is a predecessor of the United Nations. The Nansen passport was a passport made to help refugees and people "without" country after the First World War. It was typically refugees from Russia after the fall of the tsar and the Russian empire in 1917. On the next page, Figure 2 shows a Nansen passport belonging to a Russian refugee. Today the states that have received refugees can issue special refugee passports with limited rights attached to it, so they can travel if needed.

Figure 2: A Nansen passport belonging to a Russian refugee<sup>2</sup>



## 2.4 The “war on terror” and its impact on the modern passport system

Since the disturbing images from the twin towers falling down in New York the 11<sup>th</sup> September 2001, there have been many more terrorist attacks and many attempted ones in the western world and even more terrorist attacks has been carried out in troubled areas in the non-western world. In the aftermath of 11<sup>th</sup> September 2001, the phrase “war on terror” has taken its place in the vocabulary in many languages. The terrorist attacks in USA affected all of us on a personal level as it made us more aware of our travel habits especially when travelling by plane. The hijacked planes crashing in to buildings marked a change in the paradigm of travel security, maybe even a shift of it. The first evidence of this was the intensified security checks that scrutinized all travellers. The second evidence is the continuous changes made to the international passport system. New issues of the passport have continuously been evolving in to a passport that contains enormous amount of personal and sensitive information. Lately, in 2015 and 2016, there has been many more events in the world that will have an impact on how migration will be regulated going forward, as we today are imposed with even more threats from terrorists that we yet have to see the full

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<sup>2</sup> Nansen pass. Source: Archive directory: Sentralpasskontoret/Statens utlendingskontor/RA/S1561/D/Dm/Russiske flyktninger 1929 – 1935. <http://www.arkivverket.no/arkivverket/Bruk-arkivet/Nettutstillinger/Nansen-passet>

Arkivverket is informing that it is allowed to use pictures from their site without contacting them for consent as long as a link to the website is attached to picture with reference:

<http://www.arkivverket.no/arkivverket/Bruk-arkivet/Arkiv-og-samlinger/Bruk-av-spesialmateriale>

consequence of. The Syrian civil war that has been going on since 2011 and its rise to the terror group called IS (Islamic State) are posing a real threat to the rest of the world as they are recruiting young people in all countries to fight for them and to do terror acts for them. In Norway, we experienced terrorist attacks in 2011, where a Norwegian right extremist killed 76 people. In the aftermath, both the PST (security police) and the border control, that has to do with controlling goods that has been bought abroad, has been criticised, as no one can understand that this man could plan and go through with such a big operation without being caught before it happened. We have therefore seen intensified security measures whenever the PST is afraid some terrorists are planning to attack Norway. In the summer of 2014 when there was an alleged attack planned here in Norway, there was an intensified use of armed police that we had never seen in Norway before. The nation was warned about a group of terrorists that allegedly planned an attack somewhere in Norway. The government and the PST claimed that the intensified security measure, which was set in place during the alleged terrorist threat, was the reason the terrorists did not follow through their plan. Afterwards there has been a regular update on TV of the risk level of threat imposing Norway. In January 2015, there was a dramatic terrorist act in Paris, France where many people were killed in an attack on a newspaper. In November 2015 in Paris and now in March 2016 in Brussels, there was even more terror attacks where even more people were killed. In the aftermath, both the EU and Norway has alerted even stricter border control.

Why am I considering the war on terror essential in a thesis about the passport? The passport is the main document used at border crossings to identify travellers. Stricter border control means stricter and thorough checks on all travellers leading to more invasion of all travellers' privacy. There is of now several systems that share information across Europe and the world about all travellers and the passport as a document has had several changes since the 11<sup>th</sup> September 2001 attacks. It now contains quite a lot of "hidden" information about your person, which can be accessed at border control by scanning the passport. One example is use of biometrics, chips and barcodes in the passport to identify the traveller, but this can also be a possible threat and a risk to a person's privacy if misused. Another example is the American terrorist watch list that alerts the check in attendant to not allow a person to be allowed to enter a plane due to be considered a high-risk person who is posing a terrorist threat. The war on terror also has an effect on immigration laws and politics, which can lead to changes in politics on who is allowed to travel to Norway and who can receive citizenship, in other words; a passport can mean the difference between life and death for many people. I will

continue the discussion of the "modern problem" of immigration and the terror threats impact on the passport in both the analysis in chapter 6 and the further discussion in chapter 7. Using Ulrich Beck's and Frank Furedi's different risk concepts as sociological framework I will discuss how today's increased terror threat in the whole world is affecting peoples mobility and the passport system.

### 3. The passport born in a risky world

*"It does not matter that we live in a world that is 'objectively' more secure than any that has gone before - the staged anticipation of disasters and catastrophes obliges us to take preventive action".*

*Ulrich Beck, 2009*

What is a passport? The passport is a travel document that says who you are and what citizenship you have. It is a proof of a person's identity. The modern version of the document will have your name, nationality, gender, height, hair colour, eye colour, your signature, where you were born, your picture and your national ID number (which will have different names in every country - "personnummer" in Norwegian). In recent years, the passport holds even more additional information to help verifying that you are you, like your fingerprints and scanned retina (eye), this information is not visible in the document, but it will appear when scanning your passport at border control.. Another feature with the modern passport is that the digital picture taken of you when get your passport, will trigger a facial recognition program to compare your face and the picture in your passport, to help the verifying process.

If one put sociological glasses on when looking at the passport, it is much more than a document of identification. The passport is considered to be a document of great value. The value can be money, as one has to pay for it when issued or it will cost you a lot of money if you are trying to obtain a forged one. There is also a political value attached to the passport, as nation-states can use the passport as both a means to grant or deny access, and it can be used as a sanction against another nation-state in a conflict, as I mentioned earlier. The passport and the visa attached to it can also be used in political goals to keep people out, as we have seen in recent deportation situations here in Norway<sup>3</sup>, where the sitting government

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<sup>3</sup> An increased amount of asylum seekers has been crossing the borders from Russia in to Norway, the ongoing debate is which of the two countries that should take care of these people due to already obtained visas in Russia. News item accessed 29.3.16 <http://www.aftenposten.no/nyheter/iriks/Russland-sender-avviste-asylsokere-i-retur-til-Norge-8264146.html>

wants to return asylum seekers over the border to Russia if the asylum seekers holds a visa for Russia. However, I will argue that the value for the owner is of a symbolic kind, as it will give the holder a certain status and access to different kinds of rights attached to the citizenship, among them a level of freedom of movement - *mobility*. The term mobility refers to both the literal meaning of moving your body from A to B, or the more abstract notion of an agents ability to climb the social ladder - *social mobility* - which is determined by access to certain social capitals needed to be able to climb. A holder of a Norwegian passport will automatically have certain rights that others do not have, at least within Europe, but also in other parts in the world. The status that the passport gives the Norwegian traveller, will allow him/her more freedom of movement than holders of passports from countries that are less fortunate or stigmatised. The Norwegian passport will grant the holder rights to take work, live and settle more easily in the EU than for other nationalities outside EU. Social mobility in this context must therefore also be seen from a global perspective, and not only from a local perspective. Put in to a world perspective and in to the discussion about migration to western societies, the capitalist national states can be seen as dictating who can access the social positions in the Western world, which can secure the same life chances as agents of developed countries can enjoy. At the border, it is the passport you show the border official that will determine if you are let by with a simple nod or if you will be checked out more thoroughly.

What kind of society dictates such rules of mobility? In the view of the last decade's increased terror threat in the western world, we have all witnessed how new regulations have demanded new issues of the passport. Inspired by Ulrich Beck's ideas about risk society, I am arguing that the concept of risk is at the core of the birth of the passport and the continuous changes to the passport system today, and will make allowance to new changes in the future. The risk perspective can be helpful when explaining how the states succeed to legitimise their control on movement. As Beck argues that risk has penetrated our personal lives due to manmade disasters in modern times, I will argue that war and later terrorist attacks have done the same in both modern and current time, that Ulrich Beck calls the new modernity. I will apply the risk model on how the modern passport system was born in Norway in 1922 and how in less than 100 years it has evolved in to what we have today. In addition, I will borrow Frank Furedi's concept of "*The Risky Stranger*" to describe how people are and has been perceived. This chapter will continue to introduce the sociological framework in this thesis, which is based on the thought of us living in a risk society that is constantly producing views of risky strangers that will ultimately affect people's level of mobility.

### 3.1 Risk society and the passport

Risk is the key concept used in the analysis of the research material. But what is risk? The term risk refers to the probability of damage, injury, illness, death or other misfortune associated with hazard (Furedi, 1997). Risk theories consider risk and risk analysis to be a part of everyone's life and will affect all the levels of society on micro, meso and macro level in the same way. It therefore transcends class, gender, colour and age. This perspective considers risk to be such a big part of our life because it triggers us on a deep personal level, as it is a potential risk on our lives. Ulrich Beck introduced the concept of risk society in the aftermath of the Chernobyl disaster (Ritzer, 2008). In 1986, a nuclear reactor exploded in Chernobyl in Ukraine and spread fear of radioactivity in a large part of Europe, as it could spread by the wind. I was only a child when it happened, but I still remember learning the word Becquerel, a unit used to measure radioactivity, as they were searching for it everywhere. In the ground, in the air, in the water, in livestock, in the food... we heard it was deadly and you would not always know if you accidentally got it in you. The potential diseases if exposed to it could happen immediately or much later. The essence of Ulrich Beck's ideas about risk society is this kind of invisible threat on human life that concerns everyone within the society (Beck, 1992). Beck says society has moved to a more advanced stage of modernity, where risk analysis is affecting all areas of our lives, where scientific disagreements and mass media's commercialisation of fear forces us to make our own analysis of potential risks that are continuously proposed to us.

Ulrich Beck revisited his theory about risk society and developed an addition that he calls "World at Risk". Beck (2009) is in the revisited version looking at risk in a global perspective where he also touches upon the new risk in society after the 11th September attacks in 2001, namely "terror". The core of his ideas is how the states constantly have to take preventive actions against possible threats to ensure its citizens of their control over possible threats. Beck looks at how rational the risk research is in its approach as it uses and trusts mathematical statistics to calculate risk. Beck says it does not matter that we live in a world that objectively is more secure than ever, as the perception of risk (subjectivity of risk) is linked to this kind of calculated research (ibid.). One important element of risk that people often forgets, is that it is just a perception. It is not an actual incident, but something that has either a low or a high probability to happen. Therefore, Beck argues that important parts in this perception of risk, is the staging of the risk and the anticipation of risk. To illustrate this

theory of risk I will use the example already mentioned in the previous chapter from recent times here in Norway, when the PST (Politiets sikkerhetstjeneste), in the summer of 2014<sup>4</sup> released an official statement that a group from the terrorist group IS (Islamic State) was heading for Norway planning to do some act of terror. The whole country was on the alert, as no one knew when and where it was suppose to happen. The country was immediately in the state of emergency, and the police was visible everywhere and many was armed. When nothing happened, the PST claimed that by releasing the statement and showing that the country was armed and ready to prevent any attempt of attack, the terrorist abolished their plans. In the aftermath when people were asked about the government's handling of this, many people were happy that actions were taken and that the people was informed<sup>5</sup>. No one seemed to ask the question if there really had been a threat, or was it, to use Becks (2009:11) own words; "a staged anticipation of disaster and catastrophe that obliges us to take preventing actions?" A strategy using the inoculation effect<sup>6</sup> for the people to be more obliging to a military action against Syria that happen shortly after, like Bush and his hunt for the weapons of mass destructions after 11th September that he used to legitimise the war in Iraq. Let us look at the example of summer 2014 in Norway again, and how the Norwegian government informed the people about an anticipated terrorists attack. The rumour afterwards was that terrorist where on their way to Norway to perform random attacks on civilians. People went along with the anticipation of this risk of terror, and accepted the measures taken to prevent this potential incident. Even though experts gave harsh critique and said, it was not right to involve and scare the whole populations, as these threats were common<sup>7</sup>. In the aftermath, we have become more accustomed to the thought of having an all-time armed police force and regular press conferences with PST with risk assessment of the terror threat in Norway.

Ulrich Beck is viewing risk society as a society that impose risks and potential disasters that will affect all social levels in society in the same way. I am agreeing with Beck (1992) here

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<sup>4</sup> Terror threat in Norway July 2014, country on full alert. (all accessed 6.3.16.) <http://www.bt.no/nyheter/innenriks/Terrortrussel-mot-Norge-3163768.html>

<sup>5</sup> <http://www.abcnheter.no/nyheter/2014/12/15/213959/okt-tillit-til-myndighetene-etter-sommerens-terror-alarm>

<sup>6</sup> Inoculation effect is from social psychology and describes how to convince people of beliefs by introducing a story in advance, like a vaccine, to make people believe your explanation later by fighting of other explanations, like the body fighting of the virus due to the vaccine.

<sup>7</sup> Expert critical to terror alarm summer 2014 in Norway. (accessed 6.3.16.)

<http://www.dagbladet.no/2014/07/27/nyheter/utenriks/terror/innenriks/danmark/34518385/>

when we are discussing disasters like a nuclear accident. When happening, it can hurt us all and the fear is equal. I can even apply the same thought to terrorism, however in the aftermath of these kinds of events there are consequences like who is scrutinised the most that some groups are effected more by. I am arguing that the passport is a stratifying object that can have a great impact on a person's life, as the passport you own will determine your level of freedom of movement and might keep you from pursuing fortune in other countries than the one you are born. I am taking the thoughts of risks to a different level, as I see that in the modern society, whether it has become post modern or are just a new modernity as Beck calls it, risk has become a word that is rolling very easily of everyone's tongue in both small and big scale. Therefore, I do claim that the concept of risk can also be applied in a discussion about the social stratifying consequences of upholding a passport system that is based on risk calculations of people. Ulrich Beck would agree I think, as he himself later applied the thoughts from risk society in to a world perspective in *World at Risk* (2009). He argues that the world will be forced to cooperate more as risks are now shared and are blind to borders. He is also here bringing the social differences in this world in to the discussion. He is leading his arguments towards his thoughts about cosmopolitanism, which was his vision for the future; A society where we are all part of the same community and can enjoy friction free mobility.

### **3.2 The passport system and the Risky strangers**

The concept of *risky stranger* takes the essence of the risk society and the concept of risk of how people are evaluating "the other" - a stranger, whether it is a known or an unknown stranger. It takes the basic element from risk society, namely fear, as the main ingredient in the perception of a stranger. Fear for the unknown, fear for what these strangers are "up to", the scare is if they are "up to no good" to quote Frank Furedi (1997) when he introduces his ideas of a world of risky strangers. Furedi talks about a fear that is often born and nurtured from a single *irregular* event done by one person that gets a lot of attention. When it comes to foreigners, I will add that the attention these irregular event gets directs attention to the group/nationality that the person is perceived to belong to, and traits of the person responsible for this *irregular* event is applied to the perception of this group. I say perceived to belong to, as in the aftermath of terror attacks has in some cases reported incidents of random violent

attacks against people who is foreign looking but not belonging to the nationality of the perpetrator.

Furedi (1997) talks about a perception of a world of strangers, and the main cause for this view are the increased uncertainty about human relationships, and especially the uncertainty of people's behaviour. The society's emphasis on the dominant precautionary principle; to avoid any unnecessary risks by 'playing it safe', and this is influencing how we look at other people (ibid.). Furedi points out how risk has become big business. He points at both "risk" as a consultancy business that can provide risk analysis and risk management, and he points at the media and their exploiting of peoples heightened consciousness of risk to sell their stories. The types of risk Furedi discuss ranges from the risk of eating certain food to the risk of letting your children out to play due to hazardous strangers that can harm your children. Furedi gives examples of single cases, like in the case of a mass murderer, that because of all the attention these cases receives, humans starts questioning people around them, due to the precautionary principle. One of the key points Furedi makes about a world containing risky strangers, is the decline in trust. Furedi (1997:127) says; "The fear of strangers and risks is proportional to the decline in trust". Neighbourhoods where people are not getting to know each other will as a result be 'neighbourhoods without neighbours', and people are instead more inclined to believe that their neighbour is up to no good (ibid.).

Furedi brings the concept of risk even more down to a micro level when he is discussing the really close and personal risks that are proposed to be imposed on our daily lives. His concept of risky strangers is exploring the change that has happened over time in how we view other people whether it is in our own neighbourhood or general strangers. He is looking at the change from the time when people were having more close connections to their neighbours that lead to trust between people. This leads my thoughts to my own childhood were we never locked the front door of our house. That is for me unthinkable today due to all the risky strangers out there either in the form of a thief or worse. Today, Furedi says, there is less connection between people in a neighbourhood and therefore the trust between people has declined. One of the results is less children playing in the streets. He is using the example of the children in UK that brutally murdered a younger child, and how people became scared that the same could happen to their children (Furedi, 1997).

I see the concept of risky stranger as an important part in the context I am exploring. When applying the thoughts of us living in a risk society and its effects on the passport system, I see the risk society as something that engulf and shapes our reality and creates the perception of risky strangers. How does this affect the passport system? With this thesis I will put a spotlight on what is happening behind the curtain of this system, and look at the social stratifying process that the passport is part of, that is categorising travellers in to risk categories. On a macro level the premises of the risk society is influencing laws and legislations. Subsequently the passport and the level of mobility it represents, is part of the reality of the risk society's continuous need to predict the future and prevent disasters. The risk society is producing the perception of risky strangers, and the easiest way in relation to these risky strangers of foreign origin is to conduct strict rules and regulations of movement. The result is unequal level of freedom to move around in the world for the individuals on a micro level.

When looking at the history of the passport, I will have a focus on the view of risky stranger when looking at how and if mobility has been controlled. I will also ask if the risk perception has changed and look for the risky stranger through history. Furedi talks about a change in communities today that makes neighbours become potential risky strangers. He does not propose that risky strangers are a new phenomenon, but rather that the risky stranger has moved closer to our personal lives and now often applies to people that you might have in your vicinity all the time. The risky stranger that I look for through time is the individuals that enter a community without prior connections as well as the risky strangers in people's vicinity. We will see that the risky stranger can be both fellow compatriots and foreign folk in earlier times. I will show this in the analysis in chapter 5 and 6.

#### **4. The method of documentary analysis of the passport**

Many books about research method will tell you that the correct sequence of a research is to choose a topic, formulate questions and then choose the most suitable method. Silverman (2011) says the research method should fit the research questions and not the opposite. The research questions should lead you to the most suitable method, to get answers to the questions you want answers to (ibid.). I have found that the process of working on research questions and choosing a research method is sometimes a dialectic process, as the process of thinking of questions and method often work side by side, and influence each other. For me it started with a very wide topic and questions early on: the different treatment of people at the border and if it was based on nationality. While I worked on operationalising the research questions, I was also thinking of suitable methods. In the end, I chose the most suitable combination of research questions and method that would fit the timeframe given to work with the Master thesis.

The first issue I was concerned with in relations to the passport is the perceived categorisation of nationalities that I had observed at airports and by talking to people from different nationalities. By categorisation, I mean the difference in who is scrutinised the most at the border and who is allowed easy access. I was curious how such categorisation is decided and justified. Since the decision of controlling people's movement is not a new one, I wanted to know more about why and when this need to control people's movement had started and how the usage of travel documents had grown in to the rigid passport system we have today. Basing my research on such questions made it necessary to look at the history of the passport. Thinking of the history of the passport, it naturally brought new questions like "Why did it appear?", "Has the purpose of it changed?", "What was/is the "danger" of letting people move around freely?" and "Why are some peoples of lesser or greater risk than others? The nature of these questions is a search for a deep knowledge about the passport, which is the description often used to describe qualitative method. Qualitative method is an important approach when one is seeking to understand historical events, processes and institutions. The aim of this research has been to understand more of the history of the passport and look at how the passport system has grown in to what we see today. As I wanted to look at the history of the passport, it was natural to choose documentary analysis as method, as I needed to dive in to official law texts to find answer to my questions.

At the early stage of this study, I started with simply looking at the modern passport itself and compared it to old archived passports and travel documents found at the national archives (Statsarkivet). The first thoughts that struck me, when comparing the new with the old, is how much trust that must have been put in these pieces of papers in older times, as the only way they could identify people with these papers, was from a simple descriptions in writing of the appearance of the person the travel pass was issued to. The next thought was that these older documents were one-off issued papers. Therefore, it was apparent that the primary goal of these documents was not to identify a person, but rather to grant a person permission to travel. This made me think of the passport from a legal point of view and I decided to look at the laws that are deciding in what manner foreigners can cross borders in to Norway. I started looking at the current laws. The current laws I read raised questions about the history behind these laws, and this lead me to dig deeper and deeper in to the history and a search for older versions of the laws. The research material has therefore been different law materials from different time-periods in Norway. In addition to these law texts, I have gained knowledge about the history from many different sources, like public expositions and general history books. The latter I often used to fill the gaps in my own knowledge about older history, or to get knowledge that was more detailed about certain historical events. I will continue in this chapter with describing the research material in more detail and present how I reviewed the research material according to academic standards of doing documentary research. I will continue with presenting the method used in the analysis and show how I structured the analysis. I will end this chapter with some reflections of the research that I have conducted, and this includes reviewing the reliability and validity of this study.

#### **4.1 The Research Material**

The research material I have chosen to use is different texts of laws and ordinances from 1388 until today 2016, in addition to look at archived material of different passports. The passport is a legal document and has since 1997 had its own law (passloven) in Norway, and is integral in laws about foreigners crossing the borders today - the immigration act (utlendingsloven, 2008). I therefore considered the law to be of great importance when retrieving the knowledge I was after. I first started to look at the current law texts concerning the passport and foreigners. I realised that if I was going to look at the history of the passport, I also had to look at the laws that led up to the modern passport system. This brought me to look further

and further back in time. All the texts that I have been looking at are official law texts of its time, or books of gathered law material. To limit my research, and since Norway's status has changed and not always been independent, I have chosen to have main focus at different collection of law texts that represents different time periods in Norway's history. I believe this have made my study more structured, as I then could do an intense analysis of the chosen texts. I have in addition looked at other law texts to fill in the missing pieces of my knowledge of the laws of the time. This way I have gotten a more clear picture if there has been any changes to the ways mobility has been controlled through time. The analysis and the discussion later will however only reflect on what I sometimes will call earlier/older times and today, as the aim of the thesis is to end up in a discussion about the modern passport that will compare it with the earlier versions. I will however refer to the specific law texts when drawing knowledge from them, so then it will be naturally apparent from what time the laws specifically applied. I have done this to bring the focus on today with a comparison to what has been, and not a focus on what has happened in stages through time. This also made more sense when looking at the historical events from a risk perspective, and I do believe that this will show more of my applied sociological imagination in this thesis and create a better flow in the discussion later.

Before I introduce my choice of research material and explain why I have excluded some of the older law texts, it is necessary to explain a little bit of the Norwegian history and its effect on the law. Norway has since 1905 been an independent nation-state, when the last union with Sweden dissolved. Through history, there have been different unions with the neighbouring countries Denmark and Sweden, or Norway has been ruled by Denmark in the time of absolute monarchy (eneveldetiden). This has affected the laws used in Norway through time. The earliest law valid in the whole realm of Norway, is the law made from between 1274 and 1276 by the king of Norway called Magnus Håkonsson also called Magnus Lagabøte<sup>8</sup> (Keyser & Munch, 1848; Bloch et al. 1981). This law was translated in to Danish in 1604 with amendments and additions, at the order of King Christian IV of Denmark and Norway (Norge, Brandt & Hallager, 1855). In 1643, Christian IV revised it once more and the law is known today as Christian IVs recess (law). From 1660 the Danish kingdom, that included Norway, was an absolute kingdom (Bull,1954). King Fredrik III made a new law in 1665,

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<sup>8</sup> A fun fact about the King called Magnus Lagabøte: The name refers to his work on improving the law.

called the law of the King (Kongeloven), which constituted the absolute monarchy (ibid.). In 1687, King Christian V made a new version of the "Norske lov" (Norwegian law), which was based on the law of Christian IV. In 1814 Norway got its own constitution made by Norwegians for Norwegians (Grunnloven). The constitution from 1814 is what the current laws of Norway is based on, with amendments and additions.

I have chosen to use different law texts from the year 1388 until today as research material. The main research material are:

**1388-1447** - *Norges gamle love*, Anden række (Norge and Absalon Taranger, 1912) (Norway's old laws)

**1687** - Christian V's Norske lov (The king Christian the fifth's law of Norway).

**1814** - Grunnloven (The constitution of Norway of 1814)

**2016** - The current law where I have chosen to look at utlendingsloven (2008) (Immigration act) and the Ulendingsforskriften (2009) (immigration regulations). The latter is describing in more detail the rules that the immigration act is outlining.

**2015** - UDI documents issued to inform about the visa process applying to different nationalities. (Document PN 2012-005, PN 2012-006, PN 2012-007 and PN 2012-008 - attached in appendix II).

In addition to the research material, I have used what I like to call support to the research material and this is where I got deeper knowledge when needed. Some of this support material was part of the pre-work that I did, but most of them I also have used during working with the thesis. I have organised it all in a table in a work file. An excerpt of this work file can be seen on the next page, in figure 3, which shows how I have organised the research material. The main research material, which has undergone an intense analysis, is marked in red. The support material is marked in black.

Figure 3 List of research material

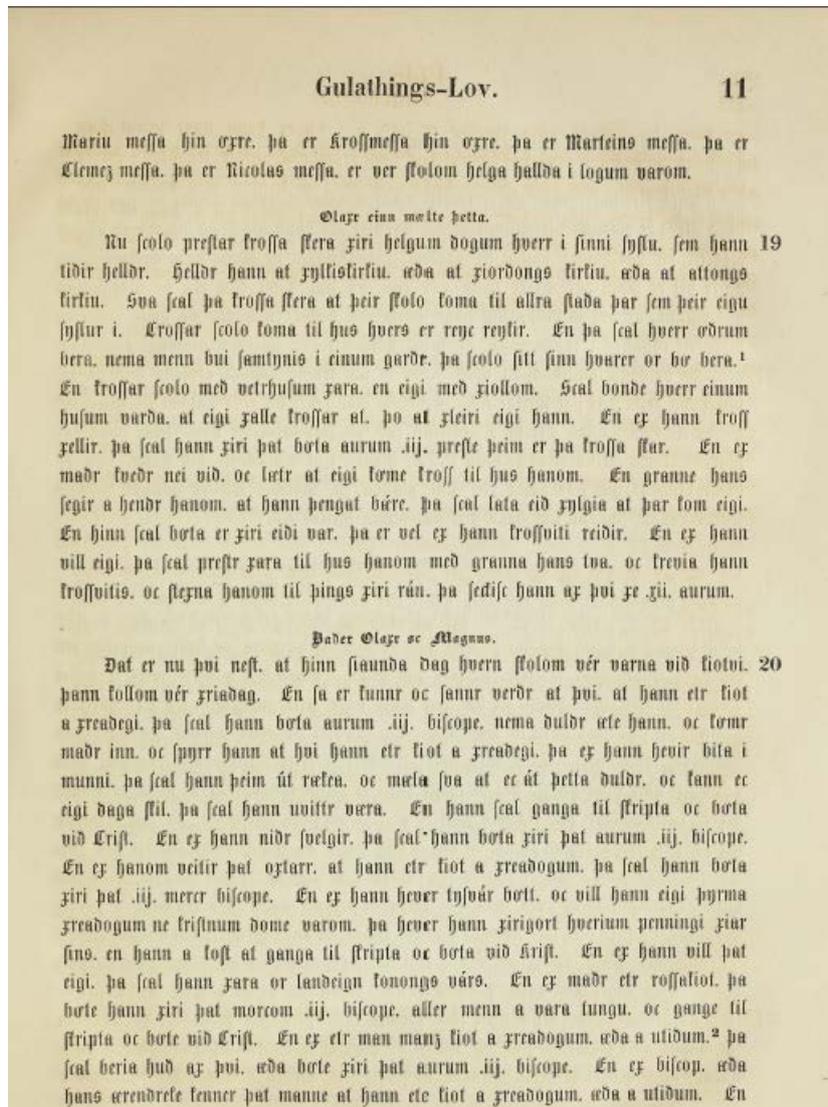
From year	Main research Material	Support to research material	Reference	Description of material
	1	2		
1388-1447	Norges gamle love, Anden række Bind 1		Norge & Absalon Taranger (1912)	Collection of law material gathered in a series of books. The law material from this time is not formalised in book form originally, but contains ordinances and open letters from different ruling monarchs of this time. The original documents are in museums or libraries all over Scandinavia. The books have copied the original text with original language, with no amendments. So therefore are these documents to be valued at the same value as the originals.
		Norges gamle love. Anden række 1b : 1388-1447 Registre	Norge & Oscar Alb. Johnsen (1912)	
1687	Christian V's Norske lov (Norwegian law)		NL (1687)	The law of Christian V was based on the law of Christian IV with a few amendments.
1814	Grunnloven (the constitution)		(Grunnloven, 1814)	The constitution how it was written and signed the 17th Mai 1814. From this law I have focused on § 2.
2008 (Last revised in 2016)	Utlendingsloven (Immigration act)		Utlendingsloven, 2008	This is a detailed description of the processes the immigration act i legislating. An example is the rules of how to view an asylum application.
2009 (Last revised in 2016)	Utlendingsforskriften (immigration regulations)		Utlendingsforskriften, 2009	This law replaced "fremmedloven" The law of "stranger" that had its origin from the first issue of this law in 1901.
1983		NOU 1983:47 Ny Fremmedlov	NOU, 1983: 47	An public exposition of a new "fremmedlov" (Law of "strangers")
1997 (Last revised in 2015)		Passloven (The law of passports)	Passloven, 1997	The passport got its own law from 1997
1994		NOU 1994:13 passloven	NOU, 1994: 13	Public exposition about the new law of passport
2015		NOU2015:7 Assimilering og motstand	NOU, 2015: 7	Public exposition about the Norwegian politics against taters and Romani people from 1850 until 2015
2016	UDI documents PN 2012-005 PN 2012-006 PN 2012-007 PN 2012-008		UDI, 2015 a, b, c, d	UDI is the Norwegian directorate of Immigration. I have been looking at their categorisation of nationalities when handling visa applications.

When I studied the laws of foreigners, it led me to look at the practises around visa applications and approvals/not approvals of these applications. UDI is the Norwegian Directorate of Immigration who is responsible for the processes around these applications. I have looked at their rules and practises when it comes to handling visa applications. They are dealing with the applications according to the Utlendingsloven (immigration act) and the practises as described in Utlendingsforskriften (regulations of foreigners). The documents that I have chosen to include as research material is clearly showing how the state of Norway is categorising nationalities in to risk groups and the likelihood of getting the visa applications approved/not approved from specified nationalities.

I have been at the library looking at the oldest law texts, but discovered later that a great feature of our time is that many books and documents are available online. All the research material I have used is available from different sources online, even the old books that I have used I found scanned copies of on nb.no, which is the website of the national library in Norway. Christian V's Norske lov can also be found there, but I found an online resource on the University of Oslo's website, that is much easier to read as they have copied the text by type writing it before posting it online, in a project to make these old texts more available to researchers. All Norwegian public expositions (NOU - Norsk offentlige utredninger) between 1972-2009 can also be found online at UIO.no that directs you to scanned copies at nb.no. The later versions can be found at the government site regjeringen.no. I also found an online resource of the constitution of 1814 that is easier to read at the official government site stortinget.no. I have listed the different links to the different books and documents that I have used in **appendix I** that contains a list of the specific research material used in this thesis. **Appendix II** contains the UDI documents PN 2012-005, PN 2012-006, PN 2012-007 and PN 2012-008.

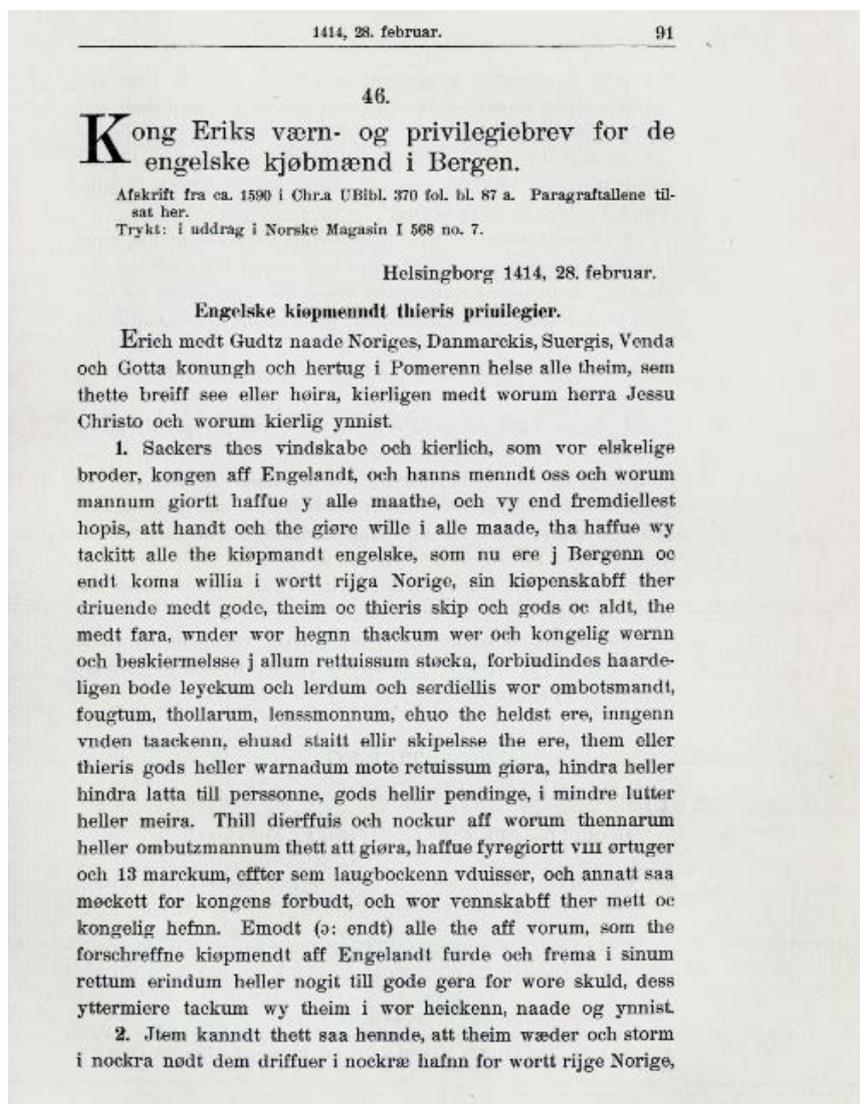
The reasons for choosing the law texts I have chosen as main research material and not all or older versions are a) the need of limiting the research. b) The language in the older texts was very difficult to read, as it was in Old Norse, and the risk of misinterpreting was too big. (Figure 4 on the next page, gives an example of this text.) c) The material I found is representative for its time and allowed me to compare and look for changes in how travellers and foreigners have been perceived through time and d) it ensured a better structure in the research and the analysis.

Figure 4 an example of the text from the older periods that I have chosen not to include



I chose to start from 1388 as the texts before this had very difficult old language as shown in Figure 4. The texts from 1388 until 1447 were also difficult to read. Figure 5 on the next page, is an example of the text from this time-period.

Figure 5: An example of the text that I have included that is written in old language.



The language in these texts is the language of its time and is very different from the written language in Norway today. When looking at these texts I could recognise words from Old Norse used, and in addition, these texts also have words that I recognise from other languages that I have knowledge of like Danish, Swedish, Norwegian, German, Dutch and English, and they are often mixed together in a sentence. This made it quite a challenge to read and

understand. However, the books came with a sort of dictionary<sup>9</sup> that helped me understanding the text better.

I therefore approached these texts by first scanning the list of content of the book for specific texts containing relevant content about foreigners, controlling movement and travel documents etcetera. Then I thoroughly read these specific open letters or ordinances and used the dictionary to get a better hold of the meaning of the text. I will show more of how I approached the different research materials and how I structured my analysis later in this chapter, but first I want to present the method I have chosen to use in the analysis - the historical approach - and explain why I have chosen this method.

#### **4.2 Historical analysis of the research material - to interpret the data**

When analysing the data from a sociological view, it was also important to think from a historical view. This led me to use the historical method when analysing the research material. I refrain from calling it a historian view, as I am not an historian but I can only aspire to apply the techniques they use. The most important part of doing historical research, is reviewing the source's authenticity, credibility, meaning and representativeness. I will write more about this at the end of this chapter when discussing the reliability of this research. The second most important part is the interpretation of the source - the research material. This might seem like an easy task, but like in this research, it means that I needed to read older language like the texts that I have looked at from 1388 and 1447, where both language and grammar is very different from what we speak and write today. The printing is also different from what my eye is used to, so I needed to have full focus on managing to read and understand correctly. When interpreting I also needed to consider that words, concepts and the view of life might have been very different from how we see things now. To illustrate how important understanding the time something is said in, I refer to the well-known citation from Karl Marx that "Religion is opium for the people". Using what we know about opium today and the status it has in today's society, one can interpret Marx's statement that religion dulls the mind and even stupefy people. However, at the time he wrote this, opium was considered a medicine and was

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<sup>9</sup> It is called Norges gamle love. Anden række 1b : 1388-1447 Registre (Norge & Oscar Alb. Johnson (2012)), described in the list of research material in figure 3

used by many distinguished people, and therefore religion could be interpreted as a medicine that is healing, soothing or even saving the lives of the people. One therefore has to aspire to understand the *episteme* of the time the documents were produced in, the knowledge one had of its time will also have influenced how laws were written and upheld. In regards to my research, consider the Middle Ages and their way of living and viewing the world. A lack of a document of safe passage might have meant the loss of the travellers head, while today if you don't have a passport, it might only mean a flight back to where you came from. Although one should not forget that death is an imminent danger in some people's way of travelling today because of the restrictions they meet due to the passport they are holding.

If we compare today's society with earlier times, the construction of earlier societies would also have been different, and what one believed in would have been different. For example, the earlier laws that I have been reading have a strong religious reference. Something that bear witness how important religion was at this time, compared with today's Norway where it has less importance, this might also have influenced how people looked at strangers. To gain knowledge about certain historical events it is therefore common to use the hermeneutic approach when analysing the research material and this is what I have done. The hermeneutic approach simply means to interpret the material, where the goal is to understand the correct meaning of it or as in this research, to gain knowledge about the historical processes that has led to the modern passport system we have today. Hermeneutic is originally from old Greek, and means to interpret, and it refers to the researcher quest to understand the people behind the produced documents, what was the purpose, goal and motive driving the actors and interpret the meaning behind what has been said, signs, institutions and rituals (Kjeldstadli, 1999:122). The hermeneutic circle is a description of the process of interpreting. The researcher will start from her own place in time, and will have a certain pre-judgment of what is going on. From this place of pre-judgment, she moves in to the material, and interprets the material with the pre-made questions, starting categories, ideas and hunches she has (ibid.). During the research, she can discover new assumptions, categories or phenomenon that she did not know about at the starting point (ibid.). This brings the researcher closer to the past, and she can now start from the beginning and reformulate the research questions from a place of new understanding of the past, which she can bring in to the material once more, and discover more new things about the past (ibid.). This circular movement goes on until the researcher has exhausted the research material and has gotten the knowledge she sought from the past (ibid.). I have continuously used the hermeneutics approach when looking at the

research material. When looking at the different types of laws and ordinances, I have been searching for any texts that have anything to do with dealings with foreigners, crossing borders or of any papers that would grant passage were needed while travelling to anywhere. This I did to get an idea of how foreigners were generally looked at in earlier days compared with today. I then went on to consider what kinds of risks (if any) that these texts are reflecting, to see if the focus has changed over time. I started by studying the list of content in each document or book, to get an indication of what chapters or what specific laws that were applicable to my research. At the start of my research, I had my set of ideas how the history of the passport looked like. I started reading the current laws and kept moving further and further back in to the past, seeking to understand this document's history. I kept revising the questions I had, as I gained new knowledge. The challenge has been to continuously have an eye out for commonalities and differences in the way travellers were treated or generally looked at through time. The questions asked did not necessarily have the same answer through time. For example when looking for texts containing anything about foreigners, this was a particular challenge in the older texts. Older laws are more concerned with drifters, strangers and of people with different religious beliefs than what was acceptable in the realm at that time. There is no mention explicitly about foreigners, but particular religious groups were mentioned. This lead me to understand how people were evaluated and what risks they might have been imposing in older times and for what reasons. The law also concerns itself more on strangers that enter a parish more than national borders. This made me understand more of the social structure within the society in older times. In the earlier texts from 1388-1447 the texts regarding foreigners contains more about granted privileges to trade. This made me understand the general view of the foreigners in earlier times. It was also apparent when there had been a conflict between countries, as then privileges were revoked, something that led me to look in to history of things, and could find the particular conflict or war that was happening at that time. This way I got a good understanding of the chain of events.

It is important to note that the older law texts are fragmented when it comes to the regulation of movement. Today the law is much more complex and foreigners are categorised and ranked after what kind of permissions they have to enter and stay in the state of Norway. For example, a citizen from one of the Nordic countries does not need a permit to stay in the country or a permit to work. EU citizens needs a permit for both, but after a simple registration they will have small issues with staying. Are you a third country citizen, it depends on your home country's agreement with Norway. Some has agreements on no visa

duties, others needs to apply for every travel made. Today the nation states have produced even more complicated categories when reviewing foreigners that wants to cross borders like; refugees, asylum seekers, visitors, family reunifications. When it comes to asylum seekers, it becomes even more complicated as agreements like the Dublin agreement dictates complicated entry rules to a country. I will talk more about the findings in the next chapter, but this is just to illustrate the complex nature of border crossing and how much it has changed in the eye of the law. The study about the passport therefore became much more than a simple look at a document of travel. The passport, even as small and insignificant it seems in the big picture of things, has for me become a document that also is signalling the temperature in world affairs.

### **4.3 Structure in the analysis of the research material**

I started the previous section by saying I am using an historical approach when analysing the research material. However, it is important to point out that I am doing a sociological research. This I have had to be very aware of, as the historians are sometimes referring to the handcraft of an historian as nearly artistic as they often use their "hunch" based on their experience and knowledge about the topic, era etc. (Kjeldstadli, 1999). For my research to be reliable, I need to base my research on the facts that I find, and not base the research on the "hunches" that I get, which would mean to base the research on a feeling. Whenever I have experienced to get the feeling of a "hunch", I have done more research to learn more about a certain time or event to either confirm or refute my initial feeling. For example, when reading the open letters regarding permission to trade from 1388 and onwards, the sequence of the letters in the book, and how they changed in nature made me sense that there was a conflict going on. To confirm this I read up on the history around the time when the letters were written.

Even though the main method in the analysis of the research material has been the historical approach, I also needed to apply more techniques when looking at the different texts. I could therefore call the technique I have used bricolage. Bricolage refers to the way a researcher might choose more than one technique when analysing the material. Bricolage means that one is using all available and relevant techniques in the analysis (Kvale & Brinkmann, 2009). This way of analysing can free the researcher from rigid rules and opens up for discovering more from the research material. The risk of such a strategy of the analysis is that it can

become too unsystematic and not able to repeat. With this in mind, I decided it was necessary to structure my research to make it more reliable and valid. When searching through the law texts and other texts, I have copied relevant texts and tried to code the material to create groups of text relevant to each other that could best answer the research questions. For example, I wanted to look at the different types of risk that has been and is perceived in people that are crossing borders. I picked out texts that dealt with travelling, settling and foreigners, and then read through to look at what the risks these laws represented. For example; texts concerning drifters and travelling communities are mentioning things like thieving and witchery. Texts about Jews are concerned with the threat to Christianity. Today the laws of foreigners are concerned about regulating immigration, and are looking at the possible threat to the public, like if the immigrant has a previous criminal record and are registered in the Schengen Information System (SIS), or if there is any health or security issues that can threaten the public. The risk can also be of a financial kind like if the immigrant will be a burden to the Norwegian welfare system without being entitled to any help. The result has been that I have found the typical characteristics of people that were and are looked at as a risk to cross borders. Inspired by Max Weber and his ideal types, led me to create ideal types of the risky stranger through time, to show the risks that has been a focus on in older times and today. I did the same kind of analysis to the passport and passport system, to see what has changed and what has not changed. When grouping these things together, it made me see a bigger picture in for example the passport system. I will present the result of the analysis in the next chapters where I will present more thoroughly my findings.

In the analysis of the research material from the different law texts I will cite in this fashion:

When citing from the law of Christian V's Norske lov I will cite in this fashion: NL (1687) 3:21:21, this means Christian V's Norwegian Law (1687). Book 3, Chapter 21, article 21.

When citing from the older law texts gathered in the book called Norges Gamle Love I will simply refer to the letter or ordinance that is organised in this book and the page it can be found. The laws that came in to place after Christian V's law, uses the symbol § and will be cited with the § and a reference to the specific law. For example the constitution of 1814: Grunnloven (1814) § 2 or the Immigration act: utlendingsloven (2008) § 17.

#### 4.4 Reflections of this research

The challenge with conducting a research of a document like the passport from a sociological point of view, is that one has to constantly remind oneself that what one knows of the historical events, can shape and influence how one analyses the historical research material. During this research, I have reminded myself of Berger and Luckmann (1966), who says that society is a human product, and what I have internalised as "the truth" about society today, might not be how society was perceived and internalised by people when the historical events first took place. I also became inspired by the insightful televised lectures by Frank Aarebrot (2015), professor of comparative politics here in the University of Bergen, when he said that one of the great dangers while doing social research is "etterpå-klokskap". Translated it means; the tendency people have to judge historical events with the knowledge we have today of what consequently followed the historical event. He gave the example of The 9th of April 1940, which is the date we all learn in school is the beginning of the World War II in Norway. He emphasises how the people of Norway did not know this when a German troop marched down the main street of Oslo the 9th of April 1940 that the war had started in Norway on that day (ibid.). This is what Silverman (2011) calls *Historical Sensitivity*; which refers to the sensitivity the researcher has to apply when looking at historical events, and particularly when applying concepts developed to describe something from our own time, to describe something from the past. It might not fit or reflect the reality of the time one is describing. For example when researching the passport, I have had to consider how some of the purpose of the passport has changed. At the same time, there has been a change in how we are governed and how the people of this country is valued. Foucault (1977) who describes this change in society when he discusses the change in correctional facilities and methods of punishment inspired me in the understanding of the difference between today and older times. He says that until the 18th century most people were looked at as a threat to the higher classes and the general view was that they needed to be controlled. Today people are valued as individuals that have rights and needs to be protected (ibid.). This can explain why the passport laws have changed from controlling people's movement internally to controlling people's movement across the borders, which is one of the most dramatic changes to the passport system - who is at risk and who is imposing that risk.

Another challenge has been to limit my research to fit the master program. The more I dug in to the history, the more documents and books I found (and still find!) that I would have liked

to look more thoroughly at. I would have liked to study the practises of UDI in much more detail than I have managed to have time for and I would have liked to talk more about the vast amount of computer systems used in border control today. However, I reckon that is the nature of documentary research, it has the potential to be an endless project, but one would not necessarily end up with a different result. This brings me to the question about validity of this research. Is the research valid? I have chosen research material that is fitting to find answers to the research questions. Could I have chosen other data? Since I have been wanting to look at the history of the passport, I found that law texts was the most appropriate to use as research material as this avoided using secondary literature, and it allowed me to get a sense of the evolvment of the travel document through time. In addition, this allowed me to compare different time periods, to more accurately look for changes. This I found very useful, as I have chosen to use only one method, as triangulation would have been too time consuming and not a recommended approach for a master thesis. I considered that a choice of several different collections of material representing different times in history would strengthen the validity of the research. I have also worked in a structured way when collecting data. I have coded and categorised the material relevant to the research questions to get a good overview. I have also continuously been going back to look for deviant cases in the data to confirm or discard my conclusions.

When doing any kind of research there is another thing that is important to consider ahead and during a project. This is the ethical considerations. I have evaluated that this research should not be of any harm to people as there is no personal or sensitive information that is collected or discussed in this thesis. The documents I have been using are of a public kind and are therefore readily available for anyone that would like to read them. The copies of old passports with names and pictures are also publicly available from different sources and I have permission to use them all from the institutions that own their rights.

I have also evaluated the reliability of this research. To ensure the reliability of a documentary research it is important to have a critical look at the sources of the research material one is using. There are four basic criteria when reviewing the research material: Authenticity, representativeness, meaning and credibility (Denscombe (2010); Duehdahl & Jacobsen (2010)). The *authenticity* refers to if the source is genuine, real. Is the source what it says it is and not a forgery or manipulated somehow? When evaluating a source's *representativeness*, one wants to establish how much the material can tell you about what you seek to understand.

Is something missing? If something is missing, is the material before you representing what is missing? (Duehdahl & Jacobsen (2010)). When deciding the materials *credibility*, you are evaluating its accuracy. Is it free of bias and errors? Is it believable? (Denscombe (2010), Duehdahl & Jacobsen (2010)). The last criterion is *meaning*, and refers to the actual meaning of the text you are looking at. Is the meaning clear and not ambiguous? Do you understand the content of the text? (ibid.)

I have evaluated the sources critically. The texts from current time and the law of Christian V (1687) are all authentic. They are what they say they are; the valid law of its time and are official texts. They are all representative, as all material is there and nothing is lost. The meaning is also clear, as language is understandable and there is no hidden meaning in the text. They are also high in credibility as they are official texts of the law and there is no room for bias in such a text. When it comes to the older texts that are presented in the book *Norges gamle love* (Norge & Absalon Taranger (1912)), there is more room for doubt when evaluating the four criteria. This is because the texts are not the originals, and have been copied by others before printed in these books, so the *authenticity* could be questioned. However, the books were a project of conservation of the old law in Norway and the project was by appointment by the government. There was a group of prominent scholars working on this project and they have justified and explained their work thoroughly in the preface of the books. The reason for making these books of the old laws of Norway was to make it accessible for everyone with an interest in the field, and to preserve these old texts for the future. The original documents they have copied were at the time scattered around Scandinavia in different museums and institutes, and is therefore not easy to come by. They have also chosen to copy the text with its original language, with no amendments. They simply have gathered the original texts and typewritten them in to these books. I therefore have been evaluating the texts as both authentic and credible. I have also evaluated these texts as to be at the level of primary sources rather than calling them secondary sources as they have not been interpreted by others, but simply copied and printed in book form. The last criterion is if they are *representative*. Again, there is room for doubt. It is a high probability that documents have been lost from this time, and that these lost documents might have made the picture of the law more complete. I have however not been researching the history of law, but the history of passport and have been looking for how peoples travelling were controlled, if they were controlled at all. I do believe that these old texts give me enough material to get an idea of how this was conducted. The scholars working on the books have arranged the texts

in chronological order, so one can sense the chain in historical events that created changes of permissions to for example trade and travel.

The *meaning* of these old texts in *Norges gamle love* was sometimes hard to understand. This is due to the old language used in this time. As I described earlier, the language looked like a mixture of several languages, which I recognised since I have knowledge in most of them. However, I did not take for granted that I understood everything correctly immediately when reading. I was very aware that the words used could have had a different meaning back then, than it has now in the different languages I could detect. Again, the work of these scholars has been very thorough. They had added some sort of dictionary that explained many of the essential words in these texts, that was pivotal in the understanding of the meaning. Since I am not after the full understanding of the whole law at the time, but just wanting to get a deeper understanding of the dealings with travellers and travel documents at the time, I evaluated that the meaning I managed to retrieve after working thoroughly with the text, was acceptable for the purpose of my thesis. Since the old language was hard to read, this could be a reason for why the reliability could come in to question when it comes to the older material. I do believe that I have retracted the true meaning of these texts and that my research reflects what these law texts are telling about the view of both foreigners and the usage of travel documents.

I am therefore considering the research to be both valid and reliable, as the research material used is right for answering the research questions and they are what they say they are. It should be easy for anyone to replicate both the collecting of the data and how I analyzed them. The texts I have used are printed and available to anyone. In addition, they are available online from different sources. I have made a list of these online sources and attached them in Appendix II to make it easy for anyone else to do similar research.

## **5.0 The implementation of the mandatory passport system in Norway**

A large portion of my attention and work in this study has gone to understand the history of the passport. This reason for this is that I wanted to understand the growth of the passport system to how we know it today. In this chapter, I will focus on the older history of the Norwegian passport and look at why the mandatory passport system was implemented in Norway. As I go along through the history, I will pinpoint the risks that have been perceived in people that wants to move freely across borders both within and in to Norway. I will also look for the risky stranger when moving through time and I will end this chapter by looking at what I have found to be the risks that the ideal type of a risky stranger imposed in earlier times.

The modern passport system has its origin from the time after the First World War. Around this time, all nation-states wanted to protect themselves from foreign threats, and migration regulations became stricter for every conflict that followed (Moses, 2006). In the time before the First World War, there were just a few countries that were regulating movement across borders (ibid.). The compulsory passport system did not come in to place in UK before 1914 and in other states including US in 1918 (Moses, 2006:36). In Norway the compulsory passport system came in to fact in 1922 (NOU 1994: 13). This was however not the first time it had been a perception of risk when it comes to letting foreigners cross the borders of Norway. Already at the start of the 1800s, there was a demand that foreigners had a travel pass in to Norway. I have not found explicit mentions of why that was, but if one is considering that this was at the height of the Napoleon wars in Europe; one can guess that this is the reason for invoking this demand of passports of people crossing borders. If one think of these separate, but similar events of troubled times, the risk of a foreign power trying to take control over (Danish-) Norwegian territory was highly likely to be the reason for the increased use of travel documents like the passport.

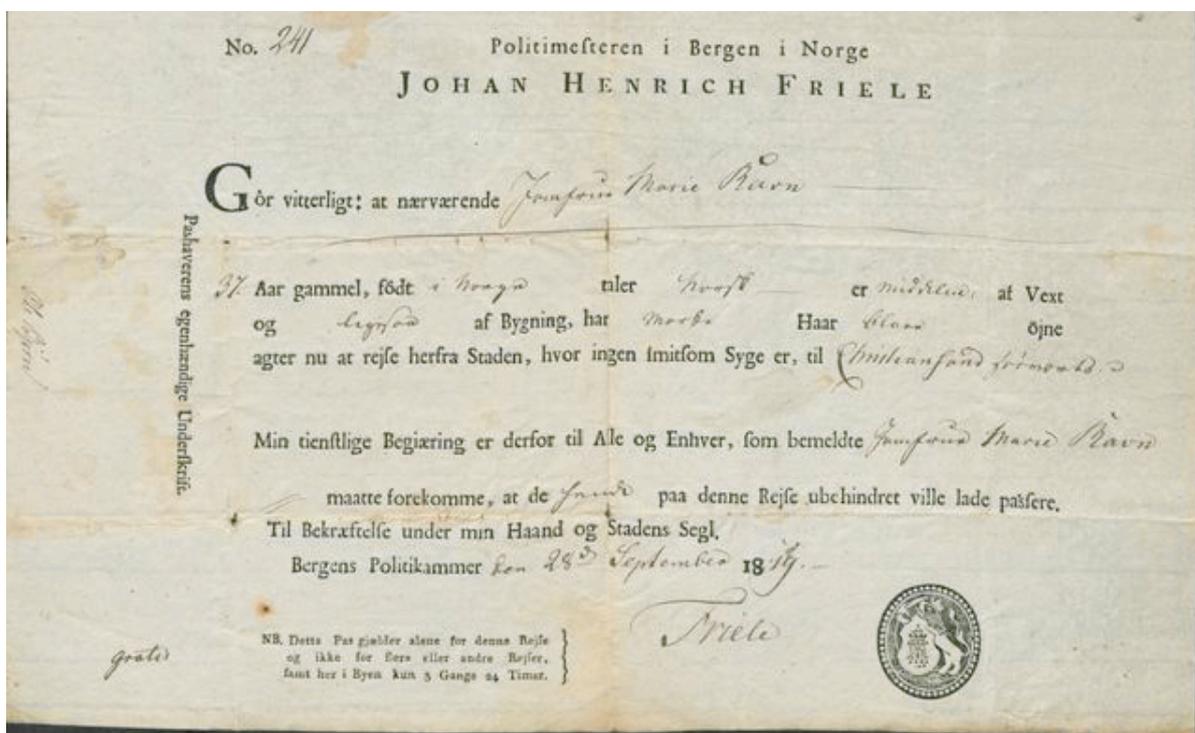
It is a common notion that Norway as a nation-state was born at the same time as the Norwegian constitution, in 1814, even though Norway was still in a union with Sweden until 1905. One of the characteristics of a modern nation state is that the borders and territories connected to the nation state are formalised and usually accepted by other nation states. These borders and territories were more fleeting in older times, as they kept changing, or were

included in larger empires. Norway did however have its own government already in the early days of the union with Sweden and could after a long period under the rule of the Danish absolute king, have somewhat independence. One of the things Norway could govern independently from Sweden was its borders (Brochmann & Kjeldstadli, 2014). It was up to Norway's own discretion whom to include or exclude from its territory, and to make decisions regarding travel permissions and travel documents. With this information, we can see that the growth of the modern Norwegian passport is closely connected to the growth of the Norwegian nation state. Before I talk more about the modern part of the passports history, I will present the older history of the usage of travel documents and dealings with foreigners. While doing this, I will also draw lines until today and compare the passport system of today with the earlier versions.

### **5.1 Early history of the Norwegian passport**

I cannot pinpoint the exact moment in time when the notion of a travel document took place for the first time. An encyclopaedia says that word passport is coming from Italian *passaporto*, which refers to papers a ship needed to land in Italy in earlier days (Bahus, 2013). I have not been able to find verifiable evidence of when the passport came about in Norway. However, what I can say something about is how travelling papers already were used in the Middle Ages to protect the traveller on his voyage through troubled areas or to secure access to an area without the risk of being pursued in any way. In Norway such a letter of free passage (*leidebrev*) or a letter of protection (*vernebrev*) is similar to ones we see in Europe, like the *Guidaticum* that Robert L. Burns (1995) refers to as a "Safe-Conduct in Medieval Arago-Catalonia". A letter like this of protection and free passage were granted by (the king of) the country you wanted to travel to. The earlier versions of a passport in Norway were issued for one travel to specific destinations and were issued from the authorities from the town you were travelling from. Like the passport shown on the next page, in figure 6 from 1819, which describes the persons in question and his intended travel, and that the traveller should be allowed to travel without any delay. In contrast, today there is a complex passport, passport system and border control.

Figure 6 Example of an old passport issued in Bergen 1819



10

This piece of paper is a stark contrast to the passport of today. Where there is a great emphasis on the identification of the traveller more than the allowance to travel to a certain destination. Only when there is a demand for a visa will the passport have an additional focus on a permission to travel to a destination, but this is given by the end destination and not the at the starting point as in earlier days. Today Norway grants all their citizens the freedom to move wherever their heart desires, with the only constraint that you fulfil the requirements to hold a passport.

### 5.1.1 Dealings with foreigners in earlier times

In the older law texts that I have looked at, I find most of the mentions of foreigners when the king is granting access and safe travel to the kingdom of Norway. As I went through the older law texts looking for dealings with foreigners, it was apparent that foreigners were not of the

<sup>10</sup> Source: Bergen fylke, Bergen politimester, Pass, stykke 1, 1816-1822, oppb: Statsarkivet i Bergen.

Permanent link: [http://arkivverket.no/URN:db\\_read/db/68704/31/](http://arkivverket.no/URN:db_read/db/68704/31/)

greatest concern when issuing laws or ordinances in the earlier times compared with today. Today there is in Norway a law dedicated to foreigners of 94 pages (Utlendingsloven, 2008) and a law dedicated to the passport itself (Passloven). In addition to this, there are , regulations, directives and ordinances with direct instructions on how the different departments should deal with issues regarding immigrants today. When looking at the collection of law texts in *Norges gamle love* and Christian V's Norske lov (respectively from 1388-1447 and 1687) the overall impression I get is that the major concern in these times was where and how to collect tax (in general). This we can also see when it comes to foreigners that want to settle or trade in the realm. The foreigners that I have found mentioned in the earlier texts are mostly traders and merchants, and are mostly from areas in today's Germany, Netherlands and England. In *Norges gamle love* one can find open letters from the king either granting privileges or documents of permission to welcome foreign skilled workers within different types of handcraft and tradesmen. The main concern regarding foreign folk to enter the domain of Norway in the earlier laws was if they were going to settle or trade, as they then had to commence to the local way of paying tax. An example of this is King Erik's (of Pomerania)<sup>11</sup> open letter to the foreign handcraft men in Bergen in 1415, where he wish them all welcome, but that they are asked to follow local customs of paying tax (Norge & Taranger, 1912:95). When it comes to legislating foreigner's movement in to the realm in these times, it has been more about the risk of missing financial capital if people were evading to pay tax. I interpret this as; Foreign folk were seen as a resource rather than a burden in these times, as they contributed to the wealth of the king. Diplomacy is therefore important in these times, to keep good relationships with countries that one have had an interest to do trading with, if not there was a risk of a trading blockage of both import and export. This we can see evidence of in several of the letters from Queen Phillipa & King Erik (of Pomerania) in *Norges gamle Love*. Between 1425 and 1432 there are several letters denying trading or denying foreign ships access to the realm, and a letter of a treaty between King Erik and Henry VI of England about the trading rights, peace and alliance on 24th December 1432 (Norge & Taranger, 1912). Historically Norway has needed qualified migrants, and in the middle ages and the early days of the modern age, a foreigner was considered somebody that belonged to a higher class and held high positions in the community (Kjeldstadli &

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<sup>11</sup> King Erik of Pomerania was an elected king in the Kalmar union (Sweden, Denmark & Norway), and was later dismissed. Both the letter of acceptance as king and the letter of dismissal as king can be found in Norge & Taranger (1912).

Brochmann, 2014). Later the descendants of these foreigners became the Norwegian upper classes (ibid.).

### 5.1.2 Strangers and drifters

The earlier law texts are focusing more on the risks imposed by strangers (fremmede) and drifters (løsgjengere) more than foreign people, although one have to assume that foreign people would be included in what one at that time would call a stranger (fremmed) in these times. Mentions of strangers can be found in NL (1687) 3:21:8, where it says that it is anyone's duty to alert the authorities of any strangers and bring the person to the priest where papers of legal travelling should be presented and read. The priest was the highest authority on recording who was residing in a parish. "Papers of legal travelling" I interpret as the travel document "pas" (passport), that we see mentioned later in NL (1687) 3:21:21, which is the earliest explicit usage of the word "pas" that I have found. It states that both being without a pass (passport) and housing anybody (stranger) or drifter without a passport (pass) is a punishable offence:

"Findis nogen Løsgængere, eller dem, som ingen Pas, eller rigtig Beskeed have, videndis til sig at holde, dem huse og hæle, de skulle paa Landet have forbrut deris Fæste til Husbond, og derforuden, om dennem overbevisis nogen ulovlig Handling og Fællisskab med saadanne at have, haft, at staa til Rette derfor og straffis, som vedbør; Men i Kiøbstæderne skulle de, som det giøre, straffis, som de der huse Fredløse."

The explanation why the passport is not to be found in the laws before this, could be that a king or magistrate could issue orders in written form, that was called a "Rescript", which would not necessarily be printed in a book of laws (Bentzon,1925. Brøgger (red.), 1981). A rescript could also be printed on a poster called a "Placat" for the public to read (Jørgensen, 1926. Brøgger (red.), 1981). It was not common to gather these rescripts to be readily available for the public to read on a later stage<sup>12</sup>. This might explain why there is no explicit mention before in NL (1687) 3:21:21 about carrying a passport (pass).

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<sup>12</sup> I found references to and one copy of a periodical magazine called Collegial-Tidende that was printing the rescripts for Denmark-Norway from what I understand from around 1800. An example of an issue of this magazine can be found here <http://hdl.handle.net/2027/uc1.a0001770742>

The drifter was one type of *risky stranger* of its days. Today I would interpret a drifter as a homeless person and of people seen sitting on the street begging for money. The fear of the *risky stranger* today would also be as Furedi says that they are "up to no good", as in robbing people or doing other criminal activity. Although this was the case in earlier times as well, it was not always the case as we can see in the ordinance of 9th August 1754 about the services of the peasantry ("om bondestandens tjeneste") § 19 (Referred to in NOU 1994: 13).

«Kiedelflikkere, Seglemagere, Grydesmedde, Hesteskierere og andre deslige, som kan ansees at stryge Landet igiennem, maae ei opholde sig paa Landet, uden de have Amtmandens Tilladelse og ere Boesatte, hvilke i samme Amt med Amtmandens Pas visse Tider om aaret maae omreise; Men begive de sig ud af Amtet, ansees de som Løsgjængere; og dersom nogen tager til Huse saadanne eller andre Løsgjængere paa Landet, som intet Pas eller nogen Slags Rigtighet kan forevise, da skal de, isteden for Straffen efter 3-21-21, bøde til Angiveren 24 Sk. for hver Nat og for hver Person, de saaledes huse uden samme til Øvrigheden at overlevere og angive.»

The ordinance is naming the trades that were common in those days done by skilled workers that were travelling from place to place to find work. They are not allowed to travel around without a travel pass, and without it, they will be looked at as drifters (løsgjenger). This can imply that not everyone at any time that was characterised as a drifter was a drifter in the meaning of a homeless person. The traveller in this sense might also have been people with skills in a particular trade or domestic work, trying to vacate certain areas to seek work somewhere else, but did not have the permission to do so. It could also be a gypsy or other travelling people like the Tater that often travelled around to find work. The same ordinance is also stating that anyone from the peasantry had a duty to take work. The demand for a pass in this time can therefore be interpreted as a mean to eliminate the risk of people drifting, and not willingly take work or try to leave the parish they belonged too to take work elsewhere.

## **5.2. The history of excluding people based on their connection to a certain group**

The older laws of Norway are specifically mentioning groups of people, either of different religious beliefs or from travelling communities, and gives clear instructions how to exclude them. In this section, I will look at the laws represented in the research material, that specifically instructs to target specific groups of people. This ultimately meant excluding them to the life and the rights the rest of the Norwegian population could enjoy. To make the

historical picture complete about these groups of people, I am also referring to other specific historical texts, when discussing the laws from the research material.

It is apparent that the church played a major role in people's lives in these times, as Christian V's Norske Lov dedicates the second book in his law collection to laws regarding the religion and the clergy. The first article of NL (1687) 2-1 says:

"Den Religion skal i Kongens Riger og Lande alleene tilstædis, som overeens kommer med den Hellige Bibelske Skrift, det Apostoliske, Nicæniske og Athanasii Symbolis, og den Uforandrede Aar et tusind fem hundrede og tredive overgigen Augsburgiske Bekiendelse, og Lutheri liden Cathechismo."

It states that the only religion allowed is the one scripted by the holy bible and then it mentions different Christian scriptures allowed to preach. There seems to be a specific strategy to exclude religious groups that could threaten the legislated religion. In the 6th book of Christian V's Norske the first chapter "*Om vildfarende Lære, Guds Bespottelse og Troldom.*" is designated to religions that is looked as a threat to the legislated religion, profanity and witchcraft. NL (1687) 6:1:3 states that Munks, jesuitter and papal (Catholic) clergy are not allowed in the realm:

*"Munke, Jesuviter og dislige Papistiske Geistlige Personer maa under deris Livs Fortabelse ikke her i Kongens Riger og Lande lade sig finde, eller opholde.[...]"*

There is however a mention in NL (1687) 6:1:5 that foreign ministers and royals from foreign lands that practise other religions than the legislated one, are exempt of the law of practice of religion when visiting the realm, as long as they practise it in private quarters and in their own language. Preaching their beliefs to other people is a punishable offence:

"Dog er ikke formeent fremmede Herrers Gesanter, eller Ministris, som sig ved Kongens Hof opholde, eller residere, og ere af anden Religion, at de jo for dennem og deris egne Tienere i deris Huse deris Religions Øvelse, og hvis tilhører maa bruge; dog at ingen Prædiken holdis uden paa deris eget Sprok [...] maa deris Præster hverken prædike, eller Sacramenterne uddele, eller nogen anden saadan Guds Tieniste sig understaa at forrette, meget mindre af Præster, eller andre Tienere, til disse Rigers og Landis Religions Foragt noget forargeligt forretagis. Skeer noget af sligt, og det ikke af den fremmede Ministro bliver tilbørligen straffet [...]"

In the 3rd book of Christian V's Norske lov he dedicates a whole chapter (22) on Jews and Tater<sup>13</sup>. NL (1687) 3:22:1 is specifically saying that no Jew is allowed in to the realm without a written document of permission (leidebrev):

"Ingen Jøde maa sig her i Riget indbegive, eller sig finde lade, uden Kongens særdelis Lejdebrev under tusinde Rixdalers Straf af hver Person, som uden forskrefven Lejdebrev betrædis."

It was worse if you were a Tater. Tater could be punished with their life if they were caught in some conjurer affair, lying, thieving or doing witchcraft (troldom) as seen in NL (1687) 3:22:3:

"Tatere, som omløbe og besvige Folk med deris Bedrægeri, Løgn, Tyveri og Troldom skulle af Stædets Øvrighed paagribis, hvor de kunde befindis, og de, som af Almuen paa Landet ertappis, skulle leveris til næste Bonde Lænsmand, som ved Bøndernis Hielp skal føre dem til Fogden og alt hvis de have med at fare dennem fratagis, og deris Anførere paa Livet straffis [...]"

I will first here continue looking at the situation for the Jews and then look at the situation for the travelling communities when it comes to being singled out and excluded in Norwegian history.

### 5.2.1 The Jews

When it comes to how the laws have been targeting and excluding the Jews in Norway, there is often a focus on § 2 in the constitution of Norway of 1814 (Grunnloven, 1814 § 2), as this explicitly states that no Jews are welcome in Norway. The constitution of 1814 specifically mentioning Jews, Jesuit and monk orders in §2 so it can be seen as a continuance of the old laws like Christian V's Norske lov. The law of Christian V was however somewhat milder as it made exceptions, which meant that some Jewish groups had been allowed. The constitution of 1814 changed this and explicitly stated that Jews were not allowed in to Norway whatsoever, and added that Jesuit and monk orders were not to be tolerated:

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<sup>13</sup> In Norway (Scandinavia) there is a group of travelling people called Tater, that historically has lived their lives constantly on the move. Like gypsies they have often been marked as unwanted.

Grunnloven (1814) § 2:

"Den evangelisk-lutterske Religion forbliver Statens offentlige Religion. De Indvaanere, der bekjende sig til den, ere forpligtede til at opdrage sine Børn i samme. Jesuitter og Munkeordener maae ikke taales. Jøder ere fremdeles udelukkede fra Adgang til Riget."

What were the risks seen in the Jewish people? The answer to this one cannot find while looking at only law texts, therefore have I done some digging in to the history of the view of the Jews. In the encyclopaedia of Nordic cultural history, it says that Jews are first mentioned around the 12th to 13th century in religious texts in the Nordic region (Hødnebo, 1963). In the middle ages, the Christians were warned to have no contact with the Jews through texts used in missionary activities (ibid.). The conclusion drawn from this is that it is very likely that the risk the Jews imposed was to the religion, as they had different persuasion in their faith. Hødnebo (1963) says there is no evidence of Jewish people living in the north in the middle ages, but there seems to be stories circulating in this time about Jewish people who would perform rituals using Christian blood. The stories told seem to have the purpose to scare people to never have any contact with Jews. Much like the story about red riding hood and the wolf, it creates an intended fear of trusting strangers (the wolf/the Jew). There are also writings from ca. 1400 that is warning about Jewish moneylenders from this time (ibid.). It is a known fact that Jews were excluded from many occupations in Europe, and money lending was one of the few occupations that they were allowed to do. Since Jews became more and more excluded from different occupations over time in Europe might have been the reason why they travelled north. We can see traces of foreign settlers with a different religion in the realm from a letter from the King of Denmark/Norway, Fredrik II, of 20 September 1569. The king demands in this letter that all foreign people that have taken residence in Denmark/Norway the last 2 years will be presented with 25 Christian articles that they have to accept (referred to in Norge and H. Winge (1988:111-112). If they refuse, they have to leave the country or be punished with their life and property (ibid.). A foreigner could also not be allowed permanent residency and be a part of the bourgeoisie (borgerskap<sup>14</sup>) in a city of

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<sup>14</sup> "Borgerskap" was more than a permanent residency, as it gave privileges to trade and buy property, something not entitled everyone in older times.

trading (kjøpstedene) before a written testimony has been given by the priest and the superintendent about the foreigners true religion (ibid.).

It became even harder for the Jews in 1651 when King Fredrik III decides that Jews are not allowed to travel in to the realm or within the realm without a travel pass (leidebrev). The ones that are already in the realm had two weeks to get a travel pass or they would be fined (Danmark, Christian et al. 1664). This rule about needing a travel pass to the realm is also stated in King Christian V's Norske lov of 1687. This however changed in 1814 when the constitution of Norway was made, and § 2 that I referred to earlier stated that no Jews were allowed in the Kingdom of Norway whatsoever. The law endured until 1851 when it was removed after a long and hard political battle for this to happen by among others Henrik Wergeland, one of the classical Norwegian poets.

The risks I interpret from the old laws legislating religion and of what religious groups to exclude, is a fear of people being persuaded to change views of the legislated religion. This conclusion is strengthened when looking at NL (1687) 6:1:3 as I referred to earlier in this chapter, that states that Munks, jesuitter and papal (Catholic) clergy are not allowed in the realm. The church and the different religions have historically had a power struggle, so the risk of losing people to different religions can also be interpreted as a risk of losing power and authority.

### **5.2.2. The Gypsies, travellers and Tater**

The gypsies and other travelling communities like the Norwegian Tater have been persecuted and unwanted in Norway as in the rest of Europe since 16th-17th century (Gotaas, 1999). Through time there has been laws made to make it difficult for any traveller to take up permanent residence anywhere. As the control of people's movement was done by local authorities like priests in earlier times, made it easier to deny travelling people to enter any region, and it would be harder for them to obtain a travel pass. In 1536, the king of Norway and Denmark, Christian III, ordered a decree that every Tater should be evicted from the kingdom within 3 months (ibid.). His successor Fredrik II, followed up with even stricter measures to get rid of the travellers in 1589 when he issued a death warrant on them, and the law threatened with punishment to anyone that would help them (ibid.). In the 18th century, the government decided to change their tactics and instead of killing them they were now going to try to reform them. In 1735, the first "tukthus", which was what the correctional

facilities were called, opened where they earmarked the travellers as if they would earmark their kettle (ibid.). As shown earlier, Christian V's law of 1687 (NL (1687) 3:22:3) stated that a tater that was taken for lies, theft or sorcery should be brought to the local authorities and they should pay with their lives. If anyone brought them in to the realm of they would be punished with their lives and if people would house them they would be punished as we can see from the rest of NL (1687) 3:22:3:

"Og hvis de efter den Tid spørgis, eller overkommis kunde her i Riget, da som deris Anførere at straffis paa Livet, og hvo dennem huser, eller herberger, bøde til sit Herskab for hver Nat, og for hver Person, som den der huser fredløse."

### **5.2.3. The Sami**

I feel a need to mention the Sami people in this chapter, as they have always been a minority in the Norwegian and the Nordic domain. They have not been unwanted in the realm of Norway as the Jews, Jesuits, Monks or travelling communities like the Taters, but there has been a strong wish to assimilate them, meaning to make them live like the rest of the Norwegian community and speak Norwegian. Their children were forced to live at schools where they were isolated from their own Sami community. They were forced to speak and learn Norwegian, and were learning the Norwegian way of living. I will not discuss the Sami people in detail in this thesis, as they are not relevant in the topic of passports, but it is necessary to mention this bleak history of Norway's methods to reform and assimilate people of different convictions and ways of living than what was commonly accepted in the Norwegian society. The Sami also illustrate how a risky stranger (that I will soon present in detail) was not equal to be from outside of Norway in earlier days, but was more often people residing within the realm. When the Sami people are mentioned in the older laws concerning border issues, it is to establish in what way they are going to pay tax, since they are continuously moving across borders to the other Nordic countries. There is agreements with Sweden in 1388 (This agreement is called Lappkondisilen (Norge & Taranger, 1912) how to deal with the fact that they are moving back and forth between Norway and Sweden continuously, and how to ensure that they don't have to pay tax to both countries.

### 5.3 Newer history of the passport

I started this chapter by mentioning that there was already a demand that foreigners used a passport when wanting to enter Norway at the start of the 1800s. In the older laws it states that the passport should be shown to the local authorities, which first was the priests and then later in 1805 became the police's responsibility and still is. The police was also given the responsibility to issue the passports in 1805. This was ordered through a rescript (Placat) 1 November 1805. In 1860 was it decided that the passport system should be abolished. They no longer could see a need for such a document to enter, leave or moving around the country. A passport system was seen as unnecessary, unpractical and the opposite of freedom, that only was suitable for barbaric nations (Brochmann & Kjeldstadli, 2014). They argued that the earlier fears that people would escape prosecution if they did not have the passport system was unfounded, as it was easy to escape in any case if that is what one wanted (ibid.). The usage of passport did not eliminate the risk of either crime or an escape of prosecution. Since other countries still demanded passports, it was however necessary for the passport system to have a function to issue passports to the ones that was travelling to destinations such as these (NOU 1994: 13).

In 1901 however, there seems to be a need to have somewhat control over foreign settlers and we can see the first traces of a law that wants to control foreigners crossing the Norwegian borders (Fremmedloven av 1901). The new law this year wanted all foreigners that was travelling to Norway to be registered, and it opened up for the demand of identification papers (even though limited kinds), and a duty of announcing permanent residency (NOU 1983: 47). Now we can see a slight change in the usage of travel documents, as until now the focus of the documents have been to give a permission to travel, and now include the early start of the identification aspect of the passport. It did not limit immigration, as the principal of free movement was still standing, but it set the new standard of registering foreigners and for the allowance to deny specific foreigners to cross the border (ibid.). The law of 1901 can be looked at as a way of controlling the lower classes and people of poverty, as the law gave grounds for eviction if the person did not have enough funds to support themselves (Brochmann & Kjeldstadli, 2014). The First World War marked a great change in Norway when it comes to controlling foreigners' movement across the borders and within the borders of Norway. During the First World War (1914-1918), there was a new focus on security, and it looked for both enemies within and outside Norway. The unemployment rate was high,

other countries were tightening the immigration, including USA, which led to less Norwegians migrating, and more foreigners were crossing the border (ibid.). This led to more changes to the law in 1915 and in principle, the law now said that everyone crossing the border had a duty to notify their arrival and identify himself or herself, this included Norwegians (ibid.). During the war, there were refugees entering the country that was unwanted in other regions. The minister of justice in 1915 expressed that Norway could not take the risk to be "Europe's sewer" and that thieves and murderers would have free access to enter the country, as all the other states closed their borders (ibid.). The law was especially targeting travelling people like the Romani and gypsies. Two laws came in to place in 1917 that would make great changes in how foreigners' movement were controlled and regulated. The first one was diminishing the right for foreigners to stay in particular city council areas. The second one was about the demand for passports and visa (NOU 1983: 47).

The war had created a fear of foreigners and the nation states, including Norway, sought to protect themselves against any potential threat after the war (Moses, 2006). In 1922 the mandatory passport system was reinstated in Norway and were moving towards the modern passport system. I want to direct my attention on this fear of foreigners for a moment. This fear, having its roots in a manmade source, I interpret as a marker that society was moving towards the advanced phase of modernity that Beck calls risk society. At the early stages of this advancement of society, Beck (2005:215) says, "the risks and risk perception are 'unintended consequence' of the *logic of control* which dominates modernity". The risk perception after the First World War was coloured by the logic of control to prevent an invasion from foreign powers. Although historically border control has been viewed as too costly, too difficult and unnecessary, it was gradually implemented after the First World War across the world (Moses, 2006). It would not only control people entering countries, but would as a result also control people leaving in many countries (ibid.). The governments imposed more control over the individual's choices in life, and the former ability to migrate if repressed, looking for work or a better life was now made even harder (ibid.). The inter war period was a time with high unemployment in Norway. The new law of 1927 was going to regulate the continuous stream of refugees to the country by demanding that all foreigners that wanted to work in the country to apply for a working permit and get it approved before entering Norway (NOU 1983: 47). The law was now explicitly shutting the borders for the Romani, gypsies and other foreign 'drifters', not only implicit as the law of 1915 (Brochmann & Kjeldstadli, 2014).

An important part of the history, which later would be influential in the anti-Semitism that grew in Europe in the 20th century, was a rise in the myths around the Jews in the late 19th century. In 1868 a fictional novel, called the Biarritz, written under the pseudonym Sir John Redcliffe by Hermann Goedsche, was taking advantage of anti-Semitic traditions and wrote about a fictional group of elders, meeting in a cemetery in Prague, plotting to take over the world (Mosse, George L, 2000). In a time when people were enjoying horror stories as Frankenstein and human vampires, this was right up the ally of such stories (ibid.). The novel inspired conspiracy theories that ended up in a fake document called "the protocols of the Elders of Zion" that Mosse recons was made between 1894 and 1899 by the help from the Russian secret police (ibid.). This document was built on the story in Biarritz, continuing the story about a secret society of Jews that was planning to take over the world (ibid.). Later this fraudulent document was used by Nazis to promote their thoughts of the Jews as an evil race (ibid.). If we move to the World War II (1940-1945), the focus was again directed on the persecutions of Jews and other unwanted groups of people like gypsies both in Europe and in Norway.

As this is a thesis about the passport, I would like to show how ID papers like the passport has been used in a pernicious way. The 20<sup>th</sup> January 1942, Norwegian newspapers announced that people who were Jewish had to get a "J" stamped in their passport by the 1<sup>st</sup> March (Brustad, 2014). This marked the start of the project to register, deport and annihilate the Jews in Norway in World War II. The passport shown in figure 7, on the next page, with a "J" stamp is an example of such a passport.

Figure 7 A Jewish passport marked with a red "J" <sup>15</sup>



Marking their travel papers and ID cards with a "J" made it easy to later sort them out from the rest. This was an important part in the registration and the mass arrest and deportation of Jews during the WWII. An important part the Norwegian history of excluding people and peoples from the rights to belong somewhere with the rights that comes with it. Figure 8, on the next page, is showing the registration form used in this process in 1942. The interesting in this form is that the nationality registered is Jewish (jøde) and the citizenship Norwegian. Nationality and citizenship is divided showing that you might live in the country for 51 years, but you will not be looked as a Norwegian.

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<sup>15</sup> Source: HL-Senteret: "Leopold Meyer Rothmann's passport, stamped with a red "J". The passport can be seen at the HL-senteret's permanent exhibition. Usage of Picture of this passport after given permission from HL senteret.

Figure 8 Registration form for Jews in 1942 in Norway<sup>16</sup>

114 Skjemaet utfylles i 3 eks. Helst maskinskrevet! Dato 7/3 1942.

## Spørreskjema

for  
**jøder i Norge**  
fra  
**Oslo og Aker** politidistrikt.

Etternavn <b>Levinson</b> <small>(For kvinner også pikenavnet)</small>	
Samtlige fornavn <b>Bernhard Jacob</b> <small>(Bruksnavnet understrekes)</small>	
Født (sted, datum, år) <b>Abo 25/1 1889</b>	I hvilket land <b>Finland</b>
Privatadr. (gt. nr., by) <b>Hammerstadgt. 23 oppg. A. V. Aker.</b>	
Privattlf. <b>91980.</b>	
Nuværende religionssamfund <b>Det Mosaiske Troessamfund</b> <small>Siden når</small>	
Tidligere religionssamfund <b>Den Israelitiske Menighet. De to menigheter er nå sluttet sammen.</b>	
Familieforhold: (Ugift, gift, enkestand, skilt) <b>Gift.</b>	
For- og etternavn på ektefellen <b>Frida Levinson født Salikowitz</b> <small>(For kvinner pikenavnet)</small>	
Ektefellens fødested, datum og år <b>Oslo 22/9 1895</b>	
Har ektefellen jødisk innslag i familien? <b>Vi er begge jøder.</b>	
Antall barn: <b>2.</b>	<b>Samuel</b> født <b>13/10 1920</b> <b>Oslo</b> <small>(Navn) (Alder) (Oppholdssted)</small>
	<b>Mirjam</b> " <b>27/5 1922</b> <b>-</b>
Nuværende erhvervsyrke <b>Arbeider i Dakapo</b> Selvstendig? <b>Nei</b>	
Yrke av fag <b>Handelsmann</b>	
Event. byrker <b>Nei</b>	
Teoretisk og praktisk utdanning <b>Norsk Folkeskole, handelsskole og praksis i handelsforretninger.</b>	
Militær utdanning <b>Menig sykefører i Oslo Bataljon.</b>	
Offentlige tillitshverv <b>Nei</b>	
Medl. av fagl. organisasjoner før <b>Nei</b>	
Medl. av fagl. organisasjoner nu <b>Nei</b>	
Medl. av andre foreninger og organisasjoner <b>Nei</b>	
Har De vært frimurer? <b>Nei</b> Fra <b>Bortfaller</b> til	
Hvilken grad? <b>Bortfaller</b> Hverv	
Nasjonalitet <b>Jøds</b>	Statsborgerskap <b>Norsk</b>
Når kom De til Norge <b>For ca. 51 år siden.</b>	
Siste oppholdssted utenfor Norge <b>Stockholm.</b>	

1. G. vedh. trykk. Oslo Oslo og Aker politidistrikt, J.nr. 1374 Pass Akersveien 19 42

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<sup>17</sup> Statspolitiet - Hovedkontoret / Osloavdelingen, Dokumenter (RA/S-1329/Ga/L0012), 1942-1942, oppb: Riksarkivet. Source: Arkiverket.no. Permanent URL: <http://www.arkiverket.no/URN:NBN:no-a1450-db20100219320003.jpg>

When it comes to Tater in the newer parts of history, an even bleaker part of their history is how the organisation of "Den norske misjonen blant hjemløse" (The Norwegian mission among homeless) often referred to as "Misjonen" systematically worked to assimilate them (NOU 2015: 7). Misjonen was given the authority to reform the travelling community of Taters by the Norwegian government and had more or less the power to use any method necessary to do so (ibid.). The law of 1903 called "løsgjengeriloven", which tried to regulate the perceived problem of drifters, gave the authorities allowance to detain and lock up homeless people (Gotaas,1999). The thought was that they were going to be taught how to reside in one place. From now on, the children of Tater families were taken from their parents and moved to institutions for children (barnehjem) (NOU 2015: 7). The authorities were driven by the thought that if you "save the children, you save the family", and this could only be done by severing the bond to their families, and reform them to become citizens that contribute to the society (Gotaas, 1999) Later the authorities continued the abuse of the Taters by sterilizing them by force (Gotaas, 199; NOU 2015: 7). The work of "Misjonen" continued until the 1980's.

#### **5.4 The risky stranger from the past**

Furedi (1997) talks about a perception of a world of strangers, and the main cause for this view are the increased uncertainty about human relationships, and especially the uncertainty of people's behaviour. The society's emphasis on the dominant precautionary principle; to avoid any unnecessary risks by 'playing it safe', is influencing how we look at other people (ibid.). Even though Furedi is talking about the modern way of living, I do believe that his thoughts of the risky stranger can be applied to the strangers that has been emphasised in earlier history in Norway. If I summarise how the risky stranger from earlier times was perceived, it is many types of risks that was connected to the different kinds of people that was seen as a threat to the order of things in earlier times. I have therefore created an ideal type of a risky stranger in the past to show the different risks perceived in people that wanted to cross borders in earlier times.

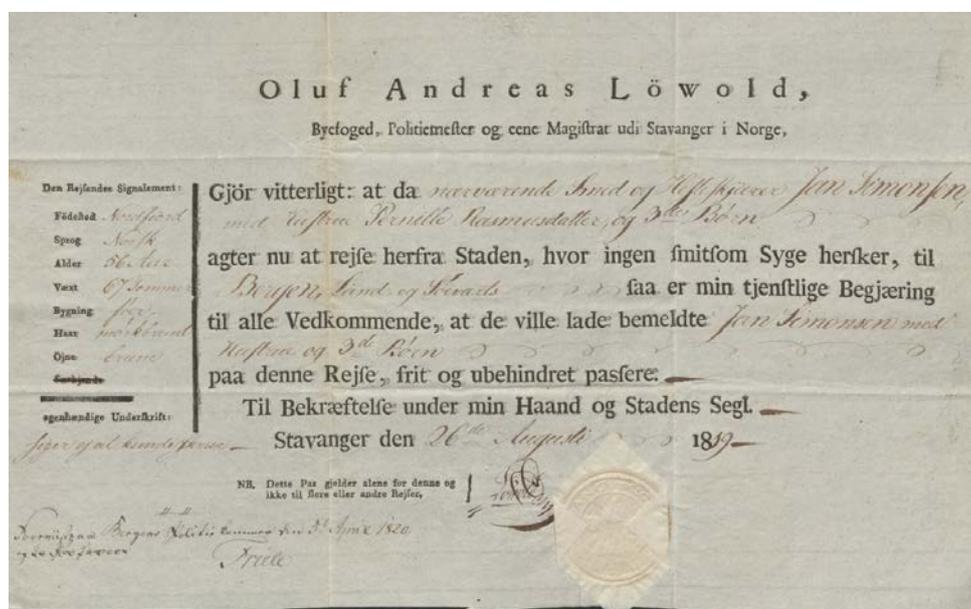
Inspired by Furedi's concept of a risky stranger, I have created a model (see figure 9 on the next page) representing the ideal type of what was the risks perceived in a risky stranger crossing borders both within and in to Norway in earlier times. I will compare this ideal type with the ideal type of the risky stranger from current time in the next chapter.

Figure 9 A figure of the risky stranger



The risky stranger was in earlier times seen as a potential threat to the local community due to health problems. As shown under in figure 10, the passports could contain information about illness. The passport says that there is no illness in the town the person is travelling from. In earlier times, the death toll could be high for any epidemic and any stranger could potentially bring with him/her diseases that the community had yet been spared from.

Figure 10 Passport with information about illness<sup>18</sup>



<sup>18</sup> Bergen fylke, Bergen politimester, Pass, stykke 1 , 1816-1822, oppb: Statsarkivet i Bergen. Source: arkivverket. Permanent URL <http://www.arkivverket.no/URN:NBN:no-a1450-db10621310150825.jpg>

As religion was strong in earlier times, and the laws of Norway stated that it was illegal to preach anything than the religion in the holy bible, a stranger could therefore be someone with a different religious conviction and therefore be of a real threat to the local community and their religious beliefs. The risk could also be that the stranger was a criminal of any kind, or that the stranger might come from a different culture and could influence the locals in a bad way, especially was the emphasis on the travelling communities that had their own traditions and even language. The stranger could also be doing what was perceived as witchcraft (troldom) that could trick or fraud them. The emphasis of the latter was on the travelling communities, as they sometimes had to find different ways to earn money, as jobs were not always readily available or accessible for them.

I added cultural threat to the risky stranger from the past, as the examples of both the Sami people and the travelling Tater have shown that there was a strong need to assimilate them and was most often done so by force. In both incidences, they authorities have targeted the children of these groups as they were often taken away from their parents to learn the Norwegian way of living.

I will continue discussing the ideal type of a risky stranger in the next chapter and show that when it comes to crossing borders there has been a change in who is looked upon as the risky stranger.

## 6.0 The risk of letting foreigners cross the borders



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Figure 11 Stortinget (parliament building of Norway) with a German banner in WWII

This chapter will have a focus on the risks that is perceived in people crossing borders today and look at how the Norwegian nation state is discriminating between people of different nationalities when wanting to enter Norway and how they are categorised in to different risk groups in the process. I will in this chapter show how the risky stranger has changed in characteristic, as who is looked at as the risky stranger crossing borders today has changed. The risky stranger from today will be compared with the risky stranger I described in the

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<sup>19</sup> Source PA-1209/Ue/99/livet i Norge under okkupasjonen arkivverket.no URL: <http://www.arkivverket.no/var/arkivverket/storage/images/media/ra-bilder/stortinget-med-tysk-banner/54580-1-nor-NO/Stortinget-med-tysk-banner.jpg> URL to article <http://www.arkivverket.no/arkivverket/Tema/Andre-verdskrig/Samfunnslivet> (accessed 6.3.16.)

previous chapter 5 from earlier times. Before I do this, it is important to look at the society that is producing the continuous perception of risk of people crossing borders.

Most of the people that cross the border of Norway today do not impose any dangers or risks to other people. However, as I intend to show, fear and risk calculations will cause irrational consequences at border control even though the used security measures are presented as based on rational thoughts from the authorities. Beck (2005:213) says that a "discourse of risk begins when the trust in security ends". This will materialise in a state of "no longer trust, not yet disaster" (ibid.). A risk society depends on continuous risk analysis, where one is calculating the risks of events that have low probability of ever happening, but will have high consequence if they do happen (Beck 1992, 2005 & 2009). The trust in security at the borders changed dramatically on 11 September 2001 when several terrorist attacks struck USA and shook the Western society to its core. Although we were used to watch horrific war images that are regularly appears on the news, the images of buildings crumbling down in New York was something that felt too close to home, even for Europe. This has resulted in increased security measures at border controls everywhere in the world since the 11th September 2001. These security measures are telling us; *we are all at risk* and *we are all a potential risk*. When travelling by plane every traveller is treated as a high-risk traveller and we are all scrutinized at the security point before boarding a plane. However, this view of the travellers changes when leaving a plane and going through passport and custom control. From entering the plane, to leaving the plane there has been a change in the perception and ranking of potential risk imposed by the travellers. The Schengen agreement Norway is a part of is making travels within the region of Schengen area more friction free, as it normally is without passport control. But as we have seen recently in the aftermath of the Paris terrorist attack December 2015 and the increased amount of refugees coming to Europe from Syria in 2015, the passport control can be reinstated if the separate member states perceive risks that are in need for stricter border control. In any case, if the plane is coming from outside Schengen area, everyone will always be directed to the passport control, which divides the traveller in to two queues. The first one is for nationals and EU/EEC citizens and the second one is for the rest. The reason becomes obvious when there are many people queuing. The queue for EU/EEC citizens often moves faster than the other queue. By the queue for the rest, you can observe conversations going on between the border official and the traveller. Instead of the glance and the nod shared between the traveller and the border official in the EU/EEC queue, they might get a thorough interrogation about their intended stay in Norway (or Europe for that matter).

According to the immigration act and the immigration regulations (utlendingsloven, 2008 and utlendingsforskriften, 2009) a European citizen does not normally need to give any proof of his/her stay, whether he wants to stay for a while looking for a job or he is only here for a day on a business trip. His family from EU/EEC is welcome to come and stay with him, should he want to stay in the country, as long as they can be provided for in terms of finances. In any case, these family members do not need to apply for anything if only wanting to visit. In the other queue, there might be a person from a visa compulsory country that wants to visit his family, or even children. For him to come and visit he would have to send an application in advance and would often need to prove that he will be supported financially when staying in Norway. Depending on the risk the state sees in him, he might need somebody to guarantee his return with money, and he might be allowed to come. If he applies for family reunifications, he might not be able to see his family during the application period, as he will not be able to travel to Norway in this period of time. I will look closer at these terms of entry to Norway in section 6.3 where I will refer to the immigration regulations that are dictating how to differentiate between different nationalities when it comes to crossing the borders in to Norway. I will now introduce what I have found to have changed in the perception of the risky stranger through time.

### **6.1 The risky stranger changes character through time**

Today's society does not differ from older societies in regards to fear of strangers and the authorities are on the constant lookout for the risky stranger. However, the risky stranger has changed in character through time and will today differ from the risky stranger I introduced in chapter 5 from earlier times. I will now look at what separates the risky stranger of earlier times and the risky stranger of today. Today the citizens of Norway can enjoy free mobility within the borders of Norway, and they have the same freedom to leave the country if they want to, as long as they have no criminal offences that would refute the rights for a passport. The average Norwegian is no longer viewed as the risky stranger when crossing Norwegian borders. The border control always has a focus on preventing smuggling of certain goods, either if it is an extra bottle of wine or more serious goods like drugs or weapons, or even worse as in smuggling humans (human trafficking), that also all can be done by Norwegians i.e. anyone, or as I will call it the general risky stranger. However, when it comes to control on mobility the focus is on people from foreign countries that want to cross the borders in to

Norway. Furedi (1997:127) says; "The fear of strangers and risks is proportional to the decline in trust". When it comes to the risky stranger that is crossing borders I am arguing that today's risky stranger has transcended the meaning of the risky stranger from earlier times and has changed to "*the risky foreigner*". The decline in trust of foreigners has resulted in a perception of risky foreigners, who in this context is a stranger that is not from Norway (can be applied to any nation state) and wants to cross the border in to Norway for any purpose like holiday, residency, work, and asylum and so on. Furedi continues to say that neighbourhoods where people are not getting to know each other [due to the lack of trust] will as a result be 'neighbourhoods without neighbours', and people are instead more inclined to believe that their neighbour is up to no good (ibid.). In the case of the risky stranger at the border - *the risky foreigner* - the suspicion depicted by the passport system and border control continues to follow him around in his daily life, as he will be constantly be confronted by mistrust of his intentions, either directly or indirectly. Indirectly it is the generalisation of foreigners often used as an image in debates about immigration. These images (generalisations) can be of immigrants that are only coming to Norway to exploit the system to gain financially. As of late, the images can also be of terrorists that might hide among all the immigrants that are already in Norway or among all the refugees that has just arrived or that are coming towards Norway in allegedly large numbers (these arguments and assertions are often heard from the (extreme) right wing politicians and anti immigrant movements).

We could also look metaphorically at the borders that the risky foreigner meets, as the mistrust can often continue even after the foreigner has arrived, settled and is working, and the borders are there to limit a person's opportunities in life even after entering the country and in some cases even affect his Norwegian born children<sup>20</sup>. For the asylum seekers however, the situation is quite different. They bring the border with them in to the country, where they are forced to live and breathe the border everyday while they are waiting in the asylum institutions for a decision on their application. In the mean time their identity might be questioned, due to the papers or passport they are carrying, if they have any at all. They might be in the country, but will be sitting at the border of life until receiving an approval of their applications. If denied, they continue to sit and wait with the constant restrictions of the

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<sup>20</sup> Research Article about how it takes longer for children of immigrants to get a job. Accessed 6.3.16. <http://forskning.no/innvandring-samfunn-arbeid/2014/11/fra-utdanning-til-arbeid>

border in no-man's land, while appeals are in progress or while waiting for someone to come and take them away.

Furedi (1997) talks about a perception of a world of strangers, and the main cause for this view are the increased uncertainty about human relationships, and especially the uncertainty of people's behaviour. The society's emphasis on the dominant precautionary principle; to avoid any unnecessary risks by 'playing it safe', is influencing how we look at other people (ibid.). The risks perceived in the risky foreigners are often the result of applying single events done by one foreigner to the characteristics of "all" foreigners. The precautionary principle at the borders is to check everyone thoroughly before boarding a plane, but upon arrival, the risky foreigner gets the most of the attention, when it comes to risk evaluation due to the precautionary principle. The risks perceived in the risky foreigner are all sorts of criminality, abuse of financial benefits and terrorism, but it can also be health issues and from an anti-immigrant view; a threat to the national culture. The fear that criminals will enter the country and do any kind of criminal activity is a major contributor to the regulations today. Criminal activities like tax and social benefit fraud, smuggling of drugs, human trafficking and organised crime are some of the risks that any nation-state want to prevent when it comes to criminal behaviour from foreigners. The terror threat is also a criminal behaviour, but as the emphasis on terror is quite strong these days, I have decided to keep it separate from other criminal behaviour.

Terrorism is often put in its own category in public debates about border control. Terrorism has made us more alert when it comes to national security. Ulrich Beck (2009) is asking if the concept of 'evil' needs to be reintroduced in relation to the world risk society, as the concept of 'evil' then would designate the thoughts and actions that are not possible to conceptualise or imagine. He continues by stating that 'evil' is a shifting and unstable concept, and the dangers he sees with designating thoughts to this concept is the proximity the concept of 'evil' has with the concept of 'stranger' (ibid.). He says:

*"The evil person is a stranger, not a neighbour or one of us [...] The rhetoric of evil dismisses the why, and is the easiest response in the world risk society [...] it must be the work of evil. The consequences have become causes and the causes agents"* (Beck, 2009:228).

When it comes to terrorism, it is often made a connection between the action of terrorism to the risky foreigner, and not the general risky stranger, as a risky stranger implies that it could be any of us. The evil person behind terrorism in current time is most often connected to an image of a foreigner that is Middle Eastern looking more than an image of a European looking person, even though both kinds have executed terror in Europe. This is quite noticeable here in Norway, as a Norwegian was responsible for the only terror attack that has happened in recent times in Norway<sup>21</sup>. Although the authorities are giving regular updates on all kinds of risk levels when it comes to terrorism, most of the focus is on foreign threat and the risky foreigner. This view makes us be suspicious of all people looking foreign. Food for thought is a comment I heard a foreign boy who is seeking asylum in Norway said on TV "Why do I need to prove that I am not dangerous?"<sup>22</sup> (NRK, 2015).

## 6.2 The risky stranger versus the risky foreigner

Through time, there has been a shift from focusing on risky strangers to risky foreigners at the border. This shift is also visible in the wording used in the different laws regulating peoples mobility, as the law changed from a wording (in Norwegian) of "law of strangers" to "a law of foreigners" (Fra Fremmedloven til utlendingsloven (The latter is what is called the immigration act in English)) in 1988. The same year the Norwegian Directorate of Immigration (UDI) was created, and took over the responsibilities that until then had been under Statens Utlendingskontor (The foreign office of the state) (Justis- og beredskapsdep., 1988).

In this section, I will look more at what differentiates the risky stranger from the risky foreigner. I have created two models representing the two ideal types of what was and is the risks perceived in a risky person crossing borders in to a domain of a more local variety in earlier days and crossing borders from a foreign country in to the domain of Norway today. I already briefly introduced the risky stranger from earlier days in chapter 5, and will now present the two models together for comparison. These ideal types are meant to illustrate what

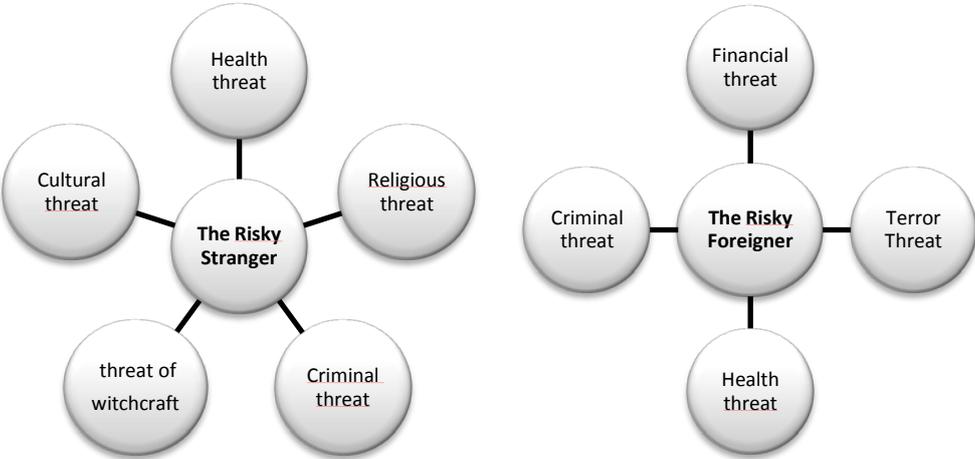
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<sup>21</sup> I am here referring to the two terror attacks on 22 July 2011, where 76 people were killed at the hands of a Norwegian extreme right wing terrorist.

<sup>22</sup> TV documentary "Helene tar inn på asylmottak" NRK1. Accessed 6.3.16. <http://www.nrk.no/livsstil/xl/helene-flytter-inn-pa-asylmottak-1.12734393>

kinds of risks that have been perceived in the risky stranger and are perceived in the risky foreigner today. As ideal types are a generalisation and meant to illustrate the typical traits of what one wants to describe, these two ideal types will not describe all the factors and will not reflect all types of migrants or the risks perceived in them. However, I find the risks illustrated in figure 12 under to be the main concerns when looking at people crossing borders in earlier times and today, according to the law.

Figure 12 Models of the risky stranger and the risky foreigner according to the law



As I presented the risky stranger in the previous chapter, I will here focus on the comparison of the two different types of risky strangers. Since I wrote about the risks of terror and criminality in the last section 6.1, I will only briefly mention it here before I continue looking at the additional risks perceived in the risky foreigner and compare it to the risky stranger from earlier times.

Both terrorism and criminality is mentioned in the immigration act (utlendingsloven, 2008) in chapter 12 that is involved in the processing of fingerprints, use of force and punishments of foreigners. The law stipulates in §102 e. when the police can access information in VIS (Visa Information System - allows Schengen States to exchange visa data) about a foreigner in investigations about terror and criminality. This part of the law is not necessarily bound to the physical border of Norway, but can be used in investigations of foreigners that resides in the

country if there is grounds for suspicion of criminal activity and terrorism or in the investigation of such events.

One of the risks that are still a concern in regards to people crossing borders is health issues. The knowledge of and media focus on epidemics makes us scared of all the different illnesses that can spread when we are travelling ourselves or when foreigners come to Norway. It is still important to prevent diseases from spreading, and the focus might sometimes be on people coming from countries where serious illnesses are active. When it comes to the risky foreigner, the immigration act (utlendingsloven, 2008) is directly concerned with health of the foreign traveller in chapter 2 in regards to dismissals of foreigners in §17 j) and l)

§17 article J stipulates that a foreigner can be denied to cross the border if a competent healthcare personnel is declaring the foreigner as mentally ill:

*"En utlending kan bortvises:*

- j) når kompetent helsepersonell finner at utlendingen åpenbart lider av alvorlig sinnslidelse."*

The regulations of immigration, Utlendingsforskriften (2009) expand this stipulation in § 19-29 article b) and are saying that when the conditions has occurred prior the right to reside in the country, a foreigner can be denied access or evicted:

*"Bortvisning eller utvisning av hensyn til offentlig orden eller sikkerhet kan blant annet skje dersom utlendingen:*

- b) ifølge kompetent helsepersonell åpenbart lider av alvorlig sinnslidelse, åpenbare psykoser med opphisselsestilstander, vrangforestillinger eller hallusinasjoner med forvirringstilstander, og tilstanden er inntrådt før utlendingen fikk oppholdsrett."*

The § 19-29 of utlendingsforskriften (2009) is underlining that in the events of denying access or evicting a foreigner, this should only be done when evaluating the foreigners personal conditions and should only happen if under similar circumstances with an encounter with a Norwegian citizen would also result in sanctions. Therefore, the health situation for the risky

foreigner in the case of a mental illness can be seen in relation to crime, as the law is referring this kind of occurrence to public order and security.

In earlier times, there was a focus on all the different kinds of diseases that was contagious and highly deadly. Understandably, they did not want to risk a whole community's health and life, and therefore there was a need to control people's movement in time of plagues and other epidemics. Today is no different. The need to protect against epidemics is still there.

According to Utlendingsloven (2008) §17 article 1) a foreigner can be dismissed if there is a threat to the public health within Norway or Schengen.

*En utlending kan bortvises:*

*l) når det er nødvendig av hensyn til Norges eller et annet Schengenlands indre sikkerhet, folkehelse, offentlig orden eller internasjonale forbindelser.*

There are extra precautions taken in the case of epidemics. In the end of the 1990ies, start of 2000 there was a scare of mad cow disease that called for a need for extra precaution, especially in UK and Ireland if you travelled through there. When arriving Ireland there was a message from the authorities that you had to notify the customs if you had been in contact with farms on your travel. Going back even further to the 1980ies and the fear of AIDS, the authorities in USA was especially targeting gay people that wanted to travel to the USA, and might have been denied due to the fear of AIDS. Recently we have seen the fear of Ebola to be spread. At the time when it seemed to be an epidemic that was only escalating, the government issued caution statements to go to the African countries that were affected, and at one point planes stopped going to such destinations. When aid workers were affected, they were transported in special planes and submitted to special units in the hospitals around the world to get treatment. Some countries have questionnaires regarding Ebola, asking if the traveller has been in specific countries and in some airport they have scanners that can measure if a person has a fever. If the scanner shows that a person has a fever one has to see a doctor before one is allowed to go through border control.

The risks imposed by the risky foreigner is often presented as a threat to welfare system and the threat is therefore of a financial kind<sup>23</sup>. The government and the media is constantly informing and focusing on how much money immigration cost. The focus is on the costly affair of saving people's lives as in letting refugees coming to Norway. The next focus is what it costs to integrate them and then what it costs if they are not getting jobs to support themselves. These repeated arguments to reduce the 'flow' of immigrants are often generalised in to thoughts about every immigrant that wants to cross the border, especially outside the region of EU or from the perceived poorer countries within EU. This is a stark change when compared with earlier times that looked at foreigners as a resource, especially financially as they contributed to the wealth of the country (and king). The immigrant is depicted as someone that drains the state's wallet, and does not fill it with tax money, although immigrants work and pay tax too. According to SSB the total amount of immigrants working in 2014 was 63,4 %. see table under in figure 13<sup>24</sup>

Figure 13 An overview of working immigrants in Norway worked out by SSB in 2015..

#### Continued growth among employed immigrants

The number of employed people in Norway increased by 31 000 from the 4th quarter of 2013 to the 4th quarter of 2014. Of these, 23 400 were immigrants. Hence, immigrants contributed to 75.5 per cent of the employment growth. Immigrants from the EEA countries contributed to most of this growth.

Employed total population and employed immigrants by world region. Absolute figures and in per cent of persons aged 15-74 years in each group. 4th quarter				
	2014		Change last twelve months	
	Absolute figures	Per cent	2013 - 2014	
			Absolute figures	Percentage points
Population in total	2 650 000	68.5	31 000	-0.1
Non-immigrant population	2 268 175	69.4	7 587	-0.1
Immigrants, total	381 825	63.4	23 413	0.3
The Nordic Countries	48 791	76.0	967	-0.3
Western Europe except the Nordic Countries and Turkey	43 182	70.6	1 792	-0.1
EU members in Eastern Europe	113 330	73.2	10 484	0.3
Eastern Europe outside of EU	31 778	63.7	1 701	0.9
North America and Oceania	6 763	66.0	142	0.0
Asia	96 464	56.0	5 296	0.8
Africa	29 289	42.0	2 496	0.1
South and Central America	12 228	62.6	535	-0.5

<sup>23</sup> Eks: Aftenposten (accessed 6.3.16.) <http://www.aftenposten.no/meninger/--Hvorfor-forteller-ikke-mediene-hva-en-ikke-vestlig-innvandrer-koster-7204353.html>

<sup>24</sup> The table is worked out by SSB (Statens Statistiske Sentralbyrå) who is the public bureau of statistics in Norway. <https://www.ssb.no/en/arbeid-og-lonn/statistikker/innvregsys>

I will discuss more about the risky foreigners financial situation, and how it affects his/her allowance to enter Norway in section 6.3, where I will look in to how the directorate of immigration (UDI) who is working according to the immigration act and the immigration regulations when they are reviewing visa applications.

Explicitly the religion is not an issue anymore when it comes to the law, although travellers report themselves that there is a bias against the countries with Muslim majority or travellers thought to have that background<sup>25</sup>. Travellers are reporting that they feel singled out due to their foreign look, skin colour or their name, even if they have European passports. I have not found much research that has investigated such statements, so that is something that should be addressed in the social sciences more thoroughly. It might be something that is difficult to investigate statistically, as the police are not registering every time somebody is stopped and checked.

When it comes to religion and culture, I showed in chapter 5 that this was of great concern when it came to the risky stranger in earlier times. The law is no longer mentioning explicitly culture differences or religions, when it comes to who to exclude and who to include. I will talk more about who is excluded and how in section 6.3. In public debates however, one can often hear arguments that uses culture and religion as a reason to exclude foreigners and these traits are often used to characterise the risky foreigner. I therefore see a disconnect between the law and this kinds of concern that often appears in public debate about immigration. I have therefore added these two traits with dotted line to the model of the risky stranger, to signal that they are not a part of the law, but a part of the concern in public debate. See the extended model of the risky foreigner in figure 14 on the next page.

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<sup>25</sup> Eks NY times [http://www.nytimes.com/2014/10/17/opinion/alaa-al-aswany-traveling-while-arab.html?\\_r=0](http://www.nytimes.com/2014/10/17/opinion/alaa-al-aswany-traveling-while-arab.html?_r=0)  
And <http://www.abcnyheter.no/reise/2015/12/23/195190144/britiske-muslimere-ble-nektet-fly-til-disneyland>  
And <http://www.nrk.no/norge/--norge-diskriminerer-morkhudede-1.518456> (all accessed 6.3.16.)

Figure 14 Added traits to the risky foreigner according to public debate



In the introduction, I introduced the most common fears and common arguments set forward by anti-immigrant movements to reduce or refuse immigrants. There is another extreme right thought regarding Muslims that we can draw parallels to the persecution of the Jews at the start of the 20th century, that I talked about in chapter 5. In regards to Muslims, there is a notion that there is a grand scheme among all Muslims today to take over the world, known as the concept of Eurabia<sup>26</sup>. The concept appeared in a book written under the pseudonym Bat Ye'or. Her original name is Gisele Littman (née Orebi), an Egyptian born British (Jewish) author and political commentator that wrote a book called "The Decline of Eastern Christianity under Islam: From Jihad to Dhimmitude: Seventh-Twentieth Century" in 1996 and even more books later about the same topic. Sidney H. Griffith (1998) criticises her work as lacking historical method and for being theoretical inadequate. However, her books seem to have made an influence on the anti-Muslim and anti-immigrant movements on the extreme right on the political scale, as the fear of different cultures and its impact on the national culture is still strong in these circles. One often hear arguments by anti-immigrant movements that immigrants from countries where it is still common to have many children and that starts having children at a young age, might outbreed the ethnic Norwegian and the result will be that their culture will domineer the cultural image in the country<sup>27</sup>. This is one of the arguments used in relation to Eurabia, next to the argument of how the Muslim community is

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<sup>26</sup> Eurabia discussed in a Norwegian news article <http://www.bt.no/meninger/Angsten-for-Eurabia-1774224.html>  
A blog in english with an article about Eurabia <http://www.theaugeanstables.com/reflections-from-second-draft/eurabia/> (accessed 6.3.16.)

<sup>27</sup> Example of anti-immigrant statements: <http://www.nrk.no/norge/ser-pa-islam-som-en-trussel-1.7847186>  
and <http://www.aftenposten.no/meninger/kronikker/Trussel-mot-velferden-6484556.html>  
and <http://www.sian.no/artikkel/islam-er-en-trussel-mot-norsk-kultur> (all accessed 6.3.16.)

planning to take over the world. These arguments are now widely spread by people that are convinced this is the truth. Like the fraudulent document called the protocols of the elders of Zion that was promoting the thought that the Jews were planning to take over the world, this book is proclaiming that the Muslims are planning to take over the world. Eurabia is the result of the synthesis of Europe and the Arabic world after they take over Europe. The danger is if this is used in political sense as an excuse to exclude, evict and in worst-case scenario annihilate all Muslims residing in the western society. The evil that Ulrich Beck (2009) is talking about in world risk society is in this context designated to the Muslim populations, and Muslims are talked about as if they are part of one large organism with no individual thoughts and opinions. The evil risky foreigner in the image of a Muslim is often portrait by anti-immigrant movements as sneaking his/her traditions in to Norway that will somehow interfere with the Norwegian traditions<sup>28</sup>. At the same time the common trait of today's society, as part of living in a time of globalization, is embracing foreign traditions that we learn about either on travels or through different kinds of media, especially TV and internet. We want to take part in what seems like fun, cosy or romantic traditions in other countries. Especially if they are coming out of American TV-series and movies. The Norwegian culture has already been thinned out from American pop culture. This is quite apparent in my street where the kids are choosing to walk door to door on Halloween<sup>29</sup> instead of New Years eve<sup>30</sup> dressed up in costumes expecting candy.

In public debate today, the Muslims are often dominating the sphere of immigrants that are portrayed as risky foreigners. The risky foreigner is however not only a Muslim in regards to the laws regulating mobility. The risky foreigner can have many different nationalities, as I will show in 6.3 where we will see that in the eyes of the law it is most often poor people that is inflicted the most when it comes to who is excluded from the rights to enter the country.

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<sup>28</sup>A Norwegian politician talking about her concern Islams culture will interfere with the Norwegian way [http://www.dagbladet.no/2009/02/21/nyheter/politikk/innenriks/frp/siv\\_jensen/4966977/](http://www.dagbladet.no/2009/02/21/nyheter/politikk/innenriks/frp/siv_jensen/4966977/) (accessed 6.3.16.)

<sup>29</sup> Halloween has not been celebrated before recent years in Norway. It is a foreign tradition, although originally Irish it is most often connected to the lavish American tradition that we see on TV.

<sup>30</sup> Dressing up as "julebukk" or "nyttårsbukk" is an old tradition in Norway. In some parts of the country they are dressing up during the week of Christmas or as here in Bergen, on New Year's eve. The purpose is to get treats often received after singing Christmas carols.

### 6.3 The risky foreigner and today's passport system

When it comes to controlling mobility, the main focus is on controlling mobility of people from foreign countries that wants to cross the borders in to Norway. However, there is a difference in how these people are treated at the border, as some nation states have special agreements with Norway that can affect both the need for a visa and the need for a permit to stay or work in Norway. When looking at *utlendingsloven* (2008) (immigration act) there is a clear difference in the different types of rights based on where you are from. Nordic citizens have automatically permissions to reside or work in the country, and does not need to apply for any permissions according to § 5. § 5 is stating that citizens of Nordic countries (Sweden, Denmark and Finland) is exempt from § 55 of needing a permit to stay and work in Norway for foreigners. § 5 is also informing that the king can make exemption for citizens of other countries too from § 55. People from EU/EEC has the right to work, study and reside in Norway, but needs to register if they are staying more than 3 months. According to § 109-112 they can enter the country before applying for any permissions. This let them be able to look for work for 3 months, before they need to apply for temporary residency. According to § 60 (about the length of residency) and § 62 (about permanent residency), After 3 years living and working in Norway, foreigners that has stayed and worked in Norway for 3 years can apply for permanent residency and technically stay forever without applying for more permissions. Although the term *permanent* residency is only *relatively* permanent, because if you leave the country for 2 years you can risk to lose the permanent residency regardless of the life you have built up. The family of a EU/EEC citizen that is residing in Norway can join him/her without many restrictions according to §113. If a person is from outside Europe he/she has to apply for many more kinds of permissions, and family reunification is not guaranteed as according to *utlendingsloven* (2008). I will come back to this later in this section, when looking at the ranging of nationalities according to UDI.

The passport system is determining the level of freedom of movement of people with different citizenships and the level of risk that is attached to the different nationalities. The passport and the passport system is based on the thought that the nation-states needs to protect itself against foreign threat, whether this threat is in the form of an enemy nation-state or individual people - the risky foreigner - that can threaten the nation-state from within in different perceived ways when or after crossing the border. This has resulted in a perceived need to control people's mobility across the border. Some immigration is wanted and some is

unwanted. One of the dominant issues in more developed countries today, is how many migrants and which kinds to accept (Cornell & Hartmann, 2007). This is evident when reading the regulation about foreigner's access and stay in Norway (utlendingsforskriften, 2009). The regulation, which is referring to the immigration act (utlendingsloven, 2008), is giving more details about the rules of visa in the passport.

The Norwegian Directorate of Immigration (Utlendingsdirektoratet from now on called UDI) is the department that is responsible for organising the legal and wanted immigration at the same time as they are controlling immigration, and regulating unwanted immigration. They are implementing the immigration policies that the sitting government sets. I have been looking at the policies of how immigration is organised in to permissions to enter the country depending on what citizenship a person has. I have interpreted these permissions (and rules to get these permissions) in to what kind of status a passport has. Below in figure 15 I have made a table of the different levels of status different nationals have, determined on the likelihood to get their visa application denied or accepted to travel to Norway.

Figure 15 Table of the region based difference of status of passports

<b>Region</b>	<b>Finances</b>	<b>Education</b>	<b>Job offer</b>	<b>Status</b>
<b>Nordic</b>	Yes/No (N/A)	Yes/No (N/A)	Yes/No (N/A)	HIGH
<b>EU/EEC - tourist</b>	Yes/No	N/A	N/A	HIGH
<b>EU/EEC - job</b>	Yes	Yes	Yes	HIGH
<b>EU/EEC - job</b>	Yes	Yes/No	Yes/No	HIGH
<b>EU/EEC - job</b>	No	Yes/No	No	MIDDLE
<b>Visa ex. - tourist</b>	Yes	N/A	N/A	HIGH
<b>Visa ex. - job</b>	Yes	Yes	Yes	HIGH
<b>Visa ex. - job</b>	No	Yes/No	No	LOW
<b>Visa - tourist</b>	Yes/No	N/A	N/A	MIDDLE/LOW
<b>visa -job</b>	Yes	Yes	No	MIDDLE/LOW
<b>visa - job</b>	No	Yes/No	No	LOW

In the column for region, I have divided into groups of nationalities rather than specific nationalities, as this is how the immigration act (utlendingsloven, 2008) is categorising, when presenting the different permission levels of foreigners that wants to cross the borders today. These are people from the Nordic region, EU/EEC region, Visa exempt countries outside Nordics and EU/EEC and the visa compulsory countries. This order is also indicating the first level of ranking the law does when it comes to permissions. The Nordics at the top needs no permissions to enter, the visa compulsory countries needs all kinds of permissions before entering Norway. I have in addition added the purpose the different travellers have to enter Norway - to work or as a tourist. These two different purposes generate different needs of permissions. Three variables can strengthen or weaken a person's chance to be allowed to enter Norway. These are a person's finances, level of education and if he/she already has received a job offer in Norway. The last column is indicating the status of the different traveller's passport based nationality. I am calling the status high, middle and low, and this is referring to how strict rules and regulations are imposed on a person to get the permission they need to enter Norway for either holiday or searching for a job. When the status is 'high' a person needs less permissions or it is relative easy to get these permissions. The variables that seems to be the most important in getting the permissions to travel is, firstly the nationality and then the finances to support oneself during the stay or in the time a person looks for a job. I have included the variable education, as this is particular mentioned and important for some nationals to be allowed work.

This is the general overlook of the rules of visa and permission to come to Norway. In addition when applying for a visa, UDI is informing that during the evaluation of the visa for the visa compulsory nationalities, they will look at the probability for you going back to your home country after the visa has expired. This is why I have set the status of the passports that needs visa middle to low, as it depends on both individual evaluations and where you are from if you will be granted access to Norway. The way they evaluate a traveller is to look at the attachment he/she has to the home country, like if he/she has a job, property and if he/she has a family in the home country. UDI says, the visa will be denied if they think that the probability is high that the person will not return to their country after a period in Norway. This means that they are calculating the risk of the likelihood that a person is not returning to their home country after the visa has expired. They do however inform that if someone is

going to visit parents or children, they will most likely get a visa. If they think the risk is high that a person is not going to return, they can also demand that a reference person is offering 50,000 NOK as guarantee, which will not be returned before the person one is the reference for has returned to his/her home country (Utlendingsforskriften, 2009) Chapter 3. Visa § 3-6 Bank guarantee as condition for visa.

In addition the UDI (2015 a,b,c,d) has developed a colour code which they have divided all the 126 visa compulsory countries (See appendix II in the UDI documents that are arranging the specific nationalities in to a colour code scheme<sup>31</sup>). The colours are red, orange, yellow and green. Using the colours of a traffic light, they are indicating who will most likely be denied access and who will be granted access. They also use the word risk in their letter about visa practises and says: "We believe that older siblings represent less of an emigration risk than younger siblings" in the documents containing visa information about the yellow and orange group (UDI, 2015 b, c).

The colour coded visa obligatory countries is very clearly stating, that the more hopeless your situation is in your home country, the more difficult it will be for you to get a visa to come to Norway, the reason is that the risk is too big that you won't go back when visa expires (See documents in appendix II). This means that these peoples only chance is to seek asylum, but to get asylum you need to prove that you are really in the need of protection. The application process for an asylum to be granted or denied will most likely take you over a year. In the mean time you are not allowed to work, you will most likely reside in asylum institutions if you are not 'lucky' and know somebody that you can stay with. As you cannot work in this period, you are only allowed to wait. The legislation that is controlling immigration is forcing two queues for the visa countries - visa will be granted or queue for asylum.

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<sup>31</sup> In appendix II the UDI documents PN 2012-005, PN 2012-006, PN 2012-007 and PN 2012-008 is attached.

## **7.0 The passport in the past, the present and the future**

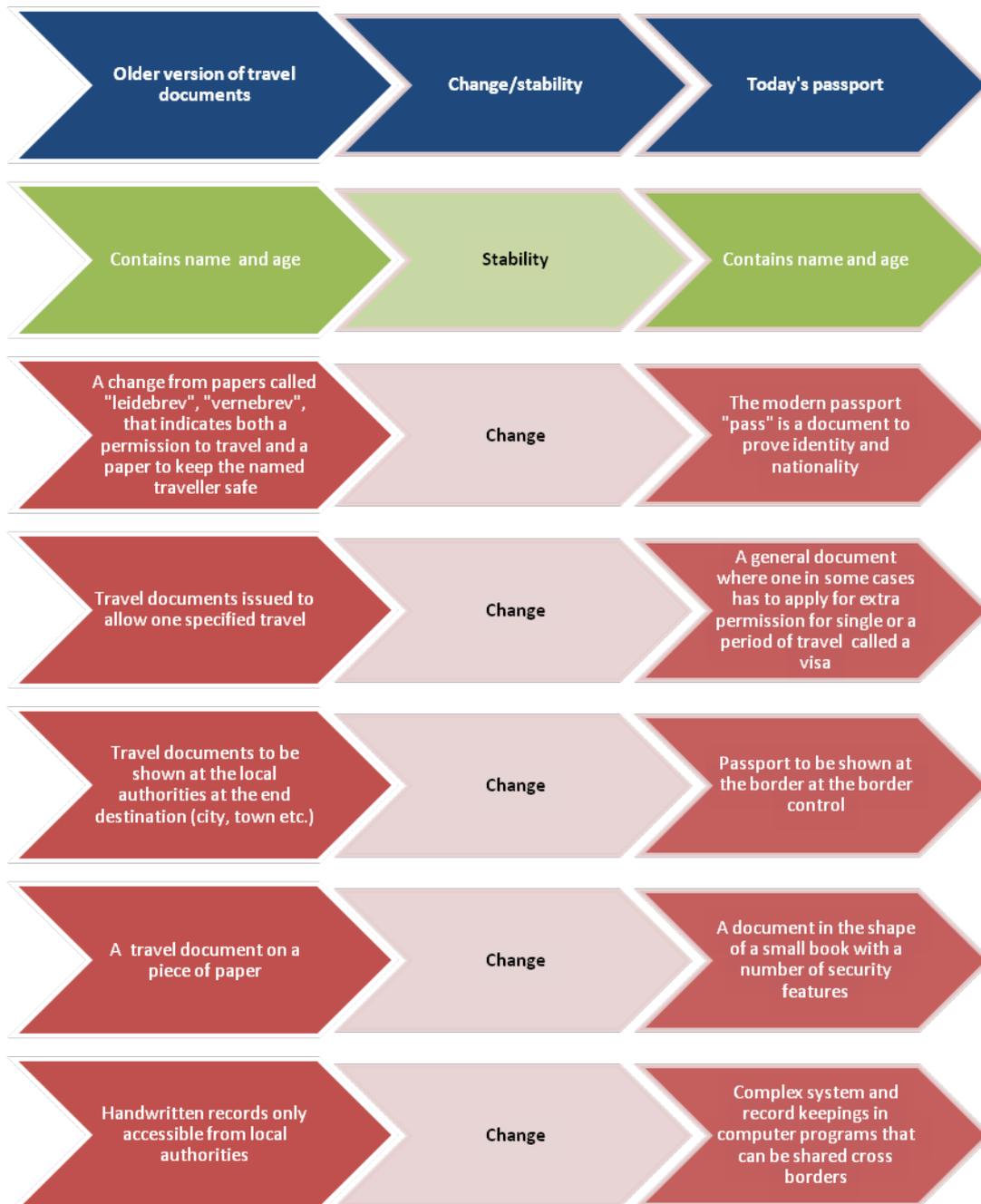
In this last chapter of the thesis, I will summarise the findings of my research and discuss today's system of controlling people's movement. This project started as a wish to identify why people are treated differently at the border, which indicates a difference in the allowance to move around freely in the world. This brought me to look at the passport, as this is one of the first perceived indicators of a difference in treatment of people at the borders today. I have chosen to use a risk perspective as sociological framework in this thesis. When investigating the history of the passport, the risk perspective has helped me to identify the role the passport and the passport system has had in the process of excluding people to certain rights to cross borders through history. I found it particular useful to combine the risk concepts from Beck's risk society and Furedi's risky strangers as this allowed me to look at the passport from a top-down view as I looked at the society that created the passport *and* from down-up view as I looked at the implications the passport system has on the individual. The risk perspective has allowed me to take a critical look at how people's movement have been controlled through time and how the basal human nature of fear is often at the basis of such decisions. By looking at the passport and passport system as products of a society that is constantly trying to predict its future in the terms of risk, it brought me to look at what kinds of fears that is domineering the decisions to keep people out. When adding the concept of a risky stranger and develop it in to the risky foreigner, it brought me to look at how the risk society is characterising the people that are viewed as a risk when crossing borders.

I will start by summarising what has changed and what has not in the passport and passport system, before I will look at the situation today and take a glance in to the future of the passport.

## 7.1 What has changed and what has not

If we look at the research questions I formulated in the beginning, the first concern I had when looking at the history of the passport was looking for what has changed and what has not in the passport system and the passport itself. The travel document has changed a great deal through time. Figure 16 summarises these changes and is showing how the appearance, the purpose and the way of controlling movement has changed.

Figure 16 changes/stability to the travel document



When looking at the figure it gives an indication of one of the most dramatic changes linked to the passport that I could find. Namely, how the passport system is moving from a system that used a travel document to give *permission to travel*, thus using the travel document as a way to control risky strangers within the realm. Moving towards today's intricate passport system based on *identification of people*, thus doing risk analysis of all travellers and in addition controlling mobility of the risky foreigners. John Torpey (2000) says that people have become prisoners of their own identity. The passport as an indicator here in the visa versus asylum conundrum, one can understand the value of the passport and the identity connected to it when one see how a nation-state can divide people into groups of wanted and unwanted migration. The fourth research question was related to this grouping of wanted and unwanted migration, and I asked if and how the state was categorising the different nationalities in to wanted and unwanted. As we have seen, the state of Norway is arranging the visa compulsory countries in to a code system, which respectively indicate the probability for getting the visa application denied. Taking a step back and asking the question, why is it 'normality' to distinct between groups and nationalities? What is the 'humane' behaviour or attitude behind this action to divide and make borders between groups? If we look at ethnicity as the essence in such division, social anthropologist Fredrik Barth says ethnicity exists when real or imagined traits in a group is added a meaning and given attention (Referred to in Kjeldstadli & Brochmann, 2014). A real trait can be language or looks. An imagined trait could be that they all have the same values. The borders are drawn to divide "us" and "them", and the actors' rational choice to divide people in to "us" and "them" are done to put their own interests first (ibid.). Using a risk perspective in this thesis has helped putting a label on what is happening in the processing of visa applications, namely risk analysis of people based on nationality. The different nationalities are directly linked to certain risks based on the general situation for people in certain countries. The risk is indirectly linked to a person due to the passport and nationality of this person. Using the risk perspective has led this research in to the discovery of a change in who is the main target of control in both older times and today and I found it necessary to develop the concept of risky foreigners inspired and based on Furedi's concept of risky stranger. The risky stranger I interpret as a stranger that can be anyone, while the risky foreigner is directly linked to who is looked at as the risky stranger at the borders today. Today's system also wants to control risky strangers like in the past, and is doing that by using complicated computer programs that can indicate risky strangers in advance and do risk analysis while people are travelling. However, when it comes to controlling mobility, I have showed that the eyes are on the risky foreigner. The grouping of

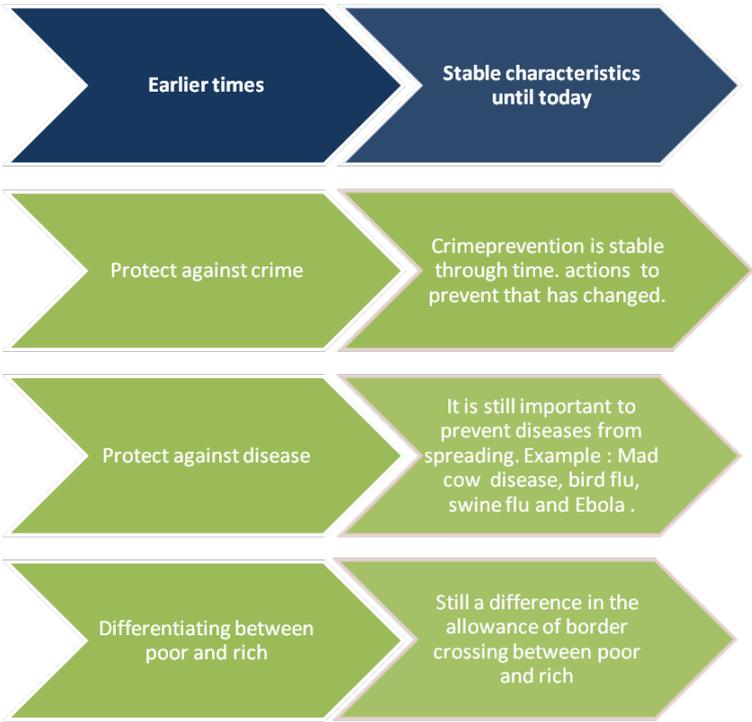
the different nationalities in to "risk" groups today, or even groups of "risky foreigner" tells us that the ones that has more or less stable lives in their home countries is of low risk, as they will probably not 'flood' to Norway and be a risk to our welfare state. The struggle in tiny boats across the Mediterranean over to Europe is for some people the only chance to improve their social mobility, for others it might be a need to have the ability to move freely around geographically, a need to reconnect with people that are already on the other side of the ocean. They have become prisoners of their own identity, and the western world is their keeper when putting a risk label on people based on their nationality and their passport.

Going back in time, the passport used to be a handwritten piece of paper and was issued from where you were travelling from, that you were allowed to travel to a certain destination. The record keeping of coming and goings of people was done locally by the authorities issuing and receiving passports. This is far from how we know it today. The system placed already at the borders will help to easy register or reject the risky foreigner at the border and arrest or do a more thorough search on the general risky stranger. However, we have to remember that it is just in the last decades that the system has become this complex. The technology of computers, databases and computer programs that allows a constant flow of information to and from the border officials today is still a young practise, even though the development within technology makes it seem as an old practise. In the 1980ies when going on holidays with my family, my name was just handwritten in my mother's passport, there was no picture of me, just a description of my appearance. Later when getting my own passport, the picture was stapled in the passport, and most of the information in the passport was handwritten. The border official's only knowledge of me was what he could read from the passport. Slowly, but steadily the system has changed until we now have a passport that has all kinds of information, many that we no longer can see with the naked eye, and all kinds of security features to ensure that it is hard to falsify it. When we want to travel by plane both the comings and goings are noticed *before* the travel take place, as we have to identify ourselves when buying a ticket to travel (Bennett, 2005). At the airport today, the police are using all kinds of programs designed to pick out possible "threats" (risks) among the travellers (Lewis, 2005). The programs will use an algorithm that has been pre entered by the programmer, and it will help the system flag potential criminals in the list of passengers. After the 11 September 2001 attacks, we have become more obliging to all kinds of security measures at airports. We are even contemplating other kinds of intrusion to our privacy like allowing governments to store more data about our activities and us. This will allow the governments

to do risk analysis about us all, in other words; conduct surveillance of us all. One of the hot topics in airport security is surveillance of people, but hidden in a candy wrapper called biometrics. At a glance, it might seem harmless enough when you are applying for a passport that they take your fingerprints, scan your retina and face. The biometrics in passports is made to protect our passports from being misused by terrorists or other criminals, and it will be harder to make a fake passport. However, slowly and steadily more and more information about our person is “hidden” in our passports and connected with our identity. What is next I wonder, our DNA profile? Moreover, how can we prevent this information to be misused by anyone?

The most obvious reason for all this technology today is crime prevention. Crime prevention is one of the most obvious characteristics that are stable through time. The change regards to crime prevention is the actions to prevent it. Today this can happen both at the physical border or by eviction after entering. The figure 17 under looks at the stable characteristics of border control through time.

Figure 17 Stable characteristics of the reasons for border control through time



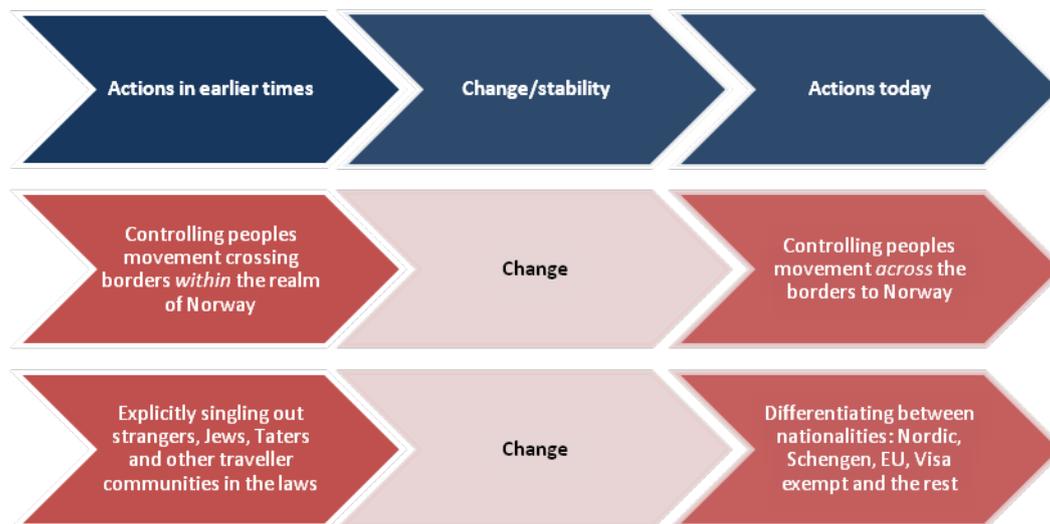
Another stable character is to prevent disease from spreading. As I talked about in the previous chapter, recent illnesses that created an alert when travelling was Mad cow disease,

bird flu, swine flu and Ebola to mention a few. In the case of both health and crime, we are all a potential risky strangers at some extent, although criminal activity like terrorism is most often connected to the risky foreigner. The health risk is also different when discovered on a foreigner. The foreigner can be rejected and in theory sent back to the country of origin. A friend of mine that recently flew through Turkey, could tell me about machines that measured a person's temperature before entering security at the departure. In this case, a traveller would not be allowed to enter the plane if the fever was suspected to be for example swine flu.

It has become apparent after reading the different laws of both earlier days and today that people with money or social status is favoured when issuing laws of travel rights that will protect their travel or grant them the rights to settle. The risky stranger from earlier times was typically often a poor person as well or at least one that did not own land and therefore had obligations to the higher classes in society. Today the risky foreigner is in the focus when crossing borders, as I showed in the previous chapter a categorisation of nationalities will determine if you have the "right" passport or not, and if you will be granted access to Norway or not. The ones perceived most as a risk are either poor people or people with low status regardless of their background.

When comparing the actions to control mobility, I found two major changes, as shown in figure 18 on the next page. The first is a change from controlling people's movement across borders within the realm to controlling peoples movements across the borders in to Norway today. Meaning the authorities has in older times looked at common people as a threat to the social order and therefore wanted to control their mobility. This is very apparent in the case of minorities like the Tatars and Jews, who often were singled out in law text and decrees from several kings ruling Norway, and has through time been persecuted.

Figure 18 Table showing changes in actions taken at borders through time



Explicitly the religion is not an issue anymore today when it comes to the law, although travellers are reporting that they are singled out due to their foreign look (that some feel is connected to the perception of who is connected to a certain religion), skin colour or their name, even if they have European passports. I have not found much research that has investigated such statements, so that is something that should be addressed in the social sciences more thoroughly. The border control is not registering every time somebody is stopped and checked so it is difficult to investigate statistically. As I have pointed out, there are still attitudes in today's society that would like to differentiate between people based on religious beliefs and cultural traits, but the law has moved away from such thoughts. The passport system do however still differentiate between people, but instead of targeting a groups based on religion, the system is making a great difference between nationalities. The closer the nationality is in vicinity of Norway, the less permission is needed to enter the country. The visa compulsory, third country citizen's need most permission, but as we have seen there is even a categorisation within the visa compulsory nationalities. The nationalities that are lowest ranked and are viewed as risky foreigners will most likely never receive any permission.

The third research question wanted to look at why Norway implemented the passports system. As we have seen, the growth of the modern passport system is closely related to the growth of the nation states. Although the passport existed in earlier times, I have shown that the character of the passport has changed when we moved in to the modern version that is closely

connected to the modern nation state. We have moved from a society that are focusing on preventing itself only from risky strangers to focus on risky foreigners that wants to cross the borders in to the country. Today the governments are seeking to protect the nation-state and its citizen's interests and well-being by guarding the borders of its territory using complex methods and different technologies, which allows cross-national cooperation and sharing of information. Border control has therefore become much more than guarding the border and denying/permitting access to the country. The new technology opens up for tracking the movements of any individual traveller, meaning a potential surveillance of all travellers. This way the nation-state can still have control of the individual freedom of movement even for the citizens that can enjoy most of this freedom. A freedom that according to John Torpey (2000) is based on an identity that is created, authorized and administered by the nation-state. Torpey emphasise that the usage and acceptance of the passport (and ID's) is a proof of the success the nation-states have in monopolizing the freedom of movement, as the identity that we have is provided to us by the nation-state we belong to. We have therefore become dependent of the nation-states for the possession of an identity. Furthermore, the usage of an identity document like the passport is revealing the nation-states suspicion that we all would lie about our identity when asked who we are, and the usage of passports discourage us from taking other identities than the one provided to us from the state we belong to (ibid.).

## **7.2 Last contemplations**

*"We are here together, and we need to live together with tolerance and respect. We must become global citizens. Our only boundaries are the way we see ourselves. The only borders, the way we see each other..."*

- Stephen Hawking, 2015

I have looked at the past and the present lifecycle of the passport. What is the future going to look like? We live in a society where nearly every element of everyday life is measured within the parameter of risk. We are constantly reminded about anything that potentially can be of a threat to our lives or our ways of living. The term risk refers to a perception of danger, and does not necessarily reflect a real danger, only a perception of a *potential* danger. Today we try to calculate the level of risk and the probability of an incident to happen or not to happen. At the basis of all this risk measurement is one of the most basal instincts in a human

being - fear. Is this fear always well founded? When we base our actions on fear, we are bound to make some wrong choices along the way. Fear of the unknown - or the non-knowing as Ulrich Beck (2009) calls it - or anybody unknown can inhibit us to help other people in need - or view them as a risky stranger or risky foreigner. It makes us stand frozen, just watching people die on the street or at the border, or in worst case, we can try every means to stop them to come all together, and even shoot people dead in fear of letting them cross in to our territory. Who have the right to decide who can and cannot be allowed to pursue a better life? Our children and the coming generations inherit our fears. Is this to be our legacy? I grew up in the time of the cold war. A time when there was a standstill between superpowers, and for a young impressionable girl the hypothetical red button that could unleash all the atomic bombs in the world and wipe the face of the earth clean, was a very real and scary image. In 1989, when the wall came down around Berlin and marked the end of the cold war, marked a change in our world. So we thought. I remember a sigh of relief that we all were a little bit safer from a great disaster. Now we are here at a similar but a slightly different crossroads, one between many coming decisions that can make or break the new kinds of conflicts in this world. All the countries in the world have the same concern - how to defeat the increasingly violent and constantly spreading terror networks. Is it by regulating the freedom of movement even more, when it is more likely it will hit innocent people more than the criminals? These terror attacks are already confirming that these regulations do not work. The people with high motivation to do criminal actions will find the way to cross borders even if it is by radicalising citizens of the nation-state they want to target or by buying a new identity or a passport looking like its issued by this nation-state. The only way to defeat them is by high-level cooperation between nation-states, and this has to be done in a different way than with a passport system, and emphasise a society that is not built up by nation-states that keeps their own interest at the top of the list, but have all our interest at heart. Ulrich Beck (2009) argues with his thoughts on a world risk society, that the nature of this new kind of threat that terror networks are imposing, that the nation-states cannot fulfil its self-declared constitutional promises - to keep their citizens safe. The unpredictable threat that this new form of threat is imposing is different from the "traditional" forms of threat where a nation-state is threatening another nation-state, and therefore cannot be fought with traditional warfare. Beck (2009:39) argues that the suicide terrorism has reached a cosmopolitan level, and is exploiting the difference between possible threat and actual catastrophe. A catastrophe as a result of a terrorist attack is not fixed in time, to a space or socially - it's omnipresent - it can happen anywhere, anytime and to anyone (ibid). These thoughts contests the very idea of

the nation-state, and there is a great need for a transformation of the ideology that today's society is built on, to one built on cosmopolitanism, where the common thoughts are based on that we all belong to the same community. A community where we all can enjoy a friction free mobility. Whoever we are, from wherever we are. Ulrich Beck (2011) had a sociological vision and a mission, as he himself described it, for a paradigm shift toward a cosmopolitan sociology. Where the new global risks mix the native with the foreign and create an everyday global awareness (ibid.).

Where does this leave the passport and the passport system? The matter this thesis is concerned with is the attachment of a nationality to identity, as this seems to be a great part of the risk perception both in the computer systems and physically at the borders today. In addition, the visa rules that are in place today is producing high volume of criminal activity through human trafficking. Today's rules and passport systems production of criminal activity is at the cost of countless of innocent lives, and the number is probably as high as or maybe even higher than the number of people killed in terrorist attacks. Many groups of people are in need to better their lives, and they are to be found in many different countries. Many of these are not able to move at all, due to all the restrictions in the visa requirements in the passport system. Many people's only hope is the system of human trafficking. That is what needs defeating, not the general foreigner. After all, as all strangers are not risky stranger, not all foreigners are risky foreigners. What would happen if the borders were open? Moses (2006:4) says:

*"Free migration has the potential to deliver the sort of economic, political and social gains that are necessary for establishing our personal and cultural security while deterring terrorism around the world".*

If one look at today's system and the struggle some people has to go through with the costly and life-threatening ways of human trafficking, that has most likely involved their whole family or even community scraping together money, so this one person can go abroad and get a job to support the ones left behind. When they are not succeeding, some are ending up as illegal immigrants, as they do not return home. As Sandberg & Pedersen (2007), showed in their research of hashish dealers in Oslo, some of these illegal immigrants are turning to criminal activity as for example hashish dealers, as they need to earn money somehow. What if these people had the access to travel easy as many others have and could hop on a cheap

flight to Europe with airlines like Easyjet or Ryanair. Two things might be the outcome. 1 - They get lucky and get in to the job market. They can pay tax and contribute to the welfare state. 2 - They discover for themselves that the job market is not that easy and return home on a cheap flight with a lot less shame than returning to a community that has literally put all their money in to this one hope. Instead, today many people are trying their luck in the asylum system, which is a very costly affair for the nation states. The application process takes a long time, and means funding people's lives while they are sitting waiting for an approval or rejection. They are not allowed access to work in the same way other foreigners have - so instead of contributing to the welfare system, they are draining it.

Another matter regarding the passport system is one that affects us all, namely all the security that is connected to the passport when crossing borders today. Most of us travelling are not happy about the fact that we are treated as criminals at the border, but we obediently oblige to all the new security measures due to all the potential risks presented to us. This has made us all part of the work to legitimise the system of controlling peoples mobility. In the time we are living in, the information age, we cannot seem to escape the need for an identity and a proof of it. To identify our identities, biometrics is now a standard in the passports. On one hand it protects our individual identities for not being stolen, on the other hand it is a backdoor to surveillance of the movements of us all. There are also questions raised about all the other systems connected to border control. When the border official is scanning your passport, there is a lot of "hidden" information about you that shows up on his computer screen. Your identity can be tagged as unwanted in certain areas of the world and the border officials can quickly pick you out and deny you access. Some are debating that these system are also programmed to pick out *potential* harmful individuals. The worst-case scenario would be the pernicious way of weeding people out as in the registration of the Jews during the WWII, only this time all the information needed is already collected and people can be tagged as unwanted in all the computer systems and easily be picked out and identified.

For security reasons, as the increased terror threat has shown a need for, border control still have to exist in some extent. It would be naive to think different. However, there is a danger of excluding harmless people when using the passport as indicators of risk. We have to remember there is a difference between risk, disaster and catastrophe. Risk is an anticipated event while a disaster or a catastrophe is an actual event. At the core of risk analysis and its outcome, is the staging and anticipation of a catastrophe (Beck, 1992, 2005, 2009). Several

leaders of European countries alerted in the aftermath of the terrorist attacks in Paris in November 2015 stricter border controls also within the EU/EEC and Schengen<sup>32</sup>. This after three of the terrorists has been reported coming with the refugees from Syria in to Europe and that some had forged European passports. The general thought seems to be that there is a high probability that more terrorists is hiding among the refugees. In Norway, since the terrorist attack in Paris in late 2015, we have seen border control in places that there has been no border control in nearly 60 years. Everyone that is travelling from Sweden or Denmark with a boat, bus or a car has had to show a passport at arrival in the country. This costly operation is staged by the sitting government in the anticipation of a probability of terrorism in Norway, at the same time the focus is on a target of getting less asylum seekers to the country. The border control in the cloak of protecting us against terrorism is breaking the obligation to help refugees, as the border control is also there to slow down the amount of asylum seekers coming to Norway. Frank Furedi (1997) talks about the decline in trust in a society that is magnifying the risky stranger by constantly focusing on the rare and scary incidents caused by strangers, like for example mass murderers. Furedi continues to say that the fear of strangers and risks are proportional to the decline in trust. When adding the terror aspect of the world today, the fear and perceived risk in the aftermath of terror attacks is increasing the mistrust in foreigners that wants to cross the border - and many will be transformed in to a risky foreigner when evaluated in the passport control or the security checkpoints at the borders. The amount of refugees coming from an area where terror networks are breeding new generations of terrorists has increased the fear of refugees. The result has been hasty decisions on making the borders harder to cross for people that need protection<sup>33</sup>. Recent terrorist attacks both in Paris 2015 and now in Brussels in 2016 shows that the enemy is also found within the nation states and cannot necessarily be stopped at the border and identified with nationality and passport.

While the western nation-states, Norway included, is looking at their citizens as individuals with needs and in need for protection, the citizens from nation-states outside what we would call western, is often *not* looked as individuals by the western nation-states. They are viewed as belonging to a group with certain characteristics and the nation-state do not separate between the different individuals at first glance. People with Muslim names or perceived as Muslim-looking, even the ones with western passports, have reported to feel more scrutinized

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<sup>32</sup> <http://www.adressa.no/nyheter/utenriks/article10531340.ece> (both accessed 6.3.16)

<sup>33</sup> <http://www.aftenposten.no/nyheter/iriks/Strengere-grensekontroll-pa-grunn-av-asylstrom-8174811.html>

than other western looking ones at the security checkpoints and passport controls. The increased anti-Muslim and increased right extreme thoughts have ever since 2001 only grown stronger. The thoughts are quite similar to the increased anti-Jewish and the increased right extreme thoughts after the First World War. The only change is the group that is a target and are blamed for all that goes wrong in society and looked at as the risky strangers or risky foreigners. We have even seen in the American presidential campaign that one of the contestants from the republican side, Donald Trump, have suggested that all Muslims should have identity cards<sup>34</sup> marked as Muslim. Just like the Jews were marked during the holocaust.

In Norway, there is since the new sitting government consisting of two political parties from the right wing, Høyre and FRP, which the latter would be considered the most extreme right of the political parties here in Norway, been a regular public update about the risk of terror in Norway. The perceived risk of terrorism that the PST is reporting is mostly linked to people of the Muslim conviction<sup>35</sup>. The enemy within is therefore not to be seen as an ethnic Norwegian, with the exception if he/she has converted to Islam, but as potential terrorist among the Muslim community inside Norway and external enemies from outside Norway. Both would translate in to a risky foreigner. This regular update of the potential terror threat keeps staging and anticipating potential scenarios of what disasters that could happen, and raises the anticipation in the population of such events to occur sometime in the future in Norway. This staging and anticipation of a catastrophe is resulting in Norwegians accepting the fact of new security measures. Ulrich Beck says that a risk society will continuously seek to prevent future disasters by calculating risks, the result is that the risks the nation states wants to predict and prevent are the extreme cases of what can happen. In most cases these extreme cases is low in probability, but of high consequence if it should happen. This state of trying to defeat what Beck calls the non-knowing is what is the great paradox of the world risk society (Beck, 2007, 2009). This makes the line between who is the real "evil" and "the other" that the evil hides behind, makes "the other" becomes perceived as "evil". The view becomes blurry and confusing and the trust in "the other" decreases rapidly. The other

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<sup>34</sup> Donald trump about muslim identity cards: <http://www.dailymail.co.uk/news/article-3328051/Pro-refugee-protests-nation-Donald-Trump-s-Nazi-plan-register-Muslims-Ben-Carson-calls-people-fleeing-Syria-rabid-dogs.html> (accessed 6.3.16.)

<sup>35</sup> Udate of the level of threat by PST <http://www.pst.no/media/utgivelser/oppdatering-av-trusselbildet/>  
<http://www.pst.no/media/utgivelser/trusselvurdering-2015/>  
<http://www.pst.no/media/utgivelser/norske-fremmedkrigere-i-syria/> (all accessed 6.3.16.)

becomes a risky foreigner, regardless of the background due to his passport and the perceived risks connected to it.

If the nation states continue to look at people that want to cross borders in terms of risky foreigners, the worst-case scenarios is reversed globalisation where borders are built higher and more fortified between nation states that today are friction free. In the end, this means that people that can enjoy the freedom of movement today also might experience this freedom revoked. The freedom of movement will then be reduced to a passport problem as Jaffe (1956) pointed out in the time after the WWII when the restrictions on travels were affecting everyone.

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<https://lovdata.no/dokument/NL/lov/2008-05-15-35?q=utlendingsloven>

## Appendix I - List of Research Material

From year	Main research Material	Support to research material	Reference	URL
	1	2		
1388-1447	Norges gamle love, Anden række Bind 1		Norge & Absalon Taranger (1912)	<a href="http://www.nb.no/nbsok/nb/7f80afd5a6e2cdd0d6283cbced242ad9.nbdigital?lang=no#0">http://www.nb.no/nbsok/nb/7f80afd5a6e2cdd0d6283cbced242ad9.nbdigital?lang=no#0</a>
		Norges gamle love. Anden række 1b : 1388-1447 Registre	Norge & Oscar Alb. Johnsen (1912)	<a href="http://www.nb.nohttp://www.nb.no/nbsok/nb/4b3c8e642888da4452b835f2f8f1e067?index=14#0/nbsok/nb/4b3c8e642888d">http://www.nb.nohttp://www.nb.no/nbsok/nb/4b3c8e642888da4452b835f2f8f1e067?index=14#0/nbsok/nb/4b3c8e642888d</a>
1687	Christian V's Norske lov (Norwegian law)		NL (1687)	<a href="http://www.hf.uio.no/iakh/forskning/prosjekter/tin gbok/kilder/chr5web/chr5register.html">http://www.hf.uio.no/iakh/forskning/prosjekter/tin gbok/kilder/chr5web/chr5register.html</a>
1814	Grunnloven (the constitution)		(Grunnloven, 1814)	<a href="https://www.stortinget.no/no/Stortinget-og-demokratiet/Lover-og-instrukser/Grunnloven-fra-1814/">https://www.stortinget.no/no/Stortinget-og-demokratiet/Lover-og-instrukser/Grunnloven-fra-1814/</a>
2008 (last revised in 2016)	Utlendingsloven (Immigration act)		Utlendingsloven, 2008	<a href="https://lovdata.no/dokument/NL/lov/2008-05-15-35?q=utlendingsloven">https://lovdata.no/dokument/NL/lov/2008-05-15-35?q=utlendingsloven</a>
2009 (last revised in 2016)	Utlendingsforskriften (Immigration regulations)		Utlendingsforskriften, 2009	<a href="https://lovdata.no/dokument/SF/forskrift/2009-10-15-1286?q=utlendingsforskriften">https://lovdata.no/dokument/SF/forskrift/2009-10-15-1286?q=utlendingsforskriften</a>
1983		NOU 1983:47 Fremmedloven	NOU 1983: 47	<a href="http://www.nb.no/nbsok/nb/dd487cc25c54cf05ab8676c42d911415.nbdigital?lang=no#0">http://www.nb.no/nbsok/nb/dd487cc25c54cf05ab8676c42d911415.nbdigital?lang=no#0</a>
1997 (Last revised in 2015)		Passloven (The law of passports)	Passloven, 1997	<a href="https://lovdata.no/dokument/NL/lov/1997-06-19-82?q=passloven">https://lovdata.no/dokument/NL/lov/1997-06-19-82?q=passloven</a>
1994		NOU 1994:13 passloven	NOU 1994: 13	<a href="http://www.nb.no/nbsok/nb/cda62503253146febbe361dd7ed651ef.nbdigital?lang=no#0">http://www.nb.no/nbsok/nb/cda62503253146febbe361dd7ed651ef.nbdigital?lang=no#0</a>
2015		NOU2015:7 Assimilering og motstand	NOU 2015: 7	<a href="https://www.regjeringen.no/no/dokumenter/nou-2015-7/id2414316/">https://www.regjeringen.no/no/dokumenter/nou-2015-7/id2414316/</a>
2016	UDI documents PN 2012-005 PN 2012-006 PN 2012-007 PN 2012-008		UDI, 2015 a, b, c, d	<a href="http://www.udiregelverk.no/en/news/changes-in-the-visa-practice-memos">http://www.udiregelverk.no/en/news/changes-in-the-visa-practice-memos</a>

## **Appendix II - UDI documents**

document id: PN 2012-005, PN 2012-006, PN 2012-007 and PN 2012-008 found on the official site of UDI <http://www.udiregelverk.no/en/news/changes-in-the-visa-practice-memos/>

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**UDI memos on practices and procedures**


<b>Document-ID :</b>	<b>PN 2012-005</b>
<b>Case-ID :</b>	15/07244-1
<b>Last modified :</b>	09.12.2015
<b>Documentdate :</b>	23.11.2015
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### Visa practice for the green group

This practice memo provides guidelines for the processing of applications for Schengen visas (visitor's visas) to Norway for nationals of the following countries:

Bahrain, Belize, Bolivia, Botswana, Cambodia, Cape Verde, China, Comoros, Ecuador, Fiji, Indonesia, Kazakhstan, Kiribati, Kuwait, Laos, Lesotho, Maldives, Marshall Islands, Micronesia, Mozambique, Namibia, Nauru, Oman, Papua New Guinea, Peru, Qatar, Russia, Saudi-Arabia, Solomon Islands, South Africa, Surinam, Swaziland, Thailand, Tuvalu, Ukraine, Zambia.

### Who is eligible for a visitor's visa?

Visitor's visas to Norway are subject to an entitlement provision. In principle, all applicants are entitled to a visitor's visa. Most applications are therefore granted. There are several requirements that must be met in order to be granted a visa. One of the conditions is that immigration regulatory considerations must not be an obstacle to a visa being granted. This means that we consider whether the applicant will return home after his/her visit to Norway. With this practice memo, we wish to clarify how we assess immigration regulatory considerations for this group.

As a rule, a visitor's visa to Norway is valid for the whole Schengen area. For more detailed information about the conditions for being granted a visa, see our general practice memo [PN 2010-021](#).

### All applications shall be assessed individually

The immigration administration shall always carry out a concrete assessment of immigration regulatory considerations in relation to each individual application. When we are to decide a visa application, we consider whether it is likely that the applicant will return to his/her home country after the visit to Norway. In this assessment, we consider the general conditions in the applicant's country/region, and we look specifically at the applicant's own situation (individual circumstances). If we believe that there is no reason to doubt that the applicant will return after the visit, we will grant the applicant a visa. We will reject the visa application if there is reason to believe that the applicant will not leave the Schengen area when the visa expires. If we believe that the general and individual circumstances indicate that the applicant will not return after the visit, specific considerations (welfare considerations) may nonetheless lead to the visa application being granted.

### General situation for the green group

We believe that the economic, social and/or political situation in these countries indicates that there is generally a very limited emigration potential to Norway and the Schengen area. This is an experience-based assessment. We consider the level of conflict in the country, the number of asylum applications to Norway and Schengen, the living conditions in the country, the practice in other Schengen states, and our experience of visa applicants from these countries.

As a rule, visa applications for this group will be granted.

### Individual circumstances

The applicant's specific situation in his/her home country may increase the likelihood of him/her returning after the visit. Here, we look at the applicant's age, whether he/she is employed, has a family in his/her home country, owns property and has financial/social obligations. It is also relevant whether the applicant has held a visa before and met the visa conditions, and whether members of the applicant's close family have emigrated.

### Practical guidelines – welfare considerations

Even if the applicant comes from a country where the general conditions indicate an emigration potential, the purpose of the visit may nonetheless mean that the visa application is granted. Below is a basic model for visa practice for different groups of applicants.

**Latest changes**
**Changed: PN 2012-005 Visa practice for the green group** (12/9/2015)

Palau has been removed from the list of countries whose citizens must have a visitor's visa to Norway. We refer to that Palau has been added to the list in Annex 5 to the Immigration Regulations of countries that are exempt from the visa requirement with effect from 8 December 2015.

**Endret: PN 2012-005 Visumpraksis for grønn gruppe** (12/9/2015)

Palau er tatt ut av listen over land hvor borgerne må ha besøksvisum til Norge. Det vises til at Palau ble lagt til listen over visumfrie stater i vedlegg 5 til utlendingsforskriften med virkning fra 8. desember.

**Changed: PN 2012-005 Visa practice for the green group** (12/3/2015)

Tonga and Colombia have been removed from the list of countries whose citizens must have a Schengen visa (visitor visa) to Norway. EU signed an agreement on visa exemption for Tonga on 20 November 2015 and with Colombia on 2 December 2015. The EU has given the agreements provisional application as early as one day after signing. Norway implements visa waiver together with the EU's provisional application of the agreements, namely on November 21 for Tonga and 3 December for Colombia. See Appendix 5 to the Immigration Regulations, list of visa-free states.

**Endret: PN 2012-005 Visumpraksis for grønn gruppe** (12/3/2015)

Tonga og Colombia er fjernet fra listen over land hvor borgerne må ha Schengenvisum (besøksvisum) til Norge. EU inngikk avtale om visumfrihet for Tonga den 20. november 2015, og med Colombia 2. desember 2015. EU har gitt avtalene provisorisk ikrafttredelse allerede fra en dag etter signering. Norge implementerer visumfrihet sammen med EUs provisoriske ikrafttredelse av avtalene, altså 21. november for Tonga og 3. desember for Colombia. Se for øvrig vedlegg 5 til utlendingsforskriften, liste over visumfrie stater.

**New: PN 2012-005 Visa practice for the green group** (11/23/2015)

The practice memo is now available in English.

**Changed: PN 2012-005 Visumpraksis for grønn gruppe** (7/3/2015)

The visa practice memo has been updated. Bahrain and the Union of the Comoros have been moved from the yellow to the green group.

**Endret: PN 2012-005 Visumpraksis for grønn gruppe** (11/3/2014)

Praksisnotatet er oppdatert ved at Kapp Verde er lagt til grønn gruppe.

**Changed: PN 2012-005 Visumpraksis for grønn gruppe** (6/24/2013)

Adjustments are made to the visa practice memos. The following countries are moved to the green group: Botswana, Colombia, the Philippines, Indonesia, Cambodia, Laos, Lesotho, Mozambique, Thailand, Zambia

- Family  
As a rule, a visa will be granted.
- Boyfriends/girlfriends  
The relationship must be permanent, and the applicant must substantiate that he/she intends to return after the visit.
- Business trips/cultural events  
Applications will generally be granted if they appear to be credible.
- Tourism/others  
Can be granted if the applicant has a strong connection to his/her home country.

Please note that the applicant may come from a region within the relevant country that means that the practice for the orange group should be applied. This is for example relevant to regions in Russia and China.

Karl Erik Sjøholt  
Head of Department

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and East Timor.

#### **Visumpraksis for grønn gruppe (7/5/2012)**

New structure for visa practices are categorized into groups. Practice for the 126 visa countries are divided into four categories: green group, yellow group, orange group and red group.

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## UDI memos on practices and procedures



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### Visa practice for the yellow group

This practice memo provides guidelines for the processing of applications for Schengen visas (visitor's visas) to Norway for nationals of the following countries:

Angola, Belarus, Benin, Bhutan, Central African Republic, Cuba, Dominican Republic, Equatorial Guinea, Gabon, Guyana, India, Jamaica, Jordan, Kenya, Madagascar, Malawi, Mongolia, Myanmar, Nepal, Philippines, Sao Tomé and Príncipe, Tajikistan, Tanzania, Togo, Turkey, Turkmenistan, Vietnam, Zimbabwe.

### Who is eligible for a visitor's visa?

Visitor's visas to Norway are subject to an entitlement provision. In principle, all applicants are entitled to a visitor's visa. Most applications are therefore granted. There are several requirements that must be met in order to be granted a visa. One of the conditions is that immigration regulatory considerations must not be an obstacle to a visa being granted. This means that we consider whether the applicant will return home after his/her visit to Norway. With this practice memo, we wish to clarify how we assess immigration regulatory considerations for this group.

As a rule, a visitor's visa to Norway is valid for the whole Schengen area. For more detailed information about the conditions for being granted a visa, see our [general practice memo](#).

### All applications shall be assessed individually

The immigration administration shall always carry out a concrete assessment of immigration regulatory considerations in relation to each individual application. When we are to decide a visa application, we consider whether it is likely that the applicant will return to his/her home country after the visit to Norway. In this assessment, we consider the general conditions in the applicant's country/region, and we look specifically at the applicant's own situation (individual circumstances). If we believe that there is no reason to doubt that the applicant will return after the visit, we will grant the applicant a visa. We will reject the visa application if there is reason to believe that the applicant will not leave the Schengen area when the visa expires. If we believe that the general and individual circumstances indicate that the applicant will not return after the visit, specific considerations (welfare considerations) may nonetheless lead to the visa application being granted.

### General situation for the yellow group

We believe that the economic, social and/or political situation in these countries indicates that there is a general emigration potential to Norway and the Schengen area. This is an experience-based assessment. We consider the level of conflict in the country, the number of asylum applications to Norway and Schengen, the living conditions in the country, the practice in other Schengen states, and our experience of visa applicants from these countries.

Some applicants' applications are therefore rejected.

### Individual circumstances

The applicant's specific situation in his/her home country may increase the likelihood of him/her returning after the visit. Here, we look at the applicant's age, whether he/she is employed, has a family in his/her home country, owns property and has financial/social obligations. It is also relevant whether the applicant has held a visa before and met the visa conditions, and whether members of the applicant's close family have emigrated.

### Practical guidelines – welfare considerations

Even if the applicant comes from a country where the general conditions indicate a significant emigration potential, the purpose of the visit may nonetheless mean that the visa application is granted, for example in connection with serious illness in the applicant's close family or important family events. Below is a basic model for visa practice for different groups of applicants.

- Parents/children  
As a rule, parents/children will be granted a visa.

## Latest changes

**New: PN 2012-006 Visa practice for the yellow group**  
(11/23/2015)

The practice memo is now available in English.

**Changed: PN 2012-006 Visumpraksis for gul gruppe**  
(7/3/2015)

The visa practice memo has been updated. The Philippines has been moved from the green to the yellow group.

**Endret: PN 2012-006 Visumpraksis for gul gruppe**  
(11/3/2014)

Praksisnotatet er oppdatert ved at Myanmar er lagt til gul gruppe, mens Egypt, Kapp Verde, Kosovo og Libanon er fjernet.

**Changed: PN 2012-006 Visumpraksis for gul gruppe**  
(6/10/2014)

The visa practice memo is updated. Moldova is now removed from the yellow group, as the country became visa-free from 28 April 2014.

**Changed: PN 2012-006 Visumpraksis for gul gruppe**  
(6/24/2013)

Adjustments are made to the visa practice memos. The following countries are moved to the yellow group: Bahrain, Burkina Faso, Burundi, Guyana and Moldova.

**PN 2012-006 Visumpraksis for gul gruppe** (7/5/2012)

New structure for visa practices are categorized into groups. Practice for the 126 visa countries are divided into four categories: green group, yellow group, orange group and red group.

- Spouses/cohabitants  
As a rule, spouses/cohabitants will be granted a visa. We consider the length of the relationship in our assessment.
- Siblings  
Siblings can be granted a visa if the applicant can document a strong connection to his/her home country. We believe that older siblings represent less of an emigration risk than younger siblings.
- More distant relatives  
Applications for this purpose can be granted if the applicant has a very strong connection to his/her home country.
- Boyfriends/girlfriends  
In order for a visa to be granted to this group, the relationship must be permanent, and the applicant must substantiate that he/she intends to return after the visit.
- Business trips/cultural events  
As a rule, applications will be granted if they are credible and the applicant has a strong connection to his/her home country.
- Tourism/others  
As a rule, applications for this purpose will not be granted.

Please note that the applicant may come from a region within the relevant country that means that the practice for the red group should be applied. This is for example relevant to groups in Armenia.

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## UDI memos on practices and procedures



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 The National Police Directorate  
 The Governor of Svalbard  
 Visa case officers in the UDI



### Visa practice for the orange group

This practice memo provides guidelines for the processing of applications for Schengen visas (visitor's visas) to Norway for nationals of the following countries:

Algeria, Armenia, Azerbaijan, Bangladesh, Burkina Faso, Burundi, Cameroon, Chad, Côte d'Ivoire, Egypt, Georgia, Ghana, Guinea, Guinea-Bissau, Haiti, Iran, Kosovo, Kyrgyzstan, Lebanon, Liberia, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Republic of the Congo, Rwanda, Senegal, Sierra Leone, Sri Lanka, Tunisia, Uganda, Uzbekistan, Yemen.

### Who is eligible for a visitor's visa?

Visitor's visas to Norway are subject to an entitlement provision. In principle, all applicants are entitled to a visitor's visa. Most applications are therefore granted. There are several requirements that must be met in order to be granted a visa. One of the conditions is that immigration regulatory considerations must not be an obstacle to a visa being granted. This means that we consider whether the applicant will return home after his/her visit to Norway. With this practice memo, we wish to clarify how we assess immigration regulatory considerations for this group.

As a rule, a visitor's visa to Norway is valid for the whole Schengen area. For more detailed information about the conditions for being granted a visa, see our general practice memo [PN 2010-021](#).

### All applications shall be assessed individually

The immigration administration shall always carry out a concrete assessment of immigration regulatory considerations in relation to each individual application. When we are to decide a visa application, we consider whether it is likely that the applicant will return to his/her home country after the visit to Norway. In this assessment, we consider the general conditions in the applicant's country/region, and we look specifically at the applicant's own situation (individual circumstances). If we believe that there is no reason to doubt that the applicant will return after the visit, we will grant the applicant a visa. We will reject the visa application if there is reason to believe that the applicant will not leave the Schengen area when the visa expires. If we believe that the general and individual circumstances indicate that the applicant will not return after the visit, specific considerations (welfare considerations) may nonetheless lead to the visa application being granted.

### General situation for the orange group

We believe that the economic, social and/or political situation in these countries indicates that there is a general emigration potential to Norway and the Schengen area. This is an experience-based assessment. We consider the level of conflict in the country, the number of asylum applications to Norway and Schengen, the living conditions in the country, the practice in other Schengen states, and our experience of visa applicants from these countries.

It can therefore be difficult for some applicants from countries in the orange group to be granted a visa.

### Individual circumstances

The applicant's specific situation in his/her home country may increase the likelihood of him/her returning after the visit. Here, we look at the applicant's age, whether he/she is employed, has a family in his/her home country, owns property and has financial/social obligations. It is also relevant whether the applicant has held a visa before and met the visa conditions, and whether members of the applicant's close family have emigrated.

### Practical guidelines – welfare considerations

Even if the applicant comes from a country where the general conditions indicate an emigration potential, the purpose of the visit may nonetheless mean that the visa application is granted, for example in connection with serious illness in the applicant's close family or important family events. Below is a basic model for visa practice for different groups of applicants.

- Parents/children

## Latest changes

**New: PN 2012-007 Visa practice for the orange group**  
(11/23/2015)

The practice memo is now available in English.

**Changed: PN 2012-007 Visumpraksis for oransje gruppe** (7/3/2015)

The visa practice memo has been updated. Burkina Faso, Burundi and Uganda have been moved from the yellow to the orange group.

**Endret: PN 2012-007 Visumpraksis for oransje gruppe**  
(11/3/2014)

Praksisnotatet er oppdatert ved at Myanmar er fjernet fra oransje gruppe, og Egypt, Kosovo og Libanon er lagt til.

**Changed: PN 2012-007 Visumpraksis for oransje gruppe** (6/24/2013)

Adjustments are made to the visa practice memos. The following countries are moved to the orange group: Azerbaijan, Georgia and Libya.

**Visumpraksis for oransje gruppe** (7/5/2012)

New structure for visa practices are categorized into groups. Practice for the 126 visa countries are divided into four categories: green group, yellow group, orange group and red group.

As a rule, parents/children will be granted a visa, provided that it is likely that they will return after the visit.

- Spouses/cohabitants

As a rule, spouses/cohabitants will be granted a visa, provided that it is likely that they will return after the visit. In addition, the relationship must be permanent and long-term.

- Siblings

Siblings can be granted a visa if the applicant can document a strong connection to his/her home country. We believe that older siblings represent less of an emigration risk than younger siblings.

- More distant relatives/boyfriends/girlfriends/tourists/others

In principle, applications for this purpose will not be granted, unless the applicant has a significant connection to his/her home country.

- Business trips/cultural events

In order for visa applications for this purpose to be granted, reliable documentation of the visit to Norway must be provided, and the applicant must have a strong connection to his/her home country.

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## UDI memos on practices and procedures



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 The Governor of Svalbard  
 Visa case officers in the UDI



### Visa practice for the red group

This practice memo provides guidelines for the processing of applications for Schengen visas (visitor's visas) to Norway for nationals of the following countries:

Afghanistan, Democratic Republic of the Congo (DRC), Djibouti, Eritrea, Ethiopia, Gambia, Iraq, Libya, North-Korea, Somalia, South-Sudan, stateless persons, Sudan, Syria

### Who is eligible for a visitor's visa?

Visitor's visas to Norway are subject to an entitlement provision. In principle, all applicants are entitled to a visitor's visa. Most applications are therefore granted. There are several requirements that must be met in order to be granted a visa. One of the conditions is that immigration regulatory considerations must not be an obstacle to a visa being granted. This means that we consider whether the applicant will return home after his/her visit to Norway. With this practice memo, we wish to clarify how we assess immigration regulatory considerations for this group.

As a rule, a visitor's visa to Norway is valid for the whole Schengen area. For more detailed information about the conditions for being granted a visa, see our general practice memo [PN 2010-021](#).

### All applications shall be assessed individually

The immigration administration shall always carry out a concrete assessment of immigration regulatory considerations in relation to each individual application. When we are to decide a visa application, we consider whether it is likely that the applicant will return to his/her home country after the visit to Norway. In this assessment, we consider the general conditions in the applicant's country/region, and we look specifically at the applicant's own situation (individual circumstances). If we believe that there is no reason to doubt that the applicant will return after the visit, we will grant the applicant a visa. We will reject the visa application if there is reason to believe that the applicant will not leave the Schengen area when the visa expires. If we believe that the general and individual circumstances indicate that the applicant will not return after the visit, specific considerations (welfare considerations) may nonetheless lead to the visa application being granted.

### General situation for the red group

We believe that the economic, social and/or political situation in these countries indicates that there is generally a significant emigration potential to Norway and the Schengen area. This is an experience-based assessment. We consider the level of conflict in the country, the number of asylum applications to Norway and Schengen, the living conditions in the country, the practice in other Schengen states, and our experience of visa applicants from these countries.

In principle, it is therefore difficult for applicants from countries belonging to the red group to be granted a visa.

### Individual circumstances

The applicant's specific situation in his/her home country may increase the likelihood of him/her returning after the visit. Here, we look at the applicant's age, whether he/she is employed, has a family in his/her home country, owns property and has financial/social obligations. It is also relevant whether the applicant has held a visa before and met the visa conditions, and whether members of the applicant's close family have emigrated.

### Practical guidelines – welfare considerations

Even if the applicant comes from a country where the general conditions indicate a significant emigration potential, the purpose of the visit may nonetheless mean that the visa application is granted. Below is a basic model for visa practice for different groups of applicants.

- Death/life-threatening illness in close family  
The welfare consideration in a visa application can be such a weighty argument that the application can be granted even if the applicant has a weak connection to his/her home country. As a rule, applications in this

## Latest changes

### New: PN 2012-008 Visa practice for the red group

(11/23/2015)

The practice memo is now available in English.

### Changed: PN 2012-008 Visumpraksis for rød gruppe

(7/3/2015)

The visa practice memo has been updated. Djibouti, Gambia and Libya have been moved from the orange to the red group.

### Changed: PN 2012-008 Visumpraksis for rød gruppe

(6/24/2013)

Adjustments are made to the visa practice memos. Libya is removed from the red group and moved to the orange group.

### Visumpraksis for rød gruppe (7/5/2012)

New structure for visa practices are categorized into groups. Practice for the 126 visa countries are divided into four categories: green group, yellow group, orange group and red group.

category shall be processed as applications for a national visa (see the general practice memo [PN 2010-021](#)).

- Spouses/cohabitants

As a rule, visa applications to visit a spouse/cohabitant in Norway will be rejected. An application can be granted if the relationship is permanent and long-term, and the applicant has a significant connection to his/her home country.

- Parents/children

Provided that the applicant has a significant connection to his/her home country, a visa can be granted for a visit to a child or parent in certain cases.

- Siblings

As a rule, visa applications to visit siblings in Norway will be rejected.

- More distant relatives/boyfriends/girlfriends/tourists/others

In principle, applications for this purpose will not be granted.

- Business trips/cultural events

In order for us to be able to grant a visa application for this purpose, social and/or political considerations must exist. In addition, the applicant must have a significant individual connection to his/her home country.

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