

# OSLOMET

**Author**  
**Zain ul abideen**  
**Student number**  
**S329973**

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**Topic**  
**Is the Temporary Protection policy in**  
**line with human rights?**

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# Chapter: 01

## Introduction

## **1.1 Research Background**

In 2015, Europe experienced a migrant crisis with a significant number of refugees entering the region. The number of asylum claimants enrolled in 2015 in Europe was at an all-time high reaching 1 million (Lendaro, 2016). However, in 2012 the number of asylum seekers was only 30 lacs (Eurostat, 2021). The prominent causes of the refugee crisis were the series of wars taking place in the Middle East notably the Syrian Civil War and the Iraq war. The Syrian and Iraq wars displaced 1.3 million and 280,000 individuals respectively (World Vision, 2021). Further, the Boko haram insurgency displaced 2.7 million people in Nigeria, the Afghan civil conflict, and Arab Spring protests of 2011 also led to the mass exodus of 2.2 million and 90,000 refugees (UNHCR, 2021) from these regions (Lovec, 2016). In addition to these conflicts, several socioeconomic factors like unequal distribution of resources, financial instability, and limited access to social welfare services also fueled the process of immigration to Europe (Lovec, 2016). According to the United Nations Development Program (UNDP), 31.500 refugees and migrants were reported in 2015 (Hernes, 2018). Refugees are identified as people who meet the conditions for being granted security (asylum) in Norway, according to the Norwegian Directorate of Immigration (UDI) (UDI, n.d.).

Norway, among other European countries, experienced a massive wave of asylum seekers in the autumn of 2015. In the beginning, the government focused on welcoming the refugees. However, the situation changed later on demanding steps to limit the inflow of asylum seekers within a brief period (Milan, 2018). The opening of a new path for asylum seekers traveling via Russia to arrive in Finnmark, Norway's northernmost area, was becoming an issue of sustainability and national security in Norway (Milan, 2018). However, other nationalities including Somalians and Afghans also entered Norway (Pedersen, 2016).

In this case, it was argued that the issue of national security and the difficulty to settle and facilitate a huge number of refugees was extremely challenging for the Norwegian government (Milan, 2018). Following that, a list of acts was quickly assembled, and a proposal for effective settlement strategies was quickly drafted in 2015. The estimated number of asylum seekers in Norway in 2015 was 31,000, up from just over 10,000 in the previous two years (the total population of Norway is estimated to be 5.2 million) (Parveen, 2020). The crisis significantly multiplied the number of refugees entering the region. It was a pan-European perception that such huge numbers were an issue of national security for the region and a significant population of the Middle East was about to settle in Europe (Hagelund, 2020). However, later events revealed that the crisis wasn't that challenging in comparison to the reviews (Hagelund, 2020). Owing to such concerns, on November 19th, 2015, a large majority of Parliamentarians (all groups excluding the Socialist Left Party as well as the Green Party) signed a "memorandum of understanding" demanding that the government develop specific measures to restrict the influx of foreign asylum seekers (Norwegian Organization for Asylum Seekers (NOAS), 2019). This included tightening the requirements for immigration to Norway as well as ensuring that the social security protections granted to refugees did not turn Norway into an especially appealing destination in comparison to its neighbors (Government.no, 2016).

On December 29th, 2015, the government released an audit paper that contained a lengthy list of guidelines for strengthening immigration laws. The government pointed to the November Parliamentary memorandum agreement and related legislation that had already been implemented or were in the works in Denmark and Sweden while discussing why the plans were being produced. The paper highlighted a new aspect of Norwegian asylum policy, emphasizing the importance of not only being stringent for illegal asylum seekers but also of redirecting genuine asylum seekers to other European destinations (Pedersen, 2016). The

proposals involved, among other things, certain restrictions for granting family reunification to all groups of migrants, including those recognized as so-called "convention" refugees, a general tightening of the conditions for obtaining permanent residency, and a plan to make the refugee status of unaccompanied immigrant children reconsidered until they reach the age of 18 (Government.no, 2016).

Before reaching the age of 18, unaccompanied children were allowed to stay in Norway. The prominent restriction introduced was that the family reunification will be allowed to only that foreign national who would have a permanent residence permit only. In such a case, revocation of the residence permits limited the process of family reunification. The restrictions imposed a criterion of a minimum of 3 years of working or studying the background of the refugee before applying for the family reunification process (Government.no, 2016). The criteria were also strict in refusing the application of those who were able to live safely in any region other than Norway. For an applicant to receive a permanent residence permit, a requirement for at least 12 months of personal support, fluency in the Norwegian language, and the capability of passing the general social studies test were also raised. In addition, the Parliament also agreed on cancelling the visa-free travels and exercising revocation upon finding no reason for providing temporary protection to the individual (Government.no, 2016). When proposing the paper, Sylvi Listhaug (Progress Party), the Minister of Norwegian Immigration and Integration, claimed that the plans would make Norway the toughest asylum/immigration system in Europe. (Government.no, 2016).

Temporary protection policy was a major shift in Norwegian political dynamics. Article 2 of the Norwegian Kongeriket Norges Grunnlov talks about fundamental human rights and emphasizes that obligation of human rights would be ensured in a Norwegian state (Constitution of the Kingdom of Norway, 2018). However, the restrictions due to the temporary protection



policy affected human rights. 1951's convention about the rights of refugees prohibits any state from returning refugees to conflict-stricken regions (UNHCR, 2011). On the same grounds, article 3 of the universal declaration of human rights provides life security to every human being. However, the policy demanded the refugees return to their countries dealing with terrorism and civil conflicts. According to articles 9 and 13 of the universal declaration of human rights, every human is allowed to stay within the boundaries of any state and seek asylum. But the policy exercised cessation. Article 6 protects the dignity of individuals by providing them a right to recognition. However, as a part of revocation, the policy terminated the citizenship status of many refugees in Norway and affected this right to recognition (Brekke, Vedsted-Hansen & Stern, 2020).

It further goes against articles 21 and 27 of the declaration that allows political and social participation to individuals. But the political environment of the country gave rise to social exclusion for refugees. Further, article 21 allows everyone equitable access to public services (United Nations, 1948). In contrast, the policy delayed the process of refugees to have access to services like old-age pensions, lone parents benefits, etc (Brekke, Vedsted-Hansen & Stern, 2020). In summation, the policy ignored the human rights and dignity concerns on several grounds.

### **1.2 Problem identification and aim of the research:**

This thesis focuses on addressing different dimensions of temporary protection policy associated with the fulfillment of refugee rights in Norway. The proposed research question is:

Is the Temporary Protection policy in line with human rights?

The sub-questions that will be utilized for answering the major research question are the following:

- 1. Did revocation affect the immigrants' right to social participation?**
- 2. Did political pressure affect the dignity of refugees and their right to stay?**
- 3. Did temporary protection policy affect the children's rights to education, welfare, and normal life?**
- 4. Did the Norwegian temporary protection policy affect the refugee's right to integration into Norwegian society?**
- 5. Did temporary protection policy affect the right to family unity in Norway?**
- 6. Did temporary protection policy contravene refugees' right to social equality and their dignity?**

### *1.2.1 Problem identification*

Norway's stance on refugees is close to its stance on the European Union (EU). Norway is a member of the EEA which is a part of the EU system and Norway implements EU policies and regulations (Gruessing et al, 2017). The country's carefully controlled attempt to welcome only chosen refugees, along with its dedication to maintaining social stability for all who come, strongly resembles the paradigm to which other Countries in Europe strive (with differing degrees of success) (Brekke, Vedsted-Hansen & Stern, 2020).

Norway has many benefits as a new destination for immigration and refugees, in addition to its assets (Roald Hovring, 2020). Despite recent recessions, it has retained a solid labor market and shown its contribution to humanitarian security by welcoming several asylum seekers from the former Yugoslavia (Roald Hovring, 2020). Because of the changing migration environment, the Department of Justice and Emergency Preparedness proposed a range of prohibitions for refugees in terms of seeking social benefits and their right to stay. The prohibitions concern, among other items, asylum seekers' ability to enter without a visa, the processing of asylum applications by claimants coming directly from a Nordic neighbouring nation, and the case processing of manifestly baseless asylum applications, among other things. In instances of

misuse of the refugee scheme, as well as some changes to the Introduction Act and also the Citizenship Act, tighter immigration laws were proposed (Hagelund, 2020).

Regarding the migrant crisis, all 3 Scandinavian countries shifted their strategies in a conservative direction, according to Hernes (2018). This included tighter legislative measures as well as limits on refugees' access to social facilities in the form of a temporary protection policy. Norwegian government itself called the temporary protection policy a reaction law (Hernes, 2018). Even though the course of transition is identical, the countries used separate policy tools to achieve their objectives, demonstrating path-dependency (Brekke, Vedsted-Hansen & Stern, 2020). In light of fears that immigration politics is devolving into a sprint to the bottom, this discovery of consistent national features, also in the face of exogenous strain and a general shift towards restrictive policies, is intriguing. But it also encourages more thoughts about what it is that operates to deliver globally relevant answers in the respective national environments, and beyond, at a period when too much call for regional cooperation and policy issues tend to be of a transnational kind.

### *1.2.2 Aim of the research*

This study explores the refugee flood that occurred in Norway between 2015 and 2016 when the world witnessed the largest number of refugees. The time frame was selected in light of the large number of asylum seekers who enrolled at UDI in 2015, with a total of 31.500 people (Hernes, 2018). The study explores how Norwegian politicians tried to convince the Norwegian government to adjust its migration strategy. The emphasis is on two different types of engagement. The first is how different political groups in Norway have taken separate views on migration, as well as how different government institutions played a role in the policy change. The second is to consider whether these measures obstruct the provision of fundamental human rights in the form of the right to social freedom, the right to seek citizenship, and social

services like education, and health to refugees. The progress and execution of both regulation, temporary security, and externalization are not discussed in the thesis to hold the reach of the study small.

### ***1.2.3 Research questions***

In this study, the research question is: Is the Temporary Protection policy in line with human rights?

## **1.3 Purpose and contribution of the research**

### ***1.3.1 Purpose of the research***

This research is focused on the influx of migrants to Norway and the change in the legislation of the country as a response to the increased number of asylum seekers in recent years.

### ***1.3.2 Contribution of the research***

This thesis is expected to fill the gap in the literature gap present in the change in Norway legalization regarding refugees and their effect on the social and human rights of immigrants or whether or not these laws are a hindrance to the basic human rights of those people.

### ***1.3.3. Research limitations:***

The primary limitation of this research is the absence of an action research mechanism due to the COVID-19 pandemic. Action research focuses on collecting primary data through questionnaires and surveys. This research aimed at gathering primary secondary data from different policy documents but lacked other methods like surveys and questionnaires conducted through the refugees that would have been more suitable. In addition, due to the time constraints, the research covered only a few of the dimensions of the refugees' rights and dignity which is another research constraint.

## **1.4. Data overview:**

### **1.4.1. Literature review:**

To understand and interpret a multifaceted view on the legalization of Norway for refugees as a response to the 2015-2016 refugee' crisis, multiple journal articles were gathered. Brekke, Vedsted-Hansen & Stern, (2020) focused on the new policies like temporary asylum permits Scandinavian countries introduced to solve the immigration crisis. These temporary instruments and policies were launched to respond to the immigrant influx crisis in 2015-2016 by Denmark and Norway. These temporary permits contained the clause of being dismissed in case of improvement in the situation of the country's immigrants belonged to. These decisions were made in a haste as a response to a crisis that caused problems for both Government and the immigrants later and took about five years to sort them out. (Holth, n.d.)

Considering immigration integration policies, Borevi, Jensen, and Mouritsen (2017) pointed out their driving factors. In line with this research, the Scandinavian immigration policy is contingent on the phenomenon of convergence by being receptive to different nationalities. The research validates the economic suitability of Norway to support convergence by being receptive to different nationalities and providing them asylum. It, thus, demands the immigrants to view the functionalism of their society through the Norwegian lens. The paper was concluded by focusing on the political intervention resulting in a shift in the Scandinavian policies (Borevi, Jensen & Mouritsen, 2017).

Brekke, Vedsted-Hansen, and Stern (2020) identified the several dimensions of temporary asylum in Scandinavia by focusing on the occasional papers of EMN (European Migration Networks) Norway. The paper compared the recent events with Scandinavian dynamics of the 1990's post-Bosnian war. The de-facto temporary asylum protection status is found to bring the worst implications on humanitarian grounds. However, the research also suggests solutions to

transform these stringent implications into a more acceptable approach by focusing on the large thematic role of the NGOs and the local public in promoting better communication on all levels (Brekke, Vedsted-Hansen & Stern, 2020).

Hagelund (2020) evaluated the individual and collective responses to the 2015 refugee crisis. The paper employed the institutional theory to determine these responses. Concerning institutional theory, the bureaucrats upon focusing on their interests try to shape the organizational practices. As thousands of refugees were directed towards European mainlands, the states strived to not become the desired location for asylum seekers (Hagelund, 2020). Responding to such situations, the Norwegian government returned the refugees to their conflict-stricken regions. However, a series of conflicting reviews predict that the refugees adopted illegal routes resulting in their mass influx. The responses varied in Scandinavian states. However, the Norwegian policymakers didn't focus on extremism and a notion of either this or not but adopted a collective share approach (Hagelund, 2020).

Brekke and Staver (2018) analyzed the practical basis of Norway's refugee policy with response to the European policies. The paper focused on the term "renationalization" to emphasize the changes in national policy. Despite being a non-member of the European Union, the Norwegian refugee policies have always been influenced by the Common European Asylum System (CEAS) (Brekke & Staver, 2018). It is somehow related to the Europeanisation of the policies. The involvement of Norway in Schengen cooperation further outlines the ways Norway suffered from the European refugee crisis. Norway also shares an open external border with the European states. In response to the crisis, the Norwegian government in the beginning focused on the primary legal procedures. To cope up with the refugees' number, registration centres were also established in the northern and southern regions of Oslo (Brekke & Staver, 2018). However, the contributing factors identified by this paper were unpredictable circumstances,

political pressure, lack of support from European borders, and capacity issues (Brekke & Staver, 2018).

Harvey (2014) analysed the effectiveness of international humanitarian law in protecting the rights of refugees. The paper focused on the global rights framework to identify the relevance of equality in European societies. The analysis showed that these humanitarian laws are still not getting completely accepted in different societies (Harvey, 2014). The principle of non-refoulment is getting ignored and laws haven't become effective enough in preventing prejudice. The implementation of these laws primarily depends on states that how do they respond individually and collectively to the national membership of refugees (Harvey, 2014).

Fangen and Vaage (2018) identified the political incentives behind the changes in migration policies. In this paper, it has been argued that all right-wing parties supported the policy shift for political purposes. The term "refugee" is used by them as the one who is a threat to a sustainable society and the welfare of green cardholders (Fangen & Vaage, 2018). The research primarily focused on Norway's Progress Party, *Fremskrittspartiet*. On the same grounds, several ethnic issues like Islamophobia have been raised in Norway to prevent immigration. Thus, the research highlights a different dimension of political support of restrictions on immigration as such measures have proved to be useful in attaining public support (Fangen & Vaage, 2018).

#### **1.4.2. Thesis structure:**

This research focuses on identifying the effect of the Norwegian temporary protection policy on the rights and dignity of asylum seekers and refugees. The thesis determined the political and strategic direction of Norwegian policy in affirming its role during the refugee crisis of 2015. **Chapter I** elaborated on the research background, problem identification, aim of the research, research questions, purpose and contribution of research, and literature review

concerning the impact of policy on refugees' rights. It thoroughly assessed the data available regarding how the policy came about and how did it got reinforced. **Chapter II** aimed at providing a theoretical framework and identifying the role and concerns of refugees in social participation. **Chapter III** in this regard focused on elaborating the research method, and data collection techniques.

**Chapter IV** was directed towards analyzing the data concerning human rights and human dignity instruments, along with addressing the impact of the policy on the immigrant's integration and their basic rights. In this chapter, process tracing was adopted as a qualitative research method. The qualitative approach outlined the validity of the hypotheses. **Chapter V** discussed different factors including the violation of the right to social participation, lack of psychological help, limited access to social services, and the effect of policy on human dignity. I concluded the thesis by providing an analysis of the Norwegian dimension of the policy. The analysis concluded that how far the policy has been implemented and what are the future impacts of the policy on refugees' rights.



# Chapter 02

## Theory and social participation

### **Theoretical Framework:**

Adam and Hussein (2018) defined a theoretical framework as the pathway for research that not only justifies the research questions but also accounts for them in a theoretical context. This research primarily builds on theoretical concepts and findings to satisfy the research questions. I will in this section try to focus on Everett Lee's theory of migration, and dignity theory to define the migration patterns and then relate these with the rights and roles of refugees in social

participation. Everett Lee's theory of migration in this case will aid in providing a picture of the different push and pull that prompted the mass exodus to Norway. In line with the process-tracing research methodology, the theory will explain the reasons for migration to Norway that in the long run led to the restrictions in the temporary protection policy that affected the basic human rights of refugees. In addition, human dignity theory will aid in linking the human dignity phenomenon with the legal rights of refugees to define the relevance of temporary protection policy with the basic human rights.

Temporary protection policy was a major shift in Norwegian political dynamics. Article 2 of the Norwegian Kongeriket Norges Grunnlov talks about fundamental human rights and emphasizes that obligation of human rights would be ensured in a Norwegian state (Constitution of the Kingdom of Norway, 2018). However, the restrictions due to the temporary protection policy affected human rights. 1951's convention about the rights of refugees prohibits any state from returning refugees to conflict-stricken regions (UNHCR, 2011). On the same grounds, article 3 of the universal declaration of human rights provides life security to every human being. However, the policy demanded the refugees return to their countries dealing with terrorism and civil conflicts. According to articles 9 and 13 of the universal declaration of human rights, every human is allowed to stay within the boundaries of any state and seek asylum. But the policy exercised cessation. Article 6 protects the dignity of individuals by providing them a right to recognition. However, as a part of revocation, the policy terminated the citizenship status of many refugees in Norway and affected this right to recognition (Brekke, Vedsted-Hansen & Stern, 2020). Human rights are indivisible that relate to the principle of defending each person's right to freedom from interference. This concept touches on human dignity utopia in human societies.

It further goes against articles 21 and 27 of the declaration that allows political and social participation to individuals. But the political environment of the country gave rise to social exclusion for refugees. Further, article 21 allows everyone equitable access to public services (United Nations, 1948). In contrast, the policy delayed the process of refugees to have access to services like old-age pensions, lone parent benefits, etc (Brekke, Vedsted-Hansen & Stern, 2020). In summation, the policy ignored the human rights and dignity concerns on several grounds.

### **2.1. Human Dignity Utopia:**

Human dignity encompasses the basic human right of equitable respect and value in human society. In line with the Universal Declaration of Human Rights, “All human beings are born free and equal in dignity and rights” (United Nations, 1948). Habermas (2010) extends this idea that every human should be considered equal in both rights and dignity. However, the author argues that this statement doesn’t apply in every part of the globe and human dignity is regarded as a legal concept only when the legal authorities include a new clause of human rights into the basic legal framework. In other words, whenever a violation of human rights takes place, human dignity becomes a prominent issue to be addressed in legal settings (Habermas, 2010).

Referring to article 22 of the Universal Declaration of Human Rights, every individual has basic cultural, social, and economic rights that foster their dignity in society (United Nations, 1948). Habermas (2010) mentions that human dignity is the basic concept behind the four basic human rights of freedom and social participation. According to these rights, humans should be free in deciding the direction of their cultural and social lives where there shouldn’t be any intervention. However, the concept of human dignity can be followed only when humans living in any society will enjoy basic human rights of freedom and social participation (Baynes, 2009).

Human dignity provides a framework that the individuals of society should respect each other's rights if they are to be treated respectfully in society (Habermas, 2010). Thus, the fulfilment of basic human rights is necessary for ensuring equal criteria for human dignity in society.

The status differences are prevalent in modern political societies. Habermas (2010) argues that for most of history, the fulfilment of human dignity has remained confined to social status only that determined the extent to which the particular individual should be respected in society. With time, the concept absorbed the essence of social morality, and this obligation of moral duties generally transformed into well-defined legal claims. For providing a legal basis to the concept, different dimensions of moral and legal relations have been raised in this paper (Habermas, 2010). In a society, human dignity is followed due to moral relations with other individuals. However, in legal settings, the exploiter has fear of a claim from the sufferer that makes its obligation necessary for all those in legal relations. The moral obligation of human dignity transforms into legal obligation when individuals living in society demand equitable legal recognition. Finally, the author argues that though social differences are prevalent in societies, every individual deserves equal respect in society because they have equal sets of rights (Habermas, 2010).

Humans in the society are in a horizontal relationship with each other where the worth of every individual is the same in contrast to the vertical relationships that originate due to a differentiation of the social status. Thus, human dignity has two basic dimensions, one that applies to the nation's status in a particular political society and the other that is universal. However, the gaps between these two should be reduced by creating a concept of status-bound human dignity where states should take the responsibility of ensuring equal status and respect in the societies (Baynes, 2009).

According to the Norwegian legal definition, a refugee is the one who is going through a risk of being subjected to the death sentence for ethnicity, skin color, nationality, religious background, political views or is exposed to torture, death penalty, punishment, etc. (UDI, n.d. ). But the law is also stringent upon not providing refugee status to the one who has committed crimes against humankind and harmony by spreading violence (The Government of Norway, 2018). The temporary and permanent asylum, thus, differ from the ways the residence permits are provided (Hagelund, 2020). However, human rights concerns are high in this case.

Human rights theory focuses on providing a criterion for the interrelationship of human dignity with refugees' rights (Habermas, 2010). In line with this theory, human dignity is an aspect of an individual's respect and equality in a society that is also linked to the right to respect and non-discriminatory access to resources of both the majority and minority groups including refugees in any society. The prominent rights clarified in this theory are the freedom of movement, the right to access social services, and social participation (Habermas, 2010). However, the temporary protection policy affected human dignity by restricting the refugees' access to social services and attaining equitable employment opportunities (Hagelund, 2020). In this way, human rights theory presents a broader picture to the research question concerning how the temporary protection policy affects the fundamental human rights and dignity of refugees. According to this theory, the policy affects the human rights of refugees because it goes against human dignity principles.

Referring to the temporary refugee stay, Norway adopted a set of policies for resolving the refugees' issues. By adhering to the Immigration Acts § 37 and 63, the government adopted strict policies regarding cessation and revocation marking a policy shift (Ministry of Justice and Public Security, 2010). But the policy of cessation is viable until the permanent residence has been achieved (Niemann & Speyer, 2017). However, it's been widely argued that cessation and

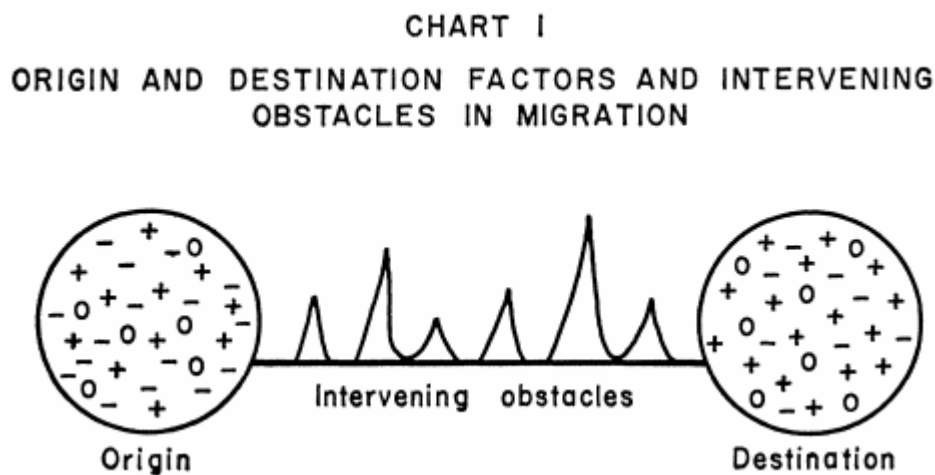
revocation policies target only a few of the nationalities that go against human dignity (Brekke, Vedsted-Hansen & Stern, 2020). The Universal Declaration of Human rights advocates human dignity and article 3 emphasizes the basic human right of life security. In the case of the Syrian refugees, however, the legal processes took a long time that they couldn't achieve permanent residence (United Nations, 1948). In addition, the temporary protection policy has resulted in the migration of refugees to their home countries that are already going through terrorism and violence. Further, the fundamental human right to seek asylum also gets overlooked in this case as refugees are asked to leave the country without their own choices that might cost their lives and terminate their sources of employment. Thus, a shift in the Norwegian temporary protection policy is consistent with the overwhelming case scenarios that go against the human dignity criterion (Brekke, Vedsted-Hansen & Stern, 2020).

## **2.2. Everett's Lee theory of migration:**

Everett's Lee theory of migration focuses on different push and pull factors associated with migration along with addressing the primary obstacles. For studying Norway's temporary protection refugee policy, it is essential to examine several dimensions of a temporary refuge. Lambert (2017) defined a temporary refuge as a position in which a person gets under the protection of another state to protect his life from life-taking conflicts or events. However, the phenomenon doesn't remain confined to the term protection only but it also allows the refugee access to basic life facilities (Krzyżanowski, Triandafyllidou & Wodak, 2018).

The driving factors for migration can be analysed by Everett Lee's theory of migration. The theory was developed in 1965 and focuses on four different factors. These four factors are the factors related to the area of origin, factors linked with the destination area, intervening obstacles, and the highly specific individual factors. Lee's migration theory is based on the relevant push and pull factors that influence the people to leave one area and move to another.

However, the push factors lead to emigration due to the severity of their cause while pull factors happen to be the most promising immigration factors (Lee, 1966). The prominent push factors involved are the social, political, economic, and environmental pressures leading to the adverse implications of emigration. The pull factors identified are their counterparts fostering better life opportunities. Everett designed these factors as + and – factors, while 0 represents those factors that are usually of less importance, and people generally ignore these (Lee, 1966).



*Figure 1: Overview of Lee's theory of migration (Lee, 1966).*

### **2.2.1. Push Factors for migration to Norway:**

Concerning 2015's refugee influx of Norway, Syrians along with other nationalities migrated in bulk towards Europe (Pamment, Olofsson, & Hjorth-Jenssen, 2017). The refugees in large numbers belonged to Syria, Afghanistan, and Somalia. Due to their significant number, the temporary protection policy primarily remained focused on these three nationalities. The Syrian refugee crisis began in 2011 with a lot of push factors (UNHCR, 2021). However, Somalians had been suffering from the refugee crisis for the past 30 years (UNHCR, 2020). The major political push factors identified were the disastrous conflict situations. The refugees supported anti-government groups in their countries who were arrested later on resulting in a civil war. Not only did the government use coercive measures against the civilians, but local groups

including Syrian Al-Qaida and ISIS were also found to be kidnapping and killing others (UNHCR, 2021). Such unethical attempts violated article 3 of the Universal declaration that emphasizes the protection of human life (United Nations, 1948). The governments in respective countries used explosive bombs and cluster munitions that also killed several thousand lives. However, article 5 of the declaration prohibits cruelty and inhumane treatment (United Nations, 1948). In addition, Afghans and Somalis also suffered from intergovernmental conflicts leading to their mass exodus towards Norway (World Health Organization, 2015).

Concerning the environmental push factors, all three regions suffered from essentially the same disasters. Syrian's northwest region Idlib had been under the influence of unpredictable weather patterns. However, for years, Syria remained in a war-like situation with Israel, which not only damaged the infrastructure of Syria but also engulfed thousands of lives (UNHCR, 2021). In Somalia, drastic floods and rains deprived them of their basic life facilities. The economic conditions of these countries failed to support the local populations. Further, the lack of agricultural land is also found to be the prominent environmental push factor in Afghanistan despite the international human right to adequate food (OHCHR, 2010).

Innumerable social factors outlined by the World health organization (WHO) in 2015 could be the possible push factors for the immigrants. Health and the educational sector had been barely thriving in these countries. However, according to article 21 of the declaration, every individual in any state has the right to have equitable access to public services that got compromised in conflict-stricken regions (United Nations, 1948). In 2015, UNHCR received a lot of refugee applications (UNHCR, 2015). However, soon the graph for immigration escalated beyond the capacity of those countries and they began to implement restrictive refugee policies. After facing horrific crises, refugees finally moved toward the European countries including Norway (Hagelund, 2020). A few European countries including Bulgaria and Greece returned the



asylum seekers despite the fundamental right to seek asylum that introduced massive pressure on other European nations (World Health Organization, 2015).

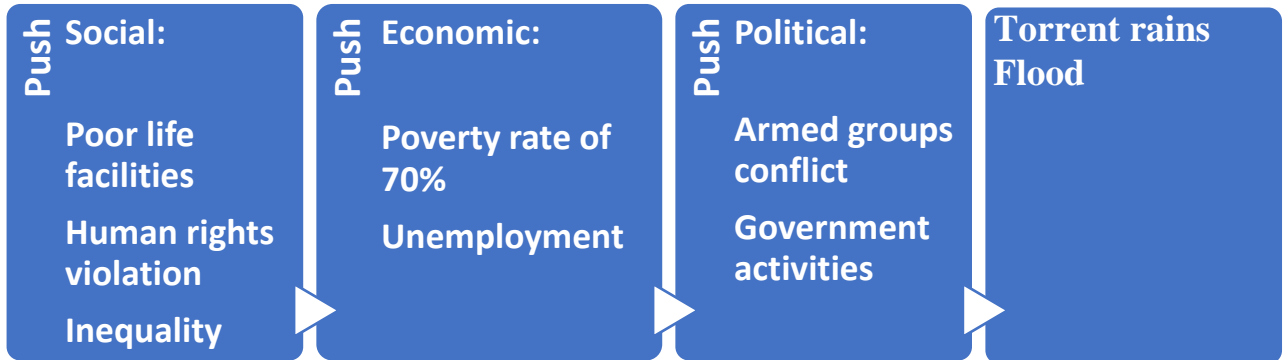


Figure 2: Push Factors for Norwegian immigrants.

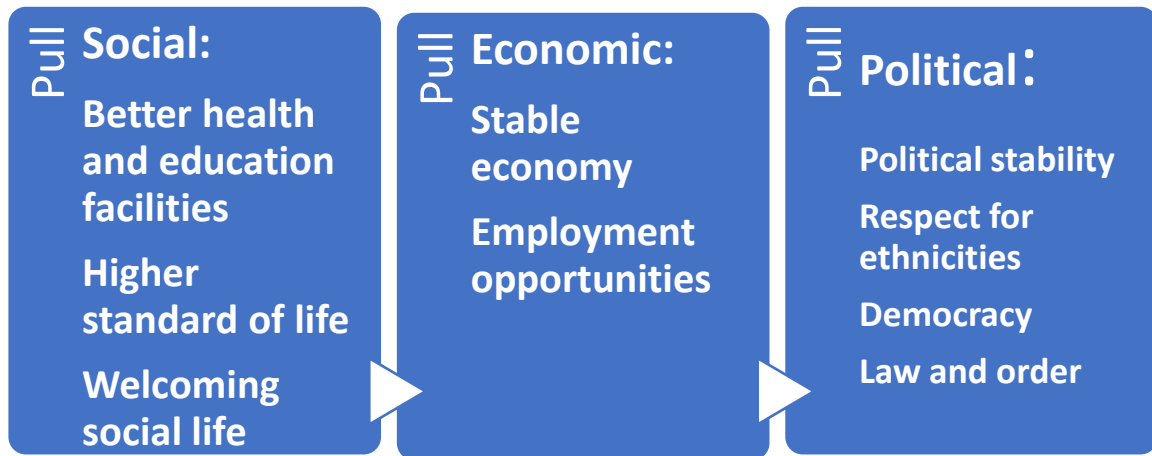
**2.2.2. Pull factors for migration to Norway:**

Europe always proved to be a highly suitable location for the refugees. The major pull factor had been the over-saturation of refugee centres in other countries which prompted refugees to flee across several thousand miles to Europe (Hooghe, Trappers, Meuleman & Reeskens, 2008). With time, the neighbouring countries begin to adopt strict terms and conditions (Hagelund, 2020). In neighbouring countries like Lebanon and Jordan, refugees were not allowed to work (Fleming, 2015). However, it is strictly against article 23 of the declaration of human rights that allows everyone to seek any employment opportunity in any state (United Nations, 1948). They further had to pay rent and stringent economic conditions left them indebted. They also had to renew the documents that cost them several pounds without being allowed to work. Moreover, in the past, the European governments had greeted suffering refugees passing through the

Mediterranean and Balkans. Thus the welcoming attitude of governments proved to be a major pull factor for the refugees (Fleming, 2015).

However, for the refugees in Norway, the prominent pull factors had been the socio-economic factors. In Norway, there were better educational and employment opportunities for immigrants (O'Neill, 2021). According to article 26 of the declaration, every individual has the right to seek education which was about to fulfil by the Norwegian government (United Nations, 1948). According to the data provided by World Bank, the educational rate in Norway increased significantly from 2015 to 2018 due to the government's initiatives of supporting the education of refugees (The World Bank, 2020).

Further, the unemployment ratio in Norway had also been 5% only in comparison to other destinations (O'Neill, 2021). Norway also had better human security measures that fulfilled the fundamental human right to liberty and freedom following article 3 of the declaration (United Nations, 1948). The government also raised funds of about \$1.2 billion for the refugees suffering from the civil war which prompted many others to enter this region (UNHCR, 2015). It further contributed about 385% of its budget to lift the refugees out of poverty (UNHCR, 2015). Thus, Norwegian generosity surpassed other well-developed nations also including the United States, Germany, and the United Kingdom (Hagelund, 2020). However, the later circumstances put pressure on Norway prompting it to change its immigration policies



*Figure 3: Pull factors for Norwegian immigrants.*

Everett's Lee theory of migration explains different factors associated with the bulk migration to Europe. Refugees migrated from different parts of the globe towards Europe due to several socio-economic and political push and pull factors (McLeman & Gemenne, 2018). The primary push factor for the refugees was also the violation of basic human rights like the right to life security, access to social welfare services like health and education, right to freedom of movement and speech in their home countries. However, the Norwegian temporary policy focused on the cessation and revocation that despite different pull and push factors addressed the forceful removal of refugees from Norway. The policy was aimed at creating economic and social push factors for refugees in Norway by restricting the family reunification laws and making Norway less economically unattractive for the refugees (Hagelund, 2020). However, it is argued that these push factors in the form of changes in temporary protection policy weren't in line with basic human rights (Brekke, Vedsted-Hansen & Stern, 2020). In such a way, Lee's theory of migration identifies different factors that prompted exodus and restrictions providing a basis for validating the relevance of these changes with human rights.

The shift in the temporary protection policy affected basic human rights. According to article 9 of the declaration, none should be forcibly asked to leave a place. Article 13 of the declaration allows any individual to reside in any state while article 14 allows everyone to seek asylum (United Nations, 1948). However, the temporary protection policy limited this right to seek asylum (Yıldız & Uzgören, 2016). Similarly, 1951's convention of the status of refugees prohibits any state from forcibly returning to the conflicts-stricken regions (UNHCR, 2011). In contrast, Syria, Afghanistan, and Somalia are still going through a crisis but policy demanded them to return also (Brekke, Vedsted-Hansen & Stern, 2020). Similarly, visa insecurity also affects their healthy social participation that violates article 21 of social participation (United Nations, 1948).

According to the temporary protection policy, the refugees couldn't move away from the asylum reception centres for more than three days (United States Department of State, 2016). In addition, the asylums were located in a remote location where financial difficulties and strictness violated their freedom of movement according to article 13 of the declaration (United Nations, 1948). Further, until the issuance of national identity cards, the refugees couldn't earn money that also went against article 23 of the fundamental human right to employment (Brekke, Vedsted-Hansen & Stern, 2020). Most importantly, the temporary protection policy deprives every refugee of a refugee status that affected their right to recognition in line with article 6 of the declaration (United Nations, 1948).

### **2.3. Refugee's contribution to productive societies and their concerns:**

To assess the contribution of refugees to productive societies and their concerns in Norwegian society, it is essential to address the impact of the policy on their rights. The major sub-questions that arise in this case are:

1. Did revocation affect the immigrants' right to social participation?
2. Did political pressure affect the dignity of refugees and their right to stay?
3. Did the temporary protection policy affect the children's rights to education, welfare, and normal life?
4. Did the Norwegian temporary protection policy affects the refugee's right to integration into Norwegian society?
5. Did the temporary protection policy affect the right to family unity in Norway?
6. Did temporary protection policy contravene refugees' right to social equality and their dignity?

These sub-questions will set the foundation for the primary research question of:

Is the Temporary Protection policy in line with human rights?

Despite the immigration issues they face, immigrants have been contributing substantially to the national productive capacity of European societies (Gammeltoft-Hansen & Tan, 2017). Article 27 of the universal declaration of human rights bestows every individual a right to social participation and contributes constructively to societies (United Nations, 1948). In such a case, the refugees contribute towards economic, social, and cultural developments. On economic grounds, immigrants open new businesses, expand the consumer market, bring the essential skills required by the labor market and fill the employment gaps. Migrants' orientation with the international market and technology trends increases the per capita income and expands the export market. Not only the male members but their children and women are equally skilled in flourishing cottage industries (Gammeltoft-Hansen & Tan, 2017).

Since culture doesn't remain stagnant, migrants through the process of multiculturalism promote diverse cultural values (Sutter, 2019). People meet and adopt each others' cultural practices. They promote food diversity, enrich the music, and strengthen sporting achievements (Astles, 2020). Many significant examples are their contribution towards opening new hotels with their cuisine, an orchestra with their specific music taste and getting selected in the national sports teams. These cultural inputs enrich the language and cultural heritage of the host country (Astles, 2020).

Civil political engagement is another dimension of their contribution. They solve community issues, volunteer in community programs, mitigate political unrest, and play their roles in government offices (Janmyr & Skribeland, 2020). Immigrants display their civic political engagement when they are given representation in the national assemblies. They exhibit national service practices by lifting others out of disastrous situations and improving the national standard of life through their contribution to the health and welfare sectors (Astles, 2020).

There is another side to the picture also where refugees also have significant concerns in political human societies that need to be addressed properly for ensuring their effective participation. The most prominent of these is the lack of communication with their family members. Many of the refugees belong to the conflict-stricken region where their inability to communicate with their families induces mental trauma (Bech, Borevi & Mouritsen, 2017). Similarly, in most of the areas, the refugees aren't allowed to get better employment opportunities, access better health care and educational services, and they also have to pay the governments for providing them asylum. In addition, visa insecurity affects the productivity of temporary visa holders as they always go through insecurities while struggling to enjoy equal status in human societies (Keddie, 2012).

#### 2.4. Core human rights:

This section focuses on providing a comprehensive picture of the fundamental human rights that apply to Norwegian refugees. The Universal Declaration of Human rights provides a basic legal set of rights for all the citizens living in a state (United Nations, 1948). In line with article 3 of the declaration, every individual has a right to life, freedom, and life security. Article 6 of the declaration speaks about the fundamental right to recognition which directly relates to human dignity (United Nations, 1948). Article 9 focuses on the protection of everyone from forced exile (United Nations, 1948). Article 13 and 14 on the same grounds emphasize the basic rights of living within the borders of any state and seeking asylum. In addition, article 33 of the 1951's Convention relating to the status of refugees also prohibits any state from forcibly returning people to those areas where there are risks to their lives (UNHCR, 2011). Under this frame of reference, the temporary protection policy of Norway affects the fulfillment of human rights and dignity on several grounds (Borevi, Jensen & Mouritsen, 2017).

In this section, I've used Lee's theory to analyze the different push and pull factors associated with migration along with focusing on the role of immigrants in society. The implications of these pull factors also signal the shift in Norwegian policies. In addition, the human rights theory and core human rights have also been addressed. The human dignity utopia clarified the legal basis of dignity for every human being and stated that human rights and human dignity are integrated phenomena. In such a way, respect for dignity is the refugee's fundamental right but temporary protection policy neglected several fundamental refugees' rights that affected their dignity in the Norwegian society. The theoretical framework, thus, satisfies the primary research objective of identifying the relevance of temporary protection policy with fundamental human rights.

# Chapter 03

## Research method and data collection technique



### **3.1. Research Method:**

In this thesis, the data relevant to the research was identified by observing the impact of temporary protection policy on refugee rights. The research problem demanded a clearer explanation of the events associated with the European refugee crisis, restrictions in the temporary protection policy, and the effect of the policy on the obligation of basic human rights. For this purpose, documents and policy records were selected for extracting the relevant data. Before collecting the data, I ensured that data was collected from reputable secondary and primary sources. After collecting data, I processed the raw data into a coherent form. Data processing refers to the data reduction techniques that separate the irrelevant information from the relevant data and organize the data (Cohen, Manion & Morrison, 2017).

There are several techniques of data processing i.e., coding, editing, tabulating, etc. (Cohen, Manion & Morrison, 2017). I classified the data into two sets. One data set was linked to the legal and theoretical basis of the refugee crisis and the Norwegian Temporary protection policy. The other set of data consisted of the legal information of fundamental refugee rights and dignity. For data processing, I utilized cross-tabulation where I simultaneously worked with different dimensions of data at a single time. After processing the data, I focused on different tools of data analysis. For this purpose, I also focused on factors like enough availability of data to answer my research question. For data analysis, I used process tracing to analyze all the evidence. Process tracing is a type of qualitative data analysis technique. It is an empirical data analysis technique that represents how a causal process is related to the actual case (Beach, 2017). Process tracing has five different steps of identification of change, collecting the evidence for the change, identifying the processes leading to that change, designing alternative causal explanations, and finally evaluating every causal explanation (Beach, 2017).

While identifying change, the shift in the Norwegian refugee policy was identified. As the change for the analysis had already been observed, empirical data regarding the legal basis of the temporary refugee policy was collected. Then, the changes introduced by the policy in the obligation of basic human rights were identified (Ulriksen & Dadalauri, 2014).

In the next step, the obtained data were analyzed to justify whether temporary protection policy affected refugee rights or not. The extent of the change introduced by the policy was also evaluated. For this process, different interviews and reports were used to determine the extent of the change introduced. In the third step, the processes were identified to find the ways the policy affected basic human rights. In this step, all the activities along with the expected outcomes were documented. In the whole process, the intermediate changes with their subsequent effects were also identified. This step provided causal explanations for the events (Beach & Rohlfing, 2015).

Step four coincided with deriving alternative causal explanations for the processes. The process justified the relationship between the agents and the outcome. All these alternative hypotheses were derived from the theory that outlined all the major changes. In the end, different hypotheses with a context of the impact of the policy along with their causal explanations were established. In step five, the validity of these hypotheses was justified. To obtain evidence regarding the validity of the hypotheses, the hypotheses were tested accordingly (Schulte-Mecklenbeck et al., 2017). In this research, I utilized the process-tracing method as it outlines the series of events associated with an issue by allowing strong testing of the evidence also (Beach, 2017). This research methodology allowed me to answer the question that how and why the European refugee crisis began that led to the changes in temporary protection policy that ultimately affected the fundamental rights of the refugees.

### **3.2. Data collection technique:**

In this thesis, I used the documenting data method to obtain different sets of relevant data. Documenting data method is one of the primary qualitative data collection techniques that allow the researcher to collect data from different researches and document these later on. Data documentation explains the data at various stages and makes it easy for the reader to comprehend the major concepts (Reyes, Bogumil & Welch, 2021). For data documentation, different primary sources like UNHCR, UNICEF, Norway Statistics, Norwegian legislation, UDI, and Universal Declaration of Human rights formed the basis of this study. In this case, recent data from Norwegian statistics was also examined. However, due to time constraints and my paper requirements, I focused on a limited time frame signaling the refugee crisis in Norway. In this regard, UNHCR and UNICEF's universal refugee rights were used as a standard for assessing human rights violations. On the same grounds, Norwegian legislation and the data from UDI were used to find the obligation of human rights and dignity in Norway. Other electronic data sources like research journals and surveys were further analyzed to collect data. I adopted data documentation as my data collection technique as it aided me in gathering data from different sources concerning the Norwegian temporary protection policy and explaining the collected data later on. It was an appropriate approach for my research as it allowed me to observe the stance of different stakeholders involved in this issue i.e. the policymakers, refugees, and political parties, and validate the information later on.

### **3.3. Validity and Reliability:**

Validity and reliability test the accuracy and consistency of the research method (Abbaszadeh, 2012). Validity in qualitative research is generally presented through credibility, transferability, and confirmability (Abbaszadeh, 2012). For judging validity, data triangulation was used in this qualitative research. Triangulation is the methodology through which data is collected from

several different data sources and their validity is checked by identifying the convergence among different data sources (Carter, Bryant-Lukosius, DiCenso, Blythe & Neville, 2014). In this research, the findings presented are credible as they can be verified by the refugees' interviews and surveys from different data sources. Concerning transferability, the data obtained was generalized, and the context was explained that was relevant to the respective research and also addresses the research question. In terms of confirmability, I conducted the data audit that ensured the completeness of the data and eliminated any personal bias in this research. Reliability of the qualitative research refers to the validation of the findings presented by comparing these to the existing data (Abbaszadeh, 2012). For ensuring reliability, the authenticity of the different data sources was carefully determined to present the views of all the stakeholders involved in this issue.

# Chapter 04

## Findings and analysis

#### **4.1. How policy came into force:**

In 2015, a huge number of refugees entered Norway. The Norwegian authorities decided on providing rehabilitation services. However, the authorities agreed on receiving 8000 refugees (Hagelund, 2020). The figures were opposed by the political parties but the government stood by its welfare status. However, later on, 5500 more refugees crossed the border from Russia to Storskog on bicycles (Hagelund, 2020). In response to the increasing numbers, the authorities began to focus on effective crisis management. As a result, the government brought all parties on one page through an asylum agreement. The agreement was signed among Conservative, Progress, Christian Democrats, Labour, the Centre, and the Liberal parties (Pedersen, 2016).

The agreement included several clauses that focused on adopting strict immigration policies and directing the refugees to other places. The issue raised concerns among human rights organizations as the refugee's access to social security services were being compromised. The government also issued an audit document that faced huge criticism (Hagelund, 2020). The government's efforts for integrating the refugees had been continuously denied by the opposition that led to the development of a stricter policy. The policy shortened the residency time of the refugees along with inducing strict requirements for a permanent residence like Norwegian language tests and strict age requirements. It further ordered cessation to be implemented if there were no reasons for temporary residence (Garvik & Valenta, 2021).

#### **4.2. Background research:**

As the refugee crisis began in 2015, the Norwegian government extended efforts for providing asylum to refugees. The government tried to calculate resources effectively and sent ships to the Mediterranean sea for bringing refugees (Pederson, 2016). The Prime Minister of Norway also supported the idea of providing asylum in Norway rather than spending money on providing aid at different locations. However, the later set of events put political pressure on

the authorities. In 2015, 21,964 people applied for seeking asylum in Norway out of which the government returned 1092 asylum seekers (United States Department of State, 2016).

In response to the flood of refugees, the government changed its policy which allowed the legal authorities to remove any of the asylum seekers from the country (United States Department of State, 2016). However, the policy aimed at introducing relaxation for the children (Valenta & Bunar, 2010). In such a case, the Norwegian Organization for Asylum Seekers (NOAS) called it an inhumane attempt as the policy was cancelling the residence permits of their parents which goes against their fundamental right to security (Norwegian Organization for Asylum Seekers (NOAS), 2019).

In addition, the authorities moved several asylum seekers to countries other than their home countries which were also not suitable for them. That step was also criticized by Amnesty International as Afghanistan and Somalia were not the safer regions (Amnesty International, 2017). The asylum seekers according to the new policy were also not allowed to work in Norway unless they don't receive a national identity card (United States Department of State, 2016). By 2015, the authorities provided temporary protection status to 614 individuals (United States Department of State, 2016). In addition, there was 1997 stateless person out of which 93 had to leave the country completely (United States Department of State, 2016). Despite the crisis, the government tried to protect the rights of asylum seekers, but political pressure became a major hurdle in this case.

#### **4.3. Political initiatives:**

Though Norway went through a serious refugee crisis and was under the influence of anti-immigration parties, the government tried its best to alleviate the situation (United States Department of State, 2016). In 2016, the government announced an aid budget of NOK 34.8 billion for refugees (Relief Web, 2015). Further, for dealing with unforeseen events, the

government also allocated NOK 4.2 billion for the rehabilitation of refugees (Relief Web, 2015). In this regard, then Minister of foreign affairs, Børge Brende also extended the moral support for the Syrian refugees by acknowledging the war situation in the country (Relief Web, 2015). In line with the statistics, 869 asylum seekers resided in the reception center in 2015 where the government provided them with basic life facilities (United States Department of State, 2016). Further, the government also took part in the citizenship process for providing stateless persons a Norwegian nationality (United States Department of State, 2016).

After framing the policy, the government went through coordination discourse with other parties to ensure the protection of the social rights of refugees (Pedersen, 2016). In the first phase, the government wanted to make Norway economically less attractive for the refugees. However, later on, the government made possible efforts for reaching a mutual agreement with the political parties to create employment options for refugees in Norway (Hagelund, 2020). However, the opposition stood against the Norwegian government as those work incentives might introduce poverty in Norway (Brekke, Vedsted-Hansen & Stern, 2020). This political pressure led to a substantial compromise in the social rights of refugees. In the beginning, the social security services like disability pensions, old-age pensions, and lone parents benefits were provided by the Norwegian government to the refugees (Brekke, Vedsted-Hansen & Stern, 2020). It led to longer waiting times for refugees for accessing social security services that compromised the obligation of human rights (Valenta & Bunar, 2010).

#### **4.4. Refugee protection in international law:**

To evaluate the impact of temporary protection policy on the fundamental human rights of refugees, it is essential to consider the refugee protection in international law that provides a reflection of refugee rights in the host state. Whenever a refugee is provided with a residence permit, he comes under the protection of the host state. In terms of international law, it is the



state's responsibility to protect refugees. The responsibility of the state in this regard arises in different case scenarios. A few major instances are those in which the social freedom of a refugee is at risk, there is unjustified use of power against them, violation of existing law regarding refugee rights, and any infringement of basic human rights (de Vroome, Coenders, van Tubergen & Verkuyten, 2011). According to the human rights theory, every individual should have a right to social freedom and access to basic social services (Habermas, 2010). Another dimension to international law is provided by mentioning that if the standards of law for the treatment of refugees are lower than that those required on international grounds, the refugees would be under the influence of ill-treatment and prejudice. The refugees thus fail to achieve a social and national advantage (Gil-Bazo, 2015). This issue is also supported by the human rights theory which emphasizes that every individual should be involved equally in the community building and social processes where they achieve equitable social advantages (Habermas, 2010). In such a case, the International law commission (ILC) designed the final set of states' responsibilities in terms of refugee rights after World War two (van Tubergen, 2010). The international law through Article II defined genocide as not only the unlawful killing of refugees but also as an attempt of damaging their ethnic and racial identity (UNHCR, 1951). Article 19 however, signals towards international crime that any attempt of sabotaging the basic interests of the overseas would be considered as a crime worldwide (UNHCR, 1951). Under the reflection of Lee's theory of migration, social protection was the major pull factor in Norway where refugees tried to escape death penalties in their home countries and migrated to Norway (O'Neill, 2021). Refugee protection in international law isn't only about the protection of their lives but also the protection of their fundamental human rights and dignity. It is one of the fundamental refugees' rights to stay within the boundaries of a safe state. However, the temporary protection policy limited their access to basic citizenship rights by terminating their

refugee statuses and demanding them to return to their conflict-stricken regions (Breau, 2016). Therefore, it can be deduced that the temporary protection policy compromises the refugees' right to life security in any state.

#### **4.5. Legal basis for cessation and revocation:**

The protection of individuals in a state comes to an end through either the process of non-extension or revocation. According to the Norwegian temporary protection policy, revocation, and cessation are applied to both temporary and permanent residence permits. The term cessation was contingent on Immigration Act § 37 which means that a person is no longer in need of protection in Norway (Ministry of Justice and Public Security, 2010). The cessation of refugee status followed two different dimensions. It was agreed, that cessations would be exercised due to either the unpredictable situations in the country or when there would be no need for temporary protection for the refugees upon the betterment of the situation in the refugee's home country (Beyer & Matthes, 2015). Cessation of residence permit in this situation leads to a formal non-extension. The phenomenon of revocation in Norway is consistent with the Immigration Act § 63 which when applies demands the refugees to return to their country (Ministry of Justice and Public Security, 2010). Since the temporary protection allows the authorities to assess at any time whether a permanent residence permit be provided or not, it goes against human rights and dignity. It means that refugees' residence permits might be considered for cessation at the end of the limited time, the temporary protection had been provided (Seidelsohn, Flick & Hirseland, 2019). The phenomenon of cessation is applicable for those only who have a temporary residence permit. However, those who have permanent citizenship would be considered for revocation (Brekke, Birkvad & Erdal, 2020). The Norwegian government didn't introduce changes in Immigration acts but specific sets of guidelines were provided to UDI concerning temporary protection policy. The political agreement stated that whenever there would be no reasons to be allotted temporary protection,

the immigration authorities would immediately start the process of cessation without any further delay. Before 2016, the Norwegian law used to automatically allot permanent residency to the refugees after three years. However, later restrictions and an introduction of temporary protection policy opened the doors for cessation (Hashimoto, 2018). According to the human rights theory, the phenomenon affects the fundamental refugee's right to stay, family reunification, seeking equitable employment opportunities within the boundaries of the host state (Habermas, 2010). In such a way, it can be inferred that the cessation and revocation practiced through the temporary protection policy don't seem to align with the fundamental refugee rights.

#### **4.6. Refugee Integration:**

The research question also touches on the relationship of the practice of the revocation and cessation of residence permit and citizenship with the integration of immigrants and refugees as the integration of immigrants is their fundamental human right and a manifestation of collective and equal growth in society (Pijnenburg & Rijken, 2020). It allows refugees access to all public welfare opportunities including the education and health sector. The core approach of immigrants' integration depends on relative cohesion on economic, social, and cultural grounds (Jasinskaja-Lahti et al., 2018). The temporary protection though brings several advantages for the host country, it severely affects the sustainable development opportunities for the refugees. It brings drastic impacts on all national, international, and individual levels (Martiny, Froehlich, Soltanpanah & Haugen, 2019). In the Norwegian case, refugees were left in a state of confusion, were on an international level, they failed to receive recognition. It, in turn, reduced integration by not allowing them to interact with others, and side by side by putting a mental and financial burden on deciding whether to stay or return. In line with Lee's theory, the refugees while migrating to Norway faced innumerable intervening obstacles including death penalties (Lee, 1966). In such a case, the key motive of seeking asylum was

protection and access to social services but the fear of revocation or cessation practiced through the temporary protection policy affected their right to equitable access to resources (Martiny, Froehlich, Soltanpanah & Haugen, 2019).

#### **4.7. Human rights instruments and temporary protection policy:**

All Scandinavian nations are members of UNHCR and follow universal UNHCR refugee laws along with following the EU legislation. UNHCR laws are based on the Universal Declaration of Human Rights. To develop a sound basis for the process-tracing method and identify the relationship of temporary protection policy with refugee's rights, I tried to focus on the basic UNHCR laws which will be used as the foundation for the relevance of Norway's temporary protection policy and its effect on human rights.

Human rights are universal and apply to everyone irrespective of his social status, caste, nationality, and ethnicity. Refugee rights also come under the umbrella of basic human rights. UNHCR's refugee protection law is based on three dimensions. Article 6 and 7 of the Universal Declaration of Human Rights allow everyone to seek asylum and refuge (United Nations, 1948). Referring to article 33 of the 1951's Convention relating to the status of refugees, a refugee must not be forcibly returned to their home country when there are threats to their lives as the primary cause for fleeing from their own countries is the violation of human rights (UNHCR, 2011). States must adhere to this principle of "non-refoulement". Thus, illegitimate cessation and revocation are prohibited by international law. UNHCR also refers to the instances of mob killings of refugees when they were forcibly returned to their mainlands (Nicholson & Kumin, 2017). Due to this prevalent fear, the temporary protection policy affects the refugees' welfare rights in Norway.

To protect refugee rights, UNHCR advocated for all basic human rights. The most prominent are articles 9 and 12 of Covenant on Civil and Political Rights. These articles prohibit the states

from limiting the movement of refugees (Di Saint Pierre, Martinovic & De Vroome, 2015). They must not be confined to refugee centres and be allowed to interact socially as it inculcates in them a sense of responsibility and non-dependence. On the same grounds, article 5 of the Universal Declaration of human rights and article 7 of the Covenant on Civil and Political Rights mentioned the protection of refugees from violence and torture (OHCHR, 1976). However, the 2<sup>nd</sup> and 7<sup>th</sup> articles provide them with a right of equal status in a society where they wouldn't be facing xenophobia just because of their ethnic identity (OHCHR, 1976). The law is highly consistent with satisfying the research question of immigrants' integration (Janmyr, 2017).

Family reunification is considered to be one of the potent factors involved in immigration. It allows the left members of a family to migrate to the same country in which their other members are residing. However, in contrast, a few regions focus on stringent guidelines in the process of family reunification. In line with this process, article 17 and 23 of the Covenant on Civil and Political Rights talks about respecting the family unity of the refugees (OHCHR, 1976). The legislation also ensures that if one member of the family dies, it doesn't affect the refugee status of others (Marbach, Hainmueller & Hangartner, 2018).

The UN Convention on the Rights of the Child provides a legal framework for the rights of refugee rights. Article 7 mentions that they have a right to normal life through which they must be in their parents' protection and articles 12-15 reinforce their participation in the community where they must be treated as the children of the permanent citizen (OHCHR, 1990). Most importantly, article 28 of the convention mentions their right to education where equal opportunities for them must be created to receive an education (Lawrence, Dodds, Kaplan & Tucci, 2019).

Article 25 rhetorically mentions refugees' right to social welfare and health care (UNHCR, 1951). In line with this article, the refugees must have equal access to all the social services provided by the government. It further prohibits any attempt of sabotaging someone's right to well-being. Thus, governments must design all-inclusive policies to provide equal rights to the citizens (Nicholson & Kumin, 2017). Considering the phenomenon in which Syrian Refugees haven't been allowed to work and residence permit is provided only if they agree to not work, Article 23 of the Universal Declaration of Human Rights states that everyone has a right to work and choose employment opportunities on their choices (United Nations, 1948). The law also provides them protection against unemployment. If refugees are allowed to work, they achieve a special set of skills, which improves the social and economic condition of a refugee family. It will in long term be helpful for them to collect enough capital to return to their own country. Thus, the laws are not only beneficial for the refugees but also aid host countries in determining their strategic direction (Marbach, Hainmueller & Hangartner, 2018). Upon comparing the refugees' situation in Norway with their fundamental human rights, it becomes clear that the temporary protection policy deprived the refugees of their right to life and social security, social participation, family reunification, education, and employment.

#### **4.8. Dignity of Refugees:**

Human rights and dignity are interconnected phenomena. Human dignity encompasses two dimensions. First the equal value of every human being in the society and second their equal access to basic life qualities (Sigona, 2017). Human dignity in other terms is their equal access to a decent life. Referring to the first article of the Universal Declaration of human rights, all humans are born free and are equal in dignity (United Nations, 1948). The article reinforces the interdependence of the fulfilment of human rights and their effect on human dignity. On the same grounds, UNHCR adheres to the same principle by not only focusing on human rights but also the dignity of refugees (UNHCR, 1976). While migrating, they get killed by smugglers

and locals just because of their will to seek a better life (Konsta, 2019). Their right to seek asylum must be respected. Refugees must be made free in taking their life decisions, employment, and be respected despite their status. The Office of the United Nations High Commissioner for Human Rights reported the cases in which refugees are treated as aliens, live in exile, and depend on others for basic food, and clothing facilities (UNHCR, 1954). Depending on the Norwegian refugee crisis, the Norwegian legislation also emphasized the protection of human dignity through recent constitution amendments of 2014 (Constitution of the Kingdom of Norway, 2018). Moreover, article 104 of the children's rights also places children's rights and dignity side by side (OHCHR, 1990). Despite legal implications, refugees throughout the world are humiliated, they become victims primarily due to ethnic reasons, political influence, and prejudice by social groups (Townsend, 2017). They are provided with meagre job opportunities and face rejection by the nationals on various grounds. Thus, the concept of human dignity touches on the ethical grounds where refugees must be respected for being humans irrespective of their social classes and ethnicities (Collste, 2015).

The temporary protection policy affected the human dignity of asylum seekers and refugees. According to the concept of human dignity, every individual should be respected in society without any discrimination (Habermas, 2010). The policy, however, violated the social security right of refugees. The government was intending to make Norway economically less attractive for the refugees and limited the social security benefits of refugees like old-age benefits, pensions, and lone-parent benefits, etc (Djuve, 2010). In addition, the authorities were allowed to cancel the residence permit of individuals whom they don't find eligible (United States Department of State, 2016). It affected their right to recognition. The policy also affected their dignity in terms of limited access to social services. The policy terminated the employment opportunities for many and discontinued the educational process for some of the refugees.

Similarly, the policy removed the refugee status of some that caused job insecurity. In such a way, the policy created economic injustice affecting human dignity on several grounds (Nessel, 2014).

#### **4.9. Effect of Norway's temporary protection policy on human rights and dignity:**

In this section, I applied the process-tracing method to identify the effect of temporary protection policy on human rights and dignity. In this section, hypotheses have been derived from the theory and I tried to derive relevant causal explanations for the change introduced by the policy on a humanitarian basis.

##### **4.9.1. Identification of change:**

Owing to the refugee crisis of 2015, the Norwegian government introduced a change in its refugee policy. The refugee policy focused on exercising cessation and revocation to overcome the capacity issues and economic burden on the state (Hagelund, 2020). However, the policy is thought to be associated with serious implications, particularly on fundamental human rights and dignity. To get more specific about refugee rights and dignity, I focused on Afghan, Syrian, and Somali refugees as these nationalities suffered more from human rights violations and used these as a reference to evaluate the effect of policy on their rights and dignity (Birkvad, 2019).

##### **4.9.2. Establishing the evidence:**

Norway hosted immigrants from different parts of the globe. They belonged to different ethnicities and thus had specific human rights concerning their protection and social life. The people entered for seeking refuge, however, the sudden decision of the government regarding temporary protection status left them in incredulity (Bendixsen, 2019). . The practice of revocation and cessation practiced by immigration acts 37 and 63 led to a situation, where the immigrants at any point could be asked to leave the country (Ministry of Justice and Public Security, 2010). Those who were returned from the border were left in a state of limbo where neither could they move forward nor could they return to their countries. In this case, sound



evidence was collected by analyzing specifically the interviews of the Afghan, Syrians, and Somali citizens. All of them were either informed directly about cessation and many of them were the close relatives of those who had suffered from cessation. (Morrison-Métois, 2017).

Concerning Afghanistan, the country is still dealing with the horrific outcomes of the civil war. However, following the Norwegian temporary protection policy, the Afghan refugees are still being forced to return to their country even though conflicts have still been engulfing civilian lives. This aspect of the policy affects their right to stay and human security. Only in 2017, the bombing at Kabul took 40 lives in less than a month (Janmyr, 2017). In line with the statistics, Norway has deported most of the Afghan refugees than any other European country (Amnesty International, 2019). The data represents that 32% (97 out of 304) Afghan refugees have been forcibly returned by Norway in a few months of 2017 (Amnesty International, 2019). Further, data provided by Amnesty international advocated in the favour of Afghan refugees who after being returned from Norway got killed as a result of unlawful violence. These pieces of evidence stand for the effects of the Norwegian temporary protection policy on the obligation of basic human rights and dignity (Amnesty International, 2017). Syrians were also returned from Norway to Russia. However, it raised several concerns for several organizations including Human Rights Watch and UNHCR about the suitability of Russia as a safe place for Syrian refugees. Furthermore, the Russian government had not by then promised any kind of assistance to refugees (Human Rights Watch, 2016). Moreover, there were also several doubts concerning the capacity of Russian asylums. The new protection policy was also not suitable as the former only allowed authorities to cancel the residence requests, but the new policy also allowed the government to send refugees to Russia. Regarding international law, refugees can only be sent to a third country, if that country agrees to accept them. Thus, the situation strongly went against the non-refoulment principle of refugee rights (Human Rights Watch, 2016).

The Somalians also were living for generations in different European countries including Norway. In Norway, one can achieve citizenship only by birth by staying there for 10 years (Khatib & Armenian, 2010). It then provides the right to life and the right to work and saves them from the fear of being sent back to their countries. However, the interviews of Somalian minorities residing in Oslo, further, conform to the fact that Somalians despite being educated and culturally oriented fail to integrate into the fabric of the Norwegian society (Khatib & Armenian, 2010). In 2013, the compulsion of learning the Norwegian language to achieve citizenship, and in 2015, the temporary protection policy violated Somalian's rights as a citizen (Open society foundations, 2013). Since then, 200,000 Somalis have been forcibly evicted from their homes in line with a report issued by the Norwegian Refugee Council (NRC) (Norwegian Refugee Council, 2019). It outlines the unsolicited situation in Somalia, whereby, their eviction from Norway strictly goes against basic human rights and dignity.

#### **4.9.3. Documentation of processes:**

To find the extent of the change introduced by the policy, I focused on the documentation of the process. In this step, all these processes would be analysed that took part in reinforcing the negative impact of the policy on the refugees. In other words, this step provides an appropriate causal explanation for me to answer the main question of this paper. This will address the 6 sub-questions, or I can say the 6 dimensions of this topic.

#### **1. Did revocation affect the immigrants' right to social participation?**

Concerning the temporary protection policy, the refugees waited for more than a year or two for the final processing of the procedure. The refugees after receiving the residence permits play an important role in immigrants' integration (Brekke, Birkvad & Erdal, 2020). Even after being allowed to stay in Norway, the refugee was kept in remote areas where they were not allowed to leave the place for more than 3 years. The refugees who were working in Norway

had to leave the country also. Further, during this time they remained in a state of uncertainty regarding whether or not they would be allowed to stay or would have to leave the country (United States Department of State, 2016). Due to this mental pressure and a fear of losing employment opportunities, they failed to interact and contribute properly to Norwegian society. In such a way, this aspect of temporary protection policy affected their fundamental right to social participation. Thus, the secondary research question that will be used for answering the primary research question would be:

## **2. Did political pressure affect the dignity of refugees and their right to stay?**

Norway's temporary protection policy was highly influenced by political intervention. Many political parties focused on cessation and revocation. The phenomenon observed a significant public attraction. It outlines the phenomenon of prejudice in which politics influences the separation between nationals and ethnicities. It became a collective response in which the refugees had been considered the cause of the economic burden the country had been going through. The refugee interviews also signal the dejection, they face as a refugee in a country (Esses, Hamilton & Gaucher, 2017). In this case, the Norwegian government was under the influence of serious political pressure. According to human rights theory, every citizen should be treated equally in the state (Habermas, 2010). However, the political pressure in Norway led to the restrictions imposed on the refugees, even though a few of them had also achieved permanent citizenship status. In other terms, the political intervention, in this case, affected the refugee's fundamental right to stay within the boundaries of the state. Thus, the proposed next research question would be:

## **3. Did the temporary protection policy affect the children's rights to education, welfare, and normal life?**

Almost 60% of the refugees had migrated to European countries just for seeking better educational opportunities (The World Bank, 2020). In line with Everett's Lee theory of migration, the prominent pull factors for migration to Norway were the sound socioeconomic dynamics and the availability of better education and employment opportunities. The recent data provided by UNICEF explains that one-third of refugees in Europe were children where 54% of these came from Syria, 27% from Iraq, and 13% from Afghanistan (UNICEF, n.d.). The statistics are consistent with the suffering communities in Norway. The temporary protection policy states that children would be allowed to stay in Norway until they reach the age of 18 years (Government.no, 2016). However, the children, in this case, went through significant mental pressure when they observed the cessation and revocation being practiced by their other family members. In addition, they were not provided enough psychological help (Baauw & Ritz, 2017). Such instances are associated with reducing the capability of children to complete their education. In other terms, the temporary protection policy affected the mental capability of refugee's children affecting their right to education and normal life. To further analyse the question I will be discussing this in coming chapter . furthermore the 4th research question would be:

#### **4. Did the Norwegian temporary protection policy affect the refugee's right to integration into Norwegian society?**

In the host societies, efforts should be made in refugee integration in a way that the host societies should be made extremely inclusive where the cultural and ethnic identity of refugees remains intact. International law provides refugees, a right to integration (da Costa, 2006). It is one of the fundamental human rights by which any individual should be allowed to adapt to the host communities and culture. Considering the outcomes of the temporary protection policy, a significant amount of data has been collected which reflects upon the negative impacts of the

policy on the integration of refugees (Bech, Borevi & Mouritsen, 2017). In Norway, the temporary protection policy resulted in overwhelming stress among the refugees. After being interviewed, the refugees are concerned about repatriation, social isolation, dismissal, and lack of money to afford the associated expenses (Steel et al., 2018). Such an issue creates the chances of non-inclusiveness in the societies where certain events make them feel completely isolated from the host societies (Steel et al., 2018). Thus, it can be deduced that the policy affected the refugee's right to integration into Norwegian society. In such a case, the 5th research question would be:

#### **5. Did the temporary protection policy affect the right to family unity in Norway?**

Family reunification is the manifestation of the fundamental human right to family unity. However, the temporary protection policy completely goes against it. In Norway, several families of refugees have been residing (Laverack, 2018). However, the immigrants' authority attempts to cancel the residence permits will separate the family members from each other. Several restrictions were imposed regarding family reunification. According to the policy, family reunification was allowed to the permanent residents only. In addition, the process could be successful only if the person would have worked or studied for 3 years in Norway. Further restrictions in this regard were fluency in the Norwegian language, the capability to pass a social studies test, and not allowing family reunification to those who could safely be in any other state (Government.no, 2016). On these grounds, the restrictions in the temporary protection policy affected the right to family reunification. Hence, the research question would be:

#### **6. Did temporary protection policy contravene refugees' right to social equality and their dignity?**

One of the major components of international law is the efforts made against discrimination and xenophobia. International law protects every human being against social and ethnic discrimination. According to human rights theory, every individual is equal in respect and holds a specific set of rights that serve his dignity in society (Habermas, 2010). However, the results of several types of research predict that the policy affected the refugees despite achieving permanent citizenship (Kitamura et al., 2018). In addition, it has been argued that temporary protection policy undermined the aspect of human security as refugees were asked to enter their home countries or any other third country that was going to civil conflicts and life security issues respectively. Further, the refugees' access to services like old-age benefits and home loans, etc. was also terminated. In other words, the policy affected the most important right of equality in Norwegian society (Staver, 2014). Thus, the research question is:

#### **4.9.4. Establishing alternative causal explanations:**

In this step, I tried to provide alternative causal explanations to the events. This step explains that how and why a particular change came about as a result of a stringent temporary protection policy. To derive alternative causal explanations, I reviewed the implications of temporary protection policy from the point of view of the immigration authorities and politicians.

The alternative causal explanation was the economic and capacity issues in this regard. Further, the government thought of losing control in the wake of the refugee crisis. Moreover, the significant number of refugees was creating issues in the distribution of the resources for the government. Associated challenges for the government were overpopulation leading to the scarcity of food and water supplies. It could impose an economic burden due to the increase in the prices of goods (Konsta, 2019). Moreover, a large number of human violation cases had also been recorded leading to the death of hundreds of refugees. Thus, these issues led to the Norwegian government's decision of adopting strict immigration policies (Pamment, Olofsson

& Hjorth-Jenssen, 2017). It was the only alternative causal explanation derived from the theory.

The competing hypotheses derived from the theory are:

H<sub>A</sub>: The authorities focused on revocation to solve integration issues.

H<sub>A</sub>: Political leaders wanted to secure the future of Norwegian nationals.

H<sub>A</sub>: The government had already contributed towards the welfare of refugee children.

H<sub>A</sub>: The government wanted to prevent human rights violations.

H<sub>A</sub>: The authorities wanted to provide fewer but better facilities.

For the research, the independent variable is the temporary protection policy and the dependent is the refugee rights. The entities are the politicians, immigration authorities, and refugees. Their activities are marked by the effect they have on refugee rights. The causal mechanisms can be established as:

As a result of the refugees' burden in Norway, the politicians and the government focused on revocation and cessation to lift the economic burden. However, the process took several months due to which the refugees not only remained in limbo but couldn't also perform socially, which ultimately limited their contribution to Norwegian society. In such a way, the policy affected their human right to social participation. In addition, the politicians also put pressure on the government to stabilize their political position and homogenize the country. In such a case, refugees suffered dejection in Norwegian society by the local public that affected their dignity. The policy also terminated their chances of receiving better education that violated the children's right to receive education and live a normal life as sooner or later they had to leave the country. They also suffered from mental pressure that affected their will to integrate further into Norwegian society that violated their right to social integration. During the process, the

immigration authorities sent back the members of the same families. Due to this, the refugees had to leave their family members who had been living for years in Norway that affected their right to family reunification. Further, the refugees' access to social services was also terminated despite achieving citizenship status. As a result, they had to return to the war-stricken regions that affected the right to social equality in society.

#### **4.9.5. Assessing the evidence:**

In the final step, I tried to assess the evidence for the causal explanations. The evidence for the research is assessed by determining the strengths of each piece of evidence to justify the evidence. Since the evidence is supported by the statistical data provided by the official web links of reputable sources, the evidence is strong and is in strong agreement with the causal explanations. All hypotheses are supported by the interviews of the refugees and asylum seekers and validate the effect of the temporary protection policy on the infringement of the refugee's basic human rights and dignity.



# Chapter 05

## Discussion

### **5.1. Violation of basic human right of social participation:**

Article 27 of the Universal Declaration of Human rights emphasizes the basic right for actively participating in community building. According to this article, every individual can take part in cultural, literacy, and scientific activities and utilize them to their advantage also. In addition, article 21 of the declaration provides everyone a basic right to become part of the government and involve in public affairs (United Nations, 1948). In addition, OHCHR focuses on the protection of civic space. According to the protection of this civil space, individuals can take part in political dialogues, community services, and express their views in civic engagement activities (OHCHR, 2019).

The reception centers in Norway were located in far-flung areas that cost asylum seekers a lot to cover distances (United States Department of State, 2016). This exclusion couldn't contribute positively to social participation (Gudbrandsen, 2010). According to Kongeriket Norges Grunnlov, any individual with a residence of more than three years could engage in civil activities (Constitution of the Kingdom of Norway, 2018). After the exercise of protection policy in Norway, the voter turnout of immigrants in 2015's elections declined immediately as many of them had no longer a refugee status due to the cancellation by the policy (Klevin &

Aalandslid, 2017). This aspect of the policy ignores the fundamental human right of social participation. In such a case, the asylum seekers couldn't participate in social and political activities.

## **5.2. No easy access to education and work:**

Article 23 of the Universal Declaration of Human rights focuses on the fundamental human right to seek any employment opportunity. Article 26 of the declaration allows everyone to have equitable access to educational facilities (United Nations, 1948). According to this article, elementary education should be free. In addition, the sole purpose of education should be the personality development of individuals. Further, the obligation of core human rights and dignity should be considered in such a case where individuals should contribute constructively without any discrimination (United Nations, 1948). The temporary protection policy created several difficulties for refugees as it limited their access to public services. According to the policy, asylum seekers weren't allowed to work until they are issued national identity cards. However, due to a huge number of refugees, the process took a long time creating financial difficulties for them. In addition, the cessation terminated the educational journey of several students (United States Department of State, 2016).

The policy was though made flexible for children. However, it couldn't be justified when their parents would have their refugee status canceled but there was an exception for the children. Further, the reception centers were located in remote areas. Other prominent hurdles in accessing education were cultural and language difficulties, educational costs, and post-trauma psychological difficulties for continuing education (Daniel, Ottemöller, Katsi, Hollekim & Tesfazghi, 2020).

**5.3. Not enough psychological help:**

Many of the refugees entering Norway escaped civil wars and terrorism. Further, the whole world closed the doors for them. In addition, they lacked financial assistance, many of them lost their lives in the Mediterranean Sea, and experienced sexual assault and violence (Hagelund, 2020). According to the Royal Australian and New Zealand College of Psychiatrists (RANZCP), asylum seekers are at risk of mental disorders including depression and psychosomatic issues twice than the other migrants. Further, the trauma creates self-harming and suicidal behaviour among them. When these marginalized groups enter other countries for asylum, they also have to bear adverse outcomes. In such a case, help is required for them to overcome the trauma caused by war and migration (RANZCP, 2017).

In 2015, when refugees entered in bulk in Norway, the government, in the beginning, tried to overcome the difficulties. However, they were kept in reception centres. They were not allowed to leave the camp for more than 3 days and had been dealing with financial difficulties (United States Department of State, 2016). In such a case, small refugee centres made them more prone to mental illnesses. Further, they were also not allowed to take part in social activities. In addition, only a little psychological help was provided to them to overcome trauma, allowing them to focus on personality development, and starting their new lives in welfare states (United States Department of State, 2016).

**5.4. The policies which aimed to solve the crisis have detrimental effects on other groups:**

The Norwegian government aided the refugees at the beginning of the crisis. There were several campaigns concerning the help of refugees in Norway rather than spending money for their help in any other state. However, the political air suddenly changed its direction and the government took immediate actions for returning the refugees. The prominent aspect of the policy was to make Norway economically unattractive for the asylum seekers. However, later on, the

agreements included such clauses that did more damage than good. The refugees were forced to return to non-safer relations where their access to social services also got limited, they faced dejection, found nothing to eat, and were excluded from social circles (Hagelund, 2020).

In addition, the policy affected the permanent residence of the refugees. They were provided with no political platform for addressing their concerns. The authorities were also allowed to cancel the residence permit of refugees who don't qualify for the residence criterion. It created mental stress among the refugees, they went through employment insecurities and suffered a fear of persecution in their home countries. In other words, the policies which aimed to solve the crisis had detrimental effects on marginalized groups (Teodorescu, Heir, Hauff, Wentzel-Larsen & Lien, 2012).

#### **5.5. Effect of policy on the dignity of refugees:**

Humans in a society are in a horizontal relationship with each other where they share equal sets of rights. Respect for one's rights and values is obligatory for every individual. Human dignity is a broader phenomenon according to which every individual has a right to be respected in a society irrespective of color, class, or racial background (Habermas, 2010). The temporary protection policy affects dignity as it limited the social security for refugees. For reducing refugees' pressure, the Norwegian policy included several clauses that extended the time for the eligibility of refugees to access social security. The prominent examples of these are the delayed delivery of services in receiving lone parents benefits, old-age pensions, and other rehabilitation financial aids. An inability to receive social security and a fear of social exclusion damaged the human dignity of refugees belonging to all age groups (Djuve, 2010).

In addition, several refugees had been deprived of their refugee status and were included in the temporary protection criterion. It violated their right to recognition in society. Further, human dignity also refers to the equal access of individuals to welfare services. However, as a result

of the cessation and revocation practiced by the policy, the refugees faced employment insecurities, their access to education got terminated, and they again went through economic trauma. In addition, economic justice is also one of the dimensions of human dignity. Those who hadn't returned and were allowed to stay also got affected as the citizenship process got delayed due to the policy and refugees faced discrimination in maintaining a better standard of living (United States Department of State, 2016).

Concerning UNHCR guidelines for refugees, principle 2 focuses on the protection of refugees' rights and dignity (UNHCR, 1954). The core approach lies in the equal access of refugee men, women, and children to their basic rights. The phenomenon coincides with the UNHCR's aim of rebuilding their lives. However, the cessation and revocation policies are not favorable under such circumstances. These changes are consistent with the development of parallel communities within the same region as a few of the individuals would be those who had a canceled residence permit while others enjoying citizenship rights. The refugees, thus, face alienism in society which affects their dignity (Parveen, 2020).

### **5.6. Challenges of cessation and revocation:**

The thesis focuses on the relationship between temporary protection policy and refugees' rights in Norway. The different identified aspects are the effects of revocation on immigrants' right to social participation, the effect of political pressure on the dignity of refugees and their right to stay, the impact of policy on the children's rights to education, welfare, and normal life, right to integration, family unity, and right to social equality and dignity in Norwegian society. All these aspects interrelate to the primary research question identifying the collective impact of temporary protection policy on all the refugees' rights in Norwegian society. The data collected, however, reveals that the policy affected all of these basic refugees' rights on several different stages.

The Somalian refugee crisis resulted in the migration of 750,000 people (UNHCR,2020). Not only have these but economic pressures resulted in a poverty rate of 70% among Somalian refugees (OHCHR, 2010).On the same grounds, the Afghan refugee crisis led to the migration of 2.7 million people towards Europe (UNHCR, 2015). By the end of 2014, more than 191,000 Syrians had been killed that also led to their mass exodus (World Health Organization, 2015). By the end of 2015, there were 3.2 million asylum seekers and 2.0 million asylum applications (UNHCR, 2015). Due to the overwhelming refugee pressure, UNHCR couldn't support them and suffered from a budget loss of about US\$1.8 billion (UNHCR, 2021). The World Food Program also suffered while 60% of refugees in neighboring countries didn't have access to health care facilities. About 200,000 children left schools which comprised about 20% of the total Syrian children (Zeno, 2017). Education proved to be one of the several reasons for their migration. In 2018 about 67% of Syrians migrated to Norway because of the better education facilities. About 40% of those got enrolled in educational institutions (The World Bank, 2020).

In countries like Lebanon and Jordan, refugees had to pay £130 and £27 to stay (Fleming, 2015). According to Statistics Norway, the immigrants had low employment rates of 63-69% in 2012-15 (Statistics Norway, 2016). Better employment and educational opportunities were some of the major pull factors for immigration to Norway. However, soon the refugee burden increased beyond the limit. The Norwegian government decided to implement restrictions on the refugees as a result of it. The policy was contingent on repatriating those who if returned would be safer in their home country. It was though called the temporary protection policy but the process of cessation and revocation in Norway doesn't seem to end (Silove, Ventevogel & Rees, 2017). The policy is still being exercised and the individuals are being returned. However, the cessation policy in Norwegian law had a few exceptions to not practice against UN quota

refugees and those who have to stay on compassionate grounds, yet the policy explicitly focused on cessation (Lamkaddem, Essink-Bot, Devillé, Gerritsen & Stronks, 2015).

In line with this policy, the government emphasized the 8<sup>th</sup> article of ECHR (European Convention on human rights) regarding the right to family unity and article 3 of the UN Convention on the Rights of Child (CRC) (Council of Europe, n.d.) (OHCHR, 1990). However, the empirical evidence suggests that the right to family unity was no longer considered as a justification to stop the cessation process. Further, it was a compulsion to consider the fears of the refugees and the conditions of their country, yet the present-day data goes against it. Moreover, later on, it was observed that the phenomenon of proportionality judgment wasn't followed in this case.

Detailed research also predicts the lengthy procedures of the policy. Moreover, there is a consensus regarding the fact that during this whole process, insufficient data had been collected by using social media profiles. From 2017-18, 1400 Somali nationals were asked to leave the country, however, after 2 years only 300 applications had been reviewed (Murad & Versey, 2020). Refugees waited for a long time for further processing. Further, the policy is being focused on a few of the ethnicities which determine its non-fulfillment on humanitarian grounds (Brekke, Vedsted-Hansen & Stern, 2020).

Another prominent dimension of the policy is the demand for huge resources for the cessation and revocation policies. The policy was intended towards lifting the economic burden, yet its processing proved to be very costly for the government. According to the 2020 statistics, the cases of revocation under observation are 4200, out of which 1400 are pending (Brekke, Vedsted-Hansen & Stern, 2020). The policy also brought drastic implications on the mental and physical well-being of the refugees due to their helplessness in the overall procedure. It, then, affected their integration into the Norwegian environment (Straiton, Reneflot & Diaz, 2016).



In line with the new policy, it doesn't matter whether someone has achieved permanent citizenship or has refugee status, he would still be subjected to revocation and cessation. However, the authorities hold that the policy is highly consistent with international law. There isn't any bias practiced against someone nor does the policy affects someone's fundamental human rights (Niemi et al., 2019). Further, statistics reveal that after being informed of the temporary protection, the refugees still resided in Norway for a year. A few of the organizations also supported them, so, it created chances of conflict with the authorities where refugees suffered ultimately (Yıldız & Uzgören, 2016).

The legal basis for the policy differed in all Scandinavian countries, however, the attempts are also being challenged in several courts of human rights. In Norway, the authorities have been asked to not determine the rationality of the process but evaluate on their basis whether a person needs to be sent back or not. Irrespective of the severity of the process, the Norwegian government was highly contributing towards the welfare of the refugees' children before and after the crisis (Olsen, 2018).

In this case, however, the political influence is the most prominent which shaped the future direction of the policy. The political leaders didn't even focus on adopting cessation but they also tried to accentuate the public interest towards preventing the return of the refugees back into Norway. The government intended to prevent future disastrous conditions (Owen, 2018). While viewing both sides of the picture, the Norwegian attempts were based on rationality concerning the Norwegian interest, however, strict immigration policies could also be created that would somehow be a win-win situation for the poor refugees suffering from extreme mental pressure. They could have been communicated to voluntarily leave the country by providing aid to them (Triandafyllidou, 2017).

## 6. Conclusion:

The research aimed at evaluating the effect of the Norwegian temporary protection policy on the human rights of refugees. The research concluded that there is a significant level of coherence between the impact of the policy and human rights violations. Besides, political leverage is found to be the determining factor in shaping the socio-economic dynamics of Norway. Though the policy was adopted as a measure to achieve considerable border controls, it is found to be associated with substantial domestic, and inevitable societal impacts on the welfare of the refugees.

Several nationalities were required to leave Norway. However, the research identified a very prominent social dilemma in this case. The obligation of human rights becomes even more indispensable for those nationalities that don't even enjoy standard citizen rights in their home countries. These countries are under the influence of ethnic and political conflicts, with unstable infrastructure. They have a significant number of internally displaced people. The temporary protection policy affected the refugees' right to life security, stay, social participation, integration, family reunification, normal life, social welfare, uninterrupted education and employment, equal access to social services. The crisis didn't end in 2015 but they are still undergoing leading to hundred and thousands of casualties. These situations raise a question mark on the effectiveness of global incentives of returning the refugees to their home countries, which are even unable to provide basic life facilities to their citizens, and certainly are unable to bear the more socio-economic burden.

Despite a significant level of concerns on humanitarian grounds, there is no expected end to the profoundly negative implications. The policy was, however, directed towards bringing down

the number of refugees. On those grounds, the policy remained successful in limiting cross-border migration. Nonetheless, the phenomenon demands a global contribution towards designing a more practical and long-term approach to solve the immigration issues on one side and observe humanitarian considerations on the other side.

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