Articulations of deportability.
Changing migration policies in Sweden 2015/2016

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Abstract
The struggles of people who sought to enter and move across Europe became increasingly intense in 2015 with unthinkable numbers of deaths on the sea and other dangerous parts of the various alternative routes. Initially Europe witnessed a popular mobilisation of solidarity and demands for a humane response articulated by government officials as well as in the media. However, the government responses changed rapidly and were replaced by a narrative of crisis and a steering towards harsher regulations and closed borders aiming to limit the numbers of asylum seekers. In Sweden, following the construction of such a narrative of crisis the Social democratic/Green party government and the right wing opposition launched an initial migration political agreement in November 2015 that was followed by several interventions during 2016 that sought to restrict the possibilities to get permanent resident permits and to facilitate the expulsion of irregular migrants. These interventions imply a critical shift in the direction of Swedish migration and asylum regulations. In this paper we argue that this shift visibly and bluntly moves towards enforcing the links between migration politics and labour politics. In other words: to abandon a human rights perspective.

In this paper our analysis focuses on the Swedish migration politics’ switching from permanent to temporary residence permits; the racialisation of service and domestic work low pay sectors; and the intensification of irregular migrant vulnerability through work site controls and other measures to increase deportation practices. We conceptualise the effects of these interventions as a racialised continuum of deportability and explore how this continuum is constructed, experienced and contested in the context of the government responses to present migrations. The analysis builds on two kinds of material: government documents and press releases regarding the migration political interventions, and ethnographic material from two different studies exploring structures and experiences of irregularity in the Swedish context (Sager 2011, Öberg 2014)

Keywords: Irregularity, Continuum of Deportability, Labour Market Regulation, Segmentation, Migration Policy.

Introduction
In this article we analyse some of the implications of the Swedish government’s responses to the so-called “migration crisis” in 2015 and 2016. More specifically, we explore how some of the policy changes included in these responses can be understood as increasing migrants’ vulnerability and dependency on the labour market, and how they consolidate

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problematic links between the field of refugee migration and the field of labour market dynamics. The “migration crisis” became accentuated in the summer of 2015, when the struggles by people trying to enter Europe grew increasingly intense. Unthinkable numbers of them died on their attempts to cross the sea and in other dangerous parts along the alternative routes to and across Europe. These struggles also grew increasingly visible in mainstream media. The media coverage of the hardships of migrants triggered civil society mobilisation of support and solidarity – an attitude to which several governments initially responded. But eventually these initial responses turned into a narrative of “crisis” and to policy responses connected to that narrative.

The starting point for the analysis is the concept of deportability, which we have explored in our earlier respective ethnographic studies with refused asylum-seekers and other irregular migrants in Sweden.\(^3\) Introduced by anthropologist Nicholas de Genova, deportability refers to the state or position that the looming threat of deportation produces.\(^4\) In our respective earlier studies we have mapped some of the mechanisms through which deportability is shaping the Swedish labour market and the subjectivities of migrant workers and/or asylum seekers. Here, we build on that knowledge to trace the developments of these same mechanisms in the government’s responses in the area of migration.

In October 2015, the Swedish Social Democrat and Green coalition government presented an agreement with the right wing party alliance, arguing that society was facing a “collapse” and that they needed to create some “breathing space” (“andrum”) through a series of migration policy changes.\(^5\) From January 2016 onwards, passport controls were introduced at Swedish borders, causing asylum applications to plummet. In the spring of 2016 a government proposition for interim legislation to delimit immigration to Sweden was launched.\(^6\) The proposition was heavily criticised by a range of institutions and civil society organisations involved in the consultation process. Despite this critique, the proposed interim legislation was implemented for a three-year period in June 2016. The interim legislation, presented in more detail below, entails several changes to the processes of migration control in Sweden. The most drastic changes are the introduction of temporary instead of permanent residence permits, the demand on migrants’ labour market performance for permanent residence permits and for family reunification, the introduction of “lower thresholds” of low-pay sectors such as service work, and the cutting of daily allowances applied by the Swedish Migration Board to persons under expulsion orders.

In our analysis of the government’s responses, we argue that a crucial shift is underway in the Swedish welfare state. Our argument draws on thematic analysis of two strands of material: 1) ethnographic material from our respective earlier studies with asylum seekers and migrant workers and 2) the proposition 2015/16:174 and the interim legislation (2016/752) of the Swedish government. Also, although our main focus lies on the interim legislation, in some parts we include media statements and comments from the government to grasp the broader government responses. Drawing on our ethnographic


\(^5\) The changes in Swedish migration policies were instigated by an agreement between the Social Democratic/Green Party government and the right-wing opposition in October 2015, “Interventions regarding the refugee crisis” (Swedish Government, 2015), and further developed by measures presented by the government on November 26 (Swedish Government, 2015).

material and lived experiences by the informants in those studies we understand the following themes as key markers of deportability: temporality; vulnerability and dependency, and conditionality.

In the next section we develop the conceptualisation of deportability and, based on our earlier ethnographic studies, argue for the need to analyse the ways in which different forms of migration regulation interact and link with labour market dynamics both with regards to the regulations of these policy fields as well in their impact on migrants' subjective experiences. We argue that the perspective on deportability as a *continuum* allows us to bridge this conceptual gap between understandings of refugee migrations and labour-market dynamics, a gap that has been prevalent in academic approaches to migration in the Swedish context. We contextualise the analysis with a discussion about the dynamics of “crisis production” which led to these new policies. In the analysis, we use the concept of *continuum of deportability* to critically analyse the ways in which regulations of refugee migration and labour-market interests increasingly overlap in and through the new legislation – producing continuities but also radical breaks with earlier dis/connections between these two policy areas in the Swedish welfare state.

**Migration, irregularity and deportability**

Since the early 1990s, Europe and North-America have gone through a steady turn towards securitisation of migration policies and increasingly militarised and repressive border regimes. Parallel to this development, a critical approach to the issues of migration and border control has been growing. This field is characterised by an understanding of border control as constantly changing rather than the fixed and natural order of things. Within this frame, the concept of irregularity does not simply describe the situation of an individual migrant without legal status, but is understood as a “space of contestation” between (migrant) mobility and (state) control of that mobility. Migrant irregularity is not an individual concern, but a categorisation that is temporary, changing and, above all, *constructed* by nation-states through their control of human mobility. One of the key concepts in this context is the notion of deportability. De Genova traces the historical interaction between border control and labour market structures and interests in the US and develops the concept of deportability through his ethnographic work with Mexican workers in Chicago. Most of the participants in his study were staying in the United States irregularly and were thus deportable. Despite the fact that these workers were part of labour structures similar to general labour structures, their work situation was characterised by worse conditions, higher vulnerability, lower pay, longer hours and more dangerous work. This means that deportation does not only shape the lives of those who are actually deported but of *all those who are threatened with deportation*, and the contexts and relations they inhabit. The distinction is key as it points towards deportability as a tool for differentiation and inner border control rather than a mechanism merely connected to actual deportations. Being deportable does not automatically lead to an actual deportation but still has extremely disruptive effects on people’s lives and in societal structures.

While de Genova’s work initially focused on the ways in which deportability structures individual positions in the labour market, he and other scholars have developed understandings of how deportability shapes further social contexts and parts of life.

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7 De Genova, Working the Boundaries.
9 De Genova, Working the Boundaries; Squire, *The contested politics of mobility*.
Deportability goes hand in hand with exclusion from social and political rights and from healthcare access, be it due to a formal lack of rights or due to an inability – or fear – on parts of migrants and refugees to actively claim those rights. The state of deportability therefore decisively and widely impacts social relations and strategies. It positions people in insecure and low-paid work in the informal labour market, and limits access to accommodation as entering legal contracts is rendered impossible.

**Studying migration across labour and asylum – the Swedish context**

Within migration studies, refugee migration and labour migration are often approached as fully separate fields. In Sweden in particular, the imagined difference between refugee migration and other forms of migration is very marked. This separation depends, of course, partly on the actual difference when it comes to the legislative and political contexts: in principle, refugee migration should be framed by human rights concerns while labour migration should be a labour-market concern. However, in practice and in the embodied experience of migration, these frames are not left neatly separated but interlink and blur in many ways. National labour-market and finance-policy concerns often influence and shape wider debates on refugee migration. Also, the categorisation of migrants is less clear-cut when the complexity of reasons and strategies of migration are taken into account and individual migrants’ situations are shaped in relation to both human rights and labour-market concerns. The interferences between policy areas are particularly present in the position of irregular migrants. We argue that in order to analytically grasp the overlaps between refugee migration and the dynamics of the labour market in a way that takes the rights of all migrants into account, we need to critically examine the interactions between the dynamics and regulations of different forms of migration, rather than allowing an imagined separation between the two fields to shape our analytical frame.

Critical analyses of border control and its processes of categorisation and assessments of migrants have shown how these processes shape and organise the national labour market through differential inclusion of migrants and through linking irregular and precarious segments of the labour market to regular and core segments. These aspects of border and migration control, with an empirical focus on labour, have been explored and analysed more in those geographical contexts in which labour migration has been at the centre of migration movements and discourses on migration. Prominent examples in this regard are de Genova’s work on deportability and the labour situations for Mexican irregular migrants and Mezzadra and Neilson’s work on multiplication of labour in southern Europe.

In Sweden, and in contrast to the empirical focus of critical migration studies in other contexts, refugee migration – rather than labour migration – has been understood as core in studies of migration and irregularisation of migrants. Therefore, the links and overlaps between different migrations and labour-market dynamics have been less explored. However, these links and overlaps do take place and need to be studied more closely. We have done this in our earlier ethnographic studies in which we have identified and analysed some of these various and complex links and overlaps between labour-market

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12 Bridget Anderson, “Nations, migration and domestic labour: The case of the UK”, *Women’s Studies’ International Forum*, no. 46 (2014); Öberg, Klara, *Meanings of Social Networks and the Production of Deportability*


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dynamics and regulations of refugee migration as central in the production of vulnerability and dependency.

The lived experience of asylum seekers and irregular migrants engaged in the irregular labour market provides us with a lens that reveals how deportability is experienced. Interviewing irregular migrants and asylum seekers who work in the unregulated labour market in Sweden shows how legal-status regulation has a very direct effect on work relations as well as conditions for work in the informal labour market. Irregular migrants who engage in the informal labour market in Sweden are exposed to insecurities such as long hours, irregular payment or uncertain economic return for work as well as heavy and sometimes potentially dangerous labour tasks. The possibilities to negotiate salaries are few due to inequality, fear of being reported to the police or losing one’s job. Asylum seekers are equally subject to these hardships and bad work conditions, but there are also marked differences. Asylum seekers do not have to negotiate fear of the police or strategies in relation the everyday risks entailed in the status of an irregular migrant. They have the legal right to stay within Swedish borders while their asylum claims are being processed and assessed by the Swedish migration board. Asylum seekers that arrange their own accommodation receive a small monthly allowance. It will not cover the basic expenses but provides a certain security. There are two strong points to make in relation to comparing the situation of irregular migrants vis a vis asylum seekers when it comes to work conditions as well as social relation between employer and employee. The first is related to the fact that although asylum seekers have better possibilities to negotiate with employers for a higher salary or better working conditions, they experience similar vulnerabilities and insecurities as irregular migrants. This in turn is related to deportability and the uncertain outcome of the assessment of the application for asylum. The second point is related to an overlapping between migration politics and labour market politics – an example of where one field is intrinsically interlinked with the other. For asylum seekers, there is a potential to receive a residence permit if they have secured long term employment. If the application for asylum fails a strategy might be to find work. Thus, offering to work for free in hope of receiving a future employment becomes both an important strategy for asylum seekers in the informal labour market as well as a potential risk to be exploited as free labour.

It is obvious that temporality is a factor for insecurity and deportability. The interim legislation is a step towards institutionalising temporality and thereby deportability. The shift to replace permanent-asylum permits with temporary-asylum permits carries an obvious risk of a discontinued residence permit and hence the real prospect of deportation in the long run.

Here we see the practical appliance of the continuum of deportability at work: although someone with a temporary-residence permit is not threatened by deportation in an immediate sense, there is an obvious lack of stability and security to plan ahead. The labour-market participation condition that lies at the end of the three years will still place this person on the continuum of deportability and shape their relation to their employer and the possibility to make demands in relation to the employer.

The relation between a temporary-residence permit and one’s position on the labour market is well-known in Swedish politics, where the broad use of permanent-residence permits for both refugees and labour migrants has long been a core principle as well as part of an inclusive welfare state project, explicitly aimed at keeping the labour force together and resisting labour-market segmentation and hence division between different groups of workers. It is important to underscore the huge shift happening now, one which could put both Swedish labour rights and the futures of newly-arrived migrants and refugees at stake through the use of only temporary residence permits.

The 2016 interim legislation and the continuum of deportability

Our concern with the 2016 interim legislation - our starting point for this paper - is based on our earlier ethnographic studies: In the 2016 interim legislation we identify mechanisms
that risk institutionalisation, solidification and expansion of the vulnerability and dependency that our ethnographic analyses have demonstrated. While these mechanisms earlier were mainly affecting migrants without residence permit, they now seem to expand and consolidate problematic links between the field of refugee migration and the field of labour market dynamics.

We aim to contribute to a further bridging of the analytical divide between studies of refugee migration and studies of labour migration through the conceptualisation of deportability as a continuum. That calls for an understanding of the productivity of deportability as stretching beyond the exact and direct threat of deportation and into those positions and experiences that are carrying any elements of insecurity and impermanence in relation to residence permit and citizenship. By using the concept of the continuum of deportability we hence approach an inclusive understanding of deportability. That understanding does not merely include irregular migrants who are facing an acute risk of deportation, but the notion of a continuum also helps us to pay attention to the ways in which the mechanisms of deportability can – and probably will – expand to more people beyond the narrower group of irregular migrants. This includes asylum-seekers who are still in the asylum process and who might also make choices and develop strategies from the perspective that deportation is a potential outcome. It also includes those who remain separated from their families, who also might make labour market choices in relation to the vulnerability which the separation creates.

In the Swedish context, our respective ethnographic studies explore the ways in which deportable persons are exploited on the informal labour market in Sweden. They not only demonstrate the deportability of refused asylum-seekers, but also how the risk of becoming rejected and hence deportable are related to difficult challenges in the negotiation of everyday life, as well as in formulating strategies for the future. In addition, by using the concept of continuum of deportability, we can detect elements of deportability in the position of those who may not (yet) be categorised as deportable, for example those who are waiting for a decision on their asylum application or those with a temporary permit. We suggest that the continuum of deportability is a productive concept for understanding current processes of differential inclusion because it describes how deportability is manifested as a societal structure – in contrast to deportability as an indirect consequence of legal status.

Further, our understanding of the continuum of deportability sheds a critical perspective on migration control as producing irregularity/deportability. The control and categorisation of migrants/migrations in the contemporary European migration regime are processes that produce irregularity and deportability in all its parts. The conditions for entry visas, work permits and student visas all create gaps of irregularity and often force people into irregular positions. However, it is the asylum procedure which is probably the most obvious process of production of irregularity. The asylum process is harboured in political discourses where asylum seekers are either categorised as refugees who are in need of protection or as “failed asylum-seekers” without such a need. The complexity of the reasons of migration and thus potential reasons for seeking asylum is rarely fully grasped in these processes. Research, but even more so the accounts of migration rights movements, reveals the arbitrariness common to these processes in regards to the ways in which applicants’ credibility and need of protection are officially assessed. The Swedish interim legislation can be argued to not only stimulate a hollowing out of the asylum process but a destabilisation of its former core structures, which focused on transforming migrants into workers and citizens to workers, through its opening up of different legal categorisation and temporalities. Those temporalities and categorisations can be linked to the proliferation of (Western) border control mechanisms as discussed by Mezzadra and Neilson. This proliferation includes internalisation and externalisation of border controls

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16 ibid
18 Mezzadra and Neilson, Border as Method, or, The Multiplication of Labor, p.132
as well as bordering processes, such as the variety of struggles to cross and overcome borders that are part of many migrants’ everyday life. Changes in migration legislation thus also shape the proliferation of bordering processes. Mezzadra and Neilson’s work shows the complexity of border controls in relation to labour regulation, and makes visible the national level of labour and capitalism through pointing to how border controls produce specific subjects in relation to the labour market. We argue that the concept of the *continuum of deportability* has the potential to address and better understand these links between border control and labour segmentation.

**A context of “crisis” production**

The responses of the Swedish government leading up to the introduction of the interim legislation in June 2016 were strikingly similar to those in Germany during the same period. The Swedish Prime Minister Stefan Löfvén, together with Germany’s Chancellor Angela Merkel, was clear in articulating the need for joint European action in relation to the EU and the consequences of the Dublin regulation. In early autumn 2015, Sweden demonstrated a relatively open approach towards the movements of people fleeing to and through Europe. This period was also particular in terms of the remarkable jointly-led actions by social justice movements and individuals in Sweden.

In a sense, the initial relatively open approach in Sweden can be argued to have stimulated a visibility of migration that, in its turn, enabled the production of a crisis narrative. To handle the crisis, the introduction of border control and implementation of the interim legislation were enacted by the Swedish government in 2015 and 2016. Through these political measures, the Swedish government formulated the problem alongside with a solution under the guise of solving the “migration crisis”. Bojadžijev and Mezzadra analyse this as an emblematic case of “crisis production.” They describe how the German Chancellor Angela Merkel articulated the ongoing situation as crisis by pointing to a system breakdown: the current migration flow was unmanageable through the EU’s Dublin system; hence, the situation was framed as crisis and the actions taken as the means of dealing with that crisis.

De Genova’s concept of deportability as a “border spectacle” refers to it as a practice less focused on actual border control and deportations (although those obviously happen too) than on the *performance* of border control and deportation and how that performance work as a reminder of the threat of deportation. Crisis production can be seen as a governmental tool for controlling migration flows by creating temporary categories of persons, previously categorised as asylum-seekers and refugees but now categorised collectively as labour migrants. In this way one crisis links smoothly into another crisis and continues its narrative of logic where the *need* for refuge is swapped for the specific *need* for labour force.

The crisis narrative that grew in the period before October 2015 when the Swedish government initiated the turn towards new, more restrictive, interim legislation is central to the arguments behind the interim legislation. The government’s proposition 2015/16:174 explicitly declares the aim of the interim legislation to be about creating order and decelerating costs in the reception system:

> The government has judged the situation to be a serious threat to public order and internal security. (...) On November 24, 2015 the government presented measures aiming at drastically delimit the

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19 The 1990 Dublin Regulation is a European Union agreement that an asylum application has to be filed and processed in the first country in which one arrives to the EU.

numbers of asylum seekers, in order to create a “space to breath” ["andrum"] for the Swedish refugee reception and to improve the capacity of the reception and establishing of asylum seekers".21

There are several different elements of the interim legislation that are key to the analysis of links between labour-market dynamics and different forms of migration. First, the introduction of temporary-residence permits for refugees means that recognised refugees can remain in Sweden for three years, and those granted subsidiary protection are granted to be able to remain for an initial 13 months. After three years, a temporary residence can be turned into a permanent residency if the need for protection remains or if the person has secured a job with a certain income threshold. The second element is the limitation of the right to family reunification. It is now only persons with a permanent-residence permit who have the right to apply for family reunification. As those who are granted asylum receive only temporary residence permits, this means that in practice family reunification is significantly limited. A third element is the aim to open specific low-skilled work sectors for migrant workers by expanding the tax deduction schemes to service sectors.22 Bojadžijev’s and Mezzadra’s perspective on crisis is in its core a Marxist perspective on a crisis that is capitalist, manipulative and created in order to induce change and also different forms of crisis, such as closed borders. Dahlstedt and Neergaard discuss crisis in relation to the same interim legislation from another angle – the crisis of solidarity – as a much wider process, where the right to labour turns into a responsibility and a precondition in order to gain social protection, where neoliberal forces have yielded a particular power relation, one that it racialised and excluding. This is the real crisis, the authors argue, and it is an internal crisis that is not dependent on the inflow of migrants.23

A radical break: From the exceptional welfare system towards the expansion and institutionalisation of the continuum of deportability

We identify two central themes in how the 2016 interim legislation risks producing breaks but also continuities in the relation between refugee migration and labour-market dynamics in Sweden. First, the interim legislation can be understood as entailing an expansion and institutionalisation of the continuum of deportability in two ways: First, there is a risk that the number of irregularised migrants increases, and second, there is a risk that the mechanisms of deportability expand from shaping the positions of those living in direct risk of deportation, to also shaping the conditions of migrants with other kinds of legal statuses – such a as persons with a temporary-residence permit or those in need of family reunification. Second, the interim legislation in combination with Swedish labour market policies creates a sub-category of labourers with segmented access to rights and a specific gendered, racialised low-pay service sector. Both of these two central themes must be understood in a wider EU context which has seen a shift away from refugee migration and protection towards controlled and temporary labour migration since the 1990s.24

The Scandinavian welfare model that developed in the aftermath of World War II was characterised by its aim of inclusiveness and its emphasis on shared social values such as

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22 Promemoria: Kompletteringar av RUTavdraget http://www.regeringen.se/48d24d/contentassets/3fa064a709c64c95a4c2080af2339217/kompletteringar -av-rut-avdraget, (accessed 14th of June 2017)
solidarity, equality and universality. After the early 1970s, when labour immigration to Sweden was practically stopped, refugee migration together with family reunification became the main form of immigration. These forms of migration were articulated as completely separated from labour issues until 2008, when Swedish labour immigration law was revised and linked up with the issue of refugee migration by allowing asylum seekers to swap from applying for asylum to applying for work and residence permits.5

The current policy changes have the most significant impact on Swedish asylum politics. But the policy changes should also be understood as intimately related to a foundational and articulated change in the Swedish welfare system, which once relied on institutionalised equality and is now opening the door for institutionalised inequality and segmentation of access to rights.

Our research shows how deportable persons whose asylum applications have been rejected end up in situations in which they work informally for the lowest wages and in the worst working conditions. From a labour market perspective and the perspective of the informal labour market and its labour force, it is clear that the interim legislation with the switch from permanent residence permits to temporary residence permits opens up a situation where persons are even more vulnerable in relation to employers. Those who know that their residence permission will expire will have to depend on social networks and work in order to find a solution for everyday life as well as for the future. To contest a deportation order for someone whose asylum application was rejected costs money and involves risks. Thus, it can be argued that the way in which the interim legislation builds new vulnerabilities and dependencies into its system will create a new used and abused labour force in the informal labour market.

The meanings of deportability are about the potential threat of being deported – including the strategies that need to be applied in order not to be detected and surviving on a day by day basis. Facing the looming threat of deportation, finding the means to support oneself is a struggle and a dilemma, since working per se entails risks that potentially might lead to detection and deportation. However, the majority of persons who live in the state of deportability have no other way to support themselves. That very situation positions deportable persons in the most vulnerable situations in the lowest bracket within the informal labour market.

Articulations of racialisation of low pay sectors

The content of the government’s responses and the interim legislation can be clearly understood as actively creating and entrenching a division of labour, boosting a specific gendered, racialised low-pay service sector along with a general withdrawal of labour rights for refugees. The understanding of recent events as a “crisis” is thus again mobilised to push through labour-market changes leading to reduced labour rights and more articulated gendering and racialisation in certain sectors of the labour market. Further, as the interim legislation was launched with the explicit intent to respond to the “migration crisis”, the ideology about migrants as best accommodated by the cheap service sector has been made explicit.

The opening-up of certain labour-market sectors also needs to be understood as a condition for making a temporary residence permit permanent, and as a condition to become eligible for family reunification (along with accommodation). When the need to work becomes connected to every aspect of one’s life and even survival – as it has become in the setting of the new policies – we argue that it pushes asylum seekers and migrants into the precarious sectors of the labour market, which are much more easily accessible.

The interim legislation is a clear example of the interplay between migration and labour market politics. This is not a new phenomenon as migration politics have always been intimately connected to labour-market politics. The seasonal migration of labour in

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the seventeenth-century workforce in Europe is an historic example of the interconnection between migration and labour. Likewise, the periods after WWI and WWII saw an upsurge of the negative and racialised discourses towards an immigrant labour force that was purposefully attracted to replace the men who died in those wars.26

What is new in the interim legislation is the clear articulation of politics that intertwine asylum politics with labour-market needs, as well as the institutionalisation of temporality. The strong contemporary relation between national migration politics and the need for cheap labour hence comes together in the expansion of new temporal spaces that provide a foundation for an increased precarity of labour within the national (and arguably also global) context. As such, we need to conceptualise what this new legislation means and to understand the fluidity and the re-categorisation from a need as asylum-seeker to a nation’s need for (flexible and precarious) labour.

**Concluding discussion – a shift towards control, temporality and the continuum of deportability**

In this analysis of the Swedish government’s responses to the so-called “migration crisis” and specifically the interim legislation that was implemented in June 2016 – which was developed in a moment of intense debates on migration and a strongly dominating narrative on “crisis” – we have showed how several mechanisms in the interim legislation tend to strengthen and further entrench already existing links between migration control, differential inclusion and deportability, and hence risk violations of migrants’ human rights as well as increased segmentation and racialisation of the labour market. This is reflected in the actual legal mechanisms introduced in the interim legislation, which break with one of the “foundational” principles in the approach to migration of the Swedish welfare state: the aim to avoid segmentation and weakened labour rights through access to permanent residence and fast routes to naturalisation. These developments need to be understood in the general context of European states trying to turn away from refugee migration and towards regulated, temporary and controlled forms of labour migration.

We have argued that the interim legislation points towards the ways in which border control can organise, shape and categorise migrants and direct them into certain parts of the labour market. The interim legislation can be described as actively stimulating a segmented and racialised labour market where migrant labour mainly is transferred into a subsidised (for the financially strong consumer) low-paid service.

A critical understanding of the new transformation and intertwining of migration politics with labour politics is dependent on connecting these issues. We hence argue that there is a strong tendency to approach newly-arrived migrants and refugees from the perspective and needs of the labour market. Within this approach and context it is the low-paid service sector, marked by insecure employment terms and, low economic returns and strong competition, which is most accessible to those who are unqualified and/or are threatened by deportability. Another threshold that increased migrant vulnerability in relation to the labour market is the conditions for family reunification, which through the interim legislation requires a certain and stable income and a permanent job position, making it increasingly impossible to apply for such for many refugees in Sweden.

A central concern in this article is to bridge an analytical divide we have seen in scholarly approaches to migration; a split where labour migration dynamics and refugee migration are discursively separated although they are intertwined in practice. The need to jointly analyse these dynamics has become even more important as the interim legislation is reinforcing the links and overlaps between asylum and migration and is leading to a further precaritisation of the labour market. The interim legislation came out of a context discursively discussed as one of “crisis,” “system collapse,” “we have reached the limit” and

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“this is a growing tsunami.” Arguably, these racist and nativist concerns with numbers have been mobilised to enable a major shift away from a traditional focus on strong labour rights and hence highlight the links between migration and labour policies. Our ethnographic research shows that deportability creates dependence and vulnerability that becomes particularly visible in a segmented labour market. It further shows that deportability works as a continuum including more persons than those who risk immediate deportation. The introduction of more insecurity and vulnerability through the interim legislation also risks expanding the continuum of deportability in terms of increasing the segmentation of the labour market.

The concept of the continuum of deportability is vital as it serves as a site where the increased temporality and vulnerability is articulated. That site is not coincidental, but the intended consequence of new legislation. Through identifying the expansion of deportability - the introduction of temporary residence permits and increased numbers of persons who become irregular migrants, the effects of the interim legislation has been made visible.

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