

Current Immigration Debates in Europe: A Publication of the European Migration Dialogue

Jan Niessen, Yongmi Schibel and Cressida Thompson (eds.)

Denmark

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for Danish Institute for Human Rights

With the support of the European Commission Directorate-General Justice, Freedom and Security September 2005 The Migration Policy Group (MPG) is an independent organisation committed to policy development on migration and mobility, and diversity and anti-discrimination by facilitating the exchange between stakeholders from all sectors of society, with the aim of contributing to innovative and effective responses to the challenges posed by migration and diversity.

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1. Making the case

1.1 The immigration debate

In the late 1990s, negative attitudes towards immigration grew heavily in Denmark, based on the idea that "integration has failed, and immigrants have become a threat to the future welfare of Denmark – economically, culturally and religiously."

This attitude has been fuelled by the media and political discourse. One Newspaper, Ekstra Bladet, for example, ran a very negative campaign called 'The foreigners' (or 'The Aliens') in 1997 with bill-boards, television commercials and articles etc. focussing on non-western immigrants as criminals living on social fraud. In 1998, the parliamentary election was dominated by an anti-immigration debate – not least within the Social Democrat Party, and again in 2001 the parliamentary election campaign was dominated by hostility towards immigrants and descendants.

Reducing the number of immigrants has in this period been a significant political agenda – perhaps one of the most significant issues on the agenda overall.

However, hidden beneath this negative tone is a low profile, pro- 'high-skilled immigration' debate, which is taking place within closed circles. This debate has become more visible in the last year.

Reducing the number of immigrants

As mentioned above, most current debates appear to focus on reducing the number of immigrants. This has been a key policy goal of the current government since coming to office in 2001.

Their 'New policy on Aliens' (2002) was based on three main principles:

- Denmark must respect international obligations due to international conventions.
- Denmark must reduce the number of foreigners trying to enter the country and demand a greater level of financial independence.
- Immigrants and refugees already living in Denmark must be better integrated into society and the labour market. The government must therefore strengthen incentives for job seekers. (The Government: A new Aliens Policy, 17/01/02)

In June 2003, the Government formulated its vision for the future:

"Integration effort must be improved, and the link between immigration policy and integration policy must be enhanced. By limiting the influx of new foreigners, time and resources are released for the improvement of efforts aimed at ethnic minority groups already residing in Denmark" (The Government's vision and Strategies for Improved Integration, June 2003, p.1).

¹ This report is based on information up to 17 August 2005

In essence, the government has focused its attention on making a case against increasing the immigration intake. However, it is important to note here that immigration is generally discussed in terms of **asylum** granted to refugees and **family reunification**. Economic migration does feature in the debate, but in the *public sphere*, the focus is still negative – looking at **irregular migrants**, **'welfare tourism'** and **the dumping of wages**.

Across the political spectrum, there is more or less a consensus on the advantages of reducing the number of immigrants. There is no single political party advocating for more immigrants, or campaigning to lift the immigration ban (imposed in 1973). During the election campaign of 2005, the Social Democrats affirmed that they would not change the current Government's immigration policy, except for the removal of the low 'start help' provision for newcomers. Over the last two years they have been working hard to forge an internal consensus on immigration policy that backs the Government's hard line in an effort to put internal conflicts to rest.

At the same time, there are some opposition parties that do try to change some of the more restrictive legislation to advocate for a more open society. In the election campaign (2005), the Social Liberal Party had the most visible 'anti-government' stance on immigration, focusing on possible human rights violations especially with regard to family reunification for Danish citizens. The small left-wing party 'The Danish Red-Green Alliance' was also critical of the government. It made immigration and integration its main focus during the campaign. Both parties increased their share of the votes.

The 'reducing strategy' is effective

The principle of reducing the number of immigrants, combined with regulations and restrictions of social benefits, housing, family reunification and marriage has caused serious changes in legislation on asylum and family-reunification.

Restrictions on the conditions for obtaining asylum, and restrictions on family reunification through the so-called 24 year-rule, and insisting that aggregate ties with Denmark be stronger than aggregate ties with another country, have been implemented by the Government, enabling it to reach its goal of reducing the number of immigrants. The table below illustrates with statistics:

Figures on asylum 2001-2004

Asylum applications lodged in Denmark	2000	2001	2002	2003	2004
A sylum applications lodged in Berman	12,100	12,512	6,068	4,593	3,222
Recognition rate in the first instance on asylum applications registered and processed in Denmark*	49%	53%	28%	22%	10%
Total number of persons granted refugee status or other status in Denmark (all types of cases, all authorities)	5,159	6,263	4,069	2,447	1,607
- Geneva Convention	1,327	2,020	1,267	724	279
- Protection Status (applications lodged after 1 July 2002)	N/A	N/A	3	83	134
- De facto Status (applications lodged before 1 July 2002)	2,541	3,116	1,686	519	95
- Other residence permits (e.g. Quota refugees and residence permits given on Humanitarian grounds)	1,291	1,127	1,113	1,121	1,099
Number of refugees allocated to municipalities in Denmark for integration (by the Danish Immigration Service)	3,901	4,549	2,681	1,866	1,408

The figures show that the actual number of asylum applicants, as well as the recognition rate, have dropped significantly in the last few years. The government considers this a success.

Figures on family reunification 2001-2004

Applications for family reunification in Denmark	<i>2001</i> 15.370	2002 11.250	2003 6.520	<i>2004</i> 5,796
Positive decisions on family reunification	10,950	8,151	0,520 4,791	3,835
(of which spouses and cohabitants)	6,499	4,880	2,538	2,349
Negative decisions on family reunification	3,286	3,531	3,745	2,816

These figures show that there is a similar pattern for family reunification - a drastic reduction in applications and in recognition rate.

The government is pleased with its 'success' in these two areas of policy:

"We have tightened the Aliens Law. And it works. During the course of 2002, the numbers of asylum seekers have been more than halved, a tendency that is also evident in the number of applications for family reunification. The decreasing numbers of asylum seekers and applications for family reunification gives us the space to do more when it comes to securing work and education for the immigrants that are already here." Anders Fogh Rasmussen's, New Year's address 2003.

"Immigration policy was for many years characterised by slackness and lack of consequence. And the damage this has done is grave. About half of immigrants in Denmark are without work and are on social security payments. There are immense problems concerning integration in Danish society" Anders Fogh Rasmussen, Opening of the Parliament, October 2003.

"We have tightened our policy on aliens. And it works. The number of residence permits is no longer more than 17,000 per year. Instead, it has been halved to ca. 7000. Before the election, we promised to have a firm and fair aliens policy. This we have done. And we will adhere to it" Anders Fogh Rasmussen, Opening of the Parliament, 5 October 2004.

"The government will adhere to a firm and fair aliens policy. Our policy during the last three years has worked. This has meant that we now have the basis for securing proper integration" Anders Fogh Rasmussen, Review before the Parliament, 24 February 2005.

Denmark has a policy of no immigration from third country nationals, but there are some exceptions to the rule. A residence permit is granted if essential employment or business considerations make it appropriate. This is often only possible if the applicant has a job offer and fills a skill shortage.

Immigration for reasons other than asylum and family reunification are shown in the figures below:

	2003	2004
Category	Total	Total
Education	6,212	6,326
Wage earner - persons from the new EU-countries		2,102
Interns	1,417	1,535

Au pair	1,233	1,500
Humanitarian work	1,042	1,014
Family ties to person granted a residence permit or work/educational grants	933	828
Wage earner, independent businessmen - within the traditional labour market	1,070	821
Specialists etc./job-card scheme	661	733
Wage earner, independent businessmen-outside the traditional labour market	593	646
Adoption	500	516
Work and education in the Faroe Islands and Greenland	687	258
Missionaries	151	90
Other cases	3,215	4,389
Total	17,720	20,758

Only some of these residence permits include a work permit.

On 1 July 2002, special rules were introduced for specialists in sectors suffering from shortages - including the scientific and technological sector. These regulations are detailed in the so-called job-card scheme, which means that foreigners employed in one of these selected professions will be immediately eligible for both a residence-and work permit.

Number of residence permits given in accordance with the job-card scheme in Denmark.

	2003	2004
Job-card scheme (total)	399	448
- Engineers	110	156
- IT-specialists (applications <i>before</i> 15 July 2003 and after 15 June 2004)**	107	159
- Doctors	162	107
- Nurses	5	4
- Scientists in the natural sciences and the technology sector	15	22

(www.udlst.dk)

**There was a hot debate between trade unions and the government on whether ITengineers should be on this so-called positive list, or not, whether there was a labour shortage or not, and the result was that this category was removed from the list in 2003, but reintroduced in 2004.

The anti-immigration debate

The consensus on the advantage of reducing the number of immigrants rests on a combination of different arguments, but the implied logic is that "*integration has failed and immigrants have become a threat to future welfare in Denmark – economically, culturally, religiously etc. and therefore we have to close our borders for future escalating problems of this kind*"

The current government argues:

"Today the proportion of immigrants and their descendants constitute eight per cent of the population – a proportion that will increase naturally in the future, even if the influx of newcomers is reduced. In other words, an increasing proportion of the population will have grown up with cultural traditions and norms differing from the prevailing traditions and norms of Danish society. Added to this are the 'welfare problems' arising when welfare benefits and caseworkers replace the will to be *independent that most foreigners have when they first arrive"* (The Government's vision and Strategies for Improved Integration, June 2003, p.3).

Furthermore the Government has made calculations on the fiscal burden of immigrants, which is used over and over again in the debate against immigration:

"(...) the insufficient integration of foreigners in the labour market will, in rough figures, cost the public sector more than DKK 23 billion a year from 2005." (The Government's vision and Strategies for Improved Integration, June 2003, p.3)

Two main categories of arguments, combined with a certain narrative about ethnic integration in Denmark in an historic perspective, are used to justify a very strict admission policy:

- a. "Immigrants become too equal" strongly connected to the discourse on the welfare state and equal rights to social benefits. "We have to pay for them being a burden."
- b. "Immigrants remain too different" closely connected to issues such as national identity, ethnicity, culture and religion. "They can't/won't be a part of us"
- c. The narrative about failed immigration and integration is a narrative of misguided generosity; "The majority (the Danes/ We) have for all too long been all too generous and open and naïve towards immigrants."
- d. Hidden underneath the main discourse there seems to pop up a "low profiled highly skilled pro-immigration discussion" primarily within closed circles where the need for highly skilled immigrants becomes visible, and within these forums the Government has also taken a position. Lately this discussion has become more visible.

In the following pages these four elements of the immigration debate will be elaborated upon.

A. Immigrants become too equal – and a burden through net welfare consumption

This general argument focuses on the (low) labour market participation of immigrants from 'less developed third countries'. Broadly, these immigrants are defined as a group of net welfare consumers, not welfare producers. With this definition of the immigration problem, the solution is shaped in the form of coercive measures, discussions about lower salary for specific immigrant groups, a special low 'starthelp' social benefit for newcomers, etc.

In 2000, the Government set up the **Think Tank on integration** ".... to conduct research on the integration of foreigners in Denmark, analyse the demographic situation, and to address the social consequences of demographic challenges and the integration of foreigners" (Immigration, Integration and the National Economy, Oct. 2002).

In late 2002, the Think Tank published a report on Immigration, Integration and the National Economy, which set out the government's policy and influenced the broader debate.

Arguments contained in the report include:

"... the inadequate integration of foreigners into the labour market will cost the public sector some DKK 23 billion annually from the year 2005" (Think Tank p.6)²

"Increased immigration will augment the future burden. This is due to the lower labour market participation of immigrants compared to Danes. This is especially true for immigrants from lesser-developed countries." (Think Tank p. 6)

There is an automatic implication that an immigrant from a lesser-developed country will have fewer qualifications, which in turn appears to explain the higher rates of unemployment.

The argument of immigrants being a welfare burden is specified through explanations of the ethnic and national 'composition' of immigrants in Denmark. The notion of an immigrant background from lesser-developed countries will automatically imply lesser qualifications, and this seems to have a significant place in researchers and politicians' range of explanations for higher unemployment, lesser qualifications etc. One might argue that this implication, or assumption has a negative affect on the labour market integration of this group of immigrants – thus generating a kind of 'self-fulfilling prophesy'.

The following examples are chosen as snapshots to illustrate the perceived relation between the immigrant and the welfare state:

Snapshot 1: Wage dumping and 'illegal work'

The debates and policy initiatives surrounding the most recent EU-enlargement have been significant in Denmark, and they provide a clear illustration of the attitudes towards low skilled migrants. In essence, the debates focused on a fear that there would be a massive influx of people from the 'new' Member States and that they would put pressure on leisure, incomes and social benefits.

In this environment, Denmark decided on a 'soft transition period' with a limited opening up of the labour market whereby specific conditions are attached to work permits given to citizens from Central and Eastern Europe. These regulations are referred to as 'The East-agreement', and all of the political parties (except The Red-Green Alliance and the Danish People's Party) backed the agreement.

Only a small number of regular migrants from the new EU-countries have arrived in Denmark since May 2004 (approximately 2000 in 2004). However, regardless of the small numbers, new initiatives have been developed to combat 'illegal workers'. This has fostered an atmosphere in which the term 'Eastworkers' (used for workers from the 'new' Member States) has almost become synonymous with low paid and/or irregular (undocumented) work.

Generally, low skilled immigrant workers (often 'Eastworkers') are often perceived as wage-dumpers, who undermine the living conditions of low-skilled workers in Denmark and thus, also the whole foundation of the welfare state. They are in a category of unwanted labour migrants.

It is interesting to note that the perception is that they are low skilled, however, their actual skill levels have not really been investigated. If the pattern is the same in

² It also suggests that The amount will necessarily have to be financed either through budget cuts or by increases in taxes

Denmark as in other countries, a portion of these migrants are high skilled, but they are doing low skilled work (there is no data on this at the moment). Concerning welfare, both low and high skilled workers can in principle contribute to welfare, but that is not perceived as a possibility. Again, perception is crucial for the opportunities for migrant workers.

Related to the rather heated debate on the enlargement and the potential of 'illegal workers' from that region coming to Denmark, the government proposed several legislative changes:

- In the first part of the year, the penalty for employers offering illegal employment³ to foreigners was increased from a fine or imprisonment for up to one year, to a fine or imprisonment for up to two years.
 - Later that year the Government launched a manual to "help labour unions, police and tax authorities expose those who disregard the rules", aimed at tightening enforcement.⁴
- 2005 In February the government proposed new changes to the Act, which should lead to a significant increase in convictions and the severity of penalties for foreigners who are illegally employed. Under the new amendments, foreign workers who do not have the required work permit will have their sentences raised from financial penalties or imprisonment of up to six months, to increased financial penalties or imprisonment for up to one year.
 - Those who help foreigners to stay illegally in Denmark are also targeted. Providing housing, or other forms of assistance can now lead to a punishment of up to two years of imprisonment.
 - In March, the Government, together with the political parties who entered into the 'East-agreement', launched a policy that tightened regulations. The government also announced that more restrictions be put forward, such as a mobile control team.

Trade unions regularly campaign against employers hiring 'illegal' workers, and report 'illegal' workers and their employers to the police. Several labour unions, especially in the construction sector, conduct their own investigations and report specific cases on suspicion of 'illegal' work to the police. The Baker Employers Organisation has also worked with the trade union to investigate and report a number of cases of 'illegal' work to the authorities.

The number of immigrants working without permits is of course uncertain due to its 'illegal' nature. Both the labour market and the welfare system are highly regulated. This makes it extremely difficult to exist as an 'illegal worker'. Most reports on 'illegal employment' come from the construction, agricultural and hospitality-tourism business sectors. The trade union '3F' estimates that there are some 3,000 people working illegally in the agricultural sector. In 2004, 304 employers were reported as

³ Illegal work, as outlined in the Aliens Act, is work performed by foreigners who do not possess a work permit (put simply, the work may be common and legal enough, but the foreigner has not operated in accordance with the law).

⁴ It is interesting to note that soon after the parliamentary election (February 2005) there was a 'scandal' about the husband of the Minister of Education, who had hired Eastern European agricultural workers without work permits to work on his farm. The Minister was downgraded to Minister of Development Aid.

providing illegal employment - an increase from 202 reported cases the previous year. This is perhaps a result of both an increase in 'illegal employment' and an increase in investigations.

A survey conducted in March 2005, which did not distinguish between illegal and legal work, asked if people would hire a foreigner with a significantly lower salary to do a job. Only 16 per cent agreed, one per cent had hired a low paid foreigner within the last year, and 20 per cent had someone to do undeclared 'illegal' work. Only nine per cent thought that low paid foreign labour was acceptable, while 50 per cent found 'illegal' or 'black work' acceptable. This could possibly indicate that the demand-driven market for illegal / underpaid' labour for the time being is still small.

Another survey published in December 2004 indicates that 'illegal' and undeclared 'black' work might be drawn to the domestic sector, where controls and sanctions are difficult to enforce.

Generally 'illegal workers' do not make themselves visible, and a regularisation is not on the political agenda.

Snapshot 2: The Welfare Commission: 'Immigration is bad for future welfare'

In 2003, the Government set up a Welfare Commission to produce analyses that could feed into the public and political debates on the future of social security. The Government would like (according to the terms of references of the Commission) "..to have a broad and open dialogue with the citizens and political parties about future welfare reforms."

The Commission includes four researchers/professors, three corporate CEO's, one trade union representative and one representative from the OECD.

One of their tasks is to analyse the possibilities for reforms and come up with concrete proposals to increase the supply of labour and employment.⁵ In May 2004, the Commission published a discussion paper titled "Future welfare does not occur automatically", which listed four key challenges:

- the ageing population,
- the increasing demand for leisure time and better services,
- increasing individualisation and a reduction in collective responsibility, and
- globalisation.

The Commission did address the possibility of increasing immigration to solve some of these problems (particularly in the area of service provision), but the conclusion seemed to be that immigration is not a solution and only highly skilled immigrants from more developed countries can produce net-welfare "*The positive effect of highly skilled labour [immigration] is so small, that it will mean the influx of an unrealistically high number of immigrants from more developed countries to solve the public finance problem.*" (p.21)

A number of social partner organisations, research institutes and NGOs responded to this paper. However, only two of the responses reflected on the Commission's position on immigration: the National Employers Organisation (DA) and the Industrial Employers Organisation (DI).

⁵ The Commission is due to present its proposals before the end of 2005

In its response, the DA encouraged the Commission to: a) analyse the effects of labour mobility in and out of Denmark; b) analyse experiences of labour migration in other countries, c) analyse the effect of highly skilled immigration, and d) elaborate on how to make the Danish welfare system work with other systems in other countries, so as to ensure the breaking down of barriers to free labour mobility. DI drew on the connections made between high tax levels and highly skilled immigration and emigration.

The other organisations displayed a remarkable non-reaction to the question 'Can increased immigration solve the public assistance and support problem in welfare state Denmark?' A large labour union, for example, commented on almost every heading in the paper, but skipped the question; 'Can increased immigration solve the public assistance and support problem in welfare state Denmark?'

In March 2005, the Welfare Commission published two reports, one of which was entitled *Future welfare and globalisation*. The main focus of this report was immigration,⁶ integration and emigration (an assessment of the brain drain *from* Denmark).

The report concluded: "Immigration from less developed countries is able to contribute to demographic development and through it, the longer term development of the labour force. However, immigration from less developed countries has a negative effect on long-term financing of public spending based on the present welfare system." (p.135)

The Commission's report, which is, and will continue to be significant in the welfare debate in Denmark in 2005 and 2006, has contributed to the image of immigrants as a heavy and growing burden for the welfare state of Denmark. Even theoretical calculations on the effects of closing the borders completely, revealed a positive net welfare balance. The report argues that overall, the burden imposed by immigrants will threaten the basic contract between the citizen and the state because immigrants are, and apparently always will be, net consumers of welfare.

Snapshot 3: Selecting refugees based on labour market integration capabilities

In Denmark, only a limited number of refugees have been granted asylum. Of these, 500 per year are refugees from UNHCR refugee camps, also known as quota refugees. Until now, these quota refugees have been brought to Denmark on the basis of their need for protection, and 'selection trips' by state authorities and Danish Refugee Council representatives in the camps.

The government has recently proposed new legislation aimed at increasing the 'potential for integration' among quota refugees. To do this, it has proposed extending the quota period to three-years, which would allow a broader timeframe to identifying refugees with '**integration potential**'. The basic argument is based on a survey,⁷ which demonstrates that quota refugees in Denmark have a low degree of

⁶ The Commission defines immigration mainly as refugee settlement and family reunification; there is no mention of labour migration - not even as a theoretical element in the discussion. This is largely because Denmark has had an immigration-stop since 1973. There are therefore very few people who could be described as traditional labour-migrants. Statistically immigrants are often analysed according to their country of origin (West or not), not their migration status. There is though as mentioned earlier a very limited job-card scheme granting high-skilled migrants temporary work permit.

⁷ Which according to several NGOs is highly problematic.

labour market participation and are therefore left to subsist on social security benefits.

This represents a significant change in approach. The current criteria for selecting refugees focuses on the need for refuge, the need for protection, based on selected geographic areas, diseases that need treatment, risk of deportation or atrocity. Some of the proposed changes do address the refugee's situation, but the new criteria based on 'integration potential' compromises the main goal – to respond to humanitarian needs. 'Integration potential' is defined in the proposal text as:

- Language on a qualifying scale from illiterate to mastery of a second or third language;
- Education and labour market experience;
- Education but not too advanced ("Highly educated people often expect to get a job within their profession quickly and this will often be an expectation which the Danish society won't be able to fulfil");
- Family it is important to keep families together "even though family members do not possess the same kind of integration potential", families with children are preferred because they are easier to integrate;
- Network an existing network is a priority;
- Age the elderly and the very young without family are disqualified;
- Motivation high motivation can compensate for lack of potential on other criteria; and
- Criminal records and infectious diseases those with a record of either of these are to be disqualified.

To reduce the potential for disappointment, refugees must also sign a declaration that they know "the importance of getting a job, the necessity of learning Danish, the obligation to participate in an introduction programme, the limited possibilities of family reunification, and the (lower) financial help offered to refugees and others that have resided in Denmark for less than seven out of eight years."

Refugees are also required to participate in pre-embarkation courses in their home countries, on the Danish language, climate, geography, housing, health, education system democracy, family structure, and labour market etc.

The resemblance between refugee selection and legal labour migration schemes is striking, and several NGOs have criticised the proposal for being inhumane, and for putting aside the basic refugee issue which is concerned with protection from persecution. Instead these 'immigrants' are often perceived as 'unqualified victims' or 'tolerable labour immigrants'.

Above three examples or snapshots show how different immigrant groups are perceived; first of all as a threat, or drain on the welfare society, but with different logic for different immigrant categories. It is remarkable that the general assessment and interpretation are constantly being correlated to costs or contributions to the Danish welfare society.

B. "Immigrants stay too different" argument

Most legislation and public discourse is fuelled and legitimised by arguments on values and identities, either as immigrant values and culture being too different from Danish or Western values, or as immigrants opposing such values:

This argument is elaborated upon in section 1.2 (the integration debate), however it is mentioned here as an example of the way cultural and national arguments are used to restrict immigration from non-western countries.

'Values' related arguments used to restrict immigration are for example included in the rule that states that one should be at least 24 years old in order to be reunified with a spouse:

"That rule is necessary to protect young girls against those unhappy forced marriages and arranged marriages and to ensure a proper integration" (Prime Minister Anders Fogh Rasmussen at the opening of the Parliament 04.10.04).

"As a whole, the law works as it should. It was necessary to put a stop to this perpetual arrangement of forced marriages, pro-forma marriages and so on. Denmark is such an attractive country for people from the third world to come to, that it is necessary for us to build some protection. This affects some Danes that should not have been affected, but it cannot be otherwise, at the moment" (Minister for Refugee, Immigration and Integration Affairs Bertel Haarder in Jyllandsposten, 25 April 2003, saying No to easing the rules concerning family reunification).

"There is, among foreign residents and Danish citizens with foreign backgrounds a prevalent marriage pattern that among others is a consequence of pressure from their parents to marry a person from the home country. This pattern is instrumental in putting the persons concerned in a situation where they, to a greater degree than others, experience problems of isolation and indisposition in relation to Danish society" (remarks on changes to the Aliens Law with respect to family reunification 2002).

Differences in education and qualifications are highlighted in some research papers to explain immigrants' low labour market participation: "*Even the lowest wages on the domestic labour market demand a level of productivity that many immigrants don't have when they arrive, which limits the job possibilities even more.*" (SFI 2005)

C. The narrative on failed immigration and integration

In his New Year speech (2004), the Prime Minister Anders Fogh Rasmussen said:

"Many years of failed immigration policy have, for example, created immigrant ghettoes, where the men are unemployed, where the women are isolated and the families speak only the language of their home country.

The children grow up without learning Danish properly. Some are influenced by hardened criminals. They happen to confuse Danish broad-mindedness with irresoluteness, Danish freedom with emptiness, Danish equality with indifference. And they look upon society with contempt.

The creation of ghettoes leads to violence and crime and confrontation. We know that from abroad. And that we neither can nor will accept in Denmark. We have to stop this unfortunate ghettoisation. We have to insist that the children learn the

Danish language properly before they start at school. The young maladjusted immigrants must be pulled away from unemployment, street corners and crime. They must work. They must have an education. And they will have to understand and respect those values which the Danish society is built upon" (Prime Minister Anders Fogh Rasmussen's New Years Speech to the nation 1/1/2004).

Again, this narrative is important in that it creates a sense and legitimacy for restrictive legislation, which exacerbates the sense of exclusion felt by the minority population.⁸

Snapshot 4: International critics and the government's response

The government's statements and policies have not gone unnoticed. Several international reports from UN-committees, international institutions, and the European Union, have, over the last five to six years, criticised certain policies in Denmark, and with escalating strength, these reports have been rejected and neglected by Danish ministers, politicians and newspapers. Some opposition politicians and some newspapers have tried to raise the profile of these reports, but the degree of criticism required to generate a 'scandal' is increasingly high.

In the summer of 2004, the Human Rights Commissioner, Council of Europe, Mr. Alvaro Gil-Robles published a report (which is available at:

www.inm.dk/imagesUpload/dokument/CommDH2004DenmarkReport.pdf), reflecting and evaluating several initiatives taken by the government concerning ethnic minorities, refugees and asylum seekers.

Among other things, the Commissioner was very critical about the protection of minority rights in Denmark: ".....in certain fields, most notably relating to the rights of foreigners and ethnic minorities, there has been a noticeable shift in policy and legislation towards a more restrictive regime, bringing with it a number of risks for the full respect of human rights." (p. 4)

He was also concerned about the negative public image of ethnic minorities: "Just as it is right to discuss openly the challenges and difficulties that immigration and the integration of immigrant communities present, so is it necessary to continually guard against xenophobic reactions masquerading as social concern." (p.13)

There were also concerns about the discrimination of Roma children, Greenlanders detained in prisons in Denmark, the protection of victims of human trafficking, and more. The Commissioner concluded the report with a long list of recommendations, some of which are listed below:

- "Reconsider some of the provisions of the 2002 Aliens Act relating to family reunion, in particular:
 - The minimum age requirement of 24 years for both spouses for family reunion and the 28 year citizenship requirement, and for the exemption from the condition that both spouses' to have aggregate ties to Denmark;

⁸ In this environment, the government has put forward policy proposals that set quotas for ethnic minorities in schools and housing, and making it easier to justify expulsion etc. Coercive measures have also been designed such as punishing parents (economically) for the actions of their children, and putting sanctions on parents that affect their ability to obtain a permanent residence permit, etc.

- Economic conditions as the DKK 50,000.00 deposit and permanent employment offer for the granting and retention of residence permits for spouses, as may violate equality before the law;
- The maximum age limit of 14 for the family reunion of children, in favour of a limit of 17, in accordance with the principles of the UN Convention on the Rights of the Child.
- Ensure that the rights of refugees to family union are clearly stated in the law.
- Grant a more prominent role and greater resources to the Council of Ethnic Minorities.
- Ensure equal access to quality education, countering the *de facto* and *de jure* segregation of ethnic minority and Roma children.
- Strengthen efforts to promote an inclusive society and combat discrimination and intolerance.
- Adopt a more flexible approach to the granting of residence permits to foreign women ceasing to co-habit with violent partners.
- Increase the access of victims of human trafficking to residence permits, particularly for witnesses testifying in criminal cases.

This report was met with anger and resentment from the government. On the day the report was published, the relevant Minister stated: *"I think he* (Human Rights Commissioner Robles) *is focusing on details he doesn't know anything about"* (Bertel Haarder in DR Radio news, 8/7/2004).

The following day Bertel Haarder continued: "We are the only country, which has found a means against forced marriages and it is called the 24-years rule. This rule is gender progressive and it is maybe this, that a Spanish person finds difficult to understand" (Politiken, 9/7/2004).

The Commissioner responded to this attack in the same newspaper (Politiken) on 14 July: "My report is very clear and anyone who reads it can see that. When I do not write directly that Denmark is violating the conventions, it is out of respect for the Danish Government instead of just throwing the conclusions at the table. The fact that I end the report giving recommendations shows that not everything is as it should be. Of course one can choose to look the other way, but it doesn't make the problems disappear."

Commenting on the accusations of having misunderstood the legislation because of his Spanish origin and culture he said: *"I have heard all sorts of critique regarding the report, but one thing I haven't heard is precisely which kind of mistakes I have made in the report. I am very open to investigate possible errors. The only thing that I can't change is my Spanish background. But even if I had had the honour of being born in Denmark, I would have made the same judgements."*

That summer, Minister Haarder was considered a potential candidate for the European Commission, however interest generated by his comments on Gil Robles did not strengthen his chances.

Almost three months later, the minister presented a government report rendering a 'not-guilty' verdict on the government: "But the lawyers of the government have carefully evaluated the report from the Human Rights Commissioner. They came to the conclusion that The Aliens Act (...) conforms with human rights," he said.

These were the same lawyers that had originally designed the legislation.

D. The low profiled highly skilled pro-immigration discussion

As mentioned at the beginning of the report, there is some discussion about the benefits of high skilled migration. However, it is still relatively new, and restricted mainly to circles of business associations, regional local authorities responsible for health care services, trade unions for IT-specialists, engineers, and medical professionals. It is an example of developing a double strategy – or an ambiguous discourse, which is quite common. Some arguments are reserved certain situations, certain groups of peoples etc. The general anti-immigration agenda has developed towards a more selective strategy, which includes a limited 'selection-of-the-fittest' programme, but maintain the strict admission policy for other migrants.

In 2004, the Fogh Rasmussen government established a new Think Tank dedicated to 'Growth', which was made up of representatives from prominent business organisations and academia.⁹

Under the terms of reference for the Think Tank on Growth, is to "come up with a vision for future corporate development in Denmark and focus on how the corporate sector can prepare for the challenges of international division of labour, and how to create a future highly productive labour market displaying entrepreneurial skills and innovation, generating capital, and capitalising on education, promoting public-private partnerships and competition".

"The flexible and innovative society" published in autumn 2004 highlights the Growth Think Tank's vision and principles. 'Unconditioned Openness' is one of ten key principles identified 'for a prosperous future for Denmark'. Besides outsourcing, global export and equal competition, 'unconditioned openness' is defined thus: "It is of great value to Denmark when highly qualified foreigners come here to work. We, therefore, in line with other countries need to actively attract young highly skilled people, e.g. through the education system".

But the Think Tank doesn't take the statement any further and under the headline of "Denmark and Demography", immigration isn't mentioned as part of any solutions.

In November 2004, this Think Tank held a conference to present its vision and invited Bill Gates,¹⁰ among others, to give a presentation. When Bill Gates gave his presentation (in the presence of five ministers, including the Prime Minister), he underlined the importance of opening the borders to highly skilled immigrants and ensuring they have good living conditions. 'The economy of the future depends upon well-educated people and highly developed universities,' he said.

However, this way of talking about immigrants in public is controversial in Denmark, so there was a stir in the audience and the contradiction between the government's official close-the-borders-as-tight-as-possible strategy and the speech from Bill Gates himself hit the headlines in the media.¹¹

⁹ In early 2005, it also appointed an Advisory Committee on Globalisation

¹⁰ The biggest Microsoft IT-developing department outside the US lies in Copenhagen.

¹¹ Although it is likely that Bill Gates did not deliberately seek any opposition to his hosts – the Danish Government.

It would seem therefore that the reality is complex and at times rather ambiguous. Overall this debate about the need for immigration is hidden, but it is starting to emerge. One might say that it is evolving from 'a taboo' to 'acceptable' in public discourse. Some politicians in the municipalities, for example, will not highlight/articulate the debate on high-skilled immigration, but the administration feel the need to facilitate it none the less. Other civil servants won't facilitate skilled migration regardless of the benefits it might generate.

Within the healthcare sector, the discussion about immigration as a part of a solution to the problem of decline of staff in certain professions, has been on the administrative agenda for some years. In 2002 The Research Institute of Local Government Studies – Denmark (AKF) published a report: *Education and imbalances in the metropolitan labour market, 1980-2002* focusing on the question: 'Will the public sector labour market be able to recruit the necessary employees in the future?' The report concluded that regardless of the different economic scenarios "there will be a remarkable lack of health care professionals, especially doctors and nurses." Recommendations included increasing flexibility, productivity reviews in the labour force, prioritising education and providing supplementary training. They also included a proposal to "specifically increase immigration by inviting foreigners with the desired education to Denmark and the metropolitan area."

The Ministry of Health works under the assumption that immigration will be part of the policy mix in the future. In the latest forecast on the supply and demand of doctors, published in 2003, the lack of specialised doctors in 2025 have climbed to between 1,600 and 2,000 due to retirement etc. if nothing is done to remedy the situation. In 2002, 800 specialist positions were already vacant (which is approximately eight per cent of all specialist positions in the hospital sector).

As mentioned above, the immigration of specialised doctors is seen as a part of a solution. The report states that it will be necessary to work on targeted recruiting and relocating initiatives, and the 'new' Member States are identified as potential suppliers.

The regions are responsible for the administration of hospitals in Denmark and the Organisation for Regional Governments "Danish Regions" is working on future challenges in healthcare. In a paper published in 2004, the Organisation stated that supply and demand within the health sector will create significant challenges. However, immigration is not on their agenda.¹²

Some of the peripheral regions in Denmark, with the most urgent needs for healthcare professionals, especially specialists, established a joint project on recruiting Polish specialist doctors in 2003. This project is based on the Swedish model, as Sweden has already been recruiting Polish doctors for several years.

On 3 January 2005, the first group of 26 specialised doctors landed in one of the regions. Other groups are to follow.

The Danish Medical Association (DMA) has been involved in, and provided support to, this project from the beginning. The DMA also supports greater flexibility and job mobility for doctors from abroad, through easier administrative access such as skills recognition, and in obtaining authorisation.

¹² The contradicting views are part of the reality in the Danish immigration debate – research institutes, regions and federal departments etc. don't always hold the same view.

Some (though few) trade unions for highly skilled professionals and skilled workers, have also become more willing to discuss the immigration of highly skilled persons as a part of securing future welfare and economic development. These trade unions are trying to develop new models for organising support for new immigrants. At the same time they support developing useful models of integration.¹³

Other (most) trade unions express a lot of concern about labour immigration in their specific field. For example, PROSA, the Association of Computer Professionals, has linked the question of immigration to the enlargement of the EU in two high profile statements: that a) foreign specialists should not dump wages and b) Danish unemployed IT-specialists must be given preferential treatment (over foreign specialists).

In January 2005, The Danish Society for Engineers, together with the National Employers Organisation DA and DI, the Trade Union Danish Metal and the Ministry of Integration arranged a conference entitled: *Denmark needs the clever ones from the whole world*. The presenters included the Minister of Integration, representatives from the supportive organisations and CEO's from corporate business such as Microsoft. They all spoke about the need for high skilled labour migrants in the future. The Minister of Integration presented the current scenario through a graph showing a drastic decline in asylum and family reunification and an increase in 'job-cards'. *"That's the right development"*, he stated.

Interestingly, some presenters tried cautiously to argue that general living conditions and treatment of ethnic minorities would have an impact on the level of attraction for potential future immigrants, but it wasn't taken to a more concrete level.

Overall, the event was a rare opportunity to discuss labour immigration. A relatively large number of participants participated, but no media covered the event.

Government initiatives

The state administration recently established a website www.workindenmark.dk, designed to make it easier for foreign knowledge workers to gather information on moving to, working and living in Denmark. The homepage also contains information directed at Danish businesses and research institutions and a job database. The Ministry of Science has now taken over the responsibility for this website and is planning a marketing initiative to inform primarily researchers and highly skilled professionals in the Baltic areas that Denmark is an attractive place to work. There are no plans for marketing Denmark outside Europe.

National action plan and forecasts

The Danish Action Plans are written in an environment characterised by a high level of employment and labour market participation. Denmark is already meeting the Lisbon targets for employment. However, demographic forecasts have ensured that employment remains central to the medium-term economic strategy. The government aims to increase create jobs for about 60,000 people between 2003 and 2010.

¹³ These trade unions include The Danish Society of Engineers, IDA, in cooperation with The Industry Trade Union for skilled workers, Dansk Metal – There is no specific model yet, but there are some projects.

"...the demographic development alone pulls in the direction of a decreasing labour force, primarily due to a shift in the population from the economically active age groups in the direction of the more elderly persons." (NAP p.5)

According to the action plan the employment rate for specific groups has to increase: "Up to 2010, the higher specific employment rates for gender, age and ethnicity will have to contribute to employment with 98,000 persons. Out of these, nearly 75,000 persons represent a higher structural participation rate and the rest represent a lower unemployment level. "(p.9)¹⁴

"The non-realised requirements of a higher level of employment include possible contributions from the better integration of immigrants in the labour market, a quicker flow through the educational system and the strengthening of the senior policy." (p.11).

"... there are still groups in the population that are underrepresented in the labour force. This applies, in particular, to elderly persons and immigrants." (p. 35)

It is clear that the integration policy, not immigration policy is connected with overall policy goals related to the Lisbon agenda. Immigrants form part of the plan – immigration does not.

Identifying labour shortages

At a regional level, 14 regional Labour Market Councils develop and implement programmes in the labour market. Each council has with 21 members appointed by the Minister of Labour, representing trade unions, employer's organisations and local governments. Every three months, the councils contribute to the national 'Labour Market Report' to provide forecasts on shortages divided into geographic areas and sectors. The public, production, construction and services sectors are dealt with separately. Proposals in the report for filling the shortages do not advocate for labour immigration as a possible solution to labour shortages. "Our job is to defend Danish workers," the civil servant in the Ministry of Labour repeated when asked.¹⁵

In addition, a yearly national questionnaire study is conducted, with the participation of 6000 private and 2000 public employers. The experience is that the results of these assessments and studies are quite similar. However, again it should be stressed that initiatives proposed to solve labour shortages through immigration are not visible in these reports, and therefore neither is any experience related wish for change in, for example, procedures for work permit and authorisation. As such, proposals for more general system of immigration, point based etc., is not on the agenda in these reports.

Green Paper on Economic Migration

The Government recently announced its official opinion of the Commission's Green Paper on economic migration. A general system of immigration is rejected, but a cautious opening up for highly skilled professionals is reflected in considerations on how to attract highly skilled professionals to Denmark through intensified public relations, tax-reduction and allowing three months job seeker residence permits to

¹⁴ The 75,000 are new participants on the labour market – the rest are from the unemployment 'pool'

¹⁵ Again the inconsistencies of the policies proposed and taken are evident.

graduated foreign students. The government is also in favour for discussing fast track procedures, job-databases and support co-ordination between migration and development policies.

1.2 The integration debate

Integration issues are generally discussed in terms of problems, burdens, difficulties, expense and conflicts.

"..... the insufficient integration of foreigners in the labour market will, in rough figures, cost the public sector more than DKK 23 billion a year as from 2005. The price of poor integration corresponds to 60 per cent of the expenses for elementary schooling and) 35 per cent of the expenses for the public heath sector in 2001" (Governments Vision, 2003).

"It is unacceptable that so many immigrants and descendants are living at the edge of society – with a poor labour market participation and a strikingly poorer level of education than the rest of the population. It is totally untenable that a large group of residents live isolated, and often in isolated housing areas, away from the rest of the population. (..) The government's firm and fair immigration policy has created a better balance in immigration. Today more foreigners come to Denmark to work or study than to apply for asylum or family reunification. (...) Through the immigration and integration policy the government has at the same time strengthened the principle of self support. (...) The government has already put efforts in reforms of the Integration Act and Language education legislation. But the challenge is still huge. It takes more than three years to rectify almost a decade of misunderstood letting things slide" (A new chance for all. The Governments Plan of Integration, May 2005. p. 5-6).

When successful integration is pictured, for example by the Ministry of Integration, it focuses on self-support, employment and at times, cultural assimilation.

In 2002, the Ministry of Integration introduced a yearly integration award for successful integration within corporations, NGOs and public administration. Two awards are given to labour market initiatives, one to an education initiative and one to a 'fiery soul', all presented and celebrated at a prominent event. This celebration has basically replaced an annual conference that had been coordinated by the Board of Ethnic Equality on discrimination and equality issues (last held in 2001).

Investments in integration are made primarily in introduction and language courses for newcomers and initiatives aimed at employment for immigrants. The administrative responsibility for individual integration programmes lies with the municipalities and the financial burden that comes with it has, over the years, been an issue in the local political debate. In response to this, and to the unwillingness particularly among wealthier municipalities to accept their quota of refugees,¹⁶ the government has overcompensated the receiving municipalities and tried to make the integration of newly arrived refugees profitable in the three year integration period. This does not necessarily lead to greater investments in integration, however, and it might confuse the debate on investments for integration activities.

Government funding is also assigned to institutions, businesses and NGOs working on labour market integration projects. In 2004, the government distributed DKK 100

¹⁶ Refugees are placed according to the 'dispersal strategy' all over Denmark, and are generally, according to The Integration Act not allowed to move to another municipality in the first three years.

million to municipalities and residential areas defined as ghettos. This was part of an initiative known as the 'ghetto plan' (outlined in greater detail below).

Investments aimed at implementing diversity strategies in public institutions are generally small.¹⁷ This is despite the fact that public institutions have themselves confirmed the existence of discrimination. In 2004, for example, the national broadcasting station TV2 repeated an investigation in the public employment services showing that out of 23 different located services only one declined advice on 'how to avoid hiring ethnic minorities'. This investigation was a repeat of a similar investigation conducted in the year 2000, where nine out of 19 services were found to have broken the law.

In 2001 the state administration set a target of increasing the share of ethnic minorities employed from 2.2 per cent to 3.5 per cent by the end of 2003. By the end of 2003 the ethnic representation remained quite stable at 2.3 per cent. The campaign is still running, however, by the end of 2004 the percentage was unchanged: 2.3 per cent. According to the governments 2005-plan of integration, this target has increased to four per cent by the end of 2007 and it is supported by a special arrangement of a number of new subsidised one-year so-called 'integrations-jobs' for ethnic minority employees within the public sector.

Similarly the share of ethnic minorities employed in the municipalities is small, both compared with the national ethnic minority population and compared with ethnic minority employees in the private sector. The comparable percentage in the municipalities in 2003 was 3,9 per cent and the comparable percentage related to national population was 4,1 per cent in 2004.

The overall impression in the Danish political discourse is that integration as such is primarily a failure in Denmark - a failure expressed through images of high unemployment rates, young criminals, low labour market participation, ethnic minority children not learning to read, parents sending their children on rehabilitation trips to their countries of origin, and parents forcing their children into marriage etc.

As outlined in section 1.1, the failure of integration has made a case against immigration.

"It is not unimportant how many immigrants are coming to Denmark. We have to stick to the strict immigration policy very firmly. This is the only way to ensure opportunities for education and employment to all immigrants already living here." (Prime Minister Andres Fogh Rasmussen's opening address to the Danish Parliament 5 October 2004)

According to the government's 'Vision and Strategies for Improved Integration', which has been the basis for integration policy in the last couple of years, one of the main motivations for adjusting strategies for integration is the threat of a lack of unity within the nation state: "If we fail to make a targeted and innovative effort today, we risk being left with an economically and culturally divided society in a few years – a society not only with an increasing number of elderly people, which will lead to new challenges for the continued financing of our welfare and living standard, but also with an increasing number of foreigners receiving transfer incomes" (The Government's Vision and Strategies for Improved Integration, June 2003, p.1).

¹⁷ This is probably because the focus is on how to adapt the immigrant to society, not the other way around.

The sub-text of the government's policy makes it is clear that immigrants and ethnic minorities are portrayed as either an existing or potential economic burden. What is more, cultural diversity is not considered acceptable. Linking immigrants with non-democratic values, non-western culture, non-Christian religion, gender-inequality and the existence of small businesses whose income is based on not paying tax or VAT to the authorities, feature in arguments problems with immigrant diversity. These arguments are then reflected further in the government's policy.

Sanctions to prevent and punish unwanted behaviour has a remarkably prominent position in many government initiatives.

Integration policy

In 2003 the government outlined three central issues for integration policy:

- 1. A coherent and open democratic society;
- 2. Education and training; and
- 3. The labour market.

Followed by four fundamental principles:

- We will make room for diversity and learn how to profit from it;
- We have to abandon clientification and show respect by imposing demands;
- We have to abandon any lack of consistency whatsoever; and
- We should not use 'culture' as an excuse for suppressive family patterns.

1. The strategy on a coherent and open democratic society covers antidiscrimination initiatives (most of which were obliged due to the EU equal treatment directives and the national action plan agreed upon at the Durban UN-conference on racism) and initiatives to prevent culturally un-acceptable behaviour amongst immigrants.

The Vision describes the case: "Diversity can be a strength. But it may also involve the emergence of norm-based integration problems when, for obvious reasons, many people of foreign origin have different perceptions about what is right or wrong than those that generally prevail in Denmark." (The Government's Vision and Strategies for Improved Integration, June 2003, p. 4-6)

This point of view relates to the findings of a special government working group, which was put together in 2003 on *Norm based integration problems… "[A p]olicy of integration must reflect that society does not accept offences related to racism, discrimination, female genital mutilation, forced marriages and abuse of the social system. If connection with this it is noted that a committee has been appointed to assess the problems associated with divergent values of immigrants and how these relate to integration in Denmark. This committee will report to the ministers ...[of Labour, Culture, Education, Social Affairs and Integration]" (Terms of reference, The Ministry of Integration 27 January 2003).¹⁸*

The concrete initiatives support stronger immigrant participation in civil society organisations and organised leisure activities. There are religious initiatives – with special attention given to Islam. There is support for mentor schemes, initiatives

¹⁸ A research project was later on established on 'values related problems of integration' in connection with the action plan on combating racism, and will publish the first report later in 2005

aimed at preventing forced and arranged marriages, promises to strengthen penalties for female genital mutilation, programmes for parental responsibility at schools and day-care, economic sanctions towards parents who send their children to the land of origin for too long, and a proposal on lowering the age for children's entitlement to a residence permit etc.

Values debates are also prominent:

"Problems with integration, are caused to a high degree by intolerance among immigrants – that is, that the parents – the first generation - shudder at the thought that their children are becoming Danish, and therefore they fight with all their might to prevent their children becoming integrated". (Minister for Refugee, Immigration and Integration Affairs, (Berlingske Tidende, 31/3/2002))

"Normal Danes are subjected to different forms of social control. We go to work, among others because we consider what the family and the neighbours will say, and because we want to make a good example for our children. But foreigners do not have these same inhibitions. They live in a sub-culture outside of the Danish tribe. Thus, they are very quick in acquiring benefits without making an effort" (Minister for Refugee, Immigration and Integration Affairs, Bertel Haarder, Berlingske Tidende, 20/9/2003)

"They are treated as pitiful, people who are incapable of doing anything. One thinks that it is a pity for them. Refugees find it difficult to get up in the mornings. They simulate illness and get the doctors to make false doctors' certificates. They do not make themselves available for the labour market. They should be made to flay mink, to work with swine, they have nothing against this. They should take the filthy, routine and badly paid jobs. No work is too low for them. It is actually being affectionate to slam shut the coffers, for then they will learn the good manners" (Minister for Refugee, Immigration and Integration Affairs, Bertel Haarder, Politiken Online, 7/10/2003).¹⁹

2. The strategy on education and training focuses primarily on immigrants acquiring good skills in the Danish language, how to prevent the relatively high drop out rate in youth education. It also aims at changing the relatively inadequate representation of minority students in higher education. These issues are met with initiatives such as making language learning mandatory for ethnic minority children, preparing different kinds of materials and pamphlets to raise awareness, and better guidance at universities, etc.

The Government has established a campaign *Every young person is needed*, which aims to support and encourage young immigrants and descendants to start and complete an education. This strategy has been questioned by, for example, the national labour union for contradicting other goals, in the area of apprenticeships.

In 2004 the government extended the campaign to focus on providing apprenticeships for young ethnic minorities. Apprenticeships are required for these young persons to finish their education as skilled workers, however, discrimination is often the reason for lack of training places for ethnic minority students. This discrimination, and the lack of available apprenticeships, was compensated through

¹⁹ This quote was taken from an interview in the monthly magazine for the association of municipalities. The minister is talking about the political and social system – the social workers going too soft on immigrants. But 'they' in the quotation are immigrants or refugees and the minister is here telling all of 'us' how to perceive immigrants and how 'they' should be treated.

a so-called school-training arrangement, but by 1 January 2005, this arrangement was discontinued. The Labour Union, LO, protested against the decision to discontinue the programme, arguing that it will lead to increased vulnerability for ethnic minorities in education, but their arguments had no effect.

This issue did generate some debate in the media and politics, however the situation remains.

3. The strategy on the labour market focus on making immigrants and ethnic minorities financially independent and contributors to the positive development of society in a general sense through a range of initiatives, such as a catalogue of ideas, and administrative and organisational changes within the local authorities and labour market system

National Action Plan (NAP) 2004

Some of the issues mentioned in the Action Plan on labour market integration include:

"flexible systems for teaching Danish, the simplification of activation offers (work in exchange for social benefits) through guidance and skills acquisition, practical work experience and wage subsidies, requirements to actively seek work and registration for foreigners who are ready to work and the option of fast-tracking permanent residence permits for well-integrated foreigners." (p.42)

Refugees and immigrants from non-Western countries set up their own businesses in larger numbers than Danish citizens. Most of these businesses are in the retail hospitality sectors. These businesses are often characterised by a small number of employees who endure long working hours, a low turnover, profit and lack of growth. In 2003-2004 the Ministry of Integration launched new initiatives "to stimulate this group to a broader choice of sectors." The aim is also to counteract the special barriers encountered by many ethnic entrepreneurs and thus to strengthen ethnic businesses' potential for development and growth.

Monitoring systems have been established to target employment issues among immigrants and descendants from third countries. There are also systems monitoring the municipalities' ability to help immigrants become financially independent. These systems have helped to evaluate certain policies for immigrants and refugees.

The government launched an evaluation in April 2005, which stated that refugees on the 'starthelp', the low benefit were able, to a higher degree, to support themselves after a period of time. Another evaluation conducted by the independent research Institute CASA came to very different conclusions. The 'starthelp' has continually been criticised for creating relatively extreme poverty and for being discriminatory.

In the governments' 2005 update of the integration policy, the existing opportunities for municipalities to supplement this 'starthelp' have been limited further.

Action Plan against racism

Anti-discrimination and equal opportunities are generally not high-profile integration issues. This is also reflected in the National Action Plan (NAP) 2004.

When equal opportunities are mentioned in the NAP, gender segregation appears to be the only issue of concern. Initiatives addressing ethnic minorities or immigrants were placed under the heading of social inclusion and social cohesion after the government reflected on disabled persons (p.19). They fall under the heading: *"Promoting the integration of disadvantaged groups on the labour market and the combat against discrimination of such groups"*(p.41). In this section, the document refers to a 2003 NAP strategy *"for the development of an inclusive labour market with a view to ensuring that persons with a different ethnic background will participate in working life and family life at an equal footing with the rest of the population."* (p.21)

The NAP also mentioned the launch of an "Action Plan to promote equal treatment and diversity and to combat racism" in 2004. This Action Plan was established in accordance with the governments commitments made by signing a joint declaration on preparing an action plan against racism at the UN Conference against racism in the year 2000. This action plan was delayed and sharply criticised by the NGOs for neglecting racism in institutions and the host society and focussing disproportionately on racism among immigrants and within the immigrant-communities.

One of the main critics was that the plan focussed heavily on 'reverse racism' and didn't put any significant financial resources aside to support anti-discriminatory initiatives (around DKK 2,5 million in 2003 and again in 2004). The concept of 'reverse racism' is illustrated in quotations form the plan:

"There is a general attitude among certain immigrant groups that women shall not have the same rights as men, further it is our experience that there exists oppressive discriminatory behaviour among these groups, such as forced marriages and female circumcision. There have also been examples of young, second generation immigrants that have thrown stones and other objects at homosexuals, furthermore, fundamentalists in Denmark have uttered threats, serious insults and encouragements to kill other minorities (...) But if our democracy is to prevail, it must be strong and defend itself against those that deny the democratic system".

Ghettos

In 2004 the government launched a '**Strategy against ghettos**', which came about due to a rather heated public debate on 'ghettos' related to religious fundamentalism, unemployment and crime, etc. The strategy introduced the concept of the ghetto as a legitimate label for public housing areas inhabited by low-income immigrants / ethnic minorities. The strategy identified a number of residential housing areas as ghettos thereby qualifying them for financial support.

One of the aims in the rehabilitation project (or the ghetto project) is to reduce the number of immigrants / ethnic minorities within the 'ghetto'.

As mentioned above, in May 2005, the government published an updated version of the 2003 integration policy, including the ghetto strategy and new priority areas, in an effort to direct attention to 'old' uneducated and unemployed immigrants. It gave the public sector the administrative responsibility for the initiatives and recommended more sanctions on immigrants, however, the basic policy ideas remained the same. According to the plan, the government will invest DKK 580 million in a number of initiatives, but it is difficult to see precisely where or how. Apparently most of the financial support will be for subsidised jobs, reorganising unemployment administration and some for voluntary civil society initiatives.

The initiatives include:

- Sanctions for married couples on social welfare who have worked less than 300 hours within a two-year period through a reduced 'spouse allowance' for one of the spouses. This is promoted as an initiative for creating better jobmotivation; (in the political negotiations in June, the Social Democrats 'overbid' this proposal by suggesting that spouses in the situation mentioned shouldn't have anything at all – and this was adopted)
- Stronger sanctions for resistance to or absence from activation-jobs, and action plans for social clients on welfare;
- Every young person between the ages of 18 and 25 will loose the right to social benefits if they don't cooperate with the municipality-administration to return increase their knowledge and skills;
- Economic sanctions for parents with children between the ages of 15 and 17 who are unemployed and not in school;
- Economic sanction for parents who do not cooperate with or participate in municipally run 'upbringing' courses, and whose children fall into the trap of juvenile delinquency;
- The possibility of suspended expulsion (with a greater risk of being expelled next time they commit a crime) of criminals without Danish citizenship;
- An action plan to combat criminal gangs;
- A 'carrot and stick' policy for municipalities, aimed at making state subsidises depend on good or bad integration;
- Better quality and range of information on low skilled jobs;
- Subsidies for special job-arrangements and diversity programmes;
- Support for voluntary home work assistance to public school pupils;
- The establishment of special integration/introduction courses for immigrants with language problems; and
- Subsidies for a number of one-year 'integration-jobs' in the state administration.

Integrating immigration and integration policy with development aid.

In August 2004, the Danish government added Development Aid to the responsibilities of the Minister for Refugees, Immigrants and Integration. This development was part of a change in policy in which development aid is no longer limited to supporting poverty reduction in third world countries, but part of a larger security strategy reflected in financing activities in Iraq and earmarking DKK 100 million for 'The Arab Initiative' (development of democracy). It is also a refugee prevention strategy, and was part of the new strategy reflected in the 'neighbouring area' strategy, aimed at assisting third world countries in taking care of refugees while at same time making agreements with these countries to accept rejected asylum seekers.

The minister has tried to implement this strategy with Kenya, but so far, there has been limited success.

The link between development aid and integration of immigrants in Denmark was also reflected in the ministers' plan for employing and deploying into the field more Danish development workers with immigrant backgrounds.

1.3 The brain drain debate

As described earlier, the immigration debate is first and foremost concerned with refugees and family reunification. These migrant categories are not favoured, and it is thought that the numbers should be reduced. Brain drain arguments are often used by different groups in society to enhance their stance a case against *labour immigration*, but in general this is a low profile debate.

The 'brain drain' of highly skilled Danish professionals is the main issue of concern, however there is a 'sub-discussion' the 'drain' of ethnic minority 'brains'. Several NGOs estimate that an increasing number of well educated ethnic minority citizens have left Denmark within the last seven to eight years, not least because of hostile immigrant-discourse. (DRC, Somali Network, etc.)

In policy terms, brain drain issues are discussed in terms of the repatriation of refugees, sending back rejected asylum seekers and as part of a strategy to prevent immigrants (asylum seekers and irregular migrants) from coming to Denmark. The Government launched a new strategy on the 'refugees regions of origin' which signalled a substantial change in national strategy for development aid. Previously, development strategies only focused on poverty.

Remittances are mentioned in government policies, but they are not as an issue to act upon, or to bring into the debate as a positive potential for development.

2. Basing policies on evidence and consultation

2.1 Making use of knowledge

Research areas and financing

In general Denmark spends proportionally less on public research funding than the EU-15 average.²⁰

In the public research review (2003) from The Institute for Research Analysis, a remarkable decrease in appropriations for research is shown within the domain of the Ministry for Refugees, Immigrants and Integration; Appropriations in 2001: DKK 51.9 million; in 2002: DKK 18.1 million; in 2003: DKK 13.8 million – and estimated for 2004: DKK 8 million.

A review on integration research carried out by AMID (2002) stated that integration research is relatively limited in Denmark and that it started relatively late compared to other countries. Further, the review emphasises the need for more research focussing on education and labour market integration, the significance of religion and the effect of ethnic majority attitude towards immigrants.

In essence, both immigration and integration are under-researched topics in Denmark.

Another review (Brochman & Hagelund, 2005) investigating welfare research in the Nordic countries states, that the connection between multicultural societal development and Scandinavian welfare models lack research on experiences and future models.

Some of the research institutions are trying to get funding for this kind of research.

Current research themes focus primarily on the labour market, small businesses and 'black labour' (labour in the informal economy), immigrants entering and dropping out of the educational system and cultural differences. The marginalisation of ethnic minorities is also being researched by different research institutions.

However, statistics in Denmark are relatively comprehensive due to an extensive registration of the inhabitants. This has for instance for years been used to monitor ethnic 'composition' within municipalities as well as housing areas and this percentage of ethnic minorities has been used as an indicator of success and failure. The same pattern is now visible related to public school where test results are connected to percentage of ethnic minority pupils.

These statistics have also been used to monitor the number of ethnic minority employee's in the state administration, dropouts in education, labour market participation, crime and forecast the number of ethnic minorities in the population in 2050, etc.

Often the use of statistics is highly political. Recently the government launched an equality / 'liberation' campaign directed towards "13,000 isolated ethnic minority women". The number 13,000, used by the Ministers of Integration and Social Affairs

²⁰ It is also interesting to note that in 2002 and 2003 the proportion of financial resources given by Denmark decreased whereas the proportion given by the EU15 increased.

was based on statistics from the national bureau of statistics, StatBank Denmark, on ethnic minority women living outside the labour market, educational system and social welfare system – they could also be called homemakers. The director of the bureau had to correct the government publicly for the misuse of data: the institute didn't pretend to have any knowledge on whether these women were isolated or not.

The immigration policy is generally based on statistics, a continuous negative immigration discourse, limited and focussed research and a heated public debate. Immigration pictured negatively and as a threat has, in the last seven to eight years, played a very significant role in political profiling and very often legislation and initiatives have been created in the slipstream of a heated political debate in the media.

Snapshot 5: Family reunification and forced marriages, a lot of legislation, limited research

Since late 1990s legislation on marriage and family reunification has been significantly tightened under the guise of one central argument; protecting young immigrants / descendents from forced marriages.

The rationale for implementing the restrictions, which aimed at preventing transnational marriages among young (potential) immigrants, was developed in several undocumented reports on 'forced marriages' provided by a couple of small NGOs, combined with "the general feeling" that something had to be done. In the parliamentary debate on the proposals, several politicians in vain asked for research and documentation. It was not until 2004 that a research project: *Relationships Among Ethnic Minorities in Denmark*, was carried out by the Social Research Institute (financed by the Ministry of Integration). The research analysis showed that:

"Ethnic minority youth prioritise free choice in their relationships. Most (both parents and young persons) were found to think that marriage should be based on love.(...)Approximately four per cent of ethnic minority youth in Denmark with a background from the former Republic of Yugoslavia, Turkey, Lebanon, Pakistan or Somalia have not been involved in selecting their future spouse. In 80 per cent of the marriages, the young persons have themselves chosen their partner. Regarding the last 16 per cent, the marriages were arranged, that is they were married after negotiations between the parents and the son / daughter."

These findings have not had any significant impact on legislation or discourse. Forced marriages are still at the forefront of arguments aimed at maintaining the toughest legislation on family reunification in Europe, although it should also be noted that this argument has been complemented more directly with the general argument against family reunification for third country national immigrants.

To a certain extend the research findings have either been passed by in silence or results have been questioned as valid in the political debate.

Integration policy is more closely connected to research and evaluation and this research area is also more heavily funded, however, independent research results are still not in themselves reason enough for political action, especially not if research findings contradict or question the actual policy.

Snapshot 6: The Think Tank on challenges of integration efforts in Denmark

As outlined earlier, government has appointed a non-governmental Think Tank on integration to provide reports on selected areas and as a part of the policy process.

In 2004 the Think Tank presented a report on the basis of a comparative study carried out by The Social Research Institute, reviewing legislation (not experience and practice) of immigration and integration in Denmark, Sweden, Germany, The Netherlands, Italy, UK and Canada. The report conclude that:

- Denmark, in general, does have stricter immigration legislation than the other countries, especially regarding:
 - Family reunification (persons allowed, the age limit and the affiliation demand);
 - Obtaining a permanent residence permit (seven years residence); and
 - Obtaining citizenship.
- The principles and values of the Scandinavian welfare system, including equal access to social benefits are very difficult to maintain with open borders.
- Over the last five to ten years, Denmark has tried to find a better balance between openness and the level of social welfare i.e. the through the low start help initiative.
- None of the examined countries has developed models or gained experience that would provide a reason for Denmark to leave the active main track in integration policy, i.e. expressed through the Integration Act

International cooperation

The government has only in a few areas specifically focused on learning from the experiences of other countries in the field of immigration. The Think Tank report should be also seen in the light of a continuous process of international criticism of the Danish immigration strategy, which has put the government under some international pressure – and interest.

In the national discourse, the government has promoted itself as conducting an advanced immigration and integration policy and welcomed foreign representatives who wish to learn from Denmark and cooperate on initiatives and discussions. *"Denmark has become a role model for other European countries,"* said the Minister of Integration the 10 February 2005. Two days later, a visit from the Belgian Interior Minister was covered widely by the media, providing evidence of this.

Denmark has had a high profile on new international initiatives in refugee policy, such as on the concept of EU-camps in Africa for asylum seekers. On 20 December 2002, Denmark published a report on US actions on boat refugees, and in April 2003 the government invited representatives from Australia to share their experiences on isolated camps, such as the Nauru detention centre as an inspiration for the other participants in the meeting from the UK and the Netherlands. This camp initiative was then followed up within the EU.

However, the opt-out rule for Denmark limits the European dimension of discussions.

In the immigration field Denmark participates in a number of informal and institutional forums. The International Office at the Ministry of Integration estimates that they spend about 65 per cent of their working time on EU-forums and the rest of the time is divided between forums such as the Intergovernmental Conference, The Council of Europe, the Budapest process, World Trade Organisation, ASEM (the Asia Europe Meeting), International Organisation for Migration. Bilateral agreements are also maintained such as working holiday arrangements with Canada, Australia and New Zealand.

Evaluation

Integration Act (1999)

The 1999 Integration Act has undergone several evaluation studies since 2000. These evaluations have been conducted by a private consultancy, a research institute and through co-operation between various ministries and the association of local government. The last evaluation was published in 2005 on the integration efforts in the municipalities for the previous six years. As a part of this evaluation it was discussed to establish norms for measuring integration as success or failure, but it wasn't possible to find standard indicators.

Further, projects that have received state funding for integration activities are obliged to evaluate their results and contribute to a public database of experiences.

In the latest integration plan (2005) from the government, the municipalities are to be measured, on the basis of the share of state subsidies for social benefit expenditure, according to activation arrangements and job training activities; whether immigrants pass language test and get a job or not; and how much extra financial support refugees receive.

2.2 Including stakeholders

In Denmark, the government develops policies internally. Then it generally goes through a formal consultation process with key stakeholders.

In the policy process, the government has established close cooperation between the Ministers of Integration, of Social Affairs, of Labour, of Education and of Justice. The Ministry for Refugees, Immigrants and Integration is the Lead Ministry, but the Ministry of Labour is very close to the process, particularly in relation to labour market initiatives.

The Minister of Integration etc. is supposed to consult The Council for Ethnic Minorities on integration issues. The members of the Council for Ethnic Minorities are elected by the approximately 65 municipality-based integration-councils. However, the integration councils do not have any authority or significant financial budgets, and there is an impression that many councils struggle to be taken seriously.

Social partners meet in committees and councils. Social partners often agree with the government on labour market initiatives on immigration and integration.

The SPAIS committee was established about nine years ago to conduct formal consultations. Generally, consultations cover international or EU related issues in the field. The Ministry of Integration coordinates the meetings and primarily civil

servants from the Ministries of Foreign Affairs, Justice and Finance and sometimes the Ministry of State, the National Commissioner of Police participate together with representatives from NGOs working with refugees and immigrants such as The Danish Red Cross, The Danish Refugee Council, The Danish Institute for Human Rights, Amnesty International and the Danish Bar and Law Society.

All new legislation proposals drafted by the Ministry of Integration are sent out for feedback from various stakeholders.

At present there isn't a standard procedure for the consultation process, regarding deadlines, whether proposals should be send out before or after they are put forward in parliament, or which stakeholders should be consulted. The process might be more efficient and productive if these issues were resolved.

Normally stakeholders from the following categories are consulted and encouraged to reflect on the proposal:

- Trade unions;
- Employers organisation;
- Human rights and civil society NGOs;
- Legal organisations and institutions;
- Ministries; and
- Municipalities and regional associations.

Snapshot 7: Law L 78, passed 12 May 2005

The proposal on amendments to the Alien act, the Marriage and the Repatriation Law was sent to a number of stakeholders on the 29 November 2004 with a two weeks deadline for replies. The amendments included:

- Provisions designed to increase the penalties for illegal labour;
- Repeal of the food box arrangement for failed Asylum seekers;²¹
- Strengthening the basis of information in cases on health related humanitarian residence permit;
- Specifying the independence of the refugee tribunal;
- Emphasise the concern of unity in families; and
- Extension of the group of persons who can receive repatriation help.

As this example shows, the law is a 'package' containing a number of different immigration issues.

Out of five municipalities, seven ministries and state institutions, 21 legal organisations and institutions, 19 human rights NGOs, ten trade unions, ten employers organisations and five other organisations; only 27 stakeholders delivered replies, 15 stakeholders informed that they had no comments and 30 institutions / organisations didn't reply at all. Among the replies were 11 human rights / civil

²¹ The food box arrangement was a kind of punishment for rejected asylum seekers not cooperating in their return process. Instead of money to buy food and other things while staying at the Asylum Centre, they were given a box with a limited amount of food and other things for survival.

society organisations, four employers organisations and three trade unions. Among those stakeholders who did not respond, seven were NGOs, six trade unions and three employers organisations.

NGOs commented on the tightening up of conditions for rejected asylum seekers and their families, that do not cooperate on returning to their home of origin, the hard punishment for foreigners working illegally etc. and referred among others to international human rights conventions.

The employers' organisations reflect primarily on 'illegal labour' and the National Labour organisation, LO, replied also on a broad perspective also including the human rights issues.

One of the replies (from the Integration Council of Copenhagen) contained a criticism of the very limited period of time for responding to the proposal: The council states that it "regarded the consultation as a hypothetical formality with such a short notice", as the council only meet once a month. The Council also referred to other occasions of short notices from the Ministry with a deadline of ten days.

Apparently no changes were made in the proposal presented in parliament in February 2005.

However, in the political debate in parliament and in the media, the replies from the consultation process fed the debate and the arguments, and several politicians referred to the consultation. As such, consultations and replies are becoming more visible in the policy making process. But there is still a lot of frustration felt by NGOs advocating for human rights or anti-discrimination measures – many feel they have no influence what so ever on policies. This doesn't mean that technical changes can't and are not made reflecting consultations.

In essence, one might argue that the government most often develops policies first and foremost in cooperation with the Danish Peoples Party.

Do consultations matter?

NGOs often discuss whether these consultations matter because of the feeling that there is a minimal possibility of having any influence. Some choose to refrain from participating in the process all together, not least because many NGOs have a small and reduced financial basis for working professionally with legislation.

For the traditional social partners, consultations are also part of their own policy making and therefore trade unions and employers organisations find areas of cooperation in this field, as illustrated above on 'illegal' labour.

A broader initiative 'Mobiliseringen' initiated by a number of trade unions and NGOs are trying to present a critical point of view on immigration policy and other issues, but this initiative so far hasn't been very visible or powerful.

Municipalities are mainly consulted through their association Local Government Denmark in three different ways; through consultation procedures on proposed legislation, formal meetings with politicians / ministries and day-to-day cooperation with state administration on implementing new initiatives and administration.

Academics and academic institutions are most often not directly included in the consultative process, but contribute to the policy making process through their

analysis. However, if academic analyses do not fit into the existing discourse (as shown above regarding the theme of arranged marriages) they do not influence policies for the time being. Instead research is often used as a justification for policies, it does not contribute to policy development. Several academics have also experienced being jumped on in the media for expressing opposing points of view, and the impression is that academics in general think very carefully before exposing oneself to the rather aggressive political climate.

List of stakeholders consulted by the Danish Government regarding proposal L78

This list is not a result of an analysis and the comments are just a few words about background and position for some of the key organisations in the migration field.

•	Trade unions Akademikernes Centralorganisa	tion
	Bygge-, Anlægs- og Trækartellet	t
		Construction workers trade union. Focus on illegal migration
	Dansk Psykolog Forening Dansk Socialrådgiverforening	
		Social Workers trade union. Focus on start help, social protection of immigrants
	Den Almindelige Danske Lægefo Foreningen af Statsamtmænd Foreningen af Statsamtsjurister	orening
	Funktionærernes og Tjenestema HK/Danmark	endenes Fællesråd
		Union of Commercial and Clerical Employees in Denmark (HK). Focus on integration and ethnic equality for many years now
	Landsorganisationen i Danmark	years now
	J	The Danish Confederation of Trade Unions, LO. General interest and focus on integration and migration
	Politiforbundet i Danmark Politifuldmægtigforeningen	
	Specialarbejderforbundet i Dann	nark Now 3F – Trade union for low-skilled
		workers. Focus on especially illegal migration and a growing interest for ethnic equality
•	Employers organisation	
	Danmarks Rederiforening Dansk Arbejdsgiverforening	The confederation of Danish Employers. Focus on integration through analysis and
	Dansk Byggeri Dansk Handel og Service Dansk Industri	public debate.
		Confederation of Danish Industries, an influential employers organisation, focus on labour market integration

Dansk Landbrug, Handel, Transport og Serviceerhvervene Håndværksrådet Landbrugsraadet Sammenslutningen af Landbrugets Arbejdsgiverforeninger

• Human rights and civil society NGOs

Amnesty International Børnerådet Dansk Flygtningehjælp				
Danok i iygamigorjæip	Danish Refugee Council, a key-NGO whose authority and financial basis has been heavily reduced in recent years. An			
	increasing activity on voluntary activity focussing on integration of refugees			
Dansk Missionsråd				
Dansk Røde Kors	Denich Red Cross, runs control for coulum			
	Danish Red Cross, runs centres for asylum seekers nationwide, which is a declining business, and other NGO activities focussing on cultural diversity and civil society			
Den Danske Europabevægelse				
Den Katolske Kirke i Danmark				
Dokumentations- og Radgivning	scenteret om Racediskrimination Documentation and Advisory Centre on			
	Racial discrimination, Gather documentation			
	on discrimination, assist ethnic minority			
	residents with complaints and trials, have a relatively high media profile			
Institut for Menneskerettigheder	,			
	Institute for Human Rights, awareness-rising			
	on ethnic equality, committee for complaints about ethnic discrimination			
Kirkernes Integrationstjeneste				
Landsforeningen Adoption og S				
Landsforeningen »Et barn To fo Landsorganisationen af kvindek				
Mellemfolkeligt Samvirke				
POEM				
Red Barnet Rådet for Etniske Minoriteter				
	The council for ethnic minorities, advisory			
	board for the Minister of Integration etc.			
Samarbejdsgruppen om Børnekonventionen				
	Cooperation on the convention for childrens rights; among others; Unicef, Amnesty,			

Danish Scouts, Save the Chidren, Institut for Human Rights

UNHCR.

Legal organisations and institutions

Advokatrådet

The Danish Bar and Law Society

Dansk Retspolitisk Forening Den Danske Dommerforening Dommerfuldmægtigforeningen Foreningen af Poitimestre i Danmark Københavns Byret Politidirektøren i København, Præsidenterne for Østre og Vestre landsret Retslægerådet, Retterne i Århus, Odense, Aalborg og Roskilde Rigsadvokaten, Rigspolitichefen

• Ministries etc.

Beredskabsstyrelsen Beskæftigelsesrådet Datatilsynet Domstolsstyrelsen Familiestyrelsen Flygtningenævnet Indenrigs- og Sundhedsministeriet Socialministeriet

• Municipalities and regional associations

Allerød Kommune Amtsrådsforeningen Brovst Kommune Frederiksberg Kommune Hanstholm Kommune KL Københavns Kommune

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