

The Problem of Dependency: Immigration, gender and the welfare state.

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Abstract

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

Introduction

Patterns of marriage and immigration are intertwined; a central feature of the changing marriage patterns in Norway over the last decades is a substantial increase in marriages involving at least one person with an immigrant background. Moreover, marriage migration constitutes a substantial share of the total immigration to Norway (Daugstad 2008).¹ The spouse of a person who has legally settled in Norway has the right to family immigration as long as certain conditions are met.² One key condition here is to have a means of subsistence. This is a requirement for all immigration. Up until now, the immigration regulations have allowed functionaries to take the spouses' joint income into consideration when making decisions on family immigration cases. After a new immigration act went into effect in 2010, however, the requirement must be met solely by the spouse already settled in Norway. This

article investigates the regulation of family immigration to Norway, and it analyses the arguments policy makers present for this recent change in the subsistence requirement. The two main arguments concern the prevention of forced marriage and the need to avoid burdens on the welfare state caused by immigration. The first argument, about prevention of forced marriages, places the subsistence requirement within the context of a highly relevant and much debated issue throughout contemporary Europe (Bredal 2005; Fair 2010; Hagelund 2008; Myrdahl 2010; Phillips 2007; Roggeband and Verloo 2007; Schmidt et al. 2009; Wray 2008). The second argument is related to the assumed welfare dependency of foreigners, which has become a central topic in public debates on integration and immigration (Morissens and Sainsbury 2005, 637). These two arguments define the premises of the debate and reflect its dominant framing within the Norwegian context, but, as we will see, alternative arguments, challenging the dominant representations, are also found.

A topic in much welfare-state policy research is the relationship between work/welfare and autonomy/dependency. Feminist theorists who study the welfare state have focused on the gendered aspects of welfare state policy and highlighted how different family models, or breadwinner models, have different consequences with regard to men and women's autonomy. This article poses two research questions: 1) What forms of dependency are presumed and created by the subsistence requirement and what are the consequences of this for cross-national couples in Norway?³ 2) With respect to the issues that the changes of the subsistence requirement are meant to address: what is the problem represented as being?⁴ The data I have used to answer these questions consists of two documents: first, *Odelsting proposition no. 75* (Arbeids- og inkluderingsdepartementet AID 2007) is the proposal for a new immigration act. In Norwegian this act is referred to as the *Lov om utlendingers adgang til riket og deres opphold her (Utlendingsloven)* of May 15, 2008, but for sake of ease, I will refer to it as the "new immigration act". My second source for data is the official record of the

parliamentary debate on this proposal. The subsistence requirement will function as a prism for examining how dependency is presented as a problem within Norwegian gender equality policies, welfare policies and immigration policies, and the Norwegian case will be discussed in relation to the wider Scandinavian and European context.

First, I present the law proposal and the public debates that ensued in the process of preparing the new immigration act. I then introduce my methodological approach and follow it up with a presentation of research on international immigration, welfare states and gender that inform the empirical analysis of the subsistence requirement for family immigration. This is followed by analysis and a discussion of what it means to be independent from the state and the family within the context of marriage immigration. The analysis primarily focuses on how the government argues for changes the subsistence requirement, but it also pays attention to oppositional voices inside and outside the parliament. By inquiring into *whose independence* the subsistence requirement is meant to secure, I analyse the gendered aspects of this regulation by drawing on literature on welfare state regimes, gender regimes and immigration regimes (e.g. Apitzsch et al. 2007; Borchorst and Siim 2010; Esping-Andersen 1999; Langvasbråten 2008; Lister 2009; Morissens and Sainsbury 2005; Sümer 2009).

A New Norwegian Immigration Act – case and methods

A new Norwegian immigration act came into force in January 2010. The process of passing this new law was initiated almost ten years ago, when the Ministry of Local Government and Regional Development, in 2001, appointed a committee to report on the regulation of immigration. The committee's mandate was to modernize the current immigration act in accordance with the challenges caused by increased immigration. In 2004, the government-appointed committee submitted the white paper *Ny utlendingslov* (Norges Offentlige Utredninger NOU 2004: 20) and then, the white paper was sent on a public hearing to a number of organizations and institutions.⁵ The immigration act was presented in 2007

(AID 2007) and the parliament debated the bill in April 2008 (Odelstinget 2008). In the fall of 2008, the specific changes in the subsistence requirement were sent on a public hearing and 13 organizations and public institutions commented on the issue. The new Immigration Act of 15 May, 2008 has now replaced the old Immigration Act of 24 June, 1988.

The regulation of family immigration and, in particular, the means to prevent forced marriages, received more public attention than most other legislative discussions (Myrdahl 2010). Through personal stories presented by the media, the issue of forced marriage has become a public concern in Scandinavia throughout the past two decades (see Bredal 2005). During this period, Denmark has passed new legislation in order to reduce the number of family immigrants and prevent forced marriages (Bredal 2005; Fair 2010). These Danish regulations are discussed in the Norwegian white paper on the new immigration act, and partly as a result of attention drawn to the issue by the media, the prevention of forced marriage figure as a central concern in the document.

One proposal that in particular triggered extensive debate and controversy was the suggestion that family immigration on the basis of marriage should, in order to prevent forced marriages, not be allowed for persons under 21 years old. This proposed regulation, a parallel to the Danish 24-year law passed a few years earlier led to an polarized public debate about the extent of forced marriage and the adequate means to combat it (Bredal 2005; Hagelund 2008; Siim and Skjeie 2008; Skjeie and Teigen 2007). In the end, this particular proposal was withdrawn from the bill, due to its highly controversial character. While the proposal for a 21 year age limit was discussed elaborately and received a lot of attention, no specific changes in the subsistence requirement were considered in the white paper.

Although the old legislation did have a subsistence requirement, as a result of the new immigration act, an application for family immigration to Norway must now include documentation of income equivalent to civil service pay grade 8 (currently about €28.000 per

year). This requirement may be met by the reference person's own earnings, personal funds, a student loan or long term social security benefits (e.g., a permanent disability pension or old age pension), but not by short term welfare benefits (UDI 2009). In addition to the income requirement, the spouses must live together at the same address, and adequate housing must be documented by a rental contract or home ownership. The legal regulation of family immigrants varies between European states, but for most, having a place to live and a means of subsistence are standard conditions for family immigration (European Migration Network 2008 4.1.1.6; Kofman 2004; SOPEMI 2000). Sweden is the only country in Europe where family immigrants were not, until very recently, faced with any subsistence requirement (European Migration Network 2008, 6; Hagelund 2008; Hansen 2006, 24; *Justitiedepartementet* 2009).⁶

As mentioned introductorily, the data for this article is the law proposal for a new Norwegian immigration act (AID 2007) and the parliamentary debate on the law proposal (Odelstinget 2008). The analytical strategy I use to investigate this data is inspired by an approach called "What is the problem represented to be?" developed by Carol Lee Bacchi (1999; 2000; 2009). Bacchi positions herself in opposition to what she sees as conventional approaches to policy studies which, she claims, present policies as attempts to solve problems. In contrast, she suggests a refocus emphasizing the implicit or explicit diagnosis of the "problem" that every policy proposal necessarily contains. Furthermore, she argues policy-making is inherently contested and suggests to investigate the competing problem representations (Bacchi 2009, 254). Bacchi draws on Foucauldian discourse analysis and defines discourse as "language, concepts and categories employed to frame an issue" (Bacchi 1999, 2) and she argues that "the uneven power relations involved in the production of discourses" should be considered (Bacchi 2009, 237).

Laws and legislation are taken as starting point for policy analysis (Bacchi 2009, ix). The law proposal and the parliamentary debate under scrutiny here are public sources and products of national policy-making institutions. Therefore, I see the analyzed documents as being well suited for studying dominant public discourses. Furthermore, in addition to expressing new policies on immigration, the texts reveal political processes of dispute and compromise and contain competing problem representations that should also be investigated. The parliamentary debate makes visible the political controversies articulated by the different representatives in the parliament, and the law proposal makes reference to actors outside the parliament, such as researchers, public institutions and interests organizations. The voices of these organizations and institutions, that gave their responses to the proposed policy changes during the public hearings, are briefly represented in the official documents but published in their entirety at the web pages of the Ministry of Labour and Social Inclusion.

In line with Bacchi's (1999) approach, I focus on the conceptions of "problem representations" and investigate those that underlie the arguments for the subsistence requirement, along with the presuppositions and assumptions lying behind the particular policy proposal. Further, I look at the gaps and silences in the analysed texts, the re-problematizations, the space for challenge and the signs of resistance (Bacchi 2009, 237-238). Moreover, Bacchi (2009, 156-157) recommends that a policy analysis should transcend national contexts and connect different policy areas, and other scholars have argued that different national migration and integration policies are related to and should be studied comparatively in connection with theories on welfare state regimes and gender regimes (Apitzsch et al. 2007, 216; Borchorst and Siim 2010; Keskinen et al. 2009; Lister et al. 2007, 138-39; Lutz 2007; Morissens and Sainsbury 2005; Sainsbury 2006; Williams and Gavanas 2008). I therefore investigate the connections between how "the problem of dependency" is represented in immigration policy, welfare state policy and gender equality policy.

Immigration, welfare and gender

Welfare and immigration are interrelated fields within research and policy, and a debated question is whether immigration challenges or eventually undermines the modern welfare state (Brochmann 2002; 2005; Hammar and Brochmann 1999; Kildal and Kuhnle 2005; Kjeldstadli 2003; 2008; Kymlicka and Banting 2006; Taylor-Gooby 2005). According to Gösta Esping-Andersen's (1992; 1999) categorization of the European welfare states, Norway has, as the other Scandinavian countries, a “social democratic” welfare state regime. This regime is often presumed to be more generous towards immigrants than the “liberal” and “conservative” regimes because universal rights are granted to all residents, immigrants included (Kildal and Kuhnle 2005, 14; Morissens and Sainsbury 2005; Sainsbury 2006).⁷ Some argue that immigration may threaten the sustainability of these generous welfare states. First, resources are always limited, and second, ethnic diversity is often perceived as a potential threat to the social cohesion, trust and solidarity that uphold the welfare state (Brochmann and Hagelund 2010). Despite being faced with similar challenges, there is evidence that the social democratic countries follow rather different paths with regard to immigration and integration policies (Borchorst and Siim 2010; Brochmann and Hagelund 2010; Hagelund 2008; Keskinen et al. 2009; Lister 2009; Morissens and Sainsbury 2005).

The concept of dependency figures into welfare, gender and immigration policies. Within welfare discourse, paid labour is commonly seen as a precondition for autonomy, while welfare is associated with dependency (Bacchi 2009, 60-65; Lødemel and Trickey 2001a). One of the major challenges welfare states must contend with is the increasing expenses caused by too many people depending on welfare. Dependency is usually presented as a problem and may involve an aspect of moral judgement (Dean 2004; Fineman 2004; Lødemel and Trickey 2001b; Mead and Beem 2005; Pierson 2006; Schram 2006). In the European Union directive on family immigration, “dependant” is the official term for a family

immigrant, and “sponsor” denotes the person with whom the prospective immigrant wants to live (European Migration Network 2008, 12). Traditionally, sponsors have been presumed to be men and dependant family immigrants have been presumed to be women or children (Grillo 2008; King 2002; Kofman 2004). This assumption is related to global patterns of gendered division of labour and the male-breadwinner model. Research on women and immigration has questioned the assumption that women immigrate only as dependent family members, for studies have shown that women also immigrate as workers and act as sponsors (Walsum and Spijkerboer 2007).

Nancy Fraser and Linda Gordon (1994) traces how the concept of dependency is used in the historical context of the United States. Throughout modernity, the concept of independence was strongly connected with the capacity for self-support through paid labour. Wages implied that the worker had the ability to support a dependant wife and family. Since the dual breadwinner family has now become the norm, a situation of dependency is no longer required or even legitimate for either women or men. In post-modernity, dependency has increasingly come to be seen as an individual personal trait instead of a social position of subordination, and to be perceived as “dependent” has become more and more stigmatizing (Fraser and Gordon 1994). The concept of welfare dependency is a topic of concern in many liberal democracies (Bacchi 2009, 60), and an emphasis on “independence” and “self-sufficiency” is evident in Norwegian policy discourse (Bøe and Wærness 2005; Syltevik and Wærness 2004, 100).

Dependency in this context refers to people being economically dependent on their families or the welfare state for subsistence. Women’s economic dependence on men has been the central focus within feminist welfare state theory and gender equality policy (Leira 2002; Lewis 1992; Orloff 2009; Sümer 2009). 50 years ago Norwegian women were expected to be provided for by their spouses, and it was then that the male breadwinner model reached its

apogee (Hagemann 2006; Hagemann 2007; Leira 2002; Syltevik and Wærness 2004). This model is characterized by a strictly gendered division of labour within the family: the male wage earner provides for the family and the housewife works within the home and is excluded from the labour market. The women's movement challenged this family model and it has also been heavily criticized by feminist scholars who study the welfare state. The male breadwinner model has thus been modified to a varying extent over time and across Europe (Stümer 2009).⁸ The Scandinavian welfare state is known to promote gender equality by undermining the male breadwinner model (Hernes 1987; Leira and Ellingsæter 2006; Lister 2009). Here, individual rights are stressed, women's labour-market participation is promoted and consequently, a dual-earner, dual-career family model has replaced the male bread-winner model (Esping-Andersen 1999, 18).

Liv Syltevik and Kari Wærness (2004) argue that there is a discrepancy between norms and reality with regard to breadwinner models. Ideology has changed relatively rapidly, from the male breadwinner model to a situation where men and women are held to be individually responsible for providing for themselves. Meanwhile, the reality and practices of Norwegian couples have not necessarily kept up with changing norms (Syltevik and Wærness 2004). Furthermore, most social benefits are given as individual rights, but marriage might affect the individual's right to certain benefits, and spouses have an obligation to support one another. So despite individualism and norms of autonomy, where public policies are concerned, marriage partners are sometimes treated as individuals but other times treated as a single unit (Roseneil et al. 2008, 146).

The Arguments for the Subsistence requirement

According to the Norwegian Marriage Act of 7 April 1991 (including the latest changes from 2009), persons over 18 years of age, of different or same sex, may enter into marriage – provided that both parties enter into it voluntarily. These are the main legal

requirements for a marriage between Norwegian citizens. Foreign citizens must in addition obtain legal residency in Norway in order to marry under Norwegian law. The immigration act regulates residence permits, and the three principal conditions for family immigration on the basis of marriage are that the marriage must be *formally legal*, the couple must *live together* and the marriage must be *real* (UNE 2008). According to the cardinal rules, a means of subsistence and adequate housing are required for all immigrants, family immigrants included. Means of subsistence as a condition for immigration is seen as a primary principle for all immigration to Norway and is not limited to family immigration. The principle of self-support is put forward as one of the main reasons for the general subsistence requirement (AID 2007, 14).

In the parliamentary debate on the new immigration act, the Minister of Labour and Social Inclusion (that is, the chief minister of AID) articulates two main objectives of the subsistence requirement for family immigration based on marriage:

The aim of the subsistence requirement is that people who wish to bring a spouse to Norway, and who are granted permission based on marriage, need to be economically independent. This is important because the arriving spouse cannot automatically expect to be supported by the state. But what is important with respect to forced marriage is that the ability to resist such pressure might imply that the person becomes estranged from her family. The ability to resist such pressure and even break with one's family will improve if the person is economically independent (Odelstinget 2008, 320 Bjarne Håkon Hansen, Labour Party).

Two central arguments are presented in this quote. First, family immigration on the basis of marriage should not burden state budgets. This argument refers to the potential economic costs of immigration. Second, a self-supporting person is seen to be better equipped

for resisting family pressure regarding whom to marry. Welfare dependency and forced marriage are presented as two problems that the subsistence requirement is meant to target. Throughout the history of immigration control there has always been a tendency to prevent or promote immigration on the basis of economic means of subsistence (Fuglerud 2001, 101-105). Forced marriage, however, adds new rationale to the subsistence requirement, since this argument does not figure in the legislative history of the old immigration act (Justisdepartementet 1987, 55-57). Unsurprisingly, there is consistency between how the problem is presented by the minister in the parliamentary debate and how it is framed by the Ministry in the law proposal:

The Ministry considers that out of consideration for the signal effects, it is desirable that the law should contain a rule demanding that the prospective immigrant be supported independently. [...] The Ministry underscores that intensifying the subsistence requirement could stimulate young people to become self-reliant through work or education, and that this will make them more economically independent of their families (AID 2007, 64-65).

This quote mentions an intensification of the subsistence requirement. These are some of the most important changes in the new regulation:

- Only the expected income of the reference person and not the expected income of the immigrant should count as means of subsistence.
- The reference person must not have received short-term welfare the year before the residence permit is to be given.
- The existing rule, which can waive the subsistence requirement for marriage partners or cohabitants of Norwegian citizens over 23 years old (cf. §25, part 3), will be repealed (AID 2007, 14 and 64).

While the old law allowed the spouses' joint income to be taken into consideration, the new regulation stipulates that the reference person must alone fulfil the subsistence requirement. Furthermore, the change means that reference persons who have received short-term welfare benefits are excluded from family immigration and that Norwegian reference persons are no longer privileged with regard to the subsistence requirement. According to the law proposal, all changes in the subsistence requirement are geared towards making sure that the reference person is genuinely self-sustained on a long-term basis (AID 2007:65).

The arguments presented by the Minister of AID reflect the dominant framing of the problem. In both the parliamentary debate and the law proposal for a new immigration act, welfare dependency and forced marriage are presented as the problems the subsistence requirement is supposed to solve. The law proposal is presented by a governmental coalition consisting of the Labour Party, the Socialist Left Party and the Centre Party. Representatives from the Progress Party and The Conservative Party generally argue in favour of a stricter subsistence requirement and thereby support the majority coalition on this issue. Some representatives from the Liberal Party and The Christian Democratic Party question the dominant framing of the subsistence requirement or oppose certain specific aspects of the proposed changes in the regulation. So do the institutions and organizations that commented on the intensification of the subsistence requirement in the public hearing. In the following analysis, I will attend to both the dominant and alternative problem representations.

Independence from state support

When the general principle of means of subsistence is outlined, it is about sending a signal that “as a main rule, those who seek to become residents of Norway must be self-supporting” (AID 2007, 14). The emphasis on self-support gives resonance to the discourses of the “work approach”. The concept of “work approach” denotes the idea that “passive support” associated with income maintenance policy should be replaced by an active linking of benefits

to work requirements, in order to make the claimant self-sufficient (Nilssen and Kildal 2009, 307). The new immigration act reinforces the principle of financial independence from the state welfare system and is thus in line with the general “work approach” in Norwegian social policy. Meanwhile, the changes in the family immigration regulations entail that only the income of the reference person will be taken into account; the said individual becomes solely responsible for the means of subsistence: “the reference person is responsible for securing subsistence in order to be ready to receive the person with whom he or she wishes to establish a family” (Odelstinget 2008, 296 Bent Høie, Conservative Party). The emphasis on the reference persons’ responsibility to provide for the immigrant contradicts the wording of the initial quote of this section, where it is stated that the immigrant should be self-sufficient. In the context of family immigration, it is presented as a problem if the immigrant becomes dependent on the welfare state for maintenance. As a solution to this presented problem, “those who wish to bring a spouse to Norway (...) need to be economically independent” (Odelstinget 2008, 320 Bjarne Håkon Hansen, Labour Party). Thus, in this context an immigrant’s independence from state support means that the reference person should be self-sufficient through paid work and thereby be able to provide for the spouse. Moreover, the representative from the Labour Party and the representative from the Conservative party frame the issue of subsistence in a very similar way. There seem to be a consensus between left and right wing representatives on this particular issue: independence through labour market participation should be a precondition for bringing a spouse to Norway.

The subsistence requirement does not apply to all groups. First of all, refugees do not need to fulfil the subsistence requirement in order to bring their families to Norway:

There will be exceptions [from the subsistence requirement] for the families of refugees who established a family life before coming to Norway (Odelstinget 2008, 293 Arild Stokkan-Grande, Labour Party).⁹

The exception for this group of reference persons is justified through international law. A refugee has the right to protection and this protection should also include preservation of the unity of the family, access to work, education, accommodation and welfare services (AID 2007, 70). As a consequence, economic self-support and economic independence are not requirements for this particular group. Interestingly, the discussions on refugees follow a completely different line of argumentation than insisting on independence:

The new immigration act strengthens the legal status of persecuted persons. As such, it perpetuates the strong Norwegian tradition of taking care of those who are weakest (Odelstinget 2008, 293 Arild Stokkan-Grande, Labour Party).

Refugees are defined as “the weakest” and when speaking of this group, the potential welfare burdens caused by immigration are no longer an issue. This resonates well with what Anniken Hagelund (2003) writes about Norwegian political discourse on immigration: immigration legislation involves moral and ethical concerns, where Norway is seen to have a duty to help those who truly need it. In contrast to other groups who might not be able to fulfill the subsistence requirement, policy makers do not demand that refugees achieve economic independence and this illustrates how refugees are constructed as a group of truly needy persons (Hagelund 2003). Accordingly, refugees are not represented as part of the problem of dependency that the subsistence requirement is meant to target. Asylum seekers granted residence permit on humanitarian grounds on the other hand, are not waived from the subsistence requirement. In the public hearing, the Equality and Anti-Discrimination Ombud (LDO), The Directorate of Integration and Diversity (IMDi) and the Professional Forum for Municipal Refugee Work (ffkf) claim that this represents discrimination of people with a residence permit on humanitarian grounds, and thus challenge the representation of this group as less in need than people with refugee status.

A consequence of the new immigration act is that a reference person who has received short term welfare benefits the year before the application is submitted will be excluded from family immigration (AID 2007, 14, 64). Several other European countries have a similar requirement, for instance Denmark (Hagelund 2008, 82), The Netherlands and Germany (SOPEMI 2000, 117). Reference persons who are partly or totally dependent on welfare are thus presented as a problem: “Receiving welfare benefits indicates that the person has not been self-supported and therefore will not be able to provide for new family members” (AID 2007, 65). If a person is dependent on welfare, the immigration of a spouse is presumed to imply that the spouse will become dependent on the state as well. Exclusion from family migration due to short-time welfare benefits is characterized as “unreasonable” by voices outside the parliament, who claim that such benefits might actually help people to become economically independent in the long run (IMDi 2008). Instead of presenting short time welfare benefits as a sign of dependency, this organization sees it as a means for economic independence.

According to the old immigration act, the spouse of a Norwegian or a Nordic citizen could be exempted from the subsistence requirement, and this exemption was practiced quite liberally (AID 2008). According to the law proposal for the new immigration act, this exemption will be removed and the subsistence requirement will apply to everyone, “regardless of the reference person’s age, residence permit or citizenship” (AID 2007, 64). This change in regulations implies a shift in the way the problem of welfare dependency is presented: The majority of people who seek marriage immigration are in fact married to ethnic Norwegians, hence, under the old regulation, the subsistence requirement was waived for the majority of marriage immigrants. Norwegian citizens with immigrant backgrounds were either presumed to lack the capacity for self-sufficiency through paid work to a greater extent than ethnic Norwegian citizens, or the latter were generally thought to hold legitimate

positions of dependency (e.g., through having paid taxes most of their lives). The change in the law shows that ethnic Nordic citizens are now being taken into account in the way the problem of welfare dependency is represented. According to the UDI, this change is likely to increase the number of rejected applications, as the rules now apply to more people.¹⁰

On one hand, this change in the subsistence regulation may be read as a movement towards formal equality regardless of citizenship. On the other hand, the subsistence requirement does not apply to European Economic Area (EEA) nationals or their spouses, since they exercise their right to freedom of movement (AID 2007, 98-99; SOPEMI 2000, 115). The legitimacy of this exception for EEA nationals and their spouses is not questioned by any participants in the parliamentary debate or in the hearing. In contrast to many other immigration regulations, no arguments for or against this point were presented. There seems to be no need for justification through argumentation, except for a reference to freedom of movement and EEA regulations. Thus, the citizenship of the reference person still matters. From this I argue that when the policy makers revoked the exception for Norwegian and Nordic citizens from the subsistence requirement, rather than being a movement towards formal equality, it became a means for compelling Norwegian and Nordic citizens to provide for themselves through labour market participation.

According to the law proposal, an exception from the subsistence requirement can be given to people undergoing long-term higher education (AID 2007, 65; AID 2008). In the parliamentary debate, one of the representatives from the opposition offers the example of a “Norwegian medical student in love with a boy from South Africa [...] who has a job offer in Oslo” (Odelstinget 2008, 305 Trine Skei Grande, Liberal Party). This example is used to question the subsistence requirement; it is presented as being unreasonable that a Norwegian student should need to fulfil the subsistence requirement in order to bring her boyfriend to Norway. It seems evident to the speaker that this sort of case should not be circumscribed by

the subsistence regulations. Consequently, it is argued that the suggested means for preventing forced marriages and welfare burdens are too broad. Due to her class position and ethnicity, the ethnic Norwegian medical student would not fit the common understanding of a victim of forced marriage, nor would her boyfriend be a typical welfare dependant. It seems evident to the parliamentary representative that the Norwegian medical student does not constitute part of “the problem” and consequently the parliament does make some exceptions for students. I argue that this figure functions as a rhetorical tool for questioning the tightening of the subsistence requirement because it illustrates how the intensifications will impact other groups than those constituted as “the problem”. Further, it is an example of the criticism that operates within the dominant representation of the problem, where welfare dependency and forced marriage are the two main problems to be solved.

The following quote is an example of another type of criticism voiced in connection with the issues and perceived problems the new regulations are meant to address:

I find that the increase in the subsistence requirement represents discrimination of people with low incomes. [...] The average income of persons with ethnic minority backgrounds is less than the subsistence requirement. Furthermore, men earn more than women (Odelstinget 2008, 302 Bjørg Tørresdal, Christian Democratic Party).

Here the problem is seen as involving discrimination, and class, gender and ethnicity are explicitly treated as relevant dimensions of social inequality. Similar critique is presented by organisations and institutions outside the parliament, responding to the public hearing. They also emphasise the potentially discriminating and “unreasonable” effects of the subsistence requirement (e.g. IMDi 2008; Juss-buss 2009; LDO 2008). Moreover, some of the hearing responses indicate that the real problem is the government’s eagerness to prevent immigration (Juss-buss 2009). Accordingly, some actors, both outside and inside the

parliament, offer a different interpretation of what constitutes “the problem”. These are ways of framing the problem that diverges markedly from the two dominant problem representations (welfare dependence and forced marriage). Further, it potentially challenges the notion of dependency as the central problem.

Independence from parents

The subsistence requirement for family immigrants is, as we have seen, partly justified as a way to prevent forced marriages: “The idea behind these means is that reference persons who are unable to provide for themselves will be in a vulnerable situation with regard to pressure from their families, because they are in a situation of economic dependence on their parents” (AID 2007, 194). Consequently, it is argued, the subsistence requirement will function to stimulate young people to pursue a situation of independence in both financial and practical matters (AID 2007, 203). At this point one can rightly ask: Who are these reference persons imagined to be, and in what kind of situation are they?

In the law proposal for the new immigration act (AID 2007, 191-203), the issue of forced marriage is presented as a problem that concerns young Norwegian men and women with ethnic minority backgrounds, whose parents might want to force them into marrying partners from their (the parents’) home countries. “Bringing a spouse from the home country” (AID 2007) is presented as a situation where forced marriage is a prominent risk. According to the law proposal, forced marriage is a problem closely related to the practice of arranged marriages, and arranged marriages between cousins are especially associated with force or pressure. Pakistan in particular, but also Turkey, Iraq, Somalia, India, Morocco, Sri Lanka and Afghanistan are listed as areas where the tradition of arranged marriage is commonly practiced (AID 2007, 193). The problem of forced marriage is thus presented as a social problem for Norway, due to immigration from these countries.

Forced marriage is further presented as a problem particularly concerning young people (AID 2007, 191-197; KRD 2005b, 25-33). It is generally assumed that young people above 21 years old are “more independent and mature” and hence more likely to be able to resist pressure with regard to marriage (AID 2007, 202; NOU 2004: 20, 247). This line of argumentation, regarding age, maturity and independence, was important for justifying the proposed age limit for family immigration. A similar line of argumentation figured in the Danish debate as a reason for the existing “twenty-four year law” (Fair 2010). Such arguments are not a new in Scandinavian legislative tradition; the marriage laws of the early 20th century had a relatively high minimum age for marriage and such regulations aimed at securing that the woman should be an independent individual when entering into marriage (Melby 2006, 148, 408). As mentioned earlier, the Norwegian government report for the new immigration act suggested requiring both spouses to be above 21 years old as a condition for family immigration, when marrying a person from outside the EEA area (NOU 2004: 20, 239-250). Both the legitimacy and the effectiveness of such rules have been contested (Bredal 2005; Fair 2010; Hagelund 2008; Schmidt et al. 2009). Due to this criticism, the age limit for family immigration was, in Norway as opposed to in Denmark, withdrawn from the final law proposal for the new immigration act.

The way the problem of forced marriage is presented in the Norwegian debate is both similar and different to that of Danish political discourse. In both contexts, forced marriage is presented as a problem which concerns young women of ethnic minority background marrying foreign citizens. Moreover, the arguments presented for the subsistence requirement in the Norwegian context, namely prevention of forced marriage and the problem of welfare dependency, are also in the Danish debate presented as the two major problems to address (Fair 2010, 144). Anyhow, the Danish debate and legislation differed from the Norwegian one in the sense that there is a more clear distinction between arranged and forced marriages in

Norwegian regulation and that Denmark has a more explicit aim to reduce family immigration in general (Bredal 2005; Fair 2010; Hagelund 2008). In the Norwegian law proposal, the problem of forced marriage is presented in the same way as in the preceding white paper, but the solution is depicted differently, and the subsistence requirement now figures as an important initiative for preventing forced marriage. In Norwegian legislation there has been a shift in focus from maturity and age to independence through paid labour. Nevertheless, presupposing that financial independence is normally correlated with age (AID 2007, 191-197), the subsistence requirement may also be seen as an indirect way of regulating the marriage age for cross-national couples, although the regulations are quite different than the Danish twenty-four year law.

In the law proposal in question (AID 2007; KRD 2005b, 25-33), forced marriage is not, to any considerable degree, framed as a gendered problem. It is mostly referred to as one concerning young men and women with ethnic minority backgrounds. Nonetheless, I argue that the issue of forced marriage does in fact seem to be framed as a gendered problem and a gender equality concern, when the wider context of the law proposal is taken into account. The question of gender is prominent in other law proposals, (KRD 2005a; KRD 2005b), research (Bredal and Skjerven 2007) and in the National Action Plan against Forced Marriage (BLD 2007, 9). In the public debate, combating forced marriage is presented as a concern about gender equality and a question of minority women's liberation (see for example Salimi 2004; Storhaug 1998). What is more, forced marriage is presented as a particular problem for young women of Pakistani background. Such a woman risks being forced to marry a man from Pakistan who might even be her cousin. Due to immaturity and economic dependence on her parents, she does not have the capacity to refuse the marriage. The subsistence requirement is connected to this. The regulation is meant to make sure that the young woman of Pakistani background has her own income; it seeks to indirectly make sure that she has

reached a certain age and maturity before such a marriage is even possible. Insofar as the subsistence requirement can only be met by the reference person, this also harmonizes with the way the problem is described.

Income is associated with maturity and independence and functions as a precondition for choice and personal freedom. Although some actors outside the parliament questions this line of argumentation, claiming that labour market participation cannot reduce the use of force in situations of forced marriage (LDO 2008), a close connection between autonomy and work is the underlying logic of the arguments for the subsistence requirement. The strong connection between women's labour market participation, independence and equality of gender is by no means unique for the specific debate about forced marriage. Access to the labour market has also been a central focus of the women's movement. It has for instance been seen as a prerequisite for independence from men and thereby a precondition for women's autonomy and liberation (Danielsen 2008; Haukaa 1982). In comparative welfare state theory, married women's labour market participation is often regarded as a key indicator of gender equality because it undermines the model of the male breadwinner solely supporting a family (Esping-Andersen 1999; 2009; Lewis 2002; Sümer 2009). Working women are also an important area of concern in Norwegian gender equality policies. The aim of the subsistence requirement, following the line of argumentation concerning forced marriage, seems therefore to promote the autonomy of young women of minority background through economic independence and labour market participation.

Independence for whom? – A gender perspective

Bacchi recommends examining “the ways in which policy proposals produce ‘women's equality’ as a particular kind of problem” (Bacchi 1999, 8). As we have seen, gender is not a chief concern in the arguments for the subsistence requirement, the way it is presented in the law proposal (AID 2007). The main distinctions in the analysed texts are the

distinction between reference persons and applicants and the different entry categories of immigrants (labour migrants, family immigrants, asylum seekers etc.). The law proposal mostly follows a seemingly gender-neutral language, as Nordic policy discourses usually do (Lister 2009, 249). Nevertheless, in the context of forced marriage, the proposal renders women's equality as a particular kind of problem. Forced marriages and arranged marriages not only threaten the autonomy and freedom of young women of minority backgrounds; they also threaten gender equality as a value and norm: "[The] practice of arranged marriages may be seen as a challenge to Norwegian ideals on freedom and [gender] equality" (AID 2007, 203). This quote presents gender equality as a particular Norwegian value. Gender equality as a central aspect of national identity is evident also in Sweden (Dodillet 2009) and the Netherlands (Roggeband and Verloo 2007), and may be seen as a feature of the self-understanding of several European welfare states, in particular the Nordic welfare states (Keskinen et al. 2009; Lister 2009).

At first sight, the general insistence on independence through earning one's own living seems to be in line with the general norms underpinning Norwegian welfare policy. At least on an ideological level, economic independence through earning wages and individual responsibility for subsistence are promoted as norms. The Scandinavian welfare states are known to promote defamilialization, women's labour market participation and to focus on individual rights (Esping-Andersen 1999; 2009). The arguments concerning forced marriage are in line with this tradition. With the recent changes, the subsistence requirement can no longer be fulfilled by other family members than the spouse, since it is to be met solely by the reference person. Policy makers seek, through this means, to avoid family involvement in marriages. They also seek to ensure that the young woman of minority background is actually the sole breadwinner of the newly established family and to thereby radically undermine the male breadwinner model.

The fact that the subsistence requirement is now to be met solely by the reference person makes the family immigrant's potential self-support through his/her own income irrelevant in the application process. Only one of the organizations participating in the hearing explicitly comments on this point. The legal aid organization Juss-Buss claims that the immigrant's potential capacity for economic self-sufficiency should be recognized at the time of application (Juss-buss 2009). However, from the point of view of the legislator, this change is partly meant to benefit young Norwegian women with ethnic minority backgrounds. Among the group of foreign spouses applying for family immigration with second generation immigrants, six out of ten reference persons are women. Nevertheless, this target group constitutes only 3% of the total number of marriage immigrants. When the entire population of marriage immigrants is taken into account, we see that the vast majority of reference persons are men, 40% being immigrants themselves. Of this group, 75% of the immigrant spouses are women. 57% of reference persons are Norwegian citizens, and of this group, 70% of the immigrant spouses are women (Daugstad 2008). The changes in the regulation will affect *all* family immigrants, not only the female reference persons of the second generation who are presented as the main target group. The subsistence requirement presupposes and potentially reinforces immigrant spouse's economic dependence on their partner. If this is the case, when we take the entire population of cross-national couples into account –not only the women regarded as potential victims of forced marriage – a potential paradox surfaces: In order to promote the independence of young Norwegian women with immigrant backgrounds, a single breadwinner model is introduced as the basis for all applications for family immigration.

The critique of the single breadwinner model first developed in a context where it was taken for granted that the sole family provider was a man. And in the context of contemporary marriage immigration, the Norwegian reference person, who is supposed to be the family

provider, is indeed in most cases a man. However, the reference person may certainly also be a woman, so even though one may want to focus on how the law affects women, one should not ignore the consequences of economic dependency for male immigrant spouses. By focusing only on the individual reference person, and by ignoring the relations of power between cross-national couples, it is possible to employ an argument which seems to be in line with the ideology of independence and gender equality. Alternatively, if focusing on the cross-national couple, the subsistence requirement presupposes familialization and spouse-dependency for immigrants, in contrast to the ideological promotion of and individual independence in Norwegian society at large.

Denmark and Sweden are also categorized as social democratic welfare states characterized by universal benefits, individual rights and de-familialization (Esping-Andersen 1999; Lister 2009; Sümer 2009). However, with regard to immigration and integration policies, the three Scandinavian welfare states differ substantially (Hagelund 2008; Langvasbråten 2008; Lister 2009; Morissens and Sainsbury 2005). Denmark has, in general, introduced strict restrictions on family immigration, while the Swedish immigration regime is less restrictive. Norway is positioned somewhere in the middle (Hagelund 2008, 74). Denmark has a general subsistence requirement, but there is no demand for a certain annual income as in Norway. The reference person has to provide a financial security (currently about €8.700), and must not have received public assistance (The Danish Immigration Service 2010). In 2010, Sweden introduced a subsistence requirement for some groups of family immigrants, but the scope of the requirement and the arguments presented for this recent regulation differ from the Norwegian one (see *Justitiedepartementet* 2009).

Moreover, it is interesting to compare the Norwegian immigration regulations with those of Germany, as Germany represents a different welfare state regime, namely the “conservative” or “continental” model. In Germany, regulations used to prevent an immigrant

spouse from working for four years after arrival (Sainsbury 2006, 235).¹¹ German rules, then, as they were until very recently, not only presupposed a strong breadwinner model, but made such a model mandatory for all cross-national couples. While the old Norwegian law allowed for the spouses' joint income could be considered, the new regulation presupposes a sole breadwinner model at the time of application.

However, in contrast to German regulations and in line with the other Scandinavian countries, family immigrants to Norway are normally given a work permit when the residence permit is granted and are thus in principle allowed to earn wages. In addition, family immigrants have, after residence permit is given, the right and obligation to participate in Norwegian and social studies tuition, “aimed at improving immigrants’ chances of participating actively in employment and society at large” (IMDi 2010). As such, welfare state policies seek to promote individual economic independence for family immigrants as well. In the long run, immigrant spouses are expected to participate in the labour market and thereby contribute to a dual-earner family model, but this is something to be achieved after settling in Norway. This taken into account, the subsistence requirement, which demands the capacity to provide for a spouse, does not necessarily imply that immigration and integration policy supports a sole breadwinner family model. Notwithstanding, economic dependency, at least initially, seems to have become the price one must pay for entering the “gender equal” Norwegian society. Thus, the regulation of family immigration to Norway holds some paradoxes with regard to the ideological promotion of economic independence.

Conclusion

Behind the arguments for the subsistence requirement are two main issues which are presented as problems, and it is these that the policy makers aim to address. First, there is the problem of welfare dependency in general and the problem of immigration causing welfare expenditure. Second, there is the problem of forced marriage. Economic independence

through labour market participation is offered as the solution to both these problems and the subsistence requirement is put forth as the tool to promote labour market participation. Independence is intimately linked to wage-earning labour and, in general, dependency is portrayed as a problem, even though there are several legitimate positions of dependency. This framing of the subsistence requirement tend to dominate the white papers and the parliamentary debate. Compared to the extensive criticism directed toward the proposed age limit for family immigration, the subsistence requirement has provoked remarkably little protest and debate. However, there are oppositional voices, both inside and outside the parliament, that question the intensification of the subsistence requirement and challenge the dominant problem representations, for example by constituting discrimination and social inequality as central problems.

Following the dominant representations of the subsistence requirement, economic independence is promoted as a core value for all citizens, including immigrants. But throughout the analysis it becomes clear that it is the economic independence of the reference person that is the focus of the law proposal. For the sake of the family immigrant, the opposite of state-dependency might be specified as spouse-dependency. Immigrant spouses are, at the time of applying for family immigration, expected to be provided for by their spouses. In the public debates and proposals on policies concerning breadwinning and the reconciliation of work and family, the issue of women's participation in the labour market and gender equality are central. The majority of immigrant spouses are women, and taking these gendered patterns of family immigration into consideration, it seems strange that the changes in the subsistence requirement are discussed without much reflection over the gendered aspects of the capacity and obligation to provide for/be provided for by a spouse. A lack of connection between mainstream gender-equality policies and questions concerning minority and immigration policies is not unique for this case study (Langvasbråten 2008; Roggeband and Verloo 2007;

Skjeie and Teigen 2007). Immigration policy, welfare state policy and gender equality policy are linked to one another, but as long as issues of gender equality are only made relevant in relation to forced marriage, the gendered patterns of immigration, economic dependency and the capacity to provide for a spouse do not become a part of how the problem is represented. They will therefore not be taken into consideration when the subsistence requirement is discussed.

I argue for the fruitfulness of combining the perspectives of immigration, welfare and gender, and consequently I have discussed the subsistence requirement in relation to the wider Norwegian, Scandinavian and European context. Even though the debates about the new Norwegian immigration act have some commonalities with the public debate in Denmark, there are marked differences between the Scandinavian countries with regard to immigration and integration policies in general and family immigration policies in particular. Moreover, this article reveals some paradoxes with regard to the norms of the Norwegian welfare state model. Together, this might indicate that politics of immigration and integration do not necessarily follow the traditional division between the three different welfare state regimes types.

The subsistence requirement is one part of a complex regulatory regime designed to fulfil many different and potentially contradictory aims. This article has laid out the two primary ways in which issues are presented as problems and how these problem representations underlie the subsistence requirement. As Norway's new immigration act has just recently come into force, a discussion of the objectives of the subsistence requirement in relation to its actual consequences is outside the scope of this article. However, the Norwegian Directorate of Immigration indicates that more rejected applications will be a likely consequence.¹² What groups will be excluded from family immigration in the future

and how does this relate to different migration, gender and the welfare state regimes? I would suggest that this is an important question for further research.

Notes

1. Between 1990 and 2006, family immigration on the basis of marriage constituted 26% of all immigration to Norway from outside the Nordic countries (Daugstad 2008, 73). According to Statistics Norway (SSB), “immigrants and those born in Norway to immigrant parents” constitute 11,4% of the Norwegian population (SSB 2010, 1). Seven out of ten immigrants originates from Africa, Asia, Eastern-Europe or Latin-America (Daugstad 2008, 13).
2. Family immigration refers to persons immigrating to live with family members. Family reunification is perhaps the most common term for such permits. Lately, a distinction has been made between family reunification and family establishment (AID 2007; NOU 2004: 20, 20; SOPEMI 2007). While the first term covers family immigration of children, parents, other relatives and prior established marriages, the latter term refers to cross-national marriages where the parties were formally settled in different countries at the time of marriage. Family immigration is a more general term that refers to both family reunification and family establishment.
3. This research question is inspired by Syltevik and Wærness (2004, 125) a work which has incited me to inquire into the forms of dependence created by different types of welfare policies, and to discover the consequences they hold for various groups in the population.
4. This question is inspired by Carol Bacchi and her “what is the problem represented to be?-approach”. In line with this approach, I employ the concept of “problem representations”. I will elaborate on Bacchi’s approach in the section A New Norwegian Immigration Act – case and methods.
5. For an overview of institutions and organizations invited to participate in the hearings and results of the hearings, see The Ministry of Labour (the Ministry of Labour was named The Ministry of Labour and Inclusion un till 2010): <http://www.regjeringen.no/nb/dep/ad/dok/hoeringer/hoeringsdok/2005/horing-nou-200420-ny-utlendingslov/2.html?id=97828> Date Accessed: 23.02.10, and <http://www.regjeringen.no/nb/dep/ad/dok/hoeringer/hoeringsdok/2008/horingsbrev---krav-til-sikret-underhold-/horingsuttalelser-2.html?id=533765> Date Accessed: 16.02.2010.
6. April 1, 2010 Sweden introduced a subsistence requirement for family immigrants. The requirement is waived for large groups, e.g. cases where the reference person is a child, a Swedish citizen, a citizen of the EEA area or Switzerland, a refugee, an immigrant on a permanent residence permit residing in Sweden for four years or more, or if the applicant is a child (see *Justitiedepartementet* 2009 for further details).
7. Sainsbury presents a comparative study showing that the social rights of immigrants vary between different welfare state regimes (Sainsbury 2006). In the USA (a liberal regime), the right to family immigration has a strong class dimension. A strict income requirement limits the possibility for low income groups to bring family members into the country. In Germany (a conservative regime), the rules are based on a strong breadwinner model. Economic self-sufficiency must be proven and is based on the single income of the male breadwinner. Sweden (a social democratic regime) has a more inclusive policy where social rights are based on residency and given as individual entitlements for family members (Sainsbury 2006, 234-38).
8. The typology of Esping-Andersen (1992; 1999) has been contested. Jane Lewis (1992) has argued for a different typology, one focusing on the different breadwinner models of the welfare states. From such a vantage point, Norway has been characterized as a strong male

breadwinner regime in contrast to the weak breadwinner model characterizing the other Scandinavian countries (Hagemann 2006; Hagemann 2007; Lewis 1992). Due to policy changes over the past decades, Norway seems to be catching up with Denmark, Sweden and other Scandinavian countries (Ellingsæter 2003).

9. Asylum seekers whose applications for a residence permit are accepted, may be given refugee status or a residence permit on humanitarian grounds. Refugees are in many ways a privileged category of immigrants compared to the latter, since they are given more rights. The exemption from the subsistence requirement is one example of this privileged position. Nevertheless, it must be specified that the exception to the subsistence requirement applies only for the already-established family of a refugee. A refugee who establishes a new marriage after coming to Norway is not protected by the principle of unity of the family. In such a situation he or she must fulfil the subsistence requirement.

10. Interviews with employees at the Norwegian Directorate of Immigration February 8 to 12, 2010.

11. According to a report published by the European Migration Network in 2008, the German regulations seem to have changed since Sainsbury's analysis: "Granting of a residence permit to a dependant in Austria, Germany, Sweden can entitle its holder to take up employment (European Migration Network 2008, 24).

12. This opinion was expressed by most of the employees I talked to at the Norwegian Directorate of Immigration during a series of qualitative interviews conducted between February 8 and February 12, 2010.

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