

Eveliina Lyytinen

Postdoctoral Researcher (Academy of Finland),
Migration Institute of Finland, evlyyt@utu.fi

Karl Gauffin

PhD, Department of Public Health Sciences,
Centre for Health Equity Studies,
Stockholm University, karl.gauffin@su.se



Working for protection: Policy developments on the relationship between employment and refugee protec- tion in Sweden and Finland

Keywords: Employment, refugees, protection, family reunification, workfare state

In the Nordic countries, refugees' employment is not only seen as the golden path to successful integration, but international protection and family reunification have increasingly been conditioned on refugees' employment status. Our aim in this article is to examine discourses around employment and protection in the context of recent asylum seeker and refugee movements to Sweden and Finland. We focus on how employment is linked to international protection leading to permanent residency permit in Sweden, and protection of private and family life leading to family reunification in Finland. Most of the country specific policy documents analysed in this article are from 2015–2016. The analysis shows how Sweden and Finland are transitioning from welfare state to workfare state, and subsequently their refugee protection is politicised and undermined.

In migration and refugee research, employment is often discussed as a key element of integration into the country of asylum. In the Nordic countries, the strong tradition of active labour market policy has been the basis for comprehensive integration programmes targeting refugees, asylum seekers and their reunited family members. Not only is work seen as the golden path to successful integration, but the Nordic countries have also started to condition other central aspects of life,

such as protection and family unity, on employment status.

Our aim in this article is to highlight discourses around employment and protection in the context of recent asylum seeker and refugee movements to Sweden and Finland. We focus on how employment is increasingly linked to two sets of essential protection provided for refugees: 1) international protection leading to residency permit with Sweden as a case study, and 2) protection of private and family life leading to family reunification utilising Finland as a case study. This article is an outcome of our previous work on employment and integration as part of the Coming of Age in Exile (CAGE) project.

Our analytical framework relates to the idea how the Nordic “welfare states” have transitioned into “workfare states”. The Nordic “workfare reforms have contributed to an understanding of obligations in terms of obedience and to the establishment of social order through control mechanisms” (Kananen 2012, 558). Moreover, the transition of the Nordic welfare state into a workfare state has taken place simultaneously with increasing immigration to the Nordic countries. To rapidly enter the labour market is a way to contribute to instead of benefitting from the welfare state, and from this position, the immigrant is regarded as successfully integrated. Recent-

ly, however, as demonstrated later, employment is not only linked to refugee integration but also to protection, which in many ways will have far-reaching consequences.

The majority of the Finnish and Swedish policy documents analysed in this article were published in 2015–2016. All policy documents were found open access online. Most of the documents were available only in native languages, and therefore the unofficial translations presented here are conducted by the authors. The documents include, for instance, the Aliens Acts and the related government proposals, parliamentary motions, statements of referral and expert statements. These documents were analysed by utilising aspects of critical discourse analysis.

International protection and employment – case Sweden

In November 2015, the Swedish government announced a radical shift in the country's migration policy. The reason for this shift, which resulted in the *Legal Act on Temporary Restrictions in the Possibility to Acquire a Residence Permit in Sweden* (henceforth the Restriction Act), was the increasing number of asylum applications in Sweden. The Prime Minister announced that the Restriction Act would imply an adaption of Swedish migration policy to reflect the minimum demands of international conventions and European Union law. The statements of the referral bodies to whom the Government proposal was sent to, were overwhelmingly critical, but only resulted in minor adjustments of the proposal. The government proposition was accepted by the parliament in June 2016 and came into force one month later.

The main legal amendments following the Restriction Act can be summarised in four points. First, convention refugees who are granted asylum in Sweden will receive a temporary residence permit of three years. Asylum applicants with subsidiary protection status will receive a residence permit of 13 months. Second, permanent residence permit will only be granted if the refugees are able to economically support themselves. Refugees younger than 25 years also need to have completed upper secondary school. Third, only convention refugees will have the right to reunite with their closest family. Adult refugees are required to financially support their reunited family members. Fourth, Sweden is applying minimum standard of international conventions: asylum will only be granted if a rejection would violate international conventions. Previous domestic legislation al-

lowing for asylum on humanitarian grounds was also abolished.

The Swedish policy documents on asylum and refugees reflect a number of partly contrasting conceptions of protection. The obvious dimension with regard to asylum policy is protection of the individual refugee, i.e. international protection. This definition appears in legal acts and parliamentary motions. Other contrasting dimensions of protection are, however, also highlighted. Both the Restriction Act and a number of motions point to the protection of Swedish institutions and public services from high numbers of refugees. This illustrates an important distinction between the idea of the refugee as a subject of protection and the refugee as a threat, from which we need to be protected. A third dimension of protection detected in the policy documents refers to the protection of national security, again portraying refugees as a potential threat. A number of motions, mainly from the anti-immigration Sweden Democrat Party, connect refugee migration with terrorism and violence.

In both the parliamentary motions and the government propositions (including the Restriction Act), the two latter dimensions of protection become more common over time, partly at the cost of the first dimension. The explicit aim of the Restriction Act, to adapt Swedish migration policy to the European minimum, is justified by referral to protection of the welfare state institutions and national security. The political nature of refugee protection can indeed be manifested, for instance, in cases where “a concern with [national] security can undermine protection in important ways, though the discourse of protection can be manipulated by those with a security agenda” (Keen 2009, 1).

In Sweden, the Aliens Act regulates both the right of asylum and residence permit based on employment. Asylum applicants' right to work provides them with a formal opportunity to apply for residency based on employment during the asylum process. However, the work permit during the asylum process is conditioned on valid identification documents and plausible chance that the asylum application will be accepted. Once having an employment with salary and working conditions reflecting collective bargaining agreements, the immigrant can also apply for residency based on employment, offering an alternative possibility to stay in the country, should the asylum application be rejected. In certain cases however, a negative outcome on the asylum application may be combined with a ban on re-entry to the Schengen area, precluding any work permit applications.

Sweden's restriction with regard to international protection has been combined with options for seeking residency, not based on need for protection, but based on ability to work. In most cases however, the option to work is merely theoretical, as many refugees do not fulfil the formal requirements for a work permit in Sweden.

Family reunification and employment – case Finland

In Finland, the income requirements for family reunification were introduced for immigrants, including beneficiaries of subsidiary protection and in some cases refugees, in June 2016. These changes are in line with the EU Council Directive on the right to family reunification (2003/86/EU). According to the amended Aliens Act, a refugee is exempted from the income requirement only if his or her family member applies for reunification within three months after the person living in Finland has been granted asylum. The required net sum for a family of two adults and two children is approximately 2 600 € (HE 43/2016). The income requirement is also applied to unaccompanied minors and all new families, i.e. families that have been formed after the refugee has arrived to Finland.

The explicit aim of introducing the income requirement as the basis for family reunification, according to the Finnish Government in 2016, was to “manage immigration, to decrease the immigration-related expenses, ... to make integration easier, and to make sure that Finland is not perceived as particularly attractive destination country for asylum seekers” (HE 43/2016 vp). The language used in this government proposal clearly indicates how right to family is progressively more intertwined with migration management than ever before.

The government proposal in 2016 (HE 43/2016 vp) regarding restrictions on family reunification is a direct consequence of the Prime Minister Juha Sipilä's *Government Action Plan on Asylum Policy* released in December 2015. The explicit aim of this policy is to “stop the uncontrolled flow of asylum seekers into our country and to bring asylum costs under control and to integrate effectively those who have been granted asylum.” An explicit target of this policy was to tighten the legal requirements and procedures for family reunification.

In the various expert statements on the government proposal, the overall emphasis is on the criticism towards the planned restrictions that were approved in June 2016. Only some of the Finnish ministries and the

Finnish Immigration Service, among others, argue that the main aims of migration management and enhancement of integration are to be supported by the means of income requirement. The various organizations and NGOs working on migration- and family-related issues predominantly express severe disapproval and concern towards these amendments.

The expert statements reminded that right to family life should not be determined by financial income for it is a fundamental basic right for all people. In many of the statements it was highlighted how these proposed changes were unreasonable and against the spirit of international law. For instance, Refugee Advice Centre (statement 1.6.2016), the most respected legal aid organization for refugees in the country, stated that “this proposal is in breach of Finland's international obligations due to the fact that these requirements in practice limit the right to family reunification and family life.” Many organizations argued that the income requirements should not be applied to beneficiaries of international protection at all.

Moreover, based on our analysis, three main criticisms were raised in the numerous expert statements. First, even though the government proposal aims to enhance integration through work, it can be argued that refugees will be less integrated as they will not be able to be reunified with their family members — family, not work, is the true cornerstone for successful integration. Additionally, due to the need for income, people may have to choose between employment and integration training. Second, with these changes, the government aims to make Finland a less attractive destination country for asylum seekers and their family members. Yet, according to the experts, a more likely outcome is that those who would have applied to be safely reunified are now going to come to Finland through dangerous smuggling routes as asylum seekers. Third, questions of inequality were raised in several expert statements. Matters of equality were connected to protection status (subsidiary protection vs. refugees), gender (male vs. women in the labour markets), and age (unaccompanied minors vs. working age adults). Overall, what the critical statements clearly signal is that it is highly problematic to enhance the interdependence between refugees' employment (i.e. income requirement) and their right to family life.

Conclusions

In this article it was demonstrated how in the Nordic context international protection

is increasingly tied to employment status and certain level of income. To condition the permanent residence permit based on international protection on employment status, like in Sweden, or the right to family reunification to people with subsidiary protection and refugee protection, as in some cases in Finland, are linked to broader policy restrictions in the Nordic context.

Nordic countries explicitly attempt to be less attractive destinations for asylum seekers and they make departures from universalistic principles that have been the cornerstone in their welfare states. This illustrates how Sweden and Finland, and other Nordic countries alongside, are transitioning from welfare states to workfare states. Their refugee protection has become politicised and undermined in the recent years. In order to make an impact on the creation of alternative, more human rights-focused refugee policies and laws, more extensive critical research on the links between employment and protection in a refugee context is called for.

References

- Gauffin, Karl & Eveliina Lyytinen (2017). *Working for Integration - A Comparative Analysis of Policies Impacting Labour Market Access among Young Immigrants and Refugees in the Nordic Countries*. CAGE project report. Available: http://cage.ku.dk/publications/CAGE_Policy_Report_1.pdf. Accessed 27.6.2019.
- Kananen, Johannes (2012). Nordic paths from welfare to workfare: Danish, Swedish and Finnish labour market reforms in comparison. *Local Economy*, 27 (5–6), 558–576.
- Keen, David (2009). Security and protection. Keynote Paper for the International Conference on “Protecting People in Conflict and Crisis: Responding to the Challenges of a Changing World”, Refugee Studies Centre, Queen Elizabeth House, University of Oxford, Oxford.

Otamme vastaan lahjoituksia



Siirtolaisuusinstituutilla on sääntöjensä mukaan oikeus ottaa vastaan lahjoituksia ja testamentteja Suomesta ja ulkomailta. Aikaisemmin saamansa lahjoitukset instituutti on sijoittanut mm. tutkimusrahastoonsa, josta tuetaan vuosittain suomalaiseen siirtolaisuuteen liittyvää tutkimusta, dokumentaatiota ja konferenssitoimintaa.

Instituutissa ylläpidettävä siirtolaisuusarkisto ottaa myös vastaan lahjoituksena erilaisia dokumentteja jälkipolville säästettäväksi. Tällaista materiaalia ovat mm. käsikirjoitukset, kirjeet, valokuvat, äänilevyt ja pienimuotoiset tarve-esineet.

Yhteydenotot:
Arkistonhoitaja Jarno Heinilä
jarno.heinila@utu.fi
+358 (0) 40 631 3042